# TOWN OF MOUNTAIN VILLAGE TOWN COUNCIL MEETING

# THURSDAY, MARCH 16, 2023, 2:00 PM 2nd FLOOR CONFERENCE ROOM, MOUNTAIN VILLAGE TOWN HALL 455 MOUNTAIN VILLAGE BLVD, MOUNTAIN VILLAGE, COLORADO AGENDA REVISED 2

https://us06web.zoom.us/webinar/register/WN AWm6eInTSX6onr-BjTt sQ

Please note that times are approximate and subject to change.

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	Time	Min	Presenter	Type	
1.	2:00				Call to Order
2.	2:00	5			Public Comment on Non-Agenda Items
3.	2:05	5	Ayala	Action	Consideration of a Proclamation Designating March 12-18, 2023 as AmeriCorps Week
4.	2:10	5	Johnston	Action <b>Quasi-Judicial</b>	Consent Agenda: All matters in the Consent Agenda are considered to be routine by the Town Council and will be enacted with a single vote. There will be no separate discussion of these items. If discussion is deemed necessary, that item should be removed from the Consent Agenda and considered separately:  a. Consideration of Approval of the February 16, 2023 Town Council Meeting Minutes b. Consideration of Approval of the March 6, 2023 Special Town Council Meeting Minutes c. Consideration of a Denial Resolution for a Conditional Use Permit for a Driveway on Lot OSP 18A Applicant has Requested that this Item be Withdrawn
5.	2:15	5	Johnston	Action	Consideration of Approval of a Resolution Setting a Mail Ballot Election to be Held on June 27, 2023
6.	2:20	15	Johnston A Benitez	Action <b>Quasi-Judicial</b>	Liquor Licensing Authority:  a. Consideration of Re-Certification of the Mountain Village Promotional Association and Common Consumption Area Continued from the January 19, 2023 Town Council Meeting
7.	2:35	5	Reilly	Action	Consideration of Appointment of Two Residents to the VCA Resident Committee
8.	2:40	10	Lemley	Informational Action	Finance:  a. Presentation of the February 28, 2023 Business & Government Activity Report (BAGAR)  b. Consideration of Approval of the February 28, 2023 Financials
9.	2:50	15	Bennett	Informational	Telluride Fire Protection Update on Ballot Measures and Department Operations
10.	3:05	10	Ward Haynes	Action	First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Adopting Community Development Code Amendments at CDC Section 17.7.12.7.h International Energy Conservation Code and CDC Section 17.5.12.11.a. Lighting Regulations
11.	3:15	60	Ward Haynes	Action <b>Quasi-Judicial</b>	Consideration of a Denial Resolution Regarding a Major Planned Unit Development (PUD) Amendment to the Formerly Named Mountain Village Hotel PUD, to Consider Amendments to the Existing PUD for Lot 109R for a Mixed-Use Hotel/Resort Development Including Plaza, Commercial, Hotel and Residential Use
12.	4:15	60	Ward	Action	Consideration of a Denial Resolution Regarding a Rezone of Portions of Town Owned Village Center Active Open Space (OS-3-

# TOWN COUNCIL MEETING AGENDA FOR MARCH 16, 2023

			Haynes	Quasi-Judicial	BR2) to 109R PUD, and 109R PUD to Village Center Active Open Space (OS-3- BR2) Consistent with CDC Section 17.4.9 15. for a Major Subdivision to Replat Portions of Property Between Lot 109R and OS-3-BR-2
13.	5:15	15			Dinner
14.	5:30	15	Ward Haynes	Action Quasi-Judicial	Consideration of a Resolution for a Major Subdivision to Replat Portions of Property Between Lot 109R and OS-3-BR-2. <i>Item was Continued from the January 19, 2023 Town Council Meeting</i>
15.	5:45	5	Ward	Action <b>Quasi-Judicial</b>	Consideration of a Resolution to Approve a Major Subdivision Application for Lots 126R, 152R, OSP-118 and OSP-126 per Community Development Code Section 17.4.13, continued from the February 16, 2023 regular meeting Staff is Requesting that this Item be Continued to the Regular April 20, 2023 Town Council Meeting
16.	5:50	5	Ward	Action <b>Quasi-Judicial</b>	Second Reading, Public Hearing and Council Vote on an Ordinance to Consider a Rezone and Density Transfer Application for Lots 126R and 152R per Community Development Code Section 17.4.10, Staff is Requesting that this Item be Continued to the April 20, 2023 Regular Town Council Meeting
17.	5:55	5	Ward	Action <b>Quasi-Judicial</b>	Second Reading, Public Hearing and Council Vote on an Ordinance to Consider a Rezone and Density Transfer Application on Lots 619 & 638 per Community Development Code Sections 17.4.9 & 17.4.10
18.	6:00	5	Ward	Action <b>Quasi-Judicial</b>	Consideration of a Resolution to Approve a Minor Scale Subdivision for Lots 901-R2 and 902-R2 to Replat into Lot 901-R3 per Community Development Code Sections 17.4.13 Item was Continued from the February 16, 2023 Town Council Meeting;  Applicant has Requested that this Item be Tabled
19.	6:05	5	Ward	Action <b>Quasi-Judicial</b>	First Reading, Setting of a Public Hearing and Council Vote on an Ordinance to Consider a Rezone and Density Transfer Application for Lots 901-R1 & 901-R2 per Community Development Code Sections 17.4.9 & 17.4.10. Item was Continued from the February 16, 2023 Town Council Meeting; Applicant has Requested that this Item be Tabled
20.	6:10	5	Ward	Action <b>Quasi-Judicial</b>	Second Reading, Public Hearing and Council Vote on an Ordinance to Consider a Rezone and Density Transfer Application for Lots 901-R1 & 901-R2 per Community Development Code Sections 17.4.9 & 17.4.10. <i>Applicant has Requested that this Item be Tabled</i>
21.	6:15	15	Ward	Action Quasi-Judicial	Consideration of a Resolution Approving a Height Variance at Lot 165, Unit 4, 140 Cortina Drive, Mountain Village Pursuant to CDC Sections 17.3.11&12 and 17.4.16
22.	6:30	15	Wisor Haynes	Worksession	VCA Phase IV Update
23.	6:45	20	Wisor Haynes	Action	Consideration of a Resolution to Approve the Form of the Lot 644 Unit Deed Restriction a. Discussion of Lottery Timeline b. Discussion of Amendments to the Housing Guidelines Which will Include Lottery or Point System and Priority
24.	7:05	5	Warren	Action	Consideration of Lot 644 Deed Restricted Housing Project Name Contest Selection
25.	7:10	10	Holmes	Informational	Staff Report:
26.	7:20	20	Town Council	Informational	Human Resources  Council Boards and Commissions Updates:     Telluride Tourism Board - Berry

#### TOWN COUNCIL MEETING AGENDA FOR MARCH 16, 2023

				Colorado Flights Alliance - Gilbride
				<ol><li>Transportation &amp; Parking – Mogenson/Duprey</li></ol>
				4. Budget & Finance Committee – Gilbride/Duprey/
				Mogenson
				<ol><li>Gondola Committee – Caton/Berry/Prohaska</li></ol>
				6. Colorado Communities for Climate Action – Berry
				7. San Miguel Authority for Regional Transportation (SMART)
				<ul><li>Berry/Prohaska/Mogenson</li></ul>
				8. Telluride Historical Museum – Prohaska
				9. Alliance for Inclusion – Prohaska
				10. Green Team Committee- Berry/Prohaska
				11. Business Development Advisory Committee –
				Caton/Duprey
				12. San Miguel Watershed Coalition – Prohaska
				13. Telluride Mountain Village Owners Association
				Governance Auxiliary Committee – Duprey
				14. Wastewater Committee – Duprey/Mogenson
				15. Mayor's Update – Benitez
27.	7:40	5	Informational	Other Business
		-	momatona	
28.	7:45			Adjourn

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting Town Hall at 970-369-6429 or email: <a href="mailto:mvclerk@mtnvillage.org">mvclerk@mtnvillage.org</a>. A minimum notice of 48 hours is required so arrangements can be made to locate requested auxiliary aid(s).

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Zoom participation in public meetings is being offered as a courtesy, however technical difficulties can happen and the Town bears no responsibility for issues that could prevent individuals from participating remotely. Physical presence in Council chambers is recommended for those wishing to make public comments or participate in public hearings.

#### **Public Comment Policy:**

- All public commenters must sign in on the public comment sign in sheet and indicate which item(s) they intend to give
  public comment on.
- Speakers shall wait to be recognized by the Mayor and shall give public comment at the public comment microphone when recognized by the Mayor.
- Speakers shall state their full name and affiliation with the Town of Mountain Village if any.
- Speakers shall be limited to three minutes with no aggregating of time through the representation of additional people.
- Speakers shall refrain from personal attacks and shall keep comments to that of a civil tone.
- No presentation of materials through the AV system shall be allowed for non-agendized speakers.
- Written materials must be submitted 48 hours prior to the meeting date to be included in the meeting packet and of record. Written comment submitted within 48 hours will be accepted but shall not be included in the packet or be deemed of record.



# Town of Mountain Village Proclamation

## **AmeriCorps Week 2023 Proclamation**

WHEREAS, service is a hallmark of the American character and has the unique ability to bring people of all backgrounds together in common cause, and throughout our history citizens have stepped up to meet our most pressing challenges of the day by volunteering in their communities; and

WHEREAS, AmeriCorps and AmeriCorps Seniors programs provide opportunities for more than 200,000 Americans to serve their country through service at nonprofits, schools, public agencies, and community and faith-based groups across the country; and

WHEREAS, in Southwest Colorado, AmeriCorps members and AmeriCorps Seniors volunteers of diverse ages and backgrounds help to meet local needs at many service locations by increasing programming capacity to better serve community needs, addressing housing disparities, restoring and protecting the environment; and

WHEREAS, AmeriCorps members and AmeriCorps Seniors volunteers encourage collaboration and partnerships, leveraging millions of volunteers in service and acquiring the support of business, foundation, and other local partners to increase the effectiveness of their initiatives; and

WHEREAS, AmeriCorps and AmeriCorps Seniors programs bring people together across race, age, and zip code to address critical issues facing the country, forge relationships and cultivate mutual respect, and help build resilient and thriving communities; and

WHEREAS, AmeriCorps members and AmeriCorps Seniors volunteers demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, through their service, AmeriCorps members and AmeriCorps Seniors volunteers strengthen the lives of their families, communities, and Southwest Colorado as a whole; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, AmeriCorps Week is an opportunity to recognize the dedication and commitment of the more than 1.2 million Americans who have chosen to serve their country through AmeriCorps and millions more who have served in AmeriCorps Seniors and their community partners, and to encourage more Americans to follow their footsteps in service;

THEREFORE, be it resolved that, we, the Town Council of the Town of Mountain Village, do hereby designate March 12-18, 2023 as

#### **AmeriCorps Week**

in Mountain Village, Colorado, and urge citizens to thank AmeriCorps members and alumni and AmeriCorps Seniors volunteers for their service and to find their won ways to give back to their communities.

Dated this 16th day of March 2023

Laila Benitez, Mayor	Susan Johnston, Town Clerk



TOWN OF MOUNTAIN VILLAGE 455 Mountain Village Blvd. Suite A Mountain Village, Co 81435 970-728-8000 970-728-4342 Fax mvclerk@mtnvillage.org

### TOWN OF MOUNTAIN VILLAGE MINUTES OF THE FEBRUARY 16, 2023 REGULAR TOWN COUNCIL MEETING DRAFT

Agenda Item 4a

The meeting of the Town Council was called to order by Mayor Laila Benitez at 2:00 p.m. on Thursday, February 16, 2023. The meeting was held in person and with virtual access provided through Zoom.

#### Attendance:

## The following Town Council members were present and acting:

Laila Benitez, Mayor Dan Caton, Mayor Pro Tem Harvey Mogenson (via Zoom) Marti Prohaska Jack Gilbride (via Zoom) Pete Duprey Patrick Berry

Andrew Vidor

Also in attendance were: Paul Wisor, Town Manager Michelle Haynes, Assistant Town Manager Susan Johnston, Town Clerk Kim Schooley, Deputy Town Clerk David McConaughy, Town Attorney (via Zoom) Lizbeth Lemley, Finance Director Julie Vergari, Assistant Finance Director Chris Broady, Police Chief Jim Soukup, Chief Technology Officer Amy Ward, Community Development Director Kathrine Warren, Public Information Officer ID Wise, Economic Development & Sustainability Director Jim Loebe, Transit & Recreation Director Rob Johnson, Operations Manager Finn Kjome, Public Works Director Kate Burns, Controller Marleina Fallenius, Planning Technician & Housing Coordinator Lauren Kirn, Environmental Efficiencies & Grant Coordinator Jaime Holmes, HR Director Lindsay Niehaus, HR Coordinator Conor Internann, Gondola Maintenance Manager Molly Norton, Community Engagement Coordinator Sean DeLand Chris Hazen Steven Paletz Casev Rosen IR Kraft

Andy Rutz Callie New Patrick Latcham Jim Pritchard Chris Sommers David Averill Michael K Stephanie Fanos Matt Lewis Ian McCormick John Miller John Kraft Christine Cagliostro Allison McClain Carly Clevenstine Ankur Patel Bryan Woody Marcin Ostromecki Darla Calloway Douglas Tooley Winston Kelly Lindsey Welter Alline Arguelles Paul Savage Lisa Boyce Matt Hintermeister Patrick Shanahan

#### Executive Session for the Purpose of: (2)

- a. Conference with the Town Attorney for the Purpose of Receiving Legal Advice on Specific Legal Questions, to Determine Positions Relative to Matters that may be Subject to Negotiations, Developing Strategy for Negotiations and/or Instructing Negotiators, In Connection With the Sale of the Broadband System Pursuant to C.R.S. 24-6-402(4)(a), (b), and (e)
- b. Conference with the Town Attorney for the Purpose of Receiving Legal Advice on Specific Legal Questions, to Determine Positions Relative to Matters that may be Subject to Negotiations, Developing Strategy for Negotiations and/or Instructing Negotiators, In Connection With San Joaquin Construction Pursuant to C.R.S. 24-6-402(4)(b) and (e)
- c. Conference with the Town Attorney for the Purpose of Receiving Legal Advice on Specific Legal Questions, to Determine Positions Relative to Matters that may be Subject to Negotiations, Developing Strategy for Negotiations and/or Instructing Negotiators, In Connection With Proposed Gondola Financing Pursuant to C.R.S. 24-6-402(4)(a), (b), and (e)

On a **MOTION** by Dan Caton and seconded by Pete Duprey, Council voted unanimously to move into Executive Session for the purpose of:

- a. Conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions, to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations and/or instructing negotiators, in connection with the sale of the broadband system pursuant to C.R.S. 24-6-402(4)(a), (b), and (e)
- b. Conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions, to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations and/or instructing negotiators, in connection with San Joaquin construction pursuant to C.R.S. 24-6-402(4)(b) and (e)
- c. Conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions, to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations and/or instructing negotiators, in connection with proposed gondola financing pursuant to C.R.S. 24-6-402(4)(a), (b), and (e)

at 2:01 p.m.

Council returned to regular session at 2:58 p.m.

Council took a break from 2:58 to 3:05 p.m.

# Public Comment on Non-Agenda Items (3)

There was no public comment.

#### Consent Agenda:

All matters in the Consent Agenda are considered to be routine by the Town Council and will be enacted with a single vote. There will be no separate discussion of these items. If discussion is deemed necessary, that item should be removed from the Consent Agenda and considered separately: (4)

a. Consideration of Approval of the January 19, 2023 Town Council Meeting Minutes

b. Consideration of Approval of the January 30, 2023 Special Town Council Meeting Minutes
Town Clerk Susan Johnston presented. Council discussion ensued. On a MOTION by Patrick Berry and
seconded by Dan Caton, Council voted unanimously to approve the Consent Agenda as presented with a
minor change to the January 19, 2023 minutes adding a note on agenda item 16 that the Council Boards and
Commissions updates were skipped and that only a brief update for the Gondola Committee was presented.

Consideration of Appointment of One Alternate Seat to the Board of Adjustments and Appeals (5) Assistant Town Manager Michelle Haynes presented. Applicant Ian McCormick made a comment. Council discussion ensued. On a **MOTION** by Patrick Berry and seconded by Jack Gilbride, Council voted unanimously to appoint Ian McCormick to the alternate Building Board of Appeals seat.

#### Finance: (6)

Finance Director Lizbeth Lemley and Assistant Finance Director Julie Vergari presented.

- a. Presentation of the January 31, 2023 Business & Government Activity Report (BaGAR)
- b. Consideration of Approval of the December 31, 2022 Financials

Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Jack Gilbride, Council voted unanimously to approve the December 31, 2022 Financials as presented.

Council moved to agenda item 19.

Consideration of a Resolution Approving a Conditional Use Permit for a Driveway on Lot OSP 18A This Item was Continued from the January 19, 2023 Town Council Meeting Quasi-Judicial (7)
Patrick Berry recused himself. Community Development Director Amy Ward presented. Steven Paletz with Akerman LLP, Environmental Consultant Chris Hazen and Project Engineer David Ballode representing the applicant presented. The Mayor opened a public hearing. Public comment was received from Paul Savage. The Mayor closed the public hearing. Council discussion ensued. On a MOTION by Harvey Mogenson and seconded by Dan Caton, Council voted 4-2 (with Pete Duprey and Marti Prohaska dissenting) to deny a Resolution regarding a Conditional Use Permit approval for driveway access on Lot OSP-18A to the adjacent Lot SS811, based on the evidence provided in the staff record of memo dated February 6, 2023, and the findings of this meeting and asked staff and legal to draft a denial resolution with findings to the March 16, 2023 Town Council meeting.

Council heard agenda items 8 and 9 concurrently.

Consideration of a Resolution to Approve a Major Subdivision Application for Lots 126R, 152R, OSP-118 and OSP-126 per Community Development Code Section 17.4.13 Quasi-Judicial (8)

Crescendo Planning + Design representative Andy Rutz presented on behalf of staff. Applicant Base Telluride, LLC representative Darla Callaway presented. The Mayor opened a public hearing. Public comment was received from Casey Rosen and Douglas Tooley. The Mayor closed the public hearing. Council discussion ensued. On a MOTION by Marti Prohaska and seconded by Dan Caton, Council voted unanimously to continue a Resolution of a major subdivision application and replat at Lots 126R and 152R and Tracts OSP-118 and OSP-126, until March 16, 2023, to be paired with a second reading of an ordinance for a rezone and density transfer on the same lots, consistent with the tables and exhibits provided by the applicant as part of this record and with the findings and conditions outlined in the staff memo.

# <u>First Reading, Setting of a Public Hearing and Council Vote on an Ordinance to Consider a</u> Rezone and Density Transfer Application for Lots 126R and 152R per Community Development Code Section 17.4.10 Quasi-Judicial (9)

Crescendo Planning + Design representative Andy Rutz presented on behalf of staff. Applicant Base Telluride, LLC representative Darla Callaway presented. The Mayor opened a public hearing. Public comment was received from Casey Rosen and Douglas Tooley. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Patrick Berry, Council voted 7-0 to approve on first reading an Ordinance considering a rezone and density transfer application for Lots 126R and 152R and Tracts OSP-118 and OSP-126 and set the second reading, public hearing and final Council vote for the March 16, 2023 Town Council meeting.

Council took a break from 5:19 to 5:30 p.m.

Council heard agenda items 11 and 12 concurrently.

# Consideration of a Resolution to Approve a Minor Scale Subdivision for Lots 619 & 638 to Replat into Lot 619R per Community Development Code Section 17.4.13 *Quasi-Judicial* (11)

Harvey Mogenson recused himself. Amy Ward presented. Applicant Harvey Mogenson commented. The Mayor opened a public hearing. There was no public comment. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Jack Gilbride and seconded by Patrick Berry, Council voted unanimously to approve the Resolution for a minor subdivision for Lots 619 and 638-C to replat into 619-R

and with the findings contained within the staff report of record dated February 6, 2023, and with the conditions outlined in the staff memo.

# First Reading, Setting of a Public Hearing and Council Vote on an Ordinance to Consider a Rezone and Density Transfer Application on Lots 619 & 638 per Community Development Code Sections 17.4.9 & 17.4.10 Quasi-Judicial (12)

Harvey Mogenson recused himself. Amy Ward presented. Applicant Harvey Mogenson commented. The Mayor opened a public hearing. There was no public comment. The Mayor closed the public hearing. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Dan Caton, Council voted 6-0 to approve on first reading an Ordinance considering a rezone and density transfer application on Lots 619 and 638 with the findings and conditions outlined in the staff memo and set the second reading, public hearing and final Council vote for the March 16, 2023 Town Council meeting.

Council heard agenda items 13 and 14 concurrently.

Consideration of a Resolution to Approve a Minor Scale Subdivision for Lots 901-R2 and 902-R2 to Replat into Lot 901-R3 per Community Development Code Section 17.4.13 Quasi-Judicial (13) Amy Ward presented. Council discussion ensued. On a MOTION by Patrick Berry and seconded by Marti Prohaska, Council voted unanimously to continue the consideration of a Resolution to approve a minor scale subdivision for Lots 901-R2 and 902-R2 to replat into Lot 901-R3 per Community Development Code section 17.2.10 to the Town Council meeting on March 16, 2023.

# <u>First Reading, Setting of a Public Hearing and Council Vote on an Ordinance to Consider a Rezone and Density Transfer Application for Lots 901-R1 & 901-R2 per Community Development Code Sections 17.4.9 & 17.4.10 Quasi-Judicial (14)</u>

Amy Ward presented. Council discussion ensued. On a **MOTION** by Patrick Berry and seconded by Marti Prohaska, Council voted 7-0 to continue the first reading, setting of a public hearing and council vote on an Ordinance to consider a Rezone and Density Transfer Application for Lots 901-R1 and 901-R2 per Community Development Code sections 17.4.9 and 17.4.10 to the Town Council meeting on March 16, 2023.

# Discussion Regarding the Lot 644 Deed Restriction Framework and Lottery Priority Continued from the January 19, 2023 Meeting (15)

Town Manager Paul Wisor and Michelle Haynes presented. Council discussion ensued. Staff will present deed restrictions at the March 16, 2023 Town Council meeting.

#### Telluride Conference Center (TCC) Seasonal Update (16)

Telluride Ski and & Golf Vice President of Sales and Marketing Patrick Latcham presented. Council discussion ensued.

#### Introduction to the Importance of Managed Parking (17)

Transit and Recreation Director Jim Loebe and Walker Consultants Principal/Director of Studies Andrew Vidor presented. Council discussion ensued.

## Staff Report: (18)

# a. Broadband and IT

Chief Technology Officer Jim Soukup was not able to present to Council in person and this agenda item was skipped.

Council moved to agenda item 20.

#### Council Boards and Commissions Updates: (19)

- 1. Telluride Tourism Board Berry
- 2. Colorado Flights Alliance Gilbride
- 3. Transportation & Parking Mogenson/Duprey
- 4. Budget & Finance Committee Gilbride/Duprey/Mogenson

- 5. Gondola Committee Caton/Berry/Prohaska
- 6. Colorado Communities for Climate Action Berry
- 7. San Miguel Authority for Regional Transportation (SMART) Berry/Prohaska/Mogenson
- 8. Telluride Historical Museum Prohaska
- 9. Alliance for Inclusion Prohaska
- 10. Green Team Committee Berry/Prohaska
- 11. Business Development Advisory Committee Caton/Duprey
- 12. San Miguel Watershed Coalition Prohaska
- 13. Telluride Mountain Village Owners Association Governance Auxiliary Committee Duprey
- 14. Wastewater Committee Duprey/Mogenson
- 15. Mayor's Update Benitez

Council moved to agenda item 7.

Other Business (20)

Paul Wisor shared that the Town is starting a committee to name Lot 644 and asked for two Council members to volunteer for that committee. Mayor Benitez and Marti Prohaska volunteered. Susan Johnston shared that the town would begin advertising for the June 27, 2023 municipal election and presented the Election Communications Plan to Council.

There being no further business, on a **MOTION** by Patrick Berry and seconded by Marti Prohaska, Council voted unanimously to adjourn the meeting at 6:47 p.m.

Respectfully prepared,

Respectfully submitted,

Kim Schooley Deputy Town Clerk Susan Johnston Town Clerk



TOWN OF MOUNTAIN VILLAGE 455 Mountain Village Blvd. Suite A Mountain Village, Co 81435 970-728-8000 970-728-4342 Fax mvclerk@mtnvillage.org

### TOWN OF MOUNTAIN VILLAGE MINUTES OF THE MARCH 6, 2023 SPECIAL TOWN COUNCIL MEETING DRAFT

Agenda Item 4b

The meeting of the Town Council was called to order by Mayor Laila Benitez at 4:00 p.m. on Monday, March 6, 2023. The meeting was held virtually with access provided through Zoom.

#### Attendance:

The following Town Council members were present and acting:

Laila Benitez, Mayor Dan Caton, Mayor Pro Tem Harvey Mogenson Jack Gilbride Pete Duprey Marti Prohaska

#### The following Town Council members were absent:

Patrick Berry

#### Also in attendance were:

Paul Wisor, Town Manager
Michelle Haynes, Assistant Town Manager
Susan Johnston, Town Clerk
Kim Schooley, Deputy Town Clerk
David McConaughy, Town Attorney
JD Wise, Economic Development & Sustainability Director
Lizbeth Lemley, Finance Director
Finn Kjome, Public Works Director
Jim Loebe, Transit & Recreation Director
Amy Ward, Community Development Director

Kevin Greer

#### Executive Session for the Purpose of: (2)

- a. Conference with the Town Attorney for the Purpose of Receiving Legal Advice on Specific Legal Questions, to Determine Positions Relative to Matters that may be Subject to Negotiations Developing Strategy for Negotiations and/or Instructing Negotiators, In Connection With the Wastewater Treatment Plant Pursuant to C.R.S. 24-6-402(4)(b) and (e)
- b. Conference with the Town Attorney for the Purpose of Receiving Legal Advice on Specific Legal Questions, to Determine Positions Relative to Matters that may be Subject to Negotiations Developing Strategy for Negotiations and/or Instructing Negotiators, In Connection With the Acquisition of Approximately 55 Acres Known as the Alexander Parcel Pursuant to C.R.S. 24-6-402(4)(a), (b), and (e)
- c. Conference with the Town Attorney for the Purpose of Receiving Legal Advice on Specific Legal Questions, to Determine Positions Relative to Matters that may be Subject to Negotiations Developing Strategy for Negotiations and/or Instructing Negotiators, In Connection With the Town Hall Subarea Pursuant to C.R.S. 24-6-402(4)(a), (b), and (e)
- d. Conference with the Town Attorney for the Purpose of Receiving Legal Advice on Specific Legal Questions, to Determine Positions Relative to Matters that may be Subject to Negotiations Developing Strategy for Negotiations and/or Instructing Negotiators, In Connection With the Gondola Parking Garage Pursuant to C.R.S. 24-6-402(4)(b) and (e)

e. Conference with the Town Attorney for the Purpose of Receiving Legal Advice on Specific Legal Questions, to Determine Positions Relative to Matters that may be Subject to Negotiations Developing Strategy for Negotiations and/or Instructing Negotiators, In Connection With the Acquisition of Land Pursuant to C.R.S. 24-6-402(4)(a), (b), and (e)

On a **MOTION** by Pete Duprey and seconded by Harvey Mogenson, Council voted unanimously to move

into Executive Session for the purpose of:

- a. Conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions, to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations and/or instructing negotiators, in connection with the Wastewater Treatment Plant pursuant to C.R.S. 24-6-402(4)(b) and (e)
- b. Conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions, to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations and/or instructing negotiators, in connection with the acquisition of approximately 55 acres known as the Alexander Parcel pursuant to C.R.S. 24-6-402(4)(a), (b), and (e)

c. Conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions, to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations and/or instructing negotiators, in connection with the Town Hall Subarea

pursuant to C.R.S. 24-6-402(4)(a), (b), and (e)

d. Conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions, to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations and/or instructing negotiators, in connection with the Gondola Parking Garage pursuant to C.R.S. 24-6-402(4)(b) and (e)

e. Conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions, to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations and/or instructing negotiators, in connection with the acquisition of land pursuant to C.R.S. 24-6-402(4)(a), (b), and (e)

at 4:02 p.m.

There being no further business, on a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted unanimously to adjourn the meeting at 5:34 p.m.

Respectfully prepared,

Respectfully submitted,

Kim Schooley Deputy Town Clerk Susan Johnston Town Clerk

# A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO DENYING A CONDITIONAL USE PERMIT FOR THE CONSTRUCTION OF A DRIVEWAY ON TRACT OSP-18A

#### **RESOLUTION NO. 2023-**

WHEREAS, TSG Ski & Golf, LLC (the "Owner") is the owner of certain real property described as Tract OSP-18A, Mountain Village, Colorado, Assessor Parcel No. 477904216078 (the "Property"); and

WHEREAS, 2 MV Blvd LLC (the "Applicant"), with the Owner's consent, has submitted a Conditional Use Permit application to the Town of Mountain Village (the "Town") to construct a driveway on the Property ("CUP Application") for the purpose of providing access to a proposed single-family residence on Lot SS811, commonly known as 2 Mountain Village Boulevard, which is owned by the Applicant; and

WHEREAS, the CUP Application consists of the materials submitted to the Town and itemized on Exhibit A, plus all statements, representations, and additional documents of the Applicant and its representatives made or submitted at the public hearings before the DRB and Town Council; and

WHEREAS, the DRB held a public hearing on January 5, 2023, to consider the CUP Application and testimony and comments from the Applicant, Town Staff, and members of the public, and voted 4-2, with 1 abstention, to issue a recommendation of denial to Town Council of the CUP Application; and

WHEREAS, the Town Council held a public hearing on January 19, 2023, which was continued February 16, 2023 and again to March 16, 2023, to consider the CUP Application, the DRB's recommendations, and testimony and comments from the Applicant, Town Staff, and members of the public, and voted 4-2 to direct Town staff to prepare this Resolution denying the CUP Application; and

WHEREAS, the public hearings and meetings to consider the CUP Application were duly noticed and held in accordance with the Town's Community Development Code ("CDC"); and

WHEREAS, the Town Council has considered the criteria set forth in Section 17.4.14.D of the CDC and finds that each of the following will not be satisfied by the CUP Application:

- 1. The proposed conditional use is in general conformity with the policies of 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 shall 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.

WHEREAS, the Town Council now desires to approve this Resolution, denying the CUP Application.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Mountain Village, Colorado, that:

<u>Section 1. Recitals</u>. The above recitals are hereby incorporated as findings of the Town Council in support of the enactment of this Resolution.

<u>Section 2. Decision</u>. The Town Council hereby finds that the CUP Application does not meet the requirements of the CDC set forth above and, therefore, denies the CUP Application. This decision is based on the documents, testimony, and evidence presented at the meetings before the DRB and Town Council and includes, without limitation, the following findings:

- A. The proposed use is not in harmony or compatible with surrounding land uses and neighborhood because all other lots in the neighborhood are accessed via Arizona Street, and building a driveway through the open space adjacent to Mountain Village Boulevard would have an adverse effect on the open space both for the neighborhood and for the area that serves as the entrance to the Town.
- B. Allowing direct access to Mountain Village Boulevard would cause traffic impacts on the Boulevard as the main thoroughfare into Town and could create hazards.
- C. The use of the open space for driveway purposes does not minimize adverse visual impacts from Mountain Village Boulevard, and the potential environmental impacts relating to the alternative platted access via Arizona Street can be adequately mitigated.

All exhibits to this Resolution are available for inspection at the Town Clerk's Office.

Section 3. Effective Date. This Resolution shall be in full force and effect upon its passage and adoption.

ADOPTED AND APPROVED by the Town of Mountain Village Town Council at a regular public meeting held on March 16, 2023.

TOWN OF MOUNTAIN VILLAGE, COLORADO

By: _		
	Laila Benitez, Mayor	

ATTEST:	
Susan Johnston, Town Clerk	
APPROVED AS TO FORM:	
David McConaughy, Town Attorney	

# Exhibit A

[LIST OF CUP APPLICATION MATERIALS]

# A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO AUTHORIZING A MAIL BALLOT ELECTION ON JUNE 27, 2023

## **RESOLUTION NO. 2023-\_\_**

WHEREAS, the Town of Mountain Village (the "Town") is a duly organized and existing home rule municipality of the State of Colorado, created and operating pursuant to Article XX of the Colorado Constitution and the Town's Home Rule Charter (the "Charter"); and

WHEREAS, the members of the Town Council of the Town of Mountain Village (the "Town Council") have been duly elected and qualified; and

WHEREAS, June 27, 2023 is the date of the next regular election in the Town; and

WHEREAS, pursuant to Article II, Section 2.1 of the Charter, elections shall be governed by the Colorado Municipal Election Code of 1965, C.R.S. §§ 31-10-101, et seq., as amended (the "Municipal Election Code"), and mail ballot elections shall be governed by the Colorado Mail Ballot Election Act, C.R.S §§. 1-7.5-101, et seq., as amended, notwithstanding any contrary provisions of the Municipal Election Code; and

WHEREAS, the Town has determined that the Town Clerk will conduct the election on June 27, 2023 as a mail ballot election as follows.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Mountain Village, Colorado, that:

<u>Section 1. Recitals</u>. The above recitals are hereby incorporated as findings of the Town Council in support of the enactment of this Resolution.

Section 2. Mail Ballot Election. The Town Council hereby determines that the regular election of the Town to be held on June 27, 2023 shall be conducted as a mail ballot election pursuant to C.R.S. §§ 1-7.5-101, et seq., and C.R.S. §§ 31-10-101, et seq. The Town Clerk is hereby appointed the designated election official of the Town for purposes of performing acts required or permitted by law in connection with the election, and she may execute such documents as may be required in furtherance of this power.

Section 3. Effective Date. This Resolution shall be in full force and effect upon its passage and adoption.

ADOPTED AND APPROVED by the Town of Mountain Village Town Council at a regular public meeting held on March 16, 2023.

TOWN OF MOUNTAIN VILLAGE, COLORADO

ATTEST:	By:Laila Benitez, Mayor
Susan Johnston, Town Clerk	
APPROVED AS TO FORM:	
David McConaughy, Town Attorney	



# AGENDA ITEM # 6 OFFICE OF THE TOWN CLERK

455 Mountain Village Blvd. Mountain Village, CO 81435 970-369-6429

**TO:** Mountain Village Town Council Acting as the Liquor Licensing Authority

**FROM:** Susan Johnston, Town Clerk

**DATE:** March 16, 2023

**RE:** Consideration of Re-certification of the Mountain Village Promotional

Association and Common Consumption Area Continued from the January 19,

2023 Town Council Meeting

#### **SUMMARY OF ACTION TO DATE**

This item was presented at the January 19, 2023 Regular Town Council meeting and Council continued it to the March 16, 2023 meeting due to lack of a security plan for the entire year. The council asked the applicant to take two months to explore other security options, renegotiate with TSG or show that there are no other options available.

#### **MATERIALS PROVIDED**

The applicant provided a Securities Services Funding Agreement with TSG effective through April 30, 2023 which is in your packet. An RFP for security services was issued March 10, 2023 with a deadline of Friday, April 7, 2023. In light of the fact that the deadline for the RFP is April 7<sup>th</sup>, staff is recommending that this item be continued to the April 20, 2023 Town Council meeting when more information is available. Additionally, legal is suggesting that Council authorize the Town Manager to approve and sign an amendment to the Mountain Village Promotional Association Plaza License Agreement to clarify that the agreement does not terminate while the recertification application is pending.

#### **RECOMMENDED MOTION**

I move to authorize the Town Manager to approve and sign an amendment to the Mountain Village Promotional Association Plaza License Agreement to clarify that the agreement doesn't terminate while a recertification application is pending and to continue the recertification decision to the April 20, 2023 Regular Town Council meeting.

# Security Services Funding Agreement

This Security Services Funding Agreement (this "Agreement") is entered into effective as of the 17<sup>th</sup> day of November, 2022 ("Effective Date"), by and between Mountain Village Promotional Association, a Colorado nonprofit corporation ("MVPA"); and TSG Ski & Golf, LLC, a Delaware limited liability company ("TSG"). MVPA and TSG may hereafter be referred to individually as a "Party" and collectively as the "Parties."

#### Recitals

- A. MVPA is a promotional association which has been certified by the Town of Mountain Village, Colorado (the "Town"), to operate a "Common Consumption Area" as defined by Colorado state statute.
- B. Pursuant to an MVPA Plaza License Agreement dated April 1, 2016 (the "License Agreement"), the Town has granted MVPA a license over the "Town Plaza Area," as defined in the License Agreement, for a "Common Consumption Area," also as defined in the License Agreement. The Parties acknowledge receipt of a copy of the License Agreement. The License Agreement states at par. 2 that it terminates on April 30, 2017, but, that it also automatically renews for additional one (1) year terms upon the successful recertification of MVPA and the Common Consumption Area. The MVPA and the Common Consumption Area were recertified; as such, the License Agreement has renewed effective through April 30, 2023.
- C. The License Agreement further requires that MVPA demarcate the boundaries of the Common Consumption Area and comply with all security requirements imposed by the Town. The License Agreement further requires that MVPA ensure no alcohol is sold, served or taken outside of the Common Consumption Area.
- D. MVPA has retained TSG to perform certain Security Services (defined below) required under the License Agreement.
- E. This Agreement sets forth the terms upon which TSG will perform certain Security Services and MVPA will pay TSG for said Security Services.
- F. Attached hereto as Exhibits A, B and C, respectively, are the "Mountain Village Promotional Association / 2022 Security Plan," the "2022 MVPA CCA Hours of Operation / Security Schedule (collectively the "Security Plans") and the "Common Consumption Area Map/Participant List. The subsequent year Security Plans and Map will be substantially similar to the 2022 plan and map.

# Agreement

Now, therefore, in consideration of the mutual covenants and conditions set forth herein, the Parties agree as follows:

Security Services Funding Agreement p. 1 of 5

- 1. Security Services. MVPA is hiring TSG to provide the following Security Services.
  - (1) Daily Security Monitoring. TSG will be responsible for providing its Security Staff for daily monitoring of the Common Consumption Area. Daily Monitoring is defined as monitoring all entry and exit points of the Common Consumption Area, educating guests in a friendly manner and if any violators become belligerent or overly intoxicated, TSG will contact the police to intervene.
  - (2) The hours for TSG's Daily Security Monitoring are from Noon to 9pm, during the resort operating seasons (Summer and Winter Seasons, i.e. those seasons when the gondola is operation). The hours for TSG Daily Security Monitoring do not include the Gondola operating hours (which runs from 6:00 am to 12:00 am).
  - (3) Pursuant to Exhibit A, MVPA is responsible for hiring security staff for the Sunset Concert Series and other special events, all as set forth in Exhibit A.
- 2. <u>Payment</u>. TSG shall invoice MVPA \$5,000 per month. MVPA shall pay the invoices within thirty (30) days of receipt.
- 3. <u>Term and Termination</u>. The term of this Agreement shall commence on November 18, 2022 and shall terminate on April 3, 2023.
- 4. <u>Compliance</u>. In the performance of services hereunder, TSG shall comply with all governmental requirements. TSG shall further ensure that each and every one of its staff members is a lawful worker, and that TSG shall have in its files a Form I-9 that is validly and properly completed in accordance with applicable law for each such employee.

## 5. Insurance.

- (1) At all times during the performance of the Security Services, TSG shall maintain comprehensive general liability insurance with limits of at least three million dollars (\$3,000,000.00) per occurrence and in the aggregate, as well as workers compensation insurance covering each and every one of TSG's employees providing the Security Services in at least the minimum statutory amounts. TSG shall provide MVPA and the Town with certificates evidencing such insurance, naming MVPA and the Town as additional insureds on the liability insurance and as certificate holders on the workers compensation insurance and stating that such insurance cannot be canceled absent thirty (30) days written notice to MVPA and the Town. At all times during the performing the Security Services, TSG shall also maintain unemployment compensation insurance covering all of TSG's employees providing the Security Services.
- (2) At all times during the Term of this Agreement, MVPA TMVOA and MVPA shall maintain comprehensive general liability insurance with limits of at least three million dollars (\$3,000,000.00) per occurrence and in the aggregate, as well as workers compensation insurance covering each and every one of MVPA's employees providing the security services in at least the minimum statutory amounts. MVPA shall provide TSG with certificates evidencing such insurance,

Security Services Funding Agreement p. 2 of 5

MVDA TSG

naming TSG as an additional insureds on the liability insurance, stating that such insurance cannot be canceled absent thirty (30) days written notice to TSG.

6. Conduct, Indemnity.

(1) TSG shall ensure that all of its security personnel conduct themselves in a professional and respectful manner. To the fullest extent permitted by law, TSG shall indemnify and hold MVPA and its directors, officers, employees and agents harmless, including payment of attorneys' fees, expert witness fees and costs, from and against all loss, cost, damage or expense, claims, causes of action or other liabilities related to the performance of the Security Services by TSG staff to the extent such loss, cost, damage, expense, claims, causes of action, liability arise from TSG staff gross negligence or willful misconduct. This indemnity shall include indemnifying and holding MVPA and its directors, officers, employees and agents harmless from and against any claims by third parties arising out of the provision of the Security Services caused by TSG staff's intentional conduct or gross negligence. This indemnity shall also include indemnifying and holding MVPA and its directors, officers, employees and agents harmless from and against any claims by TSG or TSG's employees for workers compensation benefits, unemployment compensation benefits or any other employee benefits. Nothing contained in this Agreement shall be construed constitute a partnership between the Parties.

(2) MVPA shall ensure that all of its security personnel conduct themselves in professional and respectful manner. To the fullest extent permitted by law, MVPA shall indemnify and hold TSG and its directors, officers, employees and agents harmless, including payment of attorneys' fees, expert witness fees and costs, from and against all loss, cost, damage or expense, claims, clauses of action or other liabilities related to the performance of any security services provided by MVPA or third party security staff hired by MVPA, to the extent such loss, cost, damage, expense, claims, causes of action, or liability arises from the gross negligence or willful misconduct of MVPA or third party security staff.

7. <u>Notice</u>. If the Parties wish to contact or notify each other concerning the subject matter herein, they shall deliver written notice via E-mail, as follows:

If to MVPA:

Max Adam Singer, President

Mountain Village Promotional Association

113 Lost Creek Lane, Suite A Mountain Village, Colorado 81435 E-mail: maxsinger@hotmail.com

If to TSG:

Chad Horning

TSG Ski & Golf, LLC

565 Mountain Village Boulevard

Security Services Funding Agreement p. 3 of 5

# Mountain Village, Colorado 81435 E-mail: chorning@tellurideskiresort.com

- 8. Entire Agreement, Waiver. This Agreement represents the entire, final and complete agreement of the Parties concerning the subject matter herein and supersedes or replaces all written and oral agreements previously made or existing. No provision of this Agreement shall be modified, waived or discharged unless the modification, waiver or discharge is agreed to in writing and signed by all Parties. No waiver by either Party of any breach of, or of compliance with, any condition or provision of this Agreement by the other Party shall be considered a waiver of any other condition or provision or of the same condition or provision at another time.
- 9. <u>Dispute Resolution</u>. Should there be a dispute arising out of this Agreement which cannot be resolved between the Parties, the validity, interpretation, construction and performance of this Agreement shall be governed by the laws of the State of Colorado. If any action at law or in equity is necessary to enforce or interpret the terms of this Agreement, venue shall be in San Miguel County, Colorado, and the prevailing Party shall be awarded its reasonable attorneys' fees, expert witness fees and costs incurred, in addition to any other relief to which the Party may be entitled.
- 10. <u>Severability</u>. If any provision or provisions of this Agreement shall be found invalid or unenforceable, this shall not affect the validity of the remaining provisions of this Agreement, and the remaining provisions shall remain in full force and effect.
- 11. Arm's Length, Encouragement to Consult with Independent Legal Counsel. The Parties acknowledge that this Agreement was prepared and executed at arm's length and after free and full negotiation by the Parties, and that there shall be no presumption to construe the terms of this Agreement in favor of one Party and against another, but rather the terms of this Agreement shall be construed objectively as written. The Parties further acknowledge that they were encouraged to consult independent legal counsel prior to entering into this Agreement.
- 12. <u>Binding Effect</u>. This Agreement shall be binding upon and shall inure to the benefit of any heirs, successors or assigns of the Parties. However, this Agreement is personal, and thus TSG may not assign its duties under this Agreement to any individual or other entity, other than utilizing appropriate TSG employees as stated above.
- 13. <u>Execution</u>. This Agreement may be signed in counterparts. A digital copy of this signed Agreement shall be enforceable as a signed original.

Security Services Funding Agreement p. 4 of 5

mille	on, a Colorado nonprofit corporation
By: M. My	Dated: 2/1/25
Max Adam Singer, President	

MVPA TSG

By: Dated: /-3(-23

MYPA TSG



#### **VILLAGE COURT APARTMENTS**

415 Mountain Village Blvd. Mountain Village, CO 81435 (970 369-8233

Item No. 7

**TO:** Town of Mountain Village Housing Authority

FROM: Connor Reilly, Village Court Apartments Property Manager

**FOR:** Meeting of March 16, 2023

**RE:** Consideration of Appointment of Residents to the Village Court Apartments

Residents Committee

#### Introduction

Two seats of the Residents Advisory Committee have expired this year. The two members whose seats have expired would like to be reappointed to their seats on the committee. We have not received any other applications from VCA tenants expressing their interest in joining the committee. Town Council, acting as the Town of Mountain Village Housing Authority, will review the applicants and appoint two committee members for one-year terms.

# **VCA Committee Selection**

The VCA staff has spoken in past resident committee meetings, explaining that we have an open seat and asking tenants to apply if they are interested in participating as a committee member. Two current members of the committee, Matt Lewis, and Trevor Browning, wish to be reappointed to their seats. VCA staff has not received any communications from any other tenants expressing interest in taking over these positions. Staff notes that both Mr. Lewis and Mr. Browning have both been active participants in the committee with their past service.

#### **Recommended Motion**

Staff has prepared the following motion for your convenience:

#### Motion #1

1) I move to reappoint Trevor Browning and Matt Lewis to their seats at the VCA Resident Committee for another one-year term.



# **Business and Government Activity Report**

For the month ending: February 28th

	2023				2022	YTD or MTD Variance		
Activity	MONTH	Monthly Change	YTD	MONTH	Monthly Change	YTD	Variance	Variance %
Cable/Internet								
TV Residential Subscribers	0	0		0	(3)		0	NA
Fiber Video	624	(15)		610	(38)		14	2.3%
TV Bulk Subscribers	567	6		567	0		0	0.0%
Fiber Commercial *	34	0		20	0		14	70.0%
TV Inactive Subscribers	6	0		7	(2)		(1)	-14.3%
Cable Modem Residential Cable Modem Subscribers	551	9	<u> </u>	691	(2)		(140)	-20.3%
Cable Modern Residential Cable Modern Residential Cable Subscribers	23	(2)	<u> </u>	29	(1)	,	(6)	-20.7%
Cable Modern Hospitality Subscribers	210	0	<u> </u>	244	(1)		(34)	-13.9%
	4	0	<u> </u>	8	0	;	(4)	-50.0%
Dark Fiber Transport	-+	+	ļI		<del> </del>	i		<del> </del>
Fiber Hospitality Subscribers	8	0	<u> </u>	8	0	<u> </u>	0	0.0%
Fiber Residential Subscribers	714	12		528	17	j	186	35.2%
Phone Subscribers	39	0		48	0		(9)	-18.75%
Village Court Apartments		<del> </del>	, ,		i			ı
Occupancy Rate %	6 99.09%	0.45%	98.86%	100.00%	2.73%	98.64%	0.22%	0.2%
# Vacated Units	3	1	5	4	0	8	(3)	-37.5%
# Work Orders Completed	21	1	41	16	2	30	11	36.7%
# on Waiting List	180	2		215	(2)		(35)	-16.3%
Public Works	Sewage inform	nation is soemtin	nes unavailable a	at time of publi	shing.			
Service Calls	332	(202)	866	436	(158)	1,030	(164)	-15.9%
Truck Rolls	76	(89)	241	135	33	237	4	1.7%
Snow Fall Inches	s 39	(30)	69	39	17	61	8	13.1%
Snow Removal - Streets & Prkg Lots Hours	s 737	(125)	1,599	755	1	1,509	90	6.0%
Roadway Maintenance Hours	-+	1	33	111	99	123	(90)	-73.2%
Water Billed Consumption Gal	-+	(43,980,000)	62,456,000	9,533,000	(41,021,000)	60,087,000	2,369,000	3.9%
Sewage Treatment Gal	-+	(1,787,000)	20,825,000	8,899,000	(69,000)	17,867,000	2,958,000	16.6%
Child Development Fund	. 9,519,000	(1,787,000)	20,623,000	8,899,000	(09,000)	17,807,000	2,938,000	10.070
•	4.88	(0.62)		4.73	(0.03)		0.14	3.0%
# Infants Actual Occupancy	-+	+	<u>-</u>		<del> </del>	i		<del> </del>
# Toddlers Actual Occupancy	11.73	0.96	<u> </u>	9.27	(0.73)	<u> </u>	2.47	26.6%
# Preschoolers Actual Occupancy	10.67	(0.11)	<u> </u>	14.73	(0.27)		(4.06)	-27.6%
Transportation and Parking	05.50/	0.700/	00.40/	02.100/	0.600/	55.10/		
GPG Parking Utilization (% of total # of spaces occupied)	85.5%	9.70%	80.4%	82.10%	9.60%	77.1%	3.3%	4.3%
HPG Parking Utilization (% of total # of spaces occupied)	89.5%	9.00%	84.8%	87.20%	14.60%	79.5%	5.3%	6.7%
Parking Utilization (% of total # of spaces occupied)	77.8%	8.30%	73.4%	81.20%	8.50%	76.7%	-3.3%	-4.3%
Bus Routes # of Passengers		(721)	0	40	(221)	301	(301)	-100.0%
Paid Parking Revenues	\$53,054	(\$10,828)	\$116,936	\$59,954	(\$9,163)	\$129,071	(\$12,135)	-9.4%
			, Child Care (6), IT T					
Human Resources	New Hires: 5 seaso	nai Gondoia Ops, 1 s	seasonal Plaza Sanitiz	zation Specialist	Terms: 1 Seasonal G	ondoia Mechanic Re	eason for Terms: 1 1	Return to conege
FT Year Round Head Count	90							
Seasonal Head Count (FT & PT)		1 3		80	(7)	,	10	12.5%
Seasonal flead Count (F1 & F1)		3		80	(7)		10	12.5%
	1	1		0	(1)		1	NA
PT Year Round Head Count	1 29	1		0 15	(1)	;	1 14	NA 93.3%
PT Year Round Head Count Gondola FT YR, Seasonal, PT YR Head Count	1 29 54	1 1 (2)		0 15 62	(1) 3 10		1 14 (8)	NA 93.3% -12.9%
PT Year Round Head Count Gondola FT YR, Seasonal, PT YR Head Count Total Employees	1 29 54 174	1 1 (2) 3		0 15 62 157	(1) 3 10 6		1 14 (8) 17	NA 93.3% -12.9% 10.8%
PT Year Round Head Count Gondola FT YR, Seasonal, PT YR Head Count	1 29 54 174	1 1 (2)		0 15 62	(1) 3 10		1 14 (8)	NA 93.3% -12.9%
PT Year Round Head Count Gondola FT YR, Seasonal, PT YR Head Count Total Employees	1 29 54 174	1 1 (2) 3		0 15 62 157	(1) 3 10 6		1 14 (8) 17	NA 93.3% -12.9% 10.8%
PT Year Round Head Count Gondola FT YR, Seasonal, PT YR Head Count Total Employees Gondola Overtime Paid Hours	1 29 54 174 ss 289	1 1 (2) 3 23	555	0 15 62 157 124	(1) 3 10 6 (474)	441	1 14 (8) 17 114	NA 93.3% -12.9% 10.8% 25.9%
PT Year Round Head Count Gondola FT YR, Seasonal, PT YR Head Count Total Employees Gondola Overtime Paid Other Employee Overtime Paid	1 29 54 174 s 289 48	1 1 (2) 3 23 (58)	555 153	0 15 62 157 124 75	(1) 3 10 6 (474) (161)	441 228	1 14 (8) 17 114	NA 93.3% -12.9% 10.8% 25.9% -32.9%
PT Year Round Head Count Gondola FT YR, Seasonal, PT YR Head Count Total Employees Gondola Overtime Paid Other Employee Overtime Paid # New Hires Total New Hires	1 29 54 174 8 289 48 4	1 1 (2) 3 23 (58) (2)	555 153 10	0 15 62 157 124 75 3	(1) 3 10 6 (474) (161) (1)	441 228 9	1 14 (8) 17 114 (75)	NA 93.3% -12.9% 10.8% 25.9% -32.9% 11.1%
PT Year Round Head Count Gondola FT YR, Seasonal, PT YR Head Count Total Employees Gondola Overtime Paid Other Employee Overtime Paid # New Hires Total New Hires # Terminations	1 29 54 174 8 289 48 4 1	1 (2) 3 (58) (2) (1)	555 153 10 3	0 15 62 157 124 75 3 4	(1) 3 10 6 (474) (161) (1) 1	441 228 9	1 14 (8) 17 114 (75) 1 3	NA 93.3% -12.9% 10.8% 25.9% -32.9% 11.1% NA
PT Year Round Head Count Gondola FT YR, Seasonal, PT YR Head Count Total Employees Gondola Overtime Paid Other Employee Overtime Paid # New Hires Total New Hires # Terminations # Workmen Comp Claims	1 29 54 174 8 289 48 4 1 1 1	1 1 (2) 3 23 (58) (2) (1) 0	555 153 10 3 2	0 15 62 157 124 75 3 4	(1) 3 10 6 (474) (161) (1) 1	441 228 9 0	1 14 (8) 17 114 (75) 1 3 2	NA 93.3% -12.9% 10.8% 25.9% -32.9% 11.1% NA NA
PT Year Round Head Count Gondola FT YR, Seasonal, PT YR Head Count Total Employees Gondola Overtime Paid Other Employee Overtime Paid # New Hires Total New Hires # Terminations # Workmen Comp Claims Workmen Comp Claims Costs  Communications & Business Development	1 29 54 174 ss 289 48 4 1 1 1 S679	1 1 (2) 3 23 (58) (2) (1) 0 \$273	555 153 10 3 2 \$2,647	0 15 62 157 124 75 3 4 0 \$0	(1) 3 10 6 (474) (161) (1) 1 0 \$0	441 228 9 0 0 \$259	1 14 (8) 17 114 (75) 1 3 2	NA 93.3% -12.9% 10.8% 25.9% -32.9% 11.1% NA NA 921.5%
PT Year Round Head Count Gondola FT YR, Seasonal, PT YR Head Count Total Employees Gondola Overtime Paid Other Employee Overtime Paid # New Hires Total New Hires # Terminations # Workmen Comp Claims Workmen Comp Claims Costs  Communications & Business Development Town Hosted Meetings	1 29 54 174 ss 289 48 4 1 1 1 8679	1 1 (2) 3 3 (58) (2) (1) 0 S273	555 153 10 3 2 \$2,647	0 15 62 157 124 75 3 4 0 80	(1) 3 10 6 (474) (161) (1) 1 0 \$0	441 228 9 0 0 \$259	1 14 (8) 17 114 (75) 1 3 2 \$2,388	NA 93.3% -12.9% 10.8% 25.9% -32.9% 11.1% NA NA 921.5%
PT Year Round Head Count Gondola FT YR, Seasonal, PT YR Head Count Total Employees Gondola Overtime Paid Other Employee Overtime Paid # New Hires Total New Hires # Terminations # Workmen Comp Claims Workmen Comp Claims Costs  Communications & Business Development Town Hosted Meetings Email Correspondence Sent	1 29 54 174 s 289 48 4 1 1 1 \$6679	1 1 (2) 3 23 (58) (2) (1) 0 S273	555 153 10 3 2 \$2,647	0 15 62 157 124 75 3 4 0 80	(1) 3 10 6 (474) (161) (1) 1 0 \$0 0 1	441 228 9 0 0 \$259	1 14 (8) 17 114 (75) 1 3 2 \$2,388 1 (7)	NA 93.3% -12.9% 10.8% 25.9% -32.9% 11.1% NA NA 921.5%
PT Year Round Head Count Gondola FT YR, Seasonal, PT YR Head Count Total Employees Gondola Overtime Paid Other Employee Overtime Paid # New Hires Total New Hires # Terminations # Workmen Comp Claims Workmen Comp Claims Costs  Communications & Business Development Town Hosted Meetings Email Correspondence Sent E-mail List #	1 29 54 174 8,346	1 1 (2) 3 23 (58) (2) (1) 0 \$273 (4) 2 (28)	555 153 10 3 2 \$2,647	0 15 62 157 124 75 3 4 0 \$0	(1) 3 10 6 (474) (161) (1) 1 0 \$0 1 (2)	441 228 9 0 0 \$259	1 14 (8) 17 114 (75) 1 3 2 \$2,388 1 (7) 198	NA 93.3% -12.9% 10.8% 25.9% -32.9% 11.1% NA NA 921.5%  9.1% -17.9% 2.4%
PT Year Round Head Count Gondola FT YR, Seasonal, PT YR Head Count Total Employees Gondola Overtime Paid Hours Other Employee Overtime Paid # New Hires Total New Hires # Terminations # Workmen Comp Claims Workmen Comp Claims Costs  Communications & Business Development Town Hosted Meetings Email Correspondence Sent E-mail List # Ready-Op Subscribers	1 29 54 174 8 346 2,124	1 1 (2) 3 23 (58) (2) (1) 0 \$273 (4) 2 (28) 0	555 153 10 3 2 \$2,647	0 15 62 157 124 75 3 4 0 \$0 \$0	(1) 3 10 6 (474) (161) (1) 1 0 \$0 1 (2) (12)	441 228 9 0 0 \$259	1 14 (8) 17 114 (75) 1 2 \$2,388 1 1 (7) 198 58	NA 93.3% -12.9% 10.8% 25.9% -32.9% 11.1% NA NA 921.5%  9.1% -17.9% 2.4% 2.8%
PT Year Round Head Count Gondola FT YR, Seasonal, PT YR Head Count Total Employees Gondola Overtime Paid Hours Other Employee Overtime Paid # New Hires Total New Hires # Terminations # Workmen Comp Claims Workmen Comp Claims Costs  Communications & Business Development Town Hosted Meetings Email Correspondence Sent E-mail List # Ready-Op Subscribers News Articles	1 29 54 174 ss 289 48 4 1 1 1 \$679 4 4 17 4 8,346 2,124 15	1 1 (2) 3 (58) (2) (1) 0 \$273 (4) 2 (28) 0 (2) (2)	555 153 10 3 2 \$2,647	0 15 62 157 124 75 3 4 0 \$0 \$0 80	(1) 3 10 6 (474) (161) (1) 1 0 \$0 1 (2) (12) (10)	441 228 9 0 0 \$259	1 14 (8) 17 114 (75) 1 3 2 \$2,388 1 (7) 198	NA 93.3% -12.9% 10.8% 25.9% -32.9% 11.1% NA NA 921.5% -17.9% 2.4% 2.8% -30.4%
PT Year Round Head Count Gondola FT YR, Seasonal, PT YR Head Count Total Employees Gondola Overtime Paid Hours Other Employee Overtime Paid # New Hires Total New Hires # Terminations # Workmen Comp Claims Workmen Comp Claims Costs  Communications & Business Development  Town Hosted Meetings Email Correspondence Sent E-mail List # Ready-Op Subscribers News Articles Press Releases Sent	1 29 54 174 8 346 2,124	1 1 (2) 3 23 (58) (2) (1) 0 \$273 (4) 2 (28) 0	555 153 10 3 2 \$2,647	0 15 62 157 124 75 3 4 0 \$0 \$0	(1) 3 10 6 (474) (161) (1) 1 0 \$0 1 (2) (12)	441 228 9 0 0 \$259	1 14 (8) 17 114 (75) 1 2 \$2,388 1 1 (7) 198 58	NA 93.3% -12.9% 10.8% 25.9% -32.9% 11.1% NA NA 921.5% 9.1% -17.9% 2.4% 2.8%
PT Year Round Head Count Gondola FT YR, Seasonal, PT YR Head Count Total Employees Gondola Overtime Paid Hours Other Employee Overtime Paid # New Hires Total New Hires # Terminations # Workmen Comp Claims Workmen Comp Claims Costs  Communications & Business Development Town Hosted Meetings Email Correspondence Sent E-mail List # Ready-Op Subscribers News Articles	1 29 54 174 ss 289 48 4 1 1 1 \$679 4 4 17 4 8,346 2,124 15	1 1 (2) 3 (58) (2) (1) 0 \$273 (4) 2 (28) 0 (2) (2)	555 153 10 3 2 \$2,647	0 15 62 157 124 75 3 4 0 \$0 \$0 80	(1) 3 10 6 (474) (161) (1) 1 0 \$0 1 (2) (12) (10)	441 228 9 0 0 \$259	1 14 (8) 17 114 (75) 1 2 \$2,388 1 1 (7) 198 58	NA 93.3% -12.9% 10.8% 25.9% -32.9% 11.1% NA NA 921.5%  9.1% -17.9% 2.4% 2.8% -30.4%
PT Year Round Head Count Gondola FT YR, Seasonal, PT YR Head Count Total Employees Gondola Overtime Paid Hours Other Employee Overtime Paid # New Hires Total New Hires # Terminations # Workmen Comp Claims Workmen Comp Claims Costs  Communications & Business Development  Town Hosted Meetings Email Correspondence Sent E-mail List # Ready-Op Subscribers News Articles Press Releases Sent	1 29 54 174 s 289 48 4 1 1 1 \$679 4 8,346 2,124 15 1	1 1 (2) 3 (58) (2) (1) 0 \$273 (4) 2 (28) 0 (2) (2)	555 153 10 3 2 \$2,647	0 15 62 157 124 75 3 4 0 \$0 \$0 80	(1) 3 10 6 (474) (161) (1) 1 0 \$0 1 (2) (12) (10)	441 228 9 0 0 \$259	1 14 (8) 17 114 (75) 1 2 \$2,388 1 1 (7) 198 58	NA 93.3% -12.9% 10.8% 25.9% -32.9% 11.1% NA NA 921.5%  9.1% -17.9% 2.4% 2.8% -30.4%
PT Year Round Head Count Gondola FT YR, Seasonal, PT YR Head Count Total Employees Gondola Overtime Paid Hours Other Employee Overtime Paid # New Hires Total New Hires # Terminations # Workmen Comp Claims Workmen Comp Claims Costs  Communications & Business Development Town Hosted Meetings Email Correspondence Sent E-mail List # Ready-Op Subscribers News Articles Press Releases Sent  Gondola and RETA	1 29 54 174 s 289 48 4 1 1 1 \$679 4 8,346 2,124 15 1	1 1 (2) 3 (58) (2) (1) 0 (2) (2) (2)	555 153 10 3 2 \$2,647	0 15 62 157 124 75 3 4 0 \$0 \$0 80 6 20 8,148 2,066 18	(1) 3 10 6 (474) (161) (1) 1 0 \$0 1 (2) (12) (10) 0	441 228 9 0 0 \$259	1 14 (8) 17 114 (75) 1 1 3 2 \$2,388 1 (7) 198 58 (14) 1	NA 93.3% -12.9% 10.8% 25.9% -32.9% 11.1% NA NA 921.5%  9.1% -17.9% 2.4% 2.8% -30.4% 25.0%



## **Business and Government Activity Report**

For the month ending: February 28th
2023
Monthly

					2023			2022		YTD or M	TD Variance
				MONTH	Monthly	VTD	MONTH	Monthly	VTD	V	V
	Activity			MONTH	Change	YTD	MONTH	Change	YTD	Variance	Variance %
Police											
Calls for Service	e		#	363	(30)	756	467	(226)	1,160	(404)	-34.8%
Investigations			#	20	1	39	21	6	36	3	8.3%
Alarms			#	13	0	26	20	5	35	(9)	-25.7%
Arrests			#	7	6	8	3	3	3	5	166.7%
Summons			#	1	(4)	6	1	(7)	9	(3)	-33.3%
Traffic Contacts	S		#	20	(5)	45	10	0	20	25	125.0%
Traffic Tickets	Written		#	1	(3)	5	0	(3)	3	2	66.7%
Parking Tickets			#	434	(220)	1,088	371	(185)	927	161	17.4%
Administrative l			#	5	(10)	6	4	(3)	11	(5)	-45.5%
Building/Planning	,			022.017	67.610			uded an \$82,500 fin	1	(074 (01)	(5.00/
# Permits Issued	velopment Revenues			\$23,917 22	\$7,610	\$40,224 58	\$97,490 14	\$80,065	\$114,915 26	(\$74,691)	-65.0% 123.1%
	tn Village Remodel/Nev	v/Additi	one Parmite	\$302,200	(14) \$12,800	\$591,600	\$0	\$0	\$0	\$591,600	123.176 NA
	Village Electric/Plumbir			\$378,300	\$12,800	\$442,000	\$77,203	\$53,303	\$101,103	\$391,000	337.2%
	ride Electric/Plumbing I			\$370,300	(\$484,152)	\$1,147,598	\$89,083	(\$127,000)	\$305,166	\$842,432	276.1%
# Inspections Co				188	(198)	574	270	(63)	603	(29)	-4.8%
	w/Zoning Agenda Items	3		21	14	28	16	(6)	38	(10)	-26.3%
# Staff Review	Approvals			11	(1)	23	30	20	40	(17)	-42.5%
Plaza Services				Refuse and recycl	e statistics come froi	m an outside sourc	e and are not alwa	ys available at the t	time of publishing		
Snow Removal	Plaza		Hours	495	(319)	1,309	239	(8)	485	824	169.8%
Plaza Maintena	nce		Hours	657	49	1,265	653	(34)	1,340	(75)	-5.6%
Lawn Care			Hours	0	0	0	0	0	0	0	NA
Plant Care			Hours	17	(17)	51	8	1	16	35	225.8%
Irrigation			Hours	7	7	7	0	0	0	7	NA
TMV Trash Col			Hours Hours	119 152	9 87	229	93 97	(7)	192 319	(103)	19.3% -32.4%
Christmas Deco Residential Refi			Pound	77,415	NA	216 160,661	80,927	(125)	167,485	(6,824)	-4.1%
Residential Rec			Pound	28,549	NA NA	59,115	27,522	(5,078)	60,122	(1,007)	-1.7%
Diversion Rate	, cic		%	26.94%	NA	26.90%	25.38%	-1.98%	26.41%	0.48%	1.8%
Vehicle Maintena	nce									Ц	
# Preventive Ma	aintenance Performed			20	2	37	18	2	34	3	8.8%
# Repairs Comp	oleted			22	0	44	21	(5)	47	(3)	-6.4%
Special Projects	S			1	(1)	3	0	(1)	1	2	200.0%
# Roadside Ass	ists			1	(1)	2	0	(4)	4	(2)	-50.0%
inance				Business License t eliminated.	otals include zero fee	licenses created fo	or sales tax remittar	nces only, but licens	ees that come throu	gh the state system	have been
	ss Licenses Issued			25	(957)	1,007	51	(948)	1,050	(43)	-4.1%
# Privately Lice				2	(103)	107	3	(85)	91	16	17.6%
	agement Licensed Rent	als		5	(486)	496	6	(408)	420	76	18.1%
# Unique VRBO	O Property Advertiseme	ents List	ings for MV	622	2		512	0		110	21.5%
% of Paperless	Billing Customers			65.23%	0.01%		56.98%	-0.44%		8.3%	14.5%
# of TMV AR I	Bills Processed			2,298	(5)	4,601	2,243	(7)	4,493	108	2.4%
		Acc	ounts Receivab	le							
	TMV Operating Recei			oadband and	VCA - Vill						
	(includes Gondola fur	- 0/		/Sewer	Aparti						
Current	<del> </del>	.6%	\$460,954 34,430	88.6%	\$14,798 4,911	50.0%					
30+ Days 60+ Days	t	0% 2%	34,430 11,976	2.3%	4,911 5,214	16.6% 17.6%		Other Statis	tics		
90+ Days		1%	11,636	2.2%	2,126	7.2%		Population (estir		1,434	1
over 120 days		1%	1,160	0.2%	2,546	8.6%		(Active) Register		873	
Total		0.0%	\$ 520,156	100.0%	\$ 29,595	100.0%		Assessed Proper		326,606,828	
	Other Billings - Cl				Change Since		1				
	Construction Park			All AR	Increase (Dec	crease) in AR					
Current	tt	.1%	\$ 1,774,716	91.4%	\$18,844	90.7%					
30+ Days		.2%	69,523	3.6%	(6,691)	-32.2%					
60+ Days		7%	20,188	1.0%	319	1.5%					
90+ Days		2%	28,642	1.5%	10,917	52.5%					
over 120 days		.7%	48,226	2.5%	(2,609)	-12.6%					
Total	\$7,210 100	0.0%	\$ 1,941,295	100.0%	\$ 20,780	100.0%					



# Memorandum

**To:** Town Council

From: Lizbeth Lemley, Julie Vergari

**Date:** March 9, 2023

Re: Town of Mountain Village Financial Statements through February 2023

# Mountain Village Financials Statements through February 2023

# General Fund Summary

The February financial statements as presented reflect the 2023 adopted budget prorated through February 2023. Also included are 2022, 2021 and 2020 actuals for comparison.

As of February 28, 2023, general fund revenues of \$4.2 million exceeded budget by \$770,000 or 22.1%. Revenues surpassed 2022, 2021 and 2020 revenues by 12%, 41% and 34% respectively. These increases are the result of the timing of property tax receipts and increased sales tax. Sales taxes accrued and collected through February 2022 were 12% over budget and 1.2% over 2022.

General Fund operating expenditures through February totaled \$1.48 million and were \$423,100 under budget. Most of these savings appear to be timing variances and are not expected to carry throughout the year. Additional discussion of these variances is included on the General Fund Revenue and Expenditure Report in this packet.

Year to date, the General Fund Revenue and Expenditure report reflects a surplus of \$2.35 million and an estimated unreserved fund balance of \$16.6 million.

Transfers to other funds include:

Fund	Th	is Month	YTD	Budget	YTD	Actual	Budget Variance
Capital Projects Fund (From GF)	\$	-	\$	-	\$	-	-
Child Development Fund	\$	-	\$	-	\$	-	-
Conference Center Subsidy	\$	-	\$	231,246	\$	45,709	(185,537)
Affordable Housing Development Fund (Monthly Sales Tax Allocation)	\$	134,750	\$	240,558	\$	266,982	26,424
Vehicle & Equipment Acquisition Fund	\$	-	\$	76,006	\$	123,400	47,394

Income transfers from other funds include:

Fund	This	Month	YTD	Budget	YTD	Actual	Budget Variance
Overhead allocation from Broadband, W/S, Gondola, VCA and Parking Services	\$	3,012	\$	3,910	\$	3,012	(898)
*Tourism Fund	\$	29,517	\$	44,219	\$	59,084	14,864
*This transfer is comprised of administrative	fees,	interest	, and	penalties	collec	eted.	
Debt Service Fund (Specific Ownership							
Taxes)	\$	1,394	\$	25,000	\$	3,201	(21,799)

### Vehicle and Equipment Acquisition Fund - No Fund Income Statement Attached

A building department vehicle, a new plow for road and bridge, and parks and recreation equipment has ben purchased.

## Capital Projects Fund - No Fund Income Statement Attached

There has been no activity in this fund to date.

#### Historical Museum Fund - No Fund Income Statement Attached

\$38,434 in property taxes were collected and \$37,665 has been tendered to the historical museum. The county treasurer retained \$769 in treasurer's fees.

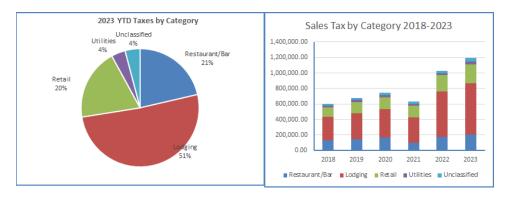
## <u>Mortgage Assistance Fund – No Fund Income Statement Attached</u>

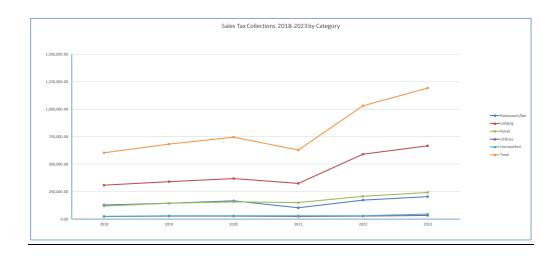
There has been no activity in this fund to date.

#### Sales Tax

The table below reflects actual sales tax cash collections through February 28, 2023, which represent January 2023 sales tax remittances. Sales taxes are collected one month in arrears. The year-to-date financial statements through February 2023 include accrued February sales tax amounts based on the approved budget. These amounts are trued up when collected in March.

		Т	ax Collection	on Summar	У			
4.5% Tax	January 2018	January 2019	January 2020	January 2021	January 2022	January 2023	2023-2022 % change	2023-2018 % change
Restaurant/Bar	128,674.76	142,780.55	166,058.38	103,193.08	172,394.44	203,596.78	18.10%	58.23%
Lodging	307,737.42	338,558.50	367,072.71	323,035.68	591,671.85	665,431.17	12.47%	116.23%
Retail	117,651.57	142,999.20	154,956.26	149,169.26	208,465.55	242,638.51	16.39%	106.23%
Utilities	23,222.14	27,481.22	26,537.40	24,100.01	27,249.85	34,482.53	26.54%	48.49%
Unclassified	24,727.63	28,859.54	31,047.09	28,450.06	30,474.64	44,731.58	46.78%	80.90%
Total	602,013.52	680,679.01	745,671.84	627,948.09	1,030,256.33	1,190,880.57	15.59%	97.82%
	YTD	YTD	YTD	YTD	YTD	YTD	2023-2022	2023-2018
4.5% Tax	2018	2019	2020	2021	2022	2023	% change	% change
Restaurant/Bar	128,674.76	142,780.55	166,058.38	103,193.08	172,394.44	203,596.78	18.10%	58.23%
Lodging	307,737.42	338,558.50	367,072.71	323,035.68	591,671.85	665,431.17	12.47%	116.23%
Retail	117,651.57	142,999.20	154,956.26	149,169.26	208,465.55	242,638.51	16.39%	106.23%
Utilities	23,222.14	27,481.22	26,537.40	24,100.01	27,249.85	34,482.53	26.54%	48.49%
Unclassified	24,727.63	28,859.54	31,047.09	28,450.06	30,474.64	44,731.58	46.78%	80.90%
Total	602,013.52	680,679.01	745,671.84	627,948.09	1,030,256.33	1,190,880.57	15.59%	97.82%





#### **Tourism Fund**

Business license fees of \$355,223 are over budget (23%). Penalties of \$2,781 were collected and transferred to the General Fund.

2023 actual and accrued restaurant taxes totaling \$191,685 have been recorded and 100%, less a 2% administrative fee, will be tendered to the airline guarantee program. \$1.18 million in lodging taxes were recorded and  $\frac{1}{2}$  of the lodging tax, less a 2% administrative fee will be tendered to the airline guarantee program.

Lodging taxes are under prior year by 3.3% and over budget by 9.9%. Restaurant taxes are over prior year and budget by 5.7% and 8.7%, respectively.

		TOWN O	f Mountain Villag	c Colorado Lougi	ing rax Summary			
	2019	2020	2021	2022	2023	2022	2023	Budget
	Activity (4%)	Activity (4%)	Activity (4%)	Activity (4%)	Activity (4%)	Var %	Budget (1)	Var %
January	300,246	325,337	272,725	523,260	591,486	13.04%	473,983	19.87%
February	310,947	334,936	358,584	700,805	591,613	-15.58%	591,613	0.00%
March	401,256	212,698	476,051	759,281	-	-100.00%	646,969	NA
April	17,822	855	40,874	33,263	-	-100.00%	38,057	NA
May	24,335	784	51,474	81,855	-	-100.00%	51,896	NA
June	139,428	55,426	229,731	239,859	-	-100.00%	190,285	NA
July	196,062	242,927	412,650	371,297	-	-100.00%	304,456	NA
August	160,993	226,805	336,701	294,342	-	-100.00%	238,721	NA
September	158,287	173,096	323,713	299,591	-	-100.00%	217,963	NA
October	46,789	94,985	133,675	123,341	-	-100.00%	100,332	NA
November	14,761	38,597	71,435	55,744	-	-100.00%	58,815	NA
December	295,803	266,888	553,765	537,068	-	-100.00%	546,637	NA
Total	2,066,729	1,973,334	3,261,375	4,019,707	1,183,099	-70.57%	3,459,728	-192.43%
Tax Base	51,668,223	49,333,357	81,534,381	100,492,663	29,577,482		86,493,200	
		Town of M	ountain Village (	Colorado Restaura	nt/Bar Tax Summa	ry		
	2019 Activity	2020 Activity	2021 Activity (2%)	Colorado Restaura 2022 Activity (2%)	2023 Activity	2022 Var %	2023 Budget (1)	Budget Var %
		2020	2021	2022	2023	2022		
January	Activity	2020 Activity	2021	2022 Activity (2%)	2023 Activity	2022		Var %
	Activity (2%)	2020 Activity (2%)	2021 Activity (2%)	2022 Activity (2%)	2023 Activity (2%)	2022 Var %	Budget (1)	Var %
February	Activity (2%)	2020 Activity (2%)	2021 Activity (2%)	2022 Activity (2%)	2023 Activity (2%)	2022 Var %	Budget (1)	Var %
January February March April	Activity (2%) 62,864 66,720	2020 Activity (2%) 73,576 76,476	2021 Activity (2%) 45,706 59,659	2022 Activity (2%) 76,624 104,748	2023 Activity (2%)	2022 Var %	73,843 101,192	Var %  18.40% 0.00%
February March	Activity (2%)  62,864 66,720 87,671	2020 Activity (2%) 73,576 76,476 50,565	2021 Activity (2%) 45,706 59,659 82,463	2022 Activity (2%) 76,624 104,748 126,092	2023 Activity (2%) 90,493 101,192	2022 Var % 18.10% -3.39% -100.00%	73,843 101,192 121,704	Var %  18.40% 0.00% NA
February March April	Activity (2%)  62,864  66,720  87,671  7,364	2020 Activity (2%) 73,576 76,476 50,565 85	2021 Activity (2%) 45,706 59,659 82,463 5,733	2022 Activity (2%) 76,624 104,748 126,092 4,195	2023 Activity (2%) 90,493 101,192	2022 Var % 18.10% -3.39% -100.00% -100.00%	73,843 101,192 121,704 4,102	Var %  18.40%  0.00%  NA  NA
February March April May	Activity (2%)  62,864 66,720 87,671 7,364 4,299	2020 Activity (2%) 73,576 76,476 50,565 85	2021 Activity (2%) 45,706 59,659 82,463 5,733 6,196	2022 Activity (2%) 76.624 104,748 126.092 4,195 5,901	2023 Activity (2%) 90,493 101,192	2022 Var % 18.10% -3.39% -100.00% -100.00%	73,843 101,192 121,704 4,102 5,470	Var %  18.40%  0.00%  NA  NA
February March April May June	Activity (2%)  62,864  66,720  87,671  7,364  4,299  38,614	2020 Activity (2%) 73,576 76,476 50,565 85 553 9,040	2021 Activity (2%) 45,706 59,659 82,463 5,733 6,196 55,645	2022 Activity (2%) 76,624 104,748 126,092 4,195 5,901 60,810	2023 Activity (2%) 90,493 101,192	2022 Var % 18.10% -3.39% -100.00% -100.00% -100.00%	73,843 101,192 121,704 4,102 5,470 58,801	Var %  18.40%  0.00%  NA  NA  NA
February March April May June July	Activity (2%)  62,864 66,720 87,671 7,364 4,299 38,614 60,113	2020 Activity (2%) 73,576 76,476 50,565 85 553 9,040 37,654	2021 Activity (2%) 45,706 59,659 82,463 5,733 6,196 55,645 66,892	2022 Activity (2%) 76,624 104,748 126,092 4,195 5,901 60,810 74,492	2023 Activity (2%) 90,493 101,192	2022 Var % 18.10% -3.39% -100.00% -100.00% -100.00% -100.00%	73,843 101,192 121,704 4,102 5,470 58,801 71,792	Var %  18.40% 0.00% NA NA NA NA
February March April May June July August	Activity (2%)  62,864 66,720 87,671 7,364 4,299 38,614 60,113 44,673	2020 Activity (2%) 73,576 76,476 50,565 85 553 9,040 37,654 37,777	2021 Activity (2%) 45,706 59,659 82,463 5,733 6,196 55,645 66,892 61,744	2022 Activity (2%) 76,624 104,748 126,092 4,195 5,901 60,810 74,492 67,110	2023 Activity (2%)  90,493 101,192	18.10% -3.39% -100.00% -100.00% -100.00% -100.00% -100.00% -100.00%	73,843 101,192 121,704 4,102 5,470 58,801 71,792 64,954	Var %  18.40% 0.00% NA NA NA NA
February March April May June July August September	Activity (2%)  62,864 66,720 87,671 7,364 4,299 38,614 60,113 44,673 42,922	2020 Activity (2%) 73,576 76,476 50,565 85 553 9,040 37,654 37,777 32,718	2021 Activity (2%) 45,706 59,659 82,463 5,733 6,196 55,645 66,892 61,744 62,772	2022 Activity (2%) 76,624 104,748 126,092 4,195 5,901 60,810 74,492 67,110 64,352	2023 Activity (2%)  90,493 101,192	18.10% -3.39% -100.00% -100.00% -100.00% -100.00% -100.00% -100.00% -100.00%	73,843 101,192 121,704 4,102 5,470 58,801 71,792 64,954 61,536	Var %  18.40% 0.00% NA NA NA NA NA
February March April May June July August September October	Activity (2%)  62,864 66,720 87,671 7,364 4,299 38,614 60,113 44,673 42,922 17,657	2020 Activity (2%) 73,576 76,476 50,565 85 553 9,040 37,654 37,777 32,718	2021 Activity (2%) 45,706 59,659 82,463 5,733 6,196 55,645 66,892 61,744 62,772 25,593	2022 Activity (2%) 76,624 104,748 126,092 4,195 5,901 60,810 74,492 67,110 64,352 27,132	2023 Activity (2%)  90,493 101,192	2022 Var % 18.10% -3.39% -100.00% -100.00% -100.00% -100.00% -100.00% -100.00% -100.00%	73,843 101,192 121,704 4,102 5,470 58,801 71,792 64,954 61,536 25,982	18.40%  18.40%  0.00%  NA  NA  NA  NA  NA  NA
February March April May June July August September October November	Activity (2%)  62,864 66,720 87,671 7,364 4,299 38,614 60,113 44,673 42,922 17,657 3,503	2020 Activity (2%) 73,576 76,476 50,565 85 553 9,040 37,654 37,777 32,718 19,674 8,215	2021 Activity (2%) 45,706 59,659 82,463 5,733 6,196 55,645 66,892 61,744 62,772 25,593 8,777	2022 Activity (2%) 76,624 104,748 126,092 4,195 5,901 60,810 74,492 67,110 64,352 27,132 8,854	2023 Activity (2%)  90,493 101,192	18.10% -3.39% -100.00% -100.00% -100.00% -100.00% -100.00% -100.00% -100.00% -100.00% -100.00% -100.00%	73,843 101,192 121,704 4,102 5,470 58,801 71,792 64,954 61,536 25,982 8,205	18.40%  18.40%  0.00%  NA  NA  NA  NA  NA  NA  NA  NA  NA  N

Town of Mountain Village Monthly Revenue and Expenditure Report February 2023

February 2023				20	023			2022	2021	2020
			Budget	Budget	Budget	Annual	Budget			
	Actu	al YTD	YTD	Variance	Variance	Budget	Balance	Actual YTD	Actual YTD	Actual YTD
General Fund				(\$)	(%)					
Revenues										
Charges for Services	\$	10,429	\$ 16,13	89 \$ (5,710	-35.38%	\$ 509,486	\$ 499,057	\$ 23,918	\$ 70,622	\$ 6,378
Contributions		2,319	21,70	60 (19,441	-89.34%	173,340	171,021	6,804	-	18,354
Fines and Forfeits		470	1,5			7,576		82,750	-	560
Interest Income		64,881	33,50		93.67%	402,000		1,410	(37,253)	
Intergovernmental		122,417	87,30		40.21%	384,557		91,460	99,099	110,496
Licenses and Permits		32,012	17,6		81.02%	507,950		22,210	69,509	21,444
Miscellaneous Revenues		23,733	8,30		183.58%	205,414		10,882	4,658	18,232
Taxes and Assessments		3,987,928	3,287,7		21.30%	13,946,146		3,557,934	2,810,749	2,922,887
Total Revenues		4,244,189	3,474,0	73 770,116	22.17%	16,136,469	11,892,280	3,797,368	3,017,384	3,171,769
Operating Expenses										
Legislation & Council		24,282	20,8	3,428	16.44%	196,792	172,510	8,661	9,417	9,568
Town Manager		64,825	72,2			593,495		48,843	34,690	40,769
Town Clerk's Office		41,657	51,4			360,529		43,984	49,612	75,998
Finance		158,322	217,6			1,302,897		315,715	273,786	285,182
Technical		46,424	70,70			570,027		57,795	51,161	45,398
Human Resources		46,039	61,2			548,915		56,526	45,147	55,995
Town Attorney Communications and Business Development		50,258 42,988	86,59 69,4			604,672 619,200		61,217 53,693	40,701 60,937	59,363 36,043
Municipal Court		42,988	4,9			39,994		4,572	4,281	4,142
Police Department		224,630	276,5			1,606,159		181,075	157,210	148,760
Community Services		4,193	13,0			74,187		8,110	7,845	8,326
Community Grants and Contributions		89,038	89,0		0.00%	151.038		64,150	48,838	72,293
Roads and Bridges		95,205	130,2			1,347,165	. ,	99,421	92,802	155,551
Vehicle Maintenance		69,713	70,0			530,635		65,274	59,502	63,852
Municipal Bus		23,937	50,99	7 (27,060	-53.06%	356,155	332,218	36,313	14,013	21,442
Employee Shuttle		-			NA	-	_	-	3,015	18,284
Parks & Recreation		96,028	99,4			677,624		82,072	81,379	77,303
Plaza Services		208,588	262,0			1,843,506		243,828	223,295	219,580
Public Refuse Removal		7,760	6,6			71,743		5,505	8,656	9,901
Building/Facility Maintenance		32,077	32,7			365,598 690,063		29,928 76,190	54,645 39,332	51,079 47,954
Building Division Housing Division Office		52,798	116,4	63,655	,	690,063	637,265	18,186	2,780	2,725
Planning and Zoning Division		92,269	96,5	38 (4,319	NA -4.47%	1,025,094	932,825	78,312	40,125	41,704
Contingency		72,207	70,5	- (4,51)	NA	95,000		70,312	40,123	-1,704
Total Operating Expenses		1,476,019	1,899,1	31 (423,112		13,670,488		1,639,370	1,403,169	1,551,212
Surplus / Deficit		2,768,170	1,574,9	1,193,228	75.76%	2,465,981	(302,189)	2,157,998	1,614,215	1,620,557
Capital Outlay		54,570	239,0	95 (184,525	) -77.18%	1,295,000	1,240,430	63,113	36,703	145
Surplus / Deficit					103.14%	1,170,981				1,620,412
•		2,713,600	1,335,8	1,377,753	103.14%	1,170,981	(1,542,619)	2,094,885	1,577,512	1,020,412
Other Sources and Uses Sale of Assets		12.005		12.005	NA		(12.005)			
Insurance Claim Proceeds		12,005		- 12,005	NA NA	-	(12,005)	-	-	-
Transfer (To) From Affordable Housing		(266,982)	(240,5	58) (26,424		(941,983	) (675,001)	(262,926)	(158,088)	(166,222)
Transfer (To) From Affordable Housing-Other		(200,762)	(240,3.	- (20,424	NA	(4,075,025			(130,000)	(100,222)
Transfer (To) From Broadband		_			NA	(225,263			-	_
Transfer (To) From Child Development		-			NA	(232,406			-	_
Transfer (To) From Capital Projects		-			NA	(1,119,046		(29,625)	-	-
Transfer (To) From Debt Service		3,201	25,0			25,000		3,353	3,391	3,906
Transfer (To) From Overhead Allocation		3,012	3,9	10 (898		735,106	732,094	124,652	112,052	111,238
Transfer (To) From Parking Services		-			NA	-	<del>-</del>	-		
Transfer (To) From Conference Center		(45,709)	(231,24			(231,246	, , , ,			
Transfer (To) From Tourism		59,084	44,2		33.62%	124,620		50,361	32,102	34,016
Transfer (To) From Vehicle/Equipment		(123,400)	(76,0	06) (47,394		(456,040	) (332,640)	-	-	(10,842)
Transfer (To) From Water/Sewer Total Other Sources and Uses		(358,789)	(474,6	31) 115,891	-24.41%	(6,396,283	) (6,037,494)	(179,151)	(48,056)	(85,127)
Surplus / Deficit	\$	2,354,811	\$ 861,10	66 \$ 1,493,644	173.44%	\$ (5,225,302	) \$ (7,580,113)	\$ 1,915,734	\$ 1,529,456	\$ 1,535,285

		20	23			2022	2021	2020
	Budget	Budget	Budget	Annual	Budget			
Actual YTD	YTD	Variance	Variance	Budget	Balance	Actual YTD	Actual YTD	Actual YTD
		(\$)	(%)					

#### **General Fund**

Beginning Fund Balance Components	A	Actual YTD	Annual Bud		
Emergency Reserve	\$	4,784,671	\$ 4,784,6		
Unreserved		14,257,330	10,964,70		
Beginning Fund Balance	\$	19,042,001	\$ 15,749,3		
YTD Ending Fund Balance Components					
Emergency Reserve	\$	4,784,671	\$ 4,784,6		
Unreserved		16,612,141	5,739,39		
Ending Fund Balance	\$	21,396,812	\$ 10,524,0		

#### Revenues

Taxes & Assessments - 34% of the annual budget for property taxes has been collected. Specific Ownership taxes are over budget \$712 and are \$2,200 less than prior year. Sales tax is \$259,000 or 12% over budget. Construction use tax collections are \$7,272 over budget and \$2,400 over last years collections.

Licenses & Permits - Construction permits are over budget by \$5,351. Other permit revenue is over budget by \$4,869. Construction parking fees through this period are \$4,100 over budget.

Intergovernmental - Intergovernmental revenues are over budget in Road & Bridge taxes by \$34,600 due to the timing of receipts.

Charges for Services - Development DRB and planning fees are under budget by \$7,0262 at year's end and \$13,000 under last year.

Fines & Forfeitures - Fines are under budget by \$1,000.

Investment Income - Investment income is increasing due to increasing interest rates, and is over budget by \$31,400.

Miscellaneous Revenues - Plaza and vending carts rents are over budget \$5,200. Prospect Plaza commercial rents are over budget.

Contributions - TMVOA environmental services contributions have been received.

#### **Top Ten Budget Variances**

#### Over Budget

Legislation & Council - \$3,428 Over budget due to other benefits due to timing.

Refuse Removal - \$1,150 Supplies and removal costs are over budget.

#### **Under Budget**

Building Division - \$63,655 Under budget due to solar and environmental incentives and energy mitigation expense.

Finance - \$59,392 Under budget due to the timing of expenditures of accounting software support fees, personnel costs, and bank fees.

Plaza Services - \$53,511 Under budget in personnel costs.

Police Department - \$51,963 Under budget in personnel expense.

Town Attorney - \$36,339 Under budget in litigation legal expenses.

Road & Bridge - \$35,034 Under budget in personnel costs.

Municipal Bus Service - \$27,060 Employee wages and benefits are under budget.

Communications and Business Development - \$26,477 Under budget mainly due to employee expenses and environmental efficiencies.

Town of Mountain Village Monthly Revenue and Expenditure Report February 2023

1 651 441 y 2025			20	)23			2022	2021	2020
	Actual	Budget	Budget	Budget	Annual	Budget	Actual	Actual	Actual
	YTD	YTD	Variance	Variance	Budget	Balance	YTD	YTD	YTD
	-		(\$)	(%)					
Tourism Fund			( )	,					
Revenues									
Business License Fees	\$ 355,223	\$ 286,586	\$ 68,637	23.95%	\$ 362,500	\$ 7,277	\$ 296,490	\$ 296,995	\$ 291,473
Lodging Taxes - Condos/Homes	993,278	727,977	265,301	36.44%	2,365,402	1,372,124	863,686	443,122	385,024
Lodging Taxes - Hotels	189,821	294,515	(104,694)	-35.55%	1,094,326	904,505	329,565	186,531	275,249
Lodging Taxes - Prior Year	11,431	-	11,431	NA	-	(11,431)	2,660	560	3,546
Penalties and Interest	9,991	3,076	6,915	224.80%	20,000	10,009	5,025	2,722	3,551
Restaurant Taxes	191,685	174,893	16,792	9.60%	683,729	492,044	181,372	105,364	149,968
Restaurant Taxes - Prior Year	2,728	-	2,728	NA	-	(2,728)	-	-	985
<b>Total Revenues</b>	1,754,157	1,487,047	267,110	17.96%	4,525,957	2,771,800	1,678,797	1,035,294	1,109,796
Tourism Funding									
Additional Funding	-	-	-	NA	-	-	-	-	-
General Operating Expense	29,153	55,894	-	0.00%	356,864	327,711	-	-	-
Airline Guaranty Funding	775,844	672,416	103,428	15.38%	2,365,321	1,589,477	763,741	412,061	473,205
Marketing Funding	80,558	-	80,558	NA	1,500,000	1,419,442	-	-	-
MTI Funding	-	-	-	NA	-	-	-	591,131	602,575
Total Tourism Funding	885,555	728,310	183,986	25.26%	4,222,185	3,336,630	763,741	1,003,192	1,075,780
Surplus / Deficit	868,602	758,737	83,124	10.96%	303,772	(564,830)	915,057	32,102	34,016
Administrative Fees									
Audit Fees		-	-	NA	2,500	2,500	-	-	-
<b>Total Administrative Fees</b>	-	-	-	NA	2,500	2,500	-	-	-
Surplus / Deficit	868,602	301,272	83,124	27.59%	301,272	(567,330)	915,057	32,102	34,016
Other Sources and Uses									
Transfer (To) From Other Funds	(59,084)	(44,219)	(14,864)	33.62%	(124,620)	(65,536)	(50,361)	(32,102)	(34,016)
<b>Total Other Sources and Uses</b>	(59,084)	(44,219)	(14,864)	33.62%	(124,620)	(65,536)	(50,361)	(32,102)	(34,016)
Surplus / Deficit	809,518	257,053	-		176,652	(632,865)	864,696	-	-
Beginning Fund Balance	879,230	879,230			879,230		-	-	-
<b>Ending Fund Balance</b>	\$ 1,688,748	\$ 1,136,283			\$ 1,055,882		\$ 864,696	\$ -	\$ -

10514417 2020				202	23			2022	2021	2020
				Budget	Budget	Annual	Budget			
	Ac	tual YTD	<b>Budget YTD</b>	Variance	Variance	Budget	Balance	<b>Actual YTD</b>	<b>Actual YTD</b>	<b>Actual YTD</b>
				(\$)	(%)					
Parking Services Fund										
Revenues										
EV Station Revenues		612	-	612	NA	1,500	888	-	-	-
Fines and Forfeits		12,210	9,811	2,399	24.45%	45,000	32,790	12,195	8,530	9,595
Gondola Parking Garage		26,075	101,185	(75,110)	-74.23%	360,000	333,925	41,200	15,349	32,161
Grant Revenues		-	-	-	NA	-	-	-	-	-
Heritage Parking Garage		69,431	66,361	3,070	4.63%	230,000	160,569	74,556	74,177	57,853
Parking in Lieu Buyouts		-	-	-	NA	-		62,500	-	-
Parking Meter Revenues		6,130	7,812	(1,682)	-21.53%	30,000	23,870	10,020	6,042	6,402
Parking Permits		15,300	2,322	12,978	558.91%	12,000	(3,300)	3,320	2,720	3,680
Special Event Parking		-	-	-	NA	140,000	140,000	-	-	-
Total Revenues		129,758	187,491	(57,733)	-30.79%	818,500	688,742	203,791	106,818	109,691
Operating Expenses										
Other Operating Expenses		25,404	18,719	6,685	35.71%	57,000	31,596	1,481	1,658	894
Personnel Expenses		14,499	27,569	(13,070)	-47.41%	190,076	175,577	14,171	22,588	20,537
Gondola Parking Garage		4,465	10,515	(6,050)	-57.54%	74,234	69,769	7,213	5,955	7,502
Surface Lots		15,521	15,589	(68)	-0.44%	110,900	95,379	462	11,182	5,811
Heritage Parking Garage		32,151	39,759	(7,608)	-19.14%	124,130	91,979	21,164	24,738	15,738
Meadows Parking		-	-	-	NA	1,000	1,000	-	-	-
<b>Total Operating Expenses</b>		92,040	112,151	(20,111)	-17.93%	557,340	465,300	44,491	66,121	50,482
Surplus / Deficit		37,718	261,160	(37,622)	-14.41%	261,160	223,442	159,300	40,697	59,209
Capital										
Capital		-	-	- 1	NA	304,600	304,600	4,318	-	5,415
Surplus / Deficit		37,718	261,160	(37,622)	-14.41%	(43,440)	(81,158)	154,982	40,697	53,794
Other Sources and Uses										
Sale of Assets		-	-	-	NA	-	-	-	-	-
Insurance Proceeds		-	-	-	NA	-	-	-	-	-
Overhead Allocation		-	-	-	NA	(60,496)	(60,496)	(7,904)	(6,415)	(6,724)
Transfer (To) From General Fund		-	-	-	NA	-	-	-	-	
<b>Total Other Sources and Uses</b>		-	(60,496)	-	0.00%	(60,496)	(60,496)	(7,904)	(6,415)	(6,724)
Surplus / Deficit	\$	37,718	\$ 200,664	\$ -	0.00%	\$ (103,936) \$	(141,654)	\$ 147,078	\$ 34,282	\$ 47,070
Beginning Fund Balance	\$	521,492	\$ 451,037	\$ 70,455						
Ending Fund Balance	\$	559,210	\$ 651,701	\$ (92,491)						
Zaming a und Dummee	Ψ	557,210	\$ 051,701	ψ ( <i>)</i> 2, <i>()</i> 1)						

Parking revenues are under budget \$57,700. HPG revenues are over budget 4.6% and under prior year 6.9%. Parking meter (surface lots) revenues are under budget 21.5% and under prior year 38.8%. GPG is under budget 74.2% and under prior year by 36.7%, mainly due to the timing of bulk valet ticket purchases. Parking fines are over budget and are in line with prior year. General expenses are under budget in personnel costs but over in consulting fees and signage. GPG is under budget due to utilities. Surface lots are over budget in lot leases due mainly to timing of expenditures. HPG has budget savings in credit card processing fees and maintenance.

Town of Mountain Village Monthly Revenue and Expenditure Report

February 2023

rebruary 2023			202	23			2022	2021	2020
		Budget	Budget	Budget	Annual	Budget	<u>-</u>		2020
	<b>Actual YTD</b>	YTD	Variance	Variance	Budget	Balance	<b>Actual YTD</b>	<b>Actual YTD</b>	<b>Actual YTD</b>
			(\$)	(%)					
Gondola Fund			,	, ,					
Revenues									
Capital/MR&R Grant Funding	\$ - 5	-	\$ -	NA	\$ 64,000	\$ 64,000	\$ 5,810	\$ -	\$ -
Event Operations Funding	2,330	-	2,330	NA	-	(2,330)	5,128	-	6,831
Event Operations Funding - TOT	-	-	-	NA	36,000	36,000	-	-	-
Miscellaneous Revenues	-	-	-	NA	-	-	-	-	-
Operations Grant Funding	-	-	-	NA	133,000	133,000	-	-	-
TSG 1% Lift Sales	47,274	118,875	(71,601)	-60.23%	244,899	197,625	118,615	97,865	102,190
Van Rider Revenues	900	618	282	45.63%	4,300	3,400	627	-	-
Insurance Proceeds	-	-	-	NA	-	-	-	-	-
Sale of Assets	-	-	-	NA	-	-	-	-	-
TMVOA Operating Contributions	599,494	780,790	(181,296)	-23.22%	4,883,987	4,284,493	672,353	650,488	603,028
TMVOA Capital/MR&R Contributions	-	135,302	(135,302)	-100.00%	453,007	453,007	63,151	69,271	787
<b>Total Revenues</b>	649,998	1,035,585	(385,587)	-37.23%	5,819,193	5,169,195	865,684	817,624	712,836
<b>Operating Expenses</b>									
Overhead Allocation Transfer	3,012	9,167	(6,155)	-67.14%	55,000	51,988	6,012	4,854	4,569
MAARS	6,472	11,439	(4,967)	-43.42%	79,417	72,945	8,862	7,994	9,350
Chondola	24,200	76,190	(51,990)	-68.24%	272,624	248,424	47,501	44,128	51,471
Grant Success Fees	-	-	-	NA	-	-	-	-	-
Operations	316,446	419,407	(102,961)	-24.55%	2,651,006	2,334,560	382,900	322,258	312,832
Maintenance	245,074	247,220	(2,146)	-0.87%	1,618,239	1,373,165	224,039	241,862	244,905
FGOA	54,794	136,860	(82,066)	-59.96%	505,900	451,106	127,409	127,257	88,922
Major Repairs and Replacements	-	135,302	(135,302)	-100.00%	380,000	380,000	68,961	69,271	787
Contingency	-	-	-	NA	120,000	120,000	-	-	-
<b>Total Operating Expenses</b>	649,998	1,035,585	(385,587)	-37.23%	5,682,186	5,032,188	865,684	817,624	712,836
Surplus / Deficit	-	-	-	NA	137,007	137,007	-	-	-
Capital									
Capital Outlay	-	-	-	NA	137,007	137,007	-	-	-
Surplus / Deficit	\$ - 5	5 -	\$ -	NA S	\$ -	\$ -	\$ -	\$ -	\$ -

The gondola fund expenditures are \$385,600 under budget. All departments are under budget in employee costs. FGOA costs are under budget mainly in utilities and insurance which has not been allocated yet. There have been no Capital or MR&R projects to date.

 $Town\ of\ Mountain\ Village\ Monthly\ Revenue\ and\ Expenditure\ Report$ 

February 2023
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February 2023			202	23			2022	2021	2020
	Actual	Budget	Budget	Budget	Annual	Budget	Actual	Actual	Actual
	YTD	YTD	Variance	Variance	Budget	Balance	YTD	YTD	YTD
			(\$)	(%)	<del>-</del>				
Child Development Fund									
Revenues									
Infant Care Fees	\$ 9,528		(3,170)	-24.96%	\$ 82,104		\$ 8,188	\$ 9,488	
Toddler Care Fees	22,860	19,723	3,137	15.91%	127,045	104,185	16,962	17,753	35,244
Preschool Fees	17,088	30,092	(13,004)	-43.21%	154,820	137,732	23,988	24,275	33,134
Fundraising Revenues - Infant	20	-	20	NA	3,550	3,530	-	-	-
Fundraising Revenues - Preschool	20	-	20	NA	5,000	4,980	-	-	-
Fundraising Revenues - Toddler	20	-	20	NA	8,450	8,430	-	-	-
Grant Revenues - Infant	5,000	6,316	(1,316)	-20.84%	15,000	10,000	15,000	22,500	20,900
Grant Revenues - Preschool	7,500	10,397	(2,897)	-27.86%	20,600	13,100	20,000	10,000	15,800
Grant Revenues - Toddler	7,500	15,398	(7,898)	-51.29%	21,600	14,100	35,000	26,575	21,654
COEC Funds - Infant	-	-	-	NA	15,000	15,000	-	-	-
COEC Funds - Toddler	-	-	-	NA	15,000	15,000	-	-	-
Other Grant Funding		-	-	NA	-	-	-	-	
Total Revenues	69,536	94,624	(25,088)	-26.51%	468,169	398,633	119,138	110,591	142,528
Operating Expenses									
Toddler Care Other Expense	7,944	6,572	1,372	20.88%	43,322	35,378	7,973	6,954	9,122
Toddler Care Personnel Expense	25,786	34,983	(9,197)	-26.29%	222,706	196,920	28,006	27,313	40,629
Infant Care Other Expense	4,839	3,108	1,731	55.69%	20,958	16,119	3,442	3,107	3,040
Infant Care Personnel Expense	22,267	20,622	1,645	7.98%	171,175	148,908	15,786	16,390	17,695
Preschool Other Expense	4,992	6,333	(1,341)	-21.17%	41,980	36,988	7,514	7,019	5,416
Preschool Personnel Expense	24,923	26,715	(1,792)	-6.71%	200,434	175,511	22,186	15,247	22,647
<b>Total Operating Expenses</b>	90,751	98,333	(7,582)	-7.71%	700,575	609,824	84,907	76,030	98,549
Surplus / Deficit	(21,215)	(3,709)	(17,506)	471.99%	(232,406)	(211,191)	34,231	34,561	43,979
Capital									
Capital Outlay		-	-	NA	-	-	-	-	
Total Capital	-	=	=	NA	=	=	=	=	=
Surplus / Deficit	(21,215)	(3,709)	(17,506)	471.99%	(232,406)		34,231	34,561	43,979
Other Sources and Uses									
Contributions	-	-	-	NA	-	-	-	-	-
Transfer (To) From General Fund	21,215	3,709	(17,506)	-471.99%	232,406	211,191	-	-	-
<b>Total Other Sources and Uses</b>	21,215	3,709	(17,506)	-471.99%	232,406	211,191	-	-	-
Surplus / Deficit	\$ -	\$ -	\$ -	NA	\$ -	\$ 211,191	\$ 34,231	\$ 34,561	\$ 43,979

Child Development revenues are \$25,000 under budget. This is due to both child care fees and grant revenues . Operating expenses are \$7,600 under budget. The program has required funding of \$0 from the General Fund in 2023.

Town of Mountain Village Monthly Revenue and Expenditure Report February 2023

				202	23			2022	2021	2020
				Budget	Budget	Annual	Budget		<u> </u>	
	Actual Y	TD	<b>Budget YTD</b>	Variance	Variance	Budget	Balance	<b>Actual YTD</b>	<b>Actual YTD</b>	<b>Actual YTD</b>
				(\$)	(%)					
Water & Sewer Fund										
Revenues										
Mountain Village Water and Sewer	\$ 69	4,551	\$ 639,831	\$ 54,720	8.55% \$	3,738,251 \$	3,043,700	\$ 626,121	\$ 512,745	\$ 472,743
Other Revenues		928	656	272	41.46%	8,650	7,722	850	1,305	948
Ski Ranches Water	6	2,300	62,759	(459)	-0.73%	378,811	316,511	56,542	45,521	43,861
Skyfield Water		5,444	5,289	155	2.93%	41,217	35,773	4,504	3,925	3,527
Total Revenues	76	3,223	708,535	54,688	7.72%	4,166,929	3,403,706	688,017	563,496	521,079
Operating Expenses										
Mountain Village Sewer	11	6,192	104,223	11,969	11.48%	730,687	614,495	103,848	98,526	75,267
Mountain Village Water	13	1,074	172,313	(41,239)	-23.93%	1,194,300	1,063,226	161,535	142,186	157,522
Ski Ranches Water		780	18,068	(17,288)	-95.68%	48,166	47,386	16,368	4,729	943
Contingency		-	-	-	NA	35,000	35,000	-	-	-
<b>Total Operating Expenses</b>	24	8,046	294,604	(46,558)	-15.80%	2,008,153	1,760,107	281,751	245,441	233,732
Surplus / Deficit	51	5,177	413,931	101,246	24.46%	2,158,776	1,643,599	406,266	318,055	287,347
Capital										
Capital Outlay	3	9,232	251,939	(212,707)	-84.43%	4,953,318	4,914,086	27,131	12,070	40,213
Surplus / Deficit	47	5,945	161,992	313,953	193.81%	(2,794,542)	(3,270,487)	379,135	305,985	247,134
Other Sources and Uses										
Overhead Allocation Transfer		-	-	-	NA	(217,971)	(217,971)	(41,506)	(37,461)	(34,902)
Mountain Village Tap Fees		-	-	-	NA	245,000	245,000	-	38,908	-
Grants		-	-	-	NA	375,000	375,000	-	-	-
Ski Ranches Tap Fees		-	-	-	NA	5,000	5,000	-	-	-
Skyfield Tap Fees		-	-	-	NA	2,000	2,000	-	-	-
Sale of Assets		-	-	-	NA	-	-	-	-	-
Transfer (To) From General Fund	-	-	-	-	NA	-	-	-	-	_
<b>Total Other Sources and Uses</b>		-	-	-	NA	409,029	409,029	(41,506)	1,447	(34,902)
Surplus / Deficit	\$ 47	5,945	\$ 161,992	\$ 313,953	193.81% \$	(2,385,513) \$	(2,861,458)	\$ 337,629	\$ 307,432	\$ 212,232

Mountain Village water revenues are over budget in base water/sewer fees, excess usage and snowmaking fees. Ski Ranch water is just under budget due to excess water fees and Skyfield water fees are just over budget. Other revenues are over budget in maintenance and late payment fees. Sewer expenditures are over budget due to accrued expenses for TOT costs. Mountain Village water expenses are under budget in personnel expenses, tank maintenance, and electricity. Ski Ranch operations are under budget because of repairs, and employee costs. Capital costs are for Ski Ranches and the new SCADA equipment.

Town of Mountain Village Monthly Revenue and Expenditure Report February 2023

1 cordary 2025				2	023			2022	2021	2020
			Budget	Budget	Budget	Annual	Budget	•	•	
	Act	tual YTD	YTD	Variance	Variance	Budget	Balance	Actual YTD	Actual YTD	<b>Actual YTD</b>
				(\$)	(%)					
<b>Broadband Fund</b>										
Revenues										
Cable TV User Fees	\$	95,018 \$	104,722	\$ (9,704)	9.27% \$	596,717	\$ 501,699	\$ 101,710	\$ 161,885	\$ 177,377
Internet User Fees		251,493	249,020	2,473	0.99%	1,514,005	1,262,512	238,975	215,290	192,592
Other Revenues		2,450	3,905	(1,455	-37.26%	24,161	21,367	4,154	4,923	10,567
Phone Service Fees		2,794	2,039	755	37.03%	11,071	8,621	3,355	4,958	6,559
Total Revenues		351,755	359,686	(7,931	-2.20%	2,145,954	1,794,199	348,194	387,056	387,095
Operating Expenses										
Cable TV Direct Costs		69,161	69,830	(669	-0.96%	415,923	346,762	68,266	140,335	149,871
Phone Service Costs		1,505	1,379	126	9.15%	7,971	6,466	2,538	2,919	3,500
Internet Direct Costs		47,450	42,546	4,904	11.53%	272,521	225,071	41,164	25,150	54,616
Broadband Operations		56,818	203,697	(146,879	-72.11%	1,242,361	1,185,543	116,253	103,419	135,598
<b>Total Operating Expenses</b>		174,934	317,452	(142,518	-44.89%	1,938,776	1,763,842	228,221	271,823	343,585
Surplus / Deficit		176,821	42,234	134,587	318.67%	207,178	30,357	119,973	115,233	43,510
Capital										
Capital Outlay		4,209	8,586	(4,377	-50.98%	222,000	217,791	6,038	13,786	233,748
Surplus / Deficit		172,612	33,648	138,964	412.99%	(14,822)	(187,434)	113,935	101,447	(190,238)
Other Sources and Uses			-							
Sale of Assets		-	-	-	NA	-	-	-	-	-
Transfer from General Fund		-	-	-	NA	225,263	225,263	-	-	-
Transfer (To) From General Fund		-	-	-	NA	-	-	-	-	-
Overhead Allocation Transfer			-	-	1 12 1	(210,441)	(210,441)	(33,629)	(34,229)	(35,450)
<b>Total Other Sources and Uses</b>			-	-	NA	14,822	14,822	(33,629)	(34,229)	(35,450)
Surplus / Deficit	\$	172,612 \$	33,648	\$ 138,964	412.99% \$	-	\$ (172,612)	\$ 80,306	\$ 67,218	\$ (225,688)

Video revenues and revenues are under budget in residential user fees. Internet revenues are over budget. Phone service fees are slightly over budget and other revenues are slightly under budget in late payment fees, and equipment rental. Broadband operating expenses are under budget in personnel costs due to vacancies and tech support. Capital expenses are for the fiber project.

Town of Mountain Village Monthly Revenue and Expenditure Report February 2023

1 051 441 y 2020			20	)23			2022	2021	2020
	Actual	Budget	Budget	Budget	Annual	Budget			
	YTD	YTD	Variance	Variance	Budget	Balance	<b>Actual YTD</b>	<b>Actual YTD</b>	<b>Actual YTD</b>
			(\$)	(%)	S				
<b>Telluride Conference Center Fund</b>			. ,	` '					
Revenues									
Beverage Revenues	\$ -	\$ -	\$ -	NA	\$ -	\$ -	\$ -	\$ -	\$ -
Catering Revenues	-	-	-	NA	_	-	-	-	-
Facility Rental	-	-	-	NA	-	-	-	-	-
Operating/Other Revenues	-	-	-	NA	-	-	-	-	-
Total Revenues	-	-	-	NA	-	-	-	-	-
<b>Operating Expenses</b>									
General Operations	-	-	-	NA	-	-	-	-	-
Administration	41,256	42,000	(744)	-1.77%	111,246	69,990	39,966	37,513	32,223
Marketing	-	-	-	NA	100,000	100,000	25,000	-	25,000
Contingency		-	-	NA	-	-	-	-	-
<b>Total Operating Expenses</b>	41,256	42,000	(744)	-1.77%	211,246	169,990	64,966	37,513	57,223
Surplus / Deficit	(41,256)	(42,000)	744	-1.77%	(211,246)	(169,990)	(64,966)	(37,513)	(57,223)
Capital Outlay/ Major R&R	4,453	20,000	(15,547)	-77.74%	20,000	15,547	-	-	-
Surplus / Deficit	(45,709)	(62,000)	16,291	-26.28%	(231,246)	(185,537)	(64,966)	(37,513)	(57,223)
Other Sources and Uses									
Damage Receipts	-	-	-	NA	-	-	-	-	-
Insurance Proceeds	-	-	-	NA	-	-	-	-	-
Sale of Assets	-	-	-	NA	-	-	-	-	-
Transfer (To) From General Fund	45,709	231,246	(185,537)	-80.23%	231,246	185,537	64,966	37,513	57,223
Overhead Allocation Transfer	-	-		NA			-	_	-
<b>Total Other Sources and Uses</b>	45,709	231,246	(185,537)	-80.23%	231,246	185,537	64,966	37,513	57,223
Surplus / Deficit	\$ -	\$ 169,246	\$ (169,246)	-100.00%	\$ -	\$ -	\$ -	\$ -	\$ -

Expenses for the year are HOA dues.

Town of Mountain Village Monthly Revenue and Expenditure Report February 2023

1001umiy 2020		2023					2022 2021		2020	
	Actual	Budget	Budget	Budget	Annual	Budget			2020	
	YTD	YTD	Variance	Variance	Budget	Balance	<b>Actual YTD</b>	<b>Actual YTD</b>	<b>Actual YTD</b>	
			(\$)	(%)						
Affordable Housing Development Fund										
Revenues										
Contributions	\$ - \$	-	\$ -	NA \$	-	\$ -	\$ -	\$ -	\$ -	
Grant Proceeds	=	-	-	NA	-	-	-	-	-	
Rental Income	7,800	9,740	(1,940)	-19.92%	46,800	39,000	9,380	5,862	5,742	
Housing Application Fees	600	580	20	3.45%	2,300	1,700	1,920	-	-	
Housing Mitigation Fees	-	-	-	NA	250,000	250,000	-	-	-	
Sales Proceeds	<u> </u>	-	-	NA	-	-	-	-	-	
Total Revenues	8,400	10,320	(1,920)	-18.60%	299,100	290,700	11,300	5,862	5,742	
Operating Expenses										
Leased Properties	=	-	-	NA	-	-	3,780	3,780	3,600	
Operating Expenses	12,062	19,942	(7,880)	-39.51%	120,654	108,592	-	-	-	
Norwood Property	-	-	-	NA	35,000	35,000	150	-	-	
Lot 644	495,226	670,072	(174,846)	-26.09%	4,020,429	3,525,203	98	-	-	
Prospect Unit	47,351	34,809	12,542	36.03%	49,472	2,121	7,362	8,973	6,406	
Future Housing/Density Bank	71,325	75,000	(3,675)	-4.90%	8,025,000	7,953,675	18,735	16,865	16,475	
RHA Funding	=	-	-	NA	-	-	-	46,625	46,625	
Debt Principal	=	-	-	NA	500,000	500,000	-	-	-	
Purchase/Resale Units		-	-	NA	-	-	-	-	-	
<b>Total Operating Expenses</b>	625,964	799,823	(173,859)	-21.74%	12,750,555	12,124,591	30,125	76,243	73,106	
Surplus / Deficit	(617,564)	(789,503)	(171,939)	21.78%	(12,451,455)	(11,833,891)	(18,825)	(70,381)	(67,364)	
Other Sources and Uses										
Transfer (To) From MAP	-	-	-	NA	-	-	-	-	-	
Loan Proceeds	-	-	-	NA	7,500,000	7,500,000	-	-	-	
Gain or Loss on Sale of Assets	-	-	-	NA	-	-	-	(15,534)	-	
Transfer (To) From General Fund - Sales Tax	266,982	240,558	26,424	10.98%	941,983	675,001	262,926	158,088	166,222	
Transfer (To) From VCA	· <u>-</u>	-	· -	NA	-	-	-	· -	-	
Transfer (To) From General Fund (Other)			-	NA	4,075,025	4,075,025	-	-		
<b>Total Other Sources and Uses</b>	266,982	240,558	26,424	10.98%	12,517,008	12,250,026	262,926	142,554	166,222	
Surplus / Deficit	\$ (350,582) \$	(548,945)	\$ (198,363)	36.14% \$	65,553	\$ 416,135	\$ 244,101	\$ 72,173	\$ 98,858	

Expenses consist of HOA dues, Lot 644 expenses, general operating costs, Norwood property expenses, and maintenance and utilities on town owned properties.

Town of Mountain Village Monthly Revenue and Expenditure Report

February 2023
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rebruary 2025			2023	3			2022	2021	2020
	Actual	Budget	Budget	Budget	Annual	Budget			
Village Court Apartments	YTD	YTD	Var (\$)	Var (%)	Budget	Balance	Actual	Actual	Actual
Operating Revenues				. ,			L.	L.	
Rental Income	\$ 386,012 \$	383,320 \$	2,692	0.70% \$	2,342,208 \$	1,956,196	\$ 373,221	\$ 280,582	\$ 383,219
Other Operating Income	13,011	13,530	(519)	-3.84%	118,060	105,049	16,198	19,504	32,467
Total Operating Revenue	399,023	396,850	2,173	0.55%	2,460,268	2,061,245	389,419	300,086	415,685
Operating Expenses									
Office Operations	25,278	41,495	(16,217)	-39.08%	285,649	260,371	22,127	26,052	28,164
General and Administrative	43,897	47,594	(3,697)	-7.77%	154,320	110,423	45,333	112,567	120,684
Utilities	82,083	57,192	24,891	43.52%	338,529	256,446	53,445	68,507	78,924
Repair and Maintenance	49,239	114,030	(64,791)	-56.82%	671,992	622,753	65,064	72,808	103,819
Major Repairs and Replacement	25,551	49,835	(24,284)	-48.73%	336,500	310,949	8,511	14,424	37,725
Contingency	-	-	-	NA	14,500	14,500	-	-	-
Total Operating Expenses	226,048	310,146	(84,098)	-27.12%	1,801,490	1,575,442	194,479	294,357	369,316
Surplus / (Deficit) After Operations	172,975	86,704	86,271	100%	658,778	485,803	194,940	5,728	46,369
Non-Operating (Income) / Expense									
Investment Earning	-	-	-	NA	(50)	(50)	-	(5)	(810)
Debt Service, Interest	-	-	-	NA	345,198	345,198	-	-	92,363
Debt Service, Fees (Cost of Issuance)	-	-	-	NA	135,000	135,000	-	-	-
Debt Service, Principal	-	-	-	NA	443,079	443,079	-	-	-
Total Non-Operating (Income) / Expense	-	-	-	NA	923,227	923,227	-	(5)	91,553
Surplus / (Deficit) Before Capital	172,975	86,704	(437,424)	-504.50%	(264,449)	(437,424)	194,940	5,733	(45,184)
Capital Spending	346,831	350,000	3,169	0.91%	15,321,000	14,974,169	25,943	-	-
Surplus / (Deficit)	(173,856)	(263,296)	89,440	-33.97%	(15,585,449)	(15,411,593)	168,997	5,733	(45,184)
Other Sources / (Uses)									
Transfer (To)/From General Fund	-	-	-	NA	(191,198)	(191,198)	(35,601)	(29,093)	(29,593)
New Loan Proceeds	-	-	-	NA	10,000,000	10,000,000	-	-	-
Sale of Assets	-	-	-	NA	-	-	-	-	-
Grant Revenues	-	-	-	NA	10,000,000	10,000,000	-	-	-
Transfer From AHDF	-	-	-	NA	-	-	-	-	-
Total Other Sources / (Uses)	-	-	-	NA	19,808,802	19,808,802	(35,601)	(29,093)	(29,593)
Surplus / (Deficit)	(173,856)	(263,296)	89,440	-33.97%	4,223,353	4,397,209	133,396	(23,360)	(74,777)

Rent revenues are under budget due to the timing of receipts from Fair Energy for electric services. Rent revenues exceed 2022 revenues by 3.43% due to increased rents being phased in as leases are renewed. Other revenues are under budget 3.8% due mainly to laundry revenues and late payment fees. Office operations are under budget 33.3% primarily due to employee costs which will even out as the year progresses. General and administrative is under budget mainly in legal expenses. Utilities are over budget in water/sewer charges. Maintenance is under budget 54.4% primarily due to employee costs which will even out as the year progresses. MR&R expenses include carpet replacement, fiber installs, and appliances. Capital expenditures consist of soft costs related to Phase IV.

Town of Mountain Village Monthly Revenue and Expenditure Report

February	2023	
February	2023	

·				20:	2023				2021	2020
	A	ctual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
Debt Service Fund				(-)	,					_
Revenues										
Abatements	\$	-	\$ -	\$ -	NA \$	-	\$ -	\$ -	\$ -	\$ -
Contributions		-	-	-	NA	200,400	200,400	-	-	-
Miscellaneous Revenue		-	-	-	NA	-	-	-	-	-
Property Taxes		168,261	122,967	45,294	36.83%	477,174	308,913	123,398	140,473	182,184
Reserve/Capital/Liquidity Interest		34	277	(244)	-87.91%	2,001	1,968	66	66	769
Specific Ownership Taxes		3,201	3,910	(709)	-18.13%	25,000	21,799	3,353	3,391	3,906
Total Revenues		171,496	127,154	44,342	34.87%	704,575	533,080	126,817	143,930	186,859
Debt Service										
2001/2011 Bonds - Gondola - Paid by contributions	from TM	VOA and T	SG							
2001/2011 Bond Issue - Interest		-	-	-	NA	65,400	65,400	-	-	-
2001/2011 Bond Issue - Principal		-	-	-	NA	135,000	135,000	-	-	-
2006/2014/2020 Bonds - Heritage Parking										
2020 Bond Issue - Interest		-	-	-	NA	86,480	86,480	-	-	-
2020 Bond Issue - Principal		-	-	-	NA	375,000	375,000	-	-	<u>-</u>
Total Debt Service		-	-	-	NA	661,880	661,880	-	-	-
Surplus / (Deficit)		171,496	127,154	44,342	34.87%	42,695	(128,801)	126,817	143,930	186,859
Operating Expenses										
Administrative Fees		4,733	750	3,983	531.07%	3,182	(1,551)	381	495	289
County Treasurer Collection Fees		5,049	2,791	2,258	80.88%	14,513	9,464	3,702	4,214	5,466
<b>Total Operating Expenses</b>		9,782	3,541	6,241	176.23%	17,695	7,913	4,083	4,709	5,755
Surplus / (Deficit)		161,714	123,613	38,101	30.82%	25,000	(136,714)	122,734	139,221	181,104
Other Sources and Uses										
Transfer (To) From General Fund		(3,201)	(25,000)	21,799	-87.20%	(25,000)	(21,799)	(3,353)	(3,391)	(3,906)
Transfer (To) From Other Funds		-	-	-	NA	-	-	-	-	- -
Payment to Refunding Bonds Escrow		-	-	-	NA	-	-	-	-	-
Proceeds From Bond Issuance		-	-	-	NA	-	-	-	-	-
<b>Total Other Sources and Uses</b>		(3,201)	(25,000)	21,799	-87.20%	(25,000)	(21,799)	(3,353)	(3,391)	(3,906)
Surplus / (Deficit)	\$	158,513	\$ 98,613	\$ 59,900	\$	-	\$ (158,513)	\$ 119,381	\$ 135,830	\$ 177,198



# PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

455 Mountain Village Blvd. Mountain Village, CO 81435 (970) 369-8250

Item No. 10

**TO:** Town Council

**FROM:** Amy Ward, Community Development Director

**FOR:** Meeting of March 16, 2023

**DATE:** March 8, 2023

**RE:** First Reading, Setting of a Public Hearing and Council Vote on an Ordinance

Adopting Community Development Code Amendments at CDC Section 17.7.12.7.h International Energy Conservation Code and CDC Section

17.5.12.11.a. Lighting Regulations

#### **BACKGROUND**

Staff is bringing two time-sensitive CDC amendments before Town Council for legislative consideration.

#### **DRB RECOMMENDATION**

On March 2, 2023 DRB voted **unanimously** to recommend approval to Town Council of the proposed CDC amendment, but recommends changing the remodel value noted in 17.5.12.11.a from \$50,000 to \$500,000

#### **ATTACHMENT**

- A. Proposed Redline CDC Amendment
- B. Ordinance

#### **International Energy Conservation Code Amendment**

Item #1. The Town is actively pursuing building deed restricted housing. Most state and federal funding opportunities require new construction to be fully electric (commonly referred to as electrification) as part of the overall energy efficiencies requirements with new construction. Both town projects are electric only projects and we are pursuing grant and loan funding opportunities.

The International Energy Conservation Code, as adopted by the Mountain Village does not allow for electric resistance heating to be used as a buildings primary heat source. Staff recommends striking this section which would then allow for a building to be only electric heated if desired. We have many existing examples of this, such as the other 14 buildings at Village Court Apartments. This would be applicable to not only the forthcoming Town projects, but also to any private development (ie. single-family homes) in the future that are pursuing electrification as a means to sustainability.

#### Recommended edit:

h. *Prohibition on Electric Heating*. Electric resistance heating shall not be used as the buildings primary heating source.

#### **Lighting Regulations Amendment**

Item #2. When the lighting regulations were amended in 2020 we added a provision that required that any redevelopment or remodel valued at \$50,000 or greater shall retrofit all existing exterior lighting to comply with the lighting regulations. This requirement has created conflicts with most roofing projects. Roofs are required to be repaired in the Mountain Village, as they fall into a life/safety category. We also have a cedar shake fire mitigation replacement program that helps encourage owners to replace cedar shakes, coupled with insurance challenges for those that are required to replace roofs in order to have insurance coverage. Finally, those that have concrete tile are also required to replace roofs for a variety of reasons, as those roof tiles are no longer available. Encouraging a roof replacement has been more difficult when someone, at building permit, realizes, that it is coupled with an exterior lighting requirement. Council has indicated that life safety is more important than the secondary also important matter of exterior lighting compliance. Therefore, staff recommends amending this section to add the following exemption, specific to roof replacements. See below.

#### Recommended edit:

a. A redevelopment or remodel valued at fifty thousand dollars (\$50,000) or more shall retrofit all existing exterior lighting to comply with the then current Lighting Regulations. Roof replacements are exempt from this requirement.

Per the DRB recommendation made on March 3, in addition to adding the roof exemption, the remodel value could also be changed. The DRB made a suggested edit of increasing the remodel value from \$50,000 to \$500,000. Town Council should discuss this value and decide if they want to keep the value at \$50,000, change the value to \$500,000 or propose an alternate value.

#### STAFF RECOMMENDATION

Staff recommends the Town council consider the suggested edit by the DRB of 17.5.12.11.a. Lighting Regulations and discuss a remodel value trigger for lighting updates. Relatively small projects in the Mountain Village can easily exceed \$50,000 and staff has concerns that this low trigger could dis-incentivize homeowners from doing regular maintenance and needed upgrades. A \$500,000 trigger seems reasonable to achieve the goal of the lighting regulations, necessarily causing larger scale projects to complete lighting updates. Staff recommends approval of both CDC amendments with the DRB proposed edit to the lighting regulations.

#### PROPOSED MOTION

"I move that the Town Council approve the Ordinance Adopting Community Development Code Amendments at CDC Section 17.7.12.7.h International Energy Conservation Code and CDC Section 17.5.12.11.a. Lighting Regulations as attached hereto as exhibit A.

benefit the community. Carbon reducing town projects and programs may be considered an appropriate use of REMP funds with Town Manager approval.

- e. *Engineered Heating Systems*. All detached single-family dwellings with equipment that meets the requirements for commissioning per sub-section N must have engineered heating systems. Where mechanical ventilation is required high efficiency energy recovery ventilators or heat recovery units shall be utilized for this purpose.
- f. Direct Vent Furnace. When the scope of the work of an addition to a dwelling or a remodel of a dwelling requires replacement of a furnace, the furnace shall be replaced with a direct vent unit that has a minimum 92 percent AFUE.
- g. *Direct Vent Boiler*. When the scope of the work of an addition to a dwelling or a remodel of a dwelling requires replacement of a boiler, the boiler shall be a direct vent unit that has a minimum 90 percent AFUE.
- h. *Prohibition on Electric Heating*. Electric resistance heating shall not be used as the buildings primary heating source.
- i. *Fireplaces*. Fireplaces must be EPA or California certified, and have tight fitting gasketed doors. Fireplaces located in sleeping areas must have shut off timer with 90 minute maximum or thermostat setting maximum of 80 degrees. Wood burning fireplaces shall meet the Solid Fuel Burning Device Regulations.
- j. *Programmable Thermostats*. Programmable thermostats are required for forced air central heating and cooling systems.
- k. Automatic Exhaust Fan Switches. Timers, humidistats or motion sensors are required for bath exhaust fans.
- I. Local Insulation Requirements.
  - i. Headers shall be insulated full open depth.
  - ii. Framed corners must be capable of being insulated.
  - iii. Shaft and knee walls for skylights shall be insulated as exterior walls and provided with adequate backing to support the insulation.
- m. Range Hood Ducting. Range hoods are required and must be ducted to the exterior.
- n. *Mechanical Systems Commissioning and Completion Requirements*. Engineering and commissioning of the mechanical and hot water heating systems shall be required on all residential where any of the following apply:
  - i. The equipment input rating exceeds 200,000 btu.
  - ii. The heated water exceeds 210 deg. F

- b. An isofootcandle diagram prepared by a certified lighting professional or licensed architect as outlined above may be required and if required shall indicate the level and extent of the proposed lighting as per 17.5.12(E)(7).
- 10. Additional Lighting Requirements for the Village Center. Provisions for seasonal lighting shall be incorporated into the exterior lighting plan for all projects located within the Village Center.
  - a. Additional lighting requirements for the Village Center are found within the Commercial, Ground Level and Plaza Area Design Regulations.
- 11. Application. All newly installed exterior lighting shall comply with the Lighting Regulations.
  - a. A redevelopment or remodel valued at <u>fifty five hundred</u> thousand dollars (\$50,000 \$500,000) or more shall retrofit all
  - existing exterior lighting to comply with the then current Lighting Regulations. Roof replacements are exempt from this requirement.
  - b. Notwithstanding the value of the redevelopment or remodel, if twenty-five percent (25%) or more of the exterior lights are to be replaced, all existing exterior lighting shall be retrofitted to comply with the then current Lighting Regulations. (Ord. No. 2022-05§1 (B) (Exh. A)).

### 17.5.13 Sign Regulations.

- A. Purpose and Intent. The purpose of the Sign Regulations is to preserve the Town as a desirable community in which to live, vacation and conduct business and to create a pleasing, visually attractive built environment. It is also the purpose of these regulations to promote the public health, safety and welfare and prevent visual blight and unattractiveness through a comprehensive system of reasonable, effective, consistent, content-neutral and nondiscriminatory sign standards and requirements. The Sign Regulations are further intended to achieve the following:
  - 1. Enhance the attractiveness and economic wellbeing of the Town as a place to live, vacation and conduct business;
  - 2. Address community desire to provide a high-quality tourist experience and retain the Town's premier status in an increasingly competitive resort market;
  - 3. Enable the identification of places of residence and business;
  - 4. Allow for the communication of information necessary for the conduct of commerce;
  - 5. Encourage signs that are appropriate to the zone district in which they are located and are consistent with the category of use to which they pertain;
  - 6. Permit signs that are compatible with their surroundings, aid orientation and ensure placement in a manner that conceals or obstructs adjacent land uses or signs;
  - 7. Preclude signs from conflicting with the principal use of the site or adjoining sites;

#### ATTACHMENT B

#### ORDINANCE NO. 2023-

# AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO AMENDING CHAPTERS 17.7 and 17.5 OF THE MOUNTAIN VILLAGE MUNICIPAL CODE CONCERNING ENERGY AND LIGHTING REGULATIONS

WHEREAS, the Town of Mountain Village ("Town") is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town of Mountain Village Home Rule Charter of 1995, as amended ("Charter"); and

WHEREAS, Pursuant to Chapter 17.7 of the Community Development Code, Title 17 of the Mountain Village Municipal Code ("CDC"), the Town has adopted the International Energy Conservation Code ("Energy Code"); and

WHERAS, the Town is actively pursuing construction of deed-restricted housing, and most state and federal funding opportunities require new construction to be fully electric; and

WHEREAS, the trend toward sustainability in private development includes electric resistance heating; and

WHEREAS, the Energy Code does not allow for electric resistance heating to be used as a building's primary heat source; and

WHEREAS, Section 17.5.12 of the CDC outlines the Town's lighting regulations ("Lighting Regulations"), including the requirement that any redevelopment or remodel valued at \$50,000 or greater shall retrofit all existing exterior lighting to comply with the Lighting Regulations; and

WHEREAS, this retrofit requirement has become a deterrence for compliance with the Town's requirements to repair roofs under certain circumstances; and

WHEREAS, the Town finds and determines that roof repairs necessary to protect the public health and safety are more important than CDC Section 17.5.12.F.11; and

WHEREAS, the Town Council desires to amend the CDC to address these issues within the Energy Code and Lighting Regulations as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO, as follows:

<u>Section 1. Recitals</u>. The above recitals are hereby incorporated as findings of the Town Council in support of the enactment of this Ordinance.

Section 2. Amendments. The Town Council hereby amends the CDC as follows:

#### 17.7.12 International Energy Conservation Code.

- C. Amendments, Additions and Modifications.
  - 7. Local Energy Saving Measures.

h. Prohibition on Electric Heating. Electric resistance heating shall not be used as the buildings primary heating source.

Subsections (i) through (y) shall be re-lettered to accommodate the deletion of subsection (h).

<b>17.5.12 Lighting Regulations.</b> F. Lighting Design Regulations.	
11. Application.	
a. A redevelopment or remodel valued at fif	thousand dollars (\$50,000) or more
	with the then current Lighting Regulations. Roof replacements
are exempt from this requirement.	
Section 3. Severability. If any portion of this Ordina from this Ordinance and the remaining provisions s	ance is found to be void or ineffective, it shall be deemed severed shall remain valid and in full force and effect.
promulgated under the general police power of the of the public, and that this Ordinance is necessary for	rereby finds, determines, and declares that this Ordinance is Town, that it is promulgated for the health, safety, and welfare for the preservation of health and safety and for the protection of il further determines that the Ordinance bears a rational relation d.
Section 5. Effective Date. This Ordinance shall bee the official records of the Town kept for that purpos the Town Clerk.	come effective on, 2023 and shall be recorded in se and shall be authenticated by the signatures of the Mayor and
Section 6. Public Hearing. A public hearing on the Town Council Chambers, Town Hall, 455 Mou	is Ordinance was held on the day of, 2023 in ntain Village Blvd., Mountain Village, Colorado 81435.
Section 6. Publication. The Town Clerk or Deputy required by Article V, Section 5.8 of the Charter.	Town Clerk shall post and publish notice of this Ordinance as
INTRODUCED, READ, AND REFERRED to Mountain Village, Colorado on the 16th day of M	public hearing before the Town Council of the Town of March, 2023.
TOWN OF MOUNTAIN VILLAGE:	
TOWN OF MOUNTAIN VIELAGE.	TOWN OF MOUNTAIN VILLAGE, COLORADO, A HOME-RULE MUNICIPALITY
	By:
ATTEST:	Laila Benitez, Mayor
Susan Johnston, Town Clerk	
HEARD AND FINALLY ADOPTED by the Today of, 2023.	wn Council of the Town of Mountain Village, Colorado this
TOWN OF MOUNTAIN VILLAGE:	
TOWN OF MOUNTAIN VIELAGE.	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 To ("Town") do hereby certify that:	wn Clerk o	of the Tow	vn of Moun	tain Village, Colorado
1. The attached copy of Ordinance No. 2023("Or	dinance")	is a true, c	orrect, and	complete copy thereof.
2. The Ordinance was introduced, read by title, appr the Town Council the Town ("Council") at a regu Blvd., Mountain Village, Colorado, on Town Council as follows:	ılar meetin	ig held at	Town Hall,	455 Mountain Village
Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tem				
Marti Prohaska				
Harvey Mogenson				
Patrick Berry				
Peter Duprey				
Jack Gilbride				
the Town, on, 2023 in accordance Home Rule Charter.  4. A public hearing on the Ordinance was held by Council held at Town Hall, 455 Mountain Village 2023. At the public hearing, the Ordinance was amendment by the Town Council, by the affirmation of the American State of the State o	the Town Blvd., Moras consider	Council a untain Villered, read	at a regular lage, Colora by title, a	meeting of the Town do, on, and approved without
Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tem				
Marti Prohaska				
Harvey Mogenson				
Patrick Berry				
Peter Duprey				
Jack Gilbride				
5. The Ordinance has been signed by the Mayor, sea and duly numbered and recorded in the official re IN WITNESS WHEREOF, I have hereunto set my	cords of th	ne Town.	·	•
Susan Johnston, Town Clerk (SEAL)				



# COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION

455 Mountain Village Blvd. Mountain Village, CO 81435 (970) 728-1392

**TO:** Mountain Village Town Council

**FROM:** Michelle Haynes, Assistant Town Manager and Amy Ward, Community

**Development Director** 

**FOR:** Public Hearing on March 16 2023, continued from January 19, 2023, from

November 17, 2022, from August 18, 2022 and from the June 16, 2022 Town

Council meetings.

**DATE:** March 6, 2023

**RE:** Consideration of a Denial Resolution Regarding a Major Planned Unit

Development (PUD) Amendment to the Formerly Named Mountain Village Hotel PUD, to Consider Amendments to the Existing PUD for Lot 109R for a Mixed-Use Hotel/Resort Development Including Plaza, Commercial, Hotel and

Residential Use

#### **PROJECT OVERVIEW**

The applicant requests a Major PUD Amendment to the 109R Planned Unit Development, formerly known as the Mountain Village Hotel PUD first approved in 2010, but subsequently received three PUD amendments to extend the approval to September of 2023. On January 19<sup>th</sup>, 2023 Council directed staff to prepare a Resolution for denial to current PUD Amendment request. Overall description of the project remains the same as that presented to Council on January 19<sup>th</sup>, but the applicant has prepared a response to concerns raised by staff in the staff memo of record from that meeting.

**Legal Description:** Lot 109R, Town of Mountain Village according to the Plat recorded on March 18, 2011 in Plat Book 1 at Page 4455, Reception No. 416994, County of San Miguel, State of Colorado

Lot OS-3BR-2, A Tract Of Land Lying In The SE Quarter Of Section 34 T43n R9w NMPM San Miguel County Colorado Described As Follows Tract OS 3BR2 Town Of Mountain Village PI Bk 1 Pg 4455 Recpt 416994 March 18 2011 Cont 1.969 Acres Mol

**Address:** 628, 632,636, 638, 642 Mountain Village Blvd - To be readdressed with redevelopment

Owner/Applicant: Tiara Telluride, LLC Agent: Ankur Patel & Matt Shear

**Zoning:** Village Center Zone District, Village

Center Active Open Space **Proposed Zoning:** Planned Unit

Development (PUD)

**Existing Use:** Vacant, used for temporary

surface parking

**Approved Use Pursuant to PUD** 

**Development Agreement:** 66 efficiency lodge units; 38 lodge units, 20 condominium units, one employee apartment and 20,164 sq. ft. of commercial space.

**Proposed Use:** 50 efficiency lodge units, 18 lodge units, 20 condominium units, 31 lodge units, 18 dormitory units, 2 employee apartments and approximately 26,468 square feet of commercial space.

**Site Area:** .825 acres proposed to change to .821 via a major subdivision application

### **Adjacent Land Uses:**

• North: See Forever, Village

Center

• **South:** Village Center, mixed use

• **East:** Multi-Family and Single

Family, vacant

West: Peaks, Village Center

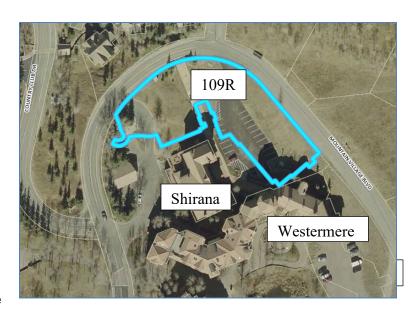
#### **RECORD DOCUMENTS**

- Town of Mountain Village Community Development Code (as amended)
- Town of Mountain Village Home Rule Charter (as amended)
- 2011 Town of Mountain Village Comprehensive Plan

#### **ATTACHMENTS**

Please note, attachments are indicated by the date received by Town staff, the dates listed on the individual documents themselves don't accurately reflect the existence of multiple versions that show the same date

- 1. 109R Major PUD Amendment TC Resolution for Denial
- 2. Response to Town Staff dated 2.14.23
- 3. Response to Town staff mh aw comments
- 4. Construction Mitigation Plans dated 2.14.23
- 5. Supplemental Traffic Study dated 2.14.23
- 6. Final Community Benefits Cost Analysis with Area Diagram dated 3.5.23\*
- 7. 2.28.2023 Exhibits Picked up Comments\_Update 3.5.2023\*
- 8. Parking Memo received by staff 3.5.23\*
- 9. PUD Criteria for Decision
- 10. Design Review Board Packet from December 1, 2022





- 11. Town Council Packet January 19, 2023
- 12. First Reading of an Ordinance regarding a Major Subdivision Amendment
- 13. Public Comments
  - a. Boyce 3.09.23
  - b. Johnson 3.09.23
  - c. Kadin 3.09.23
  - d. Puff-Courtney 3.08.23
  - e. Shirana 3.09.23
  - f. Taylor 3.09.23

#### **MEETING HISTORY**

There have been **two work sessions** regarding the proposed major PUD amendment held on the following dates:

- September 16, 2021 Town Council
- December 16, 2021 Town Council and Design Review Board Joint Meeting

The following additional meetings have occurred:

- May 5, 2022, Design Review Board Recommendation to the Town Council regarding the Major PUD Amendment inclusive of the initial design review. Continued to May 31, 2022
- May 31, 2022, Design Review Board Recommendation to the Town Council regarding the Major PUD Amendment inclusive of the initial design review – APPROVED 3-1, Bennett dissenting.
- June 16, 2022, Town Council consideration on first reading of an ordinance Council to provide direction regarding the public benefits, development overall and variations requested. Council to provide guidance as to the major subdivision request. This item to be *continued* pending council direction and the following meeting schedule:
- August 18, 2022 Continued first reading of an ordinance and ratification of consent to a
  major subdivision application by the Town Council that includes Village Center active open
  space consent provided. First reading continued to the November 17, 2022 Town Council
  meeting in order to provide time for the application to submit the major subdivision, rezone
  and final design review materials.
- November 17, 2022 Continued First Reading of an ordinance continued to the January 19, 2022 regular Town Council meeting in order to provide the necessary time for the DRB to provide recommendations on the major subdivision, rezone and provide the final DRB design review.
- **December 1, 2022** DRB meeting to provide recommendations to Town Council on the major subdivision, rezone and final design review. The Final design review was approved with conditions. The DRB provided a positive recommendation regarding the subdivision and rezone to the Town Council.
- **January 19, 2023** First reading of an ordinance regarding the major PUD amendment integrating the subdivision, rezone and final design review. Council voted 6-1 to direct staff to prepare a **Resolution to deny** the Ordinance to be evaluated at the March 16, 2023 regular Town Council meeting and directing staff to work with the applicant to present the changes that have been made to the PUD prior to a vote to deny.

The applicants also by approval of a 3rd major PUD amendment, extended the original PUD Approvals through September 8, 2023 at the following meetings:

 August 4, 2022 Design Review Board recommendation to Town Council to extend the length of validity and vested property rights for Lot 109R

<sup>\*</sup>Indicates submittal not formally reviewed by staff.

- August 18. 2022 Town Council first reading of an ordinance
- **September 22, 2022** Town Council approved on second reading an extension of the approvals to expire on September 8, 2023
- There is a current Rule 106 legal challenge pending on this approval.

## JANUARY 19, 2023 FIRST READING OF AN ORDINANCE OVERVIEW

At the time of the hearing, the ordinance remained in draft form and a development agreement was not provided because there were too many outstanding, substantive questions that had either not been answered to the satisfaction of the town, or simple disagreements that needed to be agreed to prior to producing the final version of an approvable ordinance, a development agreement and the associated necessary legal instruments. Staff advised the Council that it did have the option to pass the ordinance on first reading if Council determined that was appropriate, with revisions to be addressed at second reading including finalizing the development agreement and other exhibits. After lengthy discussions, Town Council voted to direct staff to prepare a Resolution for denial. The applicants requested an hour to address any outstanding Council concerns regarding the PUD amendment. To that end, the applicants submitted materials as part of this packet and requested an hour to persuade Council NOT to deny the application. Attachments 2-8 represent communications between the staff and applicant since the January 19<sup>th</sup> hearing.

#### PUD AMENDMENT CRITERIA FOR REVIEW

PUD Criteria for Decision are demonstrated in Attachment 9. Please see the attached Resolution (Attachment 1) for specific criteria that is not being met with the current application.

#### **G. STAFF CONCERNS**

The list below is identified as the primary remaining concerns raised by staff since the memo for January 19<sup>th</sup>:

- Questions of ownership and maintenance of snowmelt boilers, parking area, stormwater, sewer running through the building to be resolved. Ownership and maintenance of snowmelt boilers and ongoing snowmelt costs by the Town would be a substantial cost, not perceived as a public benefit to the town.
- Encroachments is Council comfortable with the quantity of encroachments proposed, especially as it relates to utilities infrastructure on Town open space?
- Traffic/Circulation, this has continued to evolve due to site constraints on OS-3BR-2 adjacent to Mountain Village Boulevard. Staff maintains that the required circulation for this project to function as proposed would require that all of the plaza and access areas of OS-3BR-2 is snowmelted to accommodate increased use by this development. The applicant maintains that they will not agree to bearing ongoing costs associated with the shared portion of this access (roughly the southern 2/3<sup>rd</sup>). If this portion of the access is not snowmelted then the traffic /circulation study would need to be updated to contemplate snowplowing as well. Staff would like to note that the southern 2/3 of this access is essential for turning radius of delivery trucks to the load/unload area of this project for both deliveries and trash removal as proposed. It should be noted that in the resubmittal by applicant on 3.5.23 the applicant agrees to snowmelting the sidewalks along Mountain Village Blvd. at their cost.
- Staff has some concern over "heated natural stone pavers" as indicated on plans. It is
  unclear what type of system this describes and there is a prohibition of electric snowmelt
  in paver systems per building code regulations. Staff has always talked about snowmelt
  systems inclusive of boilers to be consistent with other plaza area snowmelt systems.

Item

- Trash shed applicant still maintains a preference to relocate the trash shed but also plans on locating boilers for Town open space within this shed. The trash shed location was identified as unresolved with the original PUD. The applicants have represented a willingness to have the town relocate the trash shed. The town is not a large landowner within the town and has not identified a different location that can still serve its intended purposes: trash collection for the Village Center plaza areas.
- Parking this development proposal comprises a reduction from the 48 public parking spaces provided as part of the original PUD to 22 public parking spaces. Recognizing that the new development removes existing surface parking (25 surface public parking spaces at the public parking lot between Shirana and Westermere and an additional 11 public surface spaces at the town's short term parking area on OS-3BR-2. A). The applicant is also asking for the right to remove an additional 5 spots from the underground structure if necessary to accommodate pillars or other structural elements that have yet to be designed (with \$100,000 payment in lieu fee per space) pursuant to the submittal provided for the 1.19.23 Town Council meeting.
- The parking memo (Attachment 8) received by staff on 3.5.23 also introduces three additional new parking proposals
  - 1) relocate the trash to retain 11 surface parking spaces. It is unclear to staff if the removal of the trash building would retain all 11 parking spaces the turning radius of trucks entering/exiting the load/unload area could prevent some of these spaces from being viable
  - 2) remove employee parking and replace with public parking *Town Council in a previous hearing indicated the importance of providing employee parking, and this change would conflict with the DRB's final architectural approval.*
  - 3) replace some employee housing with parking all of these additional parking scenarios could be evaluated by Council as it relates to variations requested and adequate public benefits being provided.
- Parking ownership of dedicated public spaces in the garage need feedback from Council on preferred ownership. With the introduction of providing public parking spaces in the garage, staff reviewed the Madeline model where we own and maintain the public parking as an HOA unit, and determined it is challenging and expensive to manage. Staff recommended a public parking easement where the hotel would keep any parking fees to defray maintenance costs. To be further discussed as needed.
- Public Improvements and Public Benefits have still not been clearly identified with associated costs. In Attachment 7 the applicant says they "support the list of public benefits shown in the draft ordinance presented at the January 2023 Meeting" however, the "Community Benefits Conceptual Costs Analysis" provided by the applicant on the first page of Attachment 7 really only identifies a handful of benefits from the previous list and their associated costs, a comprehensive and accurate list is yet to be produced and would be necessary to finalize the PUD Amendment. The applicant has agreed that Town Engineers could separately analyze cost estimates.
- Finalize form of deed restriction/covenant for employee units. Some details related to current and future ownership, how the deed restricted "unit" is owned and associated with the hotel. Questions about the deed restriction/covenant itself has not been discussed yet.
- Hotel covenant is part of the existing PUD development agreement. Some of the statements by the applicant relating to hotel services seem in conflict with the hotel covenant, but the applicant has not indicated a change to the covenant in any previous application materials. This has not been discussed or vetted yet. No draft amended hotel covenant has been provided to the town.

- Utilities is Council comfortable with encumbering Town open space, GE on privately owned lots, Access Tract?
- Draft more of the necessary legal agreements so that both parties understand the terms of the PUD better and that the terms are understood and predictable.

The applicant provided responses to this list in Attachment 2. Staff reviewed these responses and provided further comment in Attachment 3. The applicant submitted additional response to these comments in Attachments 6-8, but it should be noted that staff has not done an official review of the entirety of the last submittal. Staff believes the content of Attachments 6-8 will be reviewed further by the applicant at the hearing.

#### STAFF ANALYSIS

For Council to approve a PUD, by the necessary two readings of an ordinance, the specific PUD amendments (changes to the existing PUD) need to be identified. Typically, an agreed to list of all identified variations and all identified public benefits and public improvements are provided by the applicant. Draft legal agreements are reviewed by both parties and that draft is provided as part of the review documents to Town Council. The applicant and the Town Council need to understand the body of the PUD amendment due to its complex nature and evaluate whether the requested amendments/variations are approvable in relationship to the public benefits and public improvements provided. As identified by the list above, many substantive issues remain unresolved.

Consistent with Town Council direction, a Resolution to deny has been prepared by the legal department. Findings related to the denial are found within the Resolution.

The ordinance presented for first reading on January 19 is also included in the packet.

#### **SECTION 8. RECOMMENDED MOTIONS**

The Council has three options:

- Move to approve the Resolution denying the Major PUD Amendment based on the findings and reasons stated in the Resolution (with or without amendments); or
- 2. Move to approve on first reading the Ordinance approving the Major PUD Amendment (with or without amendments) and set a date for a public hearing on second reading; or
- 3. Move to continue the matter to a date certain for further consideration.

If Council chooses Option 1, then additional resolutions are enclosed in the packet declaring the related subdivision application and rezoning application moot and withdrawn.

If Council chooses Option 2, then it should continue the subdivision application to coincide with second reading and also consider action on the rezoning application for the open space parcels.

# A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO DENYING A MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT FOR LOT 109R

#### **RESOLUTION NO. 2023-**

WHEREAS, Tiara Telluride, LLC (the "Developer") is the owner of certain real property described as Lot 109R, Town of Mountain Village, Colorado, according to the plat recorded as Reception No. 416994 ("Lot 109R") and

WHEREAS, the Town of Mountain Village (the "Town") is the owner of certain real property adjacent to Lot 109R described as open space parcel OS-3BR-2, according to the plat recorded as Reception No. 416994 (the "Town Property"); and

WHEREAS, the Town previously approved a PUD Plan for Lot 109R by Resolution 2010-1208-31 (the "2010 PUD") and, in connection therewith, the Town and Developer's predecessor-owner of Lot 109R entered into a Development Agreement dated March 18, 2011, which was recorded as Reception No. 416997 (the "2011 Development Agreement"); and

WHEREAS, pursuant to Ordinance 2015-07, the Town approved a First Amendment to the 2011 Development Agreement extending vested rights relating to the 2010 PUD until December 8, 2020; and

WHEREAS, pursuant to Ordinance 2020-16, the Town approved a Second Amendment to the 2011 Development Agreement extending vested rights relating to the 2010 PUD until December 8, 2022; and

WHEREAS, pursuant to Ordinance 2022-10, the Town approved a Third Amendment to the 2011 Development Agreement extending vested rights relating to the 2010 PUD until September 8, 2023; and

WHEREAS, the Developer has applied to the Town to replat Lot 109R and the Town Property (the "Major Subdivision Application") for the purpose of a land exchange where the Town would convey portions of the Town Property to become part of Lot 109R (the "109R Adjustment Parcels") and the Developer would convey portions of the current Lot 109R to become part of the Town Property (the "Open Space Adjustment Parcels," and together with the Town Property, the "Adjusted Town Property"); and

WHERAS, the Developer has applied to the Town to rezone the Adjusted Town Property as open space (the "Rezoning Application") in connection with its application for approval of a Major Amendment to the 2010 PUD the "Major PUD Amendment Application") to develop a mixed-use project including a five-star luxury hotel (the "Project"); and

WHEREAS, the Design Review Board ("DRB") held public hearings regarding the Major PUD Amendment Application on May 5, 2022 and May 31, 2022, and voted 3-1 to issue a recommendation of approval to the Town Council concerning the Application, subject to further consideration by the DRB for final design review and for its recommendation regarding the related Major Subdivision Application; and

WHEREAS, the Town Council considered an ordinance approving the Major PUD Amendment Application (the "Major PUD Amendment Ordinance") on first reading at its regular meetings on June 16, 2022 and August 18, 2022, and consented to including the 109R Adjustment Parcels in the Developer's Major PUD Amendment Application and Major Subdivision Application, but voted to continue the matter to November 17, 2022 so as to allow the Developer time to submit the Major Subdivision Application and final design review materials; and

WHEREAS, the Town Council again considered the Major PUD Amendment Ordinance on first reading at its regular meeting on November 17, 2022, but voted to continue the matter to January 19, 2023 so as to allow the DRB to conduct a further public meeting regarding final design review and the Major Subdivision Application before the Town Council would make a decision as to the Major PUD Amendment Application; and

WHEREAS, following a DRB meeting held on December 1, 2022, the DRB recommended to the Town Council approval of the Major PUD Amendment Application and the Major Subdivision Application, subject to conditions; and

WHEREAS, the Town Council considered the Major PUD Amendment Application, the DRB's recommendations, and testimony and comments from the Developer, Town staff, and members of the public at a public meeting on January 19, 2023 and voted 6-1 to direct Town staff to prepare this Resolution denying the Major PUD Amendment Application; and

WHEREAS, the public hearings and meetings to consider the Major PUD Amendment Application were duly noticed and held in accordance with the Town's Community Development Code ("CDC"); and

WHEREAS, the Town Council held a public meeting on March 16, 2023, to consider this Resolution and voted \_\_\_\_\_ to approve this Resolution, denying the Major PUD Amendment Application for the reasons set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Mountain Village, Colorado, that:

<u>Section 1. Recitals</u>. The above recitals are hereby incorporated as findings of the Town Council in support of the enactment of this Resolution.

<u>Section 2. Definition of the Application</u>. The "Major PUD Amendment Application" means and consists of the materials submitted to the Town and itemized on Exhibit A, plus all statements, representations, and additional documents of the Developer and its representatives made or submitted at the public hearings before the DRB and Town Council. Copies of all exhibits to this Resolution and the Major PUD Amendment Application materials are available for inspection at the office of the Town Clerk.

Section 3. Summary of Application. The Major PUD Amendment Application proposes the construction of 50 Hot Beds, 20 Condominiums, 31 Lodge Units, 18 Employee Dormitories, and two Employee Condominiums, as well as public plaza improvements, public bathrooms, an underground parking garage, and approximately 26,468 square feet of commercial space including a market, two retail spaces, fine dining, a bar, and a conference/wedding space on the sixth floor of the hotel to be operated by luxury hotel brand operator The Six Senses, on the remainder of Lot 109R and the 109R Adjustment Parcels.

<u>Section 4. Review Criteria</u>. The Major PUD Amendment Application was originally submitted in April 2022. In December 2022, the Town adopted Resolution 2022-1208-17, amending the 2011 Comprehensive Plan. Because the Major PUD Amendment Application was submitted before the effective date of Resolution 2022-1208-17, it is being considered under the 2011 Comprehensive Plan. Additionally, the Major PUD Amendment Application is being considered under following criteria set forth in CDC Section 17.4.12.E:

1. The proposed PUD is in general conformity with the policies, principles and standards set forth in the Comprehensive Plan;

- 2. The proposed PUD is consistent with the underlying zone district and zoning designations on the site or to be applied to the site unless the PUD is proposing a variation to such standards;
- 3. The development proposed for the PUD represents a creative approach to the development, use of land and related facilities to produce a better development than would otherwise be possible and will provide amenities for residents of the PUD and the public in general;
- 4. The proposed PUD is consistent with and furthers the PUD purposes and intent;
- 5. The PUD meets the PUD general standards;
- 6. The PUD provides adequate community benefits;
- 7. Adequate public facilities and services are or will be available to serve the intended land uses;
- 8. The proposed PUD shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion; and
- 9. The proposed PUD meets all applicable Town regulations and standards unless a PUD is proposing a variation to such standards.

<u>Section 5. Decision</u>. The Town Council finds that the Major PUD Amendment Application does not meet the requirements of the CDC set forth above, including, without limitation, satisfaction of Sections 17.4.12 and 17.3.4.H.7 of the CDC and compliance with the 2011 Comprehensive Plan. The Town Council, therefore, denies the Major PUD Amendment Application. The following is an illustrative but not exhaustive list of the reasons why the Major PUD Amendment Application does not satisfy the applicable review criteria:

- a. The proposed development has reduced the public parking below 48 spaces, and in the Developer's most recent submittal, there are three possible parking scenarios outlined. Due to the reduction in public parking and the continuously changing nature of what is proposed, the Major PUD Amendment Application does not provide adequate parking as required by Section 2, Page 21 of the 2011 Comprehensive Plan.
- b. The proposed development includes so much Town-owned land, use of which is in the sole discretion of the Town Council and which approval is not guaranteed, that Town Council cannot find the Major PUD Amendment Application would produce a better development per CDC Sections 17.4.12.E.3 and 17.4.12.A.2. Based on the current proposal, the Town Council is not willing to convey Town-owned property to the Developer to be used for the proposed development, which makes the development unfeasible.
- c. The proposed development does not create a more efficient use of land, public facilities, and government services as required by CDC Section 17.4.12.A.5, because the Developer has chosen to maximize development to the point where there are so many encroachments on what would remain as Town-owned land to meet the needs of the development in terms of utilities, access, etc. Specifically, the proposed development does not efficiently use the Town Property for trash and access, and there will be interruption to trash use/service during construction; it removes 11 public parking spaces; and the addition of a boiler room to the existing trash facility does not create a more efficient use of the facility, which would hinder the Comprehensive Plan's goal of relocation of the facility.
- d. The proposed development does not include sufficient infrastructure as required by CDC Section 17.4.12.I.9, because much of the development's utilities will be placed on neighboring properties; mass transit, although raised as a concern by Town Staff, was never adequately addressed in the Applications; the Developer has not demonstrated that vehicular and pedestrian access actually works; and the parking and traffic circulation are unknown.

- e. The proposed development does not provide adequate community benefits, which includes public benefits and public improvements per CDC Section 17.4.12.G. By way of example, the existing hotel covenant lists ancillary uses required as part of development, and in the Developer's latest submittal materials, it was unclear whether certain amenities required by the covenant, such as the restaurant, would be open to the public and, therefore, qualify as public benefits. Additionally, the Developer has failed to provide consistent calculations for the proposed public benefits such that cost estimates drastically change from one submittal to the next. Moreover, the Developer has yet to make a firm commitment on parking.
- f. The proposed development does not provide adequate public facilities and services as required by CDC Section 17.4.12.E.7, because although the Developer has indicated it will revise the existing hotel covenant regarding amenities, no revisions have been provided. As such, it is unclear what, if any, public facilities and services will be available.
- g. The proposed development creates pedestrian circulation hazards contrary to CDC Section 17.4.12.E.8, because the Developer will not snow melt the proposed sidewalk along Mountain Village Boulevard and access, as required.
- h. All other grounds reflected in the record regarding the Major PUD Amendment Application.

TOWN OF MOUNTAIN VILLAGE TOWN

Section 6. Effective Date. This Resolution shall be in full force and effect upon its passage and adoption.

ADOPTED AND APPROVED by the Town Council at a regular public meeting held on March 16, 2023.

	COUNCIL
ATTEST:	By: Laila Benitez, Mayor
Susan Johnston, Town Clerk	
APPROVED AS TO FORM:	
David McConaughy, Town Attorney	

# Exhibit A

# [LIST OF MAJOR PUD AMENDMENT APPLICATION MATERIALS]

VAULT MANAGEMENT
TIARA TELLURIDE LLC
February 14<sup>th</sup>, 2023

#### **PURPOSE OF MEMORANDUM**

Tiara Telluride, LLC, a Colorado limited liability company ("**Tiara**") has submitted a Major PUD Amendment Application with respect to Lot 109R, Town of Mountain Village, San Miguel County, Colorado. The purpose of this Memorandum is to respond to concerns raised by the staff of the Town of Mountain Village prior to the January 2023 Town Council meeting.

#### COMMENTS CARRIED OVER FROM JUNE 2023 MEETING TO JANUARY 2023 MEETING

Applicant is restating and addressing these items to understand if any items remain outstanding from the perspective of Town Staff.

- 1. Council stated the mass and height is an issue The applicant revised their plans to address mass and scale. They are no longer asking for additional height over the original approved PUD
- Tiara confirms that the mass and scale presented and approved by the DRB on December 1, 2023 remains unchanged. No request is being made to amend the PUD as it relates to building maximum and average height.

The massing and height are consistent with what was presented to Town Council in August 2022 and approved by DRB in December 1, 2023.

- 2. Town Council states that moving lodging and efficiency lodge to a Class 1 for rezoning is not doable in our community.
- Applicant stated at the August 2022 Town Council meeting that it is not requesting a Class 1 Application and has withdrawn a request for this consideration.

This item should be considered resolved.

- 3. Town Council states concern about mitigation payment being grouped for a reduction over 2.5 million for it is not feasible. The expense of Community Funds cannot be bypassed. *The applicant no longer requests a reduction in fees*.
- i Applicant is not requesting changes to the agreed upon mitigation payments per the PUD.

This item should be considered resolved.

- 4. Town Council recommends working with staff to review and negotiate use or transfer of public lands. Staff initiated a zoom with the applicants on August 9, 2022 to discuss this specific concern related to the major subdivision application as conceptually shown and also use of town village center open space for hotel related uses and consideration for such use. The Applicants intend to explain the subdivision request in more detail and the applicant and Council can discuss consideration. Staff asked for the applicants to identify all areas of town property to be used either temporarily, permanently or via a requested encroachment agreement to better quantify this request. Staff requested an exhibit to illustrate all possible use of town owned property, either permanently, via revocable encroachment or temporary. The applicants indicated an encroachment exhibit would be provided after first reading. An exhibit is critical to council's understanding of use of town property.
- Applicant has prepared the attached Exhibit 1 to address this issue, specifically pages: 1A, 2A, 3A, 11A, 11B, 12A, 13A
- 5. Town Council requires conducting a traffic, circulation study and an impact study The applicant provided a traffic circulation study. The uses shown on OS-3BR-2 are significant. This includes a recommendation of one way clockwise traffic inclusive of the town's SMART bus for circulation.
- Applicant has previously submitted a traffic circulation study which was approved by Town staff. Applicant is currently working with Town staff on a traffic <u>impact</u> study which will be complete prior to the March 2023 meeting.

Christopher McGranahan is the Applicant's traffic consultant and met with the Town staff on February 10<sup>th</sup>. Additional conversations including the residents and counsel for Shirana and the HOA manager for the Westermere took place on February 8<sup>th</sup> and the traffic consultant continues to await feedback from Westermere. Applicant anticipates the traffic studies will be updated on or about February 14th.

- 6. Town Council states from previous discussion that that going by 2010 LUO will not be feasible and will have to follow Community Development Code. The applicants agrees to this and have removed all requests to consider any prior LUO provision to the extent they have been identified in the prior PUD. The applicant only remaining request is to continue to honor the original PUD agreement allowance for 1 parking space per 1,000 square feet of commercial square footage. This was approved by the PUD Agreement as a variation in 2010, and would be seen as a variation to the CDC today.
- Tiara bought Lot 109R with a PUD entitlement for the Property. The PUD calculated parking by the then current LUO Code and contemplated the inclusion of an additional 48 spots as a public benefit. The project also contemplated the inclusion of one Employee Residence Unit.

Upon discussions with the Town Council through workshops and in conversation with Town staff and the community of Mountain Village, a strong preference was expressed for additional employee housing, rather than parking. Applicant therefore designed a building massing with a full floor (14,000 sq ft approx.) for Employee Housing. Given the limits of the site, Applicant had to utilize space for employee housing that could have been utilized for parking. Town Council expressed concern with the loss of 48 spots in the initial design, so Applicant worked to provide at least some Town public parking. Additionally, DRB required Tiara to build 18 spots for Employee parking in contrast to the 12 spots actually required by the current CDC.

Currently the Town leases a portion of Lot 109R which has 22 parking spots. Applicant worked to attain a minimum of 22 public parking spots along with 18 spots for employee housing. To do that, Tiara had to extend the building footprint at a subgrade level, creating an underground permanent structures easement under the Town plaza, which is Town owned land. Staff was supportive of this decision. Additionally, Applicant parked restaurants at 1 spot per 1000 sq ft (as per the old PUD) instead of 1 per 500 sq ft (as per the new CDC). This allowed Applicant to satisfy the requirements for the project, requirements of DRB for employee housing and provide the Town no net loss in public parking spots on Lot 109R. It is important to note that the availability of 48 public parking spaces was only possible when the LUO calculations for parking were utilized, as the current CDC would require more parking than what was proposed in the 2010 project.

Applicant will continue to investigate ways to provide more parking to the Town to be incorporated at a later time.

- 7. Town Council states that public benefit in volume of variances will need to be reconsidered. The applicant requests continue to change with each submittal. A better evaluation of the variations and benefits will be better described, and as identified with this submittal later in the memo.
- To be addressed by Exhibit 2.
- 8. Town Council proposes that submitting a new PUD will be a quicker, more straight forward process. The applicant has chosen to continue with amending the original PUD.
  - As previously stated by applicant and Town Attorney, the criteria for an amendment to a PUD are the same as the criteria for a new PUD. The Town has previously amended existing PUD's without any consideration for the volume of amendments (Example Lots 126R/152R in 2019). That is why a Major (vs Minor) PUD amendment is appropriate.

For the purposes of clarity, the following are the outstanding material amendments to the PUD:

- 1. Density
- 2. Public Parking
- 3. Footprint (and related encroachments and resubdivision/rezoning)
- 4. Project Amenities

In January of 2022, conversations began with Town staff on the amendment of the PUD. Subsequently there was a January 24, 2022 email from Town staff, a discussion regarding the submittal requirements and meeting requirements for a Major Amendment to the PUD. As a point of clarification, the criteria for the approval of a Major PUD Amendment are the same as for the creation of a PUD (Section 17.4.12.O.3).

1. The proposed PUD is in general conformity with the policies, principles and standards set forth in the Comprehensive Plan;

The proposed amendment is in general conformance with the goals, policies, and provisions of the Mountain Village Comprehensive Plan ("MVCP"). The proposed development conforms to the landscape, incorporates a neutral palette, and integrates natural elements. These design choices allow the structure to yield to Mountain Village's Elysian backdrop, deliquescing with seasonal variations in color and texture. The amendment promotes connectivity and economic vitality, providing conference facilities, employee housing, hotbeds, and pedestrian connections, together creating an environment consistent with MVCP's focus on destination marketing, group sales, and transportation. The proposal is also consistent with the nearby redevelopment plan for Parcel B SHIRANA as set forth in the MVCP, which contemplates redevelopment to provide hotbeds and inclusion into the Mountain Village PUD in order to provide the efficient and holistic development of the entire area.

2. The proposed PUD is consistent with the underlying zone district and zoning designations on the site or to be applied to the site unless the PUD is proposing a variation to such standards;

The proposed amendment is consistent with applicable Zoning and PUD development agreements regulating development of the property, as they would be amended in accordance with PUD Amendment Application.

3. The development proposed for the PUD represents a creative approach to the development, use of land and related facilities to produce a better development than would otherwise be possible and will provide amenities for residents of the PUD and the public in general;

The PUD amendment will provide additional and upgrades to improvements to plaza areas, , for the replacement of existing Town trash facility including construction of a new snowmelted driveway around the trash facility for better circulation of all traffic and to create a turnaround for the bus service, improve pedestrian access from the stairs on the west side of the Shirana to Mountain Village Boulevard to the west by installing a sidewalk, building a stairway access from Mountain Village Blvd to the plaza area, creating a public pedestrian accessway through project from porte cochere on Mtn Village Blvd to plaza, new snowmelted sidewalks, provide new commercial businesses in the village core, provide snowmelt throughout the plaza area and adjacent driveway areas and new Mt. Village Blvd. sidewalks and provide an architecturally beautiful, luxury resort in the village core. Additionally, the project will bring employee housing to the village core in a new and creative way.

4. The proposed PUD is consistent with and furthers the PUD purposes and intent;

The PUD Amendment will allow for flexibility, creativity, and innovation in land use planning and project design. The Original PUD benefits will continue to be provided and improved upon through this Amendment. The Amendment furthers the land use principles of the comprehensive plan and through this approach, efficient land use is encouraged through infill development that is consistent with the comprehensive plan. The Amendment and subsequent development allows for integrated planning for the Village Center, Lot 109R and surrounding developments in order to achieve the purpose of the PUD.

5. The PUD meets the PUD general standards;

The PUD meets the general standards set forth in CDC Section 17.4.12(I), including but not limited to the authority to initiate a PUD amendment, landscaping, buffering and adequate infrastructure.

6. The PUD provides adequate community benefits;

As set forth in Exhibit 3, this project provides community benefits in an amount exceeding 10% of the estimated construction cost of the Project.

7. Adequate public facilities and services are or will be available to serve the intended land uses;

There are adequate public facilities and services available to serve the intended land uses.

8. The proposed PUD shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion; and

The proposed PUD Amendment does not cause vehicle, delivery or pedestrian circulation hazards as shown on the proposed traffic studies prepared by Christopher McGranahan and further improves the trash and service delivery in the area by the construction of a new and more efficient trash facility. The new plan significantly improves traffic circulation, compared to existing conditions and the 2010 PUD.

9. The proposed PUD meets all applicable Town regulations and standards unless a PUD is proposing a variation to such standards.

The proposed PUD Amendment meets all applicable Town regulations and standards, as amended by the Lot 109R PUD and as would be further amended in accordance with the application.

Applicant's application meets the standards of criteria for approval and Applicant has followed the same process and steps that Applicant would have followed in the event a new PUD was pursued, as opposed to the proposed amendment. The Applicant has had working sessions and community meetings beyond the scope of the Town's requirements for a new PUD application. Applicant believes that given the Town's guidance from the commencement of this project, the Town Council's comments at the August 2022 meeting, the timeline necessary to change approaches at this juncture and the Town Attorney's advice, an amendment to the existing PUD is only path forward to the success of this project.

- 9. Town Council raises concern on the negative impact from removing parking The current proposal shows 22 public parking spaces, a reduction of the 48 shown in the originally approved PUD
  - Applicant will continue to investigate ways to provide more parking to the Town to be incorporated at a later time.

#### JANUARY 19, 2023 FIRST READING OF AN ORDINANCE OVERVIEW COMMENTS

Applicant is addressing issues raised by Town Staff at the January 2023 meeting.

- 1. The Proposed Draft PUD Amendment Development Agreement. The applicant note that the 4th PUD amendment would replace and supersede the original PUD agreement; however, they also rely upon sections and language from the 2010 document which his confusing.
  - Applicant's position is that an amended and restated development agreement is the appropriate way to move forward. This means that the new development agreement will be similar to the previous development agreement, however it will reflect changes requested by the Applicant and the Town and approved by Town Council and the DRB, as applicable. If the Applicant or the Town does not request a change to existing language, that language will remain the same. Applicant has submitted a draft of the development agreement in October of 2022, which was not reviewed or commented on by the Town. Based upon the February 1, 2023 meeting with the Town, the development agreement will not be worked on unless and until the Town Council agrees to further continue the hearing.

Furthermore, based upon a January 8<sup>th</sup> email provided by Town Staff regarding the entitlement timeline, all easements and legal instruments are to be completed at either (a) the recordation of project condo documents or (b) the second reading. This process was confirmed by the Town Attorney. The first reading was never the proposed timeline for actual drafts of legal instruments or easement documents to be completed.

- 2. Use of Town Property In June and August Town Council asked the applicants to substantiate use of town property. As part of staff's comments to the applicant in response to this submittal, staff asked for an exhibit that shows all use of town property both permanent and temporary. The applicant did provide an exhibit of encroachments into the road right of way, as it relates to construction mitigation which we have captured as part of this review. The applicants responded that they would provide this after the first reading hearing. Given we have been asking for this information since June, and clarity regarding use of town property is important for Town Council in order to evaluate the application, lack of an exhibit leaves Town Council lacking in understanding this application.
  - Applicant has prepared the attached Exhibit 1 to address this issue, specifically pages: 1A, 2A, 3A, 11A, 11B, 12A, 13A
- 3. Evolving changes in monetary values and requests related to public benefits, variations and public improvements.
  - i We have adjusted our costs for the housing and trash enclosure based on the unprecedented escalation in construction costs that have occurred over the last year and have incorporated estimate feedback provided by our Estimating Consultant.

The most recent estimate of public benefits from our prior 1/19/23 Town Council meeting has been included for reference in Exhibit 2.

- a. No explanation has been provided as to why the trash shed, that does not include construction of the boilers/room increased from \$750,000 to \$1,200,000 except for construction costs.
- Our Estimating Consultant (Cumming) has advised us to adjust our cost to a more realistic conceptual estimate value of \$1,200,000 (1,500 SF x \$800/SF). This higher cost/SF is based on the fact that this is essentially a multi-phased construction project occurring on a small footprint impacted by limited access and significant adjacent utility and subgrade work while maintaining uninterrupted access to the trash facility throughout construction. This pricing also reflects inflation and cost increases from initial estimates in March of 2022 (exceeding 35%). The room to house the boilers is included in this estimate while the boiler cost itself is included in the snowmelt breakout estimates elsewhere.
  - b. Westermere improvements were noted as \$250,000 reduced to \$75,000
- We have separated the plaza area entering the Westermere portal from the portal itself and carried an appropriate cost to enhance the current deck, walls and ceiling lighting. We have estimated approximately \$62/SF to refinish the floor, walls and ceilings within this portal. The estimated SF of 1,200 at \$62 comes in at just under \$75,000.
  - c. All public improvement costs are increasing, specifically snowmelt. Public Improvement costs estimates are typically provided by an engineer or cost estimator. These costs keep escalating and are not easy to substantiate. A small exhibit that depicts the area of snowmelt of question could be helpful to better understand costs and locations referenced.
- i We have attached Exhibit 1 (Pages 4A,4B) showing the extent of snowmelt depicting scope and ownership of said snowmelt. Exhibit 4 includes an estimate of the snowmelt system operating costs.
  - d. A request for long term use (greater than 6 months) for condominiums and lodge units is a significant request to introduce, absent reference in the applications at the other three continued hearings before Town Council.
- i Applicant is withdrawing this request.
  - e. Ownership and maintenance of the restroom, parking, boilers and stormwater and sewer running within the building remain unresolved. (See #6 below for more discussion around the boiler room).
- Restroom- This will be owned and maintained by the owner of the Hotel Facilities Unit.
  - Parking- This is decision to be made by the Town, the applicant accepts either Town or hotel ownership of parking.
  - Boilers- All boilers located on Town property will be owned, operated and maintained by the Town. All boilers located on hotel property will be owned, operated and maintained by the Hotel Owner. Boilers located on Town property service the vehicular access areas (driveways, trash access, Shirana/Westermere driveways, and public parking on OS-3BR-2) and is not

subject to the above requirements because those are not "plaza area" which is defined in the CDC as the at grade, improved areas in the Village Center and Town Hall Subarea.

Stormwater and Sewer- The Town will have a utility easement and have ownership and maintenance obligations of the stormwater and sewer. This stormwater and sewer serves multiple properties.

- f. The deed restriction that runs with the employee units was not understood by the applicants and this matter is unresolved.
- Applicant accepts the deed restrictions. The only request at this time is as follows:

The ownership of the employee units will be a single purpose entity (a company whose purpose is to own a specific piece of real estate only) controlled by the same ownership as the hotel entity. As a specific example, the hotel is owned by "ABC 1, LLC" and the employee units are owned by "ABC 2, LLC". "ABC 1, LLC" and "ABC 2, LLC" are both owned by "John Smith" and "Jane Doe". In the event "ABC 1, LLC" sells the hotel to "XYZ 1, LLC" "ABC 2, LLC" must also be sold to "XYZ 1, LLC". The purpose of this structure is for insurance and liability purposes only and was discussed with Town Attorney.

- g. Better articulate and manage construction staging on town property (crane and other items)
- We have included Exhibit 1 (specifically pages 10A,11A, 11B, 11C, 12, 13A) In addition to the Construction Mitigation Plan which depicts the location of the construction fence and areas of Town Property that will be impacted by construction. Exhibit 1 (Page 12A) clarifies the east Shirana courtyard area that will be improved with hardscape and landscaping. We have indicated construction fencing in these areas and at the trash enclosure/Town plaza west and north of the Shirana. Materials and construction staging will occur behind construction fencing within the jobsite. Town property that is being improved will occur behind construction fencing. Fencing will only be removed when the area has been approved for use by the Building Department.
  - h. An additional new request is for a possible parking payment in lieu of up to five parking spaces at a rate of \$100,000 a piece. The applicants indicated they may need more structural beams in the garage as they formulate construction drawings which could diminish parking. They agreed to not have this reduction affect either public parking or deed restricted parking
- i Applicant reiterates this request.

- 4. Design Review Board approval with 31 conditions. The thirty-one conditions of the final design approval are primarily conditions that staff will be assuring are satisfied prior to issuance of a building permit. Given this design review is part of a PUD, staff has concerns that to conform to those conditions, new unanticipated issues could arise that could trigger minor or major PUD amendments.
- Each design review item is addressed below.
- 5. Drawing and representation inconsistencies Reducing conflicting information in the submitted materials is critical. For example, a service parking space is shown on some documents south of the trash enclosure and absent from others. A drawing plan set sheet indicates that the restaurants will be open all year long; however, the applicant elsewhere indicated this is something they will not commit to. Conflicts in submittal and record documents lead to confusion down the road which can lead to legal challenges. A clean and clear submittal and record is critical to any project's success. Second, the applicants submit revise materials, but do not redate those materials so it is difficult for staff to understand which version to provide and can only track this by submission dates. This creates a lack of clarity for staff, the applicant and public
  - Applicant is requesting a full re-submittal to address inconsistencies that staff has documented and to incorporate new traffic circulation in the site plan, if the traffic plan is accepted by Town staff.
- 6. Ownership and maintenance of the boiler room found in the trash shed. The applicants indicated a need to have a boiler room in the trash shed to serve roughly 30,000 square feet of snowmelt of town owned property OS-3BR-2. Staff comments related to ownership and maintenance of snowmelt in the Village Center has remained clear since the first memo went to the DRB in May of 2022. Section 17.3.4.H.7 R equired Improvements for Adjacent Public Areas is a CDC code section that makes clear it is the obligation of a developer in the Village Center to pay for snowmelt and maintain town plaza areas. The applicant with this application indicated although they understand this, they do not want to do it. The Town has first hand experienced all iterations of managing snowmelt systems in the Village Center: full obligation and maintenance, shared obligations and maintenance and developer obligation and maintenance. There is meaning and value to the town to adhere to our regulations so that the burden of cost and maintenance does not fall to the town.
  - There are two sets of boilers, one set is located in the trash shed and serves Town and Publicly used property (driveways, trash access, Shirana/Westermere driveways, and public parking) and the other set is in the Applicant's building and serves the Applicant's property and the plaza area. The Applicant proposes that it operates and maintains boilers located in its property and the Town would operate and maintain the boilers located in its trash shed and serving the public.

#### **DRB CONDITIONS**

Applicant is significantly concerned as it relates to the lack of clarity by Town Council as to the nature and timeline of DRB Conditions. Applicant will therefore address each condition and the timeline for each condition below. Applicant comments are shown in Red.

- 1. Prior to Town Council Review of the PUD Amendment, the applicant shall provide a shoring plan, either temporary or permanent as well as plan for any construction staging on town property, to be better described as part of the final PUD amendment application. The applicant has provided Exhibit 1 that outlines use of Town Property for construction staging and has further clarified construction mitigation plans. They will continue to work with Town staff to get an approved construction mitigation plan prior to building permit. The narrative better explains the shoring plan, and the applicant states that any needed soil nails for stabilization will be installed from within the property lines and without the necessity of excavating any of Mountain Village Boulevard. Soil nails could be cut once the hotel is built if ever necessary. It should be noted that the crane swing is proposed to swing over Westermere, Shirana and Town property approval by all three entities inclusive of any required insurance and indemnification will be a requirement prior to building permit. The final shoring plan will be provided at time of permit issuance. The proposed shoring plan is presented herein.
- 2. Prior to Town Council Review of the PUD Amendment, the applicant shall verify the public access via the porte cochere to the plaza through the building and identify the legal instrument that will recognize the public access. The applicant has indicated that a perpetual public easement is to be created, the timeline for the recordation of such easement needs to be clarified. This will be addressed by an easement/license at the time of recording of the condominium documents. Applicant has verified access via the porte cochere to the plaza through the building.
- 3. Prior to building permit the applicant shall provide an enlarged detail of storefront areas to clarify how the steel louver detail is used in these areas. A detail of the louver has been provided, however this is the major architectural detail of the storefronts facing the plaza. If not already addressed, applicant will address this item as required prior to building permit, but not until first reading is approved.
- 4. **Prior to building permit** the applicant shall revise the parking plan to indicate that the staff recommendation of providing 10% EV installed, 15% EV Ready and 50% EV Capable parking spaces is being met. Notes on revised parking plans indicate that EV Parking requirements will be met Applicant submitted drawings with calculations and met percentages.
- 5. **Prior to building permit** the applicant shall provide a product specification for glass railings that is specific to avoiding bird/glass impacts. If not already addressed, applicant will address this item as required prior to building permit, but not until first reading is approved.
- 6. <a href="Prior to building permit">Prior to building permit</a> the applicant shall provide additional details regarding proposed solar panels, including the method of mounting and any/all materials associated with the panels for staff review. <a href="This will be reviewed by staff prior to building permit">This will be reviewed by staff prior to building permit</a> as it relates to reflectivity as well as any height/visual concerns per the mounting hardware. If not already addressed, applicant will address this item as required prior to building permit, but not until first reading is approved.
- 7. **Prior to building permit**, the applicant shall provide a revised door schedule that indicates all exterior door type locations as well as door design, dimensions and materiality for staff and one DRB to review. Door locations, dimensions and materiality have been provided. Door design has not been presented and is an essential element of how this project meets plaza design standards. If not already addressed, applicant will address this item as required prior to building permit, but not until first reading is approved.
- 8. Prior to building permit, the applicant shall provide a drainage study with stormwater run-off calculations and/or update the original study as applicable. This needs to be provided prior to building permit applicant shall also revise specified plaza furniture to be moveable in nature. Firepits shall be designed such that they can be utilized as planting beds in summer months. Irrigation calculations are required for building permit. If not already addressed, applicant will address this item as required prior to building permit, but not until first reading is approved.
- 9. **Prior to building permit**, the applicant shall provide a current geotechnical report with final DRB review consistent with the Major PUD application requirements. This condition was included in the DRB motion in error. A geotechnical report consistent with Major PUD application requirements was already provided and approved prior to the DRB hearing.
- 10. **Prior to building permit,** the applicant shall revise the landscaping plans to reduce the area of planting beds, creating at least one open plaza space capable of having small special events and allowing for better access to the plazas for maintenance and EMS services with a 13' 8" minimum

- path. The applicant will either remove the proposed rain garden or provide detail to the satisfaction of staff that eliminates concern over water rights issues. The applicant shall also revise specified plaza furniture to be moveable in nature. Firepits shall be designed such that they can be utilized as planting beds in summer months. Irrigation calculations are required for building permit. If not already addressed, applicant will address this item as required prior to building permit, but not until first reading is approved.
- 11. <u>Prior to building permit</u> the applicant shall revise trash building plans to amend the shape of the trash enclosure building while preserving the area needed for town use and necessary turn radius and opening up sight lines. Plan should also provide a parking space for maintenance of the trash enclosure area and/or boilers for staff review. If not already addressed, applicant will address this item as required prior to building permit, but not until first reading is approved.
- 12. <u>Prior to building permit</u> the applicant shall provide details of engineered anchor points for sunshades and/or bistro lighting over the plaza areas for special events. If not already addressed, applicant will address this item as required prior to building permit, but not until first reading is approved.
- 13. **Prior to building permit** the applicant shall revise the Town trash building location/orientation to eliminate the site line impediment to Mountain Village Blvd. and to show venting for the boilers. Revisions show boiler venting and the location has been revised to avoid site line impediments. It is the understanding of the applicant this item is closed.
- 14. <a href="Prior to building permit">Prior to building permit</a> the applicant shall continue to work with the Town, utility providers and possibly other developments to develop final locations for transformer/s, switch box and gas substation and identify easements that would be necessary to accommodate utility infrastructure. The applicant should also indicate the plan for disposition of abandoned utilities. If not already addressed, applicant will address this item as required prior to building permit, but not until first reading is approved. The switch "box" currently on the property serves adjacent properties. The Diagrams shown in Exhibit 1 (Pages 7A, 7B, 8A, 8B, 9A, 9B) reflect the details of this proposal.
- 15. <u>Prior to building permit</u> the applicant will obtain an approved CMP from Town staff. If not already addressed, applicant will address this item as required prior to building permit, but not until first reading is approved. This appears to be a repeat of Condition 1.
- 16. **Prior to building permit,** an improvements agreement shall be entered into between the applicant and the town for all landscaping improvements. If not already addressed, applicant will address this item as required prior to building permit, but not until first reading is approved.
- 17. <u>Prior to building permit</u>, a maintenance agreement for landscaping and plaza maintenance will be entered into between the applicant and the Town. If not already addressed, applicant will address this item as required prior to building permit, but not until first reading is approved.
- 18. A trash compactor is required and needs to be dimensionally shown on the plan set in order to reduce number of pick-ups. This has already been addressed by Applicant.
- 19. **Prior to certificate of occupancy**, the surface of Mountain Village Blvd. adjacent to the project will be re-paved to the satisfaction of the Town. Applicant will address; however, this is only set to occur after the project is nearing completion.
- 20. <u>Prior to certificate of occupancy</u> the required improvements to the Westermere façade will be completed to the satisfaction of the Town consistent with the original development agreement. Applicant will address; however, this is only set to occur after the project is nearing completion.
- 21. Additional agreements and easements will be identified in the Town Council memo prior to a final approval. This will be addressed as needed between first and second reading.
- 22. **Prior to recordation** of the condominium documents or as soon as practical, staff will designate a new Primary Pedestrian Route through this project and update the relevant Appendix 3-1, along with the Appendix 8-1 Village Center Emergency Access Routes in the CDC accordingly. This is considered a standard condition of approval for a project in the Village Center for the continuation of the existing Primary Pedestrian Route.
- 23. Consistent with town building codes, Unenclosed accessory structures attached to buildings with habitable spaces and projections, such as decks, shall be constructed as either non-combustible, heavy timber or exterior grade ignition resistant materials such as those listed as WUIC (Wildland Urban Interface Code) approved products. This is a standard DRB condition of approval.

- 24. Consistent with town building codes, Unenclosed accessory structures attached to buildings with habitable spaces and projections, such as decks, shall be constructed as either non-combustible, heavy timber or exterior grade ignition resistant materials such as those listed as WUIC (Wildland Urban Interface Code) approved products. This is a standard DRB condition of approval.
- 25. A monumented land survey shall be prepared by a Colorado public land surveyor to establish the maximum building height and the maximum average building height. This is a standard DRB condition of approval.
- 26. Prior to the Building Division conducting the required framing inspection, a four-foot (4') by eight-foot (8') materials board will be erected on site consistent with the review authority approval to show.
  - a. The stone, setting pattern and any grouting with the minimum size of four feet (4') by four feet (4');
  - b. Wood that is stained in the approved color(s):
  - c. Any approved metal exterior material;
  - d. Roofing material(s); and Any other approved exterior materials

    This is a standard DRB condition of approval.
- 27. It is incumbent upon an owner to understand whether above grade utilities and town infrastructure (fire hydrants, electric utility boxes) whether placed in the right of way or general easement, are placed in an area that may encumber access to their lot. Relocation of such above grade infrastructure appurtenances will occur at the owner's sole expense and in coordination with the appropriate entity (fire department, SMPA, Town of Mountain Village) so that the relocated position is satisfactory. This is a standard DRB condition of approval.
- 28. A Major Subdivision application must be approved by Town Council prior to issuance of a **building permit** and concurrent with final PUD approval. This will occur concurrent with the second reading.
- 29. Improvements to OS-3BR-2, town owned land, are subject to **final Town Council** approval through the PUD amendment process. Should Town Council make amendment to proposed improvements on OS-3BR-2, this could necessitate revisions to design consistent with town processes. The approved design depends on certain allowances from the Town for encroachment on Town owned properties, the denial of any of these encroachments could have design implications. Staff requested of the applicant an exhibit that demonstrates all temporary and permanent encroachments on Town property, the construction mitigation plan addresses some temporary encroachments, but an exhibit of permanent encroachments has not been provided by the applicant. Staff has identified some encroachments from various pages within the drawing set, but would like clarification from the applicant that no other encroachments are being requested. All encroachments are shown on Exhibit 1 (specifically pages: 1A, 2A, 3A, 11A, 11B, 12A, 13A).
- 30. <u>Prior to building permit</u> the applicant will provide a revised lighting plan for staff and 2 DRB members to review per the discussions of this meeting. If not already addressed, applicant will address this item as required prior to building permit, but not until first reading is approved.
- 31. <u>Prior to building permit</u> the applicant will provide an address monument design for staff review. If not already addressed, applicant will address this item as required prior to building permit, but not until first reading is approved.

#### **COMMENTS REGARDING THE DETAILS OF PUBLIC BENEFITS**

Applicant is addressing various comments from Town staff regarding the details of certain public benefits:

- 1. Are you committing that all hotel amenities like the restaurants and spa are considered public benefits and will be written into the PUD development agreement as such?
- i This has been removed from public benefits.

- 2. Are you committing to a # of employee units and amount of square feet (14,455 square feet) or both as it relates to employee housing?
- i We are committed to the square footage with authorization for up to a 3% deviation. Applicant is no longer requesting a deviation of up to 5% and agrees with the staff recommendation of 3%.
- 3. Providing parking associated with housing is a requirement, not a public benefit
- i Applicant agrees with this concept.
- 4. Snowmelting public plaza areas is a requirement not a public benefit
- i Applicant agrees that certain public plaza areas must be snowmelted as a requirement. Applicant has divided these costs. Please see Exhibit 2.
- 5. Is the LEED silver building standard are you considering this a public benefit to be written into the development agreement?
- i Yes.
- 6. EV parking spaces is not considered a public benefit but a requirement
- i Applicant agrees with this concept.
- 7. The shuttle service that is indicated to be a public benefit is that from the Telluride Airport or Montrose airport?
- i Both.
- 8. Rebuilding the trash shed at \$800,000. Staff notes that this value includes the boiler room which is a requirement of the development, not a public benefit.
- i As stated above, the \$1,200,000 is for the cost of the facility only and does not include the boiler room equipment.
- 9. Public Bathroom. Town-owned but the public benefits indicate that the six senses will be maintaining the bathroom. Is this correct? Agreement to address future improvements when needed. The town recognizes that you are spending a significant amount of money related to plaza. improvements and snowmelt. These are not considered public benefits but rather a requirement per the village center zone district. We recommend you can demonstrate your costs in a different way so that this does not confuse matters during the hearing.
- i Public bathroom will be owned and maintained by the owner of the Hotel Facilities Unit.

## **Summary**

Applicant strongly believes that an amendment to the PUD is the most prudent, efficient, and legally sound approach to achieving a project that meets the goals of the Town and the Applicant.

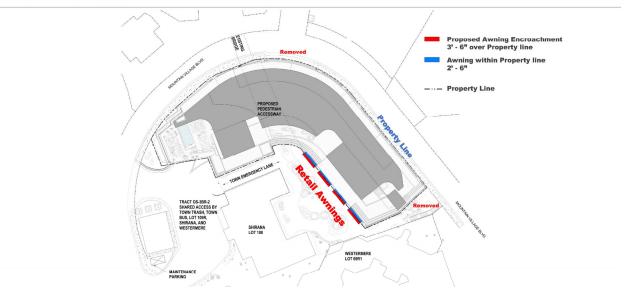
Applicant respectfully requests that the staff review Applicant's submissions with an open mind and attention towards Applicant's continued reduction of requested amendments to the PUD and thoughtful approach to the project.

Applicant has prepared a number of new exhibits, attached hereto, to further clarify outstanding items. Applicant agrees to continue to work with staff towards presenting an application that has staff fully apprised of the project in order to move forward.

## **EXHIBIT 1**

## **OVERHEAD ENCROACHMENTS:**

Revised For Staff Discussion



 ${\tt NOTE: *DIAGRAM PURPOSES ONLY, LEGAL EXHIBITS TO BE PROVIDED BY SURVEYOR AT FINAL TOWN COUNCIL. *TO SURVEYOR AT FINAL TOWN COUNCIL. *TO SURVEY SU$ 

## **OVERHEAD ENCROACHMENTS:**

1B

1A

## WHAT THIS IS:

A request for an overhead encroachment.

### TIMELINE:

DRB Conditions #29	- Prior to FTC	12.01.2022
Town Memo #4	- Overview	01.19.2023
Town Memo #2	- First Reading	01.19.2023
Town Memo Bullet Points #3/5	- G. Staff Concerns	01.19.2023

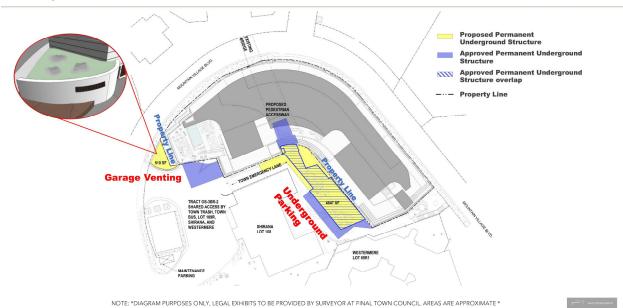
## REQUEST:

- Overhead encroachment for awnings over the retail spaces on the plaza
- Overhead awnings on the plaza have received positive feedback and provide shelter.
   It is our understanding that this is in line with the 2010 Approved PUD language

### NOTES:

- There is **no longer** a request for the following overhead encroachments:
  - Direct Employee ingress/egress via sidewalk. Ingress/egress will now occur from stair 3 via the plaza level.
  - Awning at porte cochere on Mtn. Village Blvd.
  - Any potential of light fixtures over the property line

As Proposed on 01.19.23 Town Council Presentation



## **EASEMENT AGREEMENT (PERMANENT UNDERGROUND STRUCTURES):**

2B

As Proposed on 01.19.23 Town Council Presentation

## WHAT THIS IS:

A request for an adjustment to permanent underground structures.

### TIMELINE:

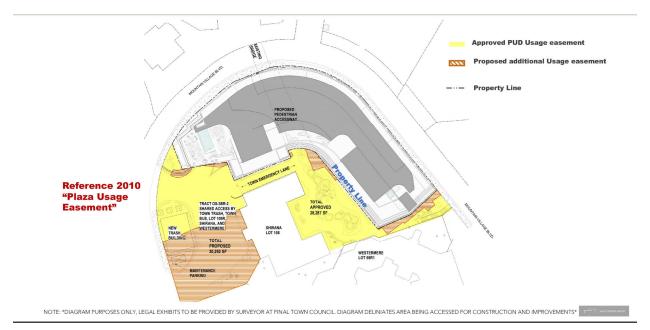
DRB Conditions #29	- Prior to FTC	12.01.2022
Town Memo #4	- Overview	01.19.2023
Town Memo #2	- First Review	01.19.2023
Town Memo Bullet Points #3/5	- G. Staff Concerns	01.19.2023

### **REQUEST:**

- Option as proposed in 01.19.23 presentation.
- Proposed Approximate area: 5,357 S.F.
- Approved area: 6,225 S.F.

## NOTES:

• There is **no longer** a request for an area well.



## EASEMENT AGREEMENT (OS-3BR-2 USAGE/SITE UTILITIES):

3B

### WHAT THIS IS:

A request for an adjustment to the OS-3BR-2 Usage/Site Utilities easement.

### TIMELINE:

 DRB Conditions #29
 - Prior to FTC
 12.01.2022

 Town Memo #4
 - Overview
 01.19.2023

 Town Memo #2
 - First Reading
 01.19.2023

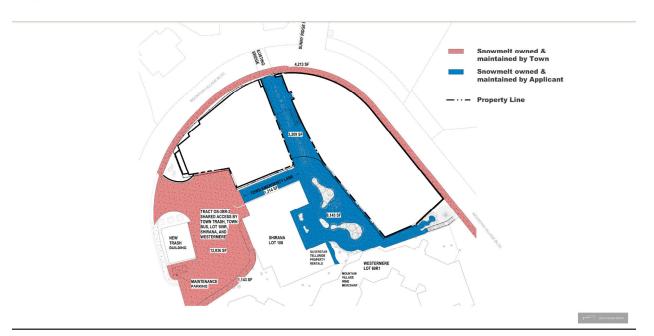
 Town Memo Bullet Points #3/5
 - G. Staff Concerns
 01.19.2023

## REQUEST:

- Modification to the OS-3BR-2 Usage/Site Utilities easement.
- Approximate proposed area: 30,292 S.F. increase of 2,005 S.F. from 28,287 D.F. approved improvements.

## NOTES:

- This clarifies Owner/Contractor access for improvements on OS-3BR-2
  - Snowmelt Systems
  - New Trash Building
  - Emergency Lane
  - Plaza Improvements



## OWNERSHIP AND MAINTENANCE OF BOILER ROOM:

4B

### WHAT THIS IS:

A request to define ownership of plaza area maintenance.

## TIMELINE:

DRB Conditions #29	- Prior to FTC	12.01.2022
Town Memo #4	- Overview	01.19.2023
Town Memo #6	- First Reading	01.19.2023
Town Memo #2	- First Reading	01.19.2023
Town Memo Bullet Points #2/4/5	- PUD Amdt. Criteria	01.19.2023
Town Memo Bullet Point #3	- G. Staff Concerns	01.19.2023

## REQUEST:

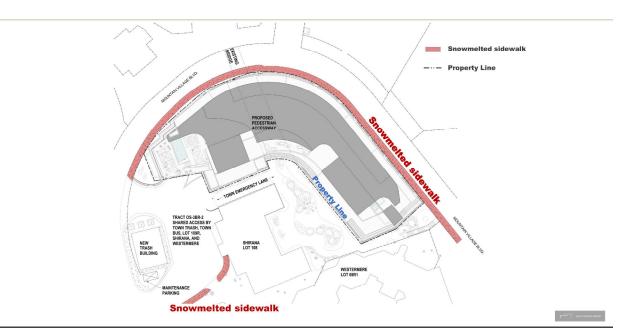
 To define ownership of plaza area maintenance including snowmelt systems and boilers housed within Lot 109R property

### NOTES:

 This modification removed boiler(s) supplying snowmelt for plaza (located inside hotel back of house). The remaining town-owned snowmelt boilers would be located in the New Trash Building

## CODE:

• SECTION 17.3.4.H.7 PROVIDES: "Unless otherwise determined by the town to be unnecessary or unwanted, snowmelt systems shall be required to be installed by the developer and operated and maintained by the subsequent lot owner(s) for all new or improved town plaza areas unless such areas are landscaped with planting beds or other landscaping that does not necessitate snowmelting."



## ADDITIONAL BENEFIT SNOWMELTED SIDEWALKS:

5B

### WHAT THIS IS:

Snowmelted sidewalk for direct year-round pedestrian circulation.

• In compliance with TMVCP (Comprehensive Plan)

### TIMELINE:

DRB Conditions #29	- Prior to FTC	12.01.2022
Town Memo #4	- Overview	01.19.2023
Town Memo #2	- First Reading	01.19.2023
Town Memo Bullet Point #5	- PUD Amdt. Criteria	01.19.2023
Town Memo Bullet Points #3/4	- G. Staff Concerns	01.19.2023

## NOTES:

- Approved PUD 2010: Sidewalks not included
- Proposed PUD: Per Staff direction/requirement, new snowmelted sidewalks added as a Major PUD Amendment Modification

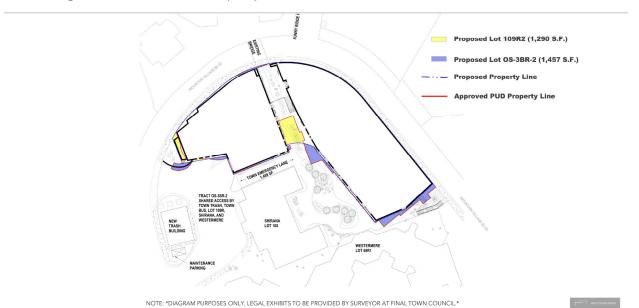
## CODE:

TMVCP (Comprehensive Plan): C. Provide direct, year-round, at-grade pedestrian connection for all hotbed projects in Mountain Village Center by sidewalks and appropriate dark-sky lighting.

### 6A

## **LOT LINE ADJUSTMENTS PER SECTION 17.3:**

Net area gain back to Town of 167 S.F. of Open Space



## LOT LINE ADJUSTMENTS PER SECTION 17.3:

Net area gain back to Town of 167 S.F. of Open Space

6B

### WHAT THIS IS:

A request for an adjustment to the lot line.

TIMELINE:		
DRB Conditions #28	- Prior to FTC	12.01.2022
DRB Conditions #29	- Prior to FTC	12.01.2022
Town Memo #4	- Overview	01.19.2023
Town Memo #8	- Overview	01.19.2023
Town Memo #2	- First Reading	01.19.2023
Iown Memo Bullet Points #3/4	- G. Staff Concerns	01.19.2023

## REQUEST:

For a Lot Line adjustment

## CODE:

ZONING & LAND USE CODE PER SECTION 17.3 ZONING AND LAND USE H. LOT LINE
ADJUSTMENTS. LOT LINE ADJUSTMENTS THAT AFFECT OPEN SPACE ARE PERMITTED,
SUBJECT TO THE APPROVAL OF THE TOWN, BUT ONLY TO THE EXTENT THAT THERE IS
NO NET LOSS OF OPEN SPACE AS REQUIRED HEREIN.





NOTE: \*THESE ARE ONLY A FEW OF THE VAST EXAMPLES OF EXPOSED UTILITIES IN THE VILLAGE AREA, LOCATED ON TOWN-OWNED SPACE OR IN THE RIGHT OF WAY.\*

## **EXISTING PRECEDENT UTILITY LOCATIONS:**

7B







2. PRECEDENT: EXPOSED UTILITIES ALONG MTV BLVD BY WESTERMERE - LOCATED ON OS-3Y & 89-2B.

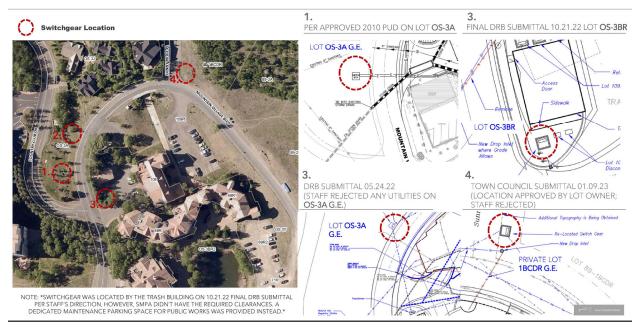




3. PRECEDENT: EXPOSED UTILITIES ALONG MTV BLVD BY THE MADELINE - LOCATED ON OS-3CRR.



NOTE: \*THESE ARE ONLY A FEW OF THE VAST EXAMPLES OF EXPOSED UTILITIES IN THE VILLAGE AREA, LOCATED ON TOWN-OWNED SPACE OR IN THE RIGHT OF WAY.\*



## PROJECT HISTORY OF SWITCHGEAR LOCATION:

8B

### WHAT THIS IS:

Project history of Switchgear Relocation.

• 05.31.22 Town Memo 17.5.11: Utilities. Approved PUD location rejected by staff

## TIMELINE:

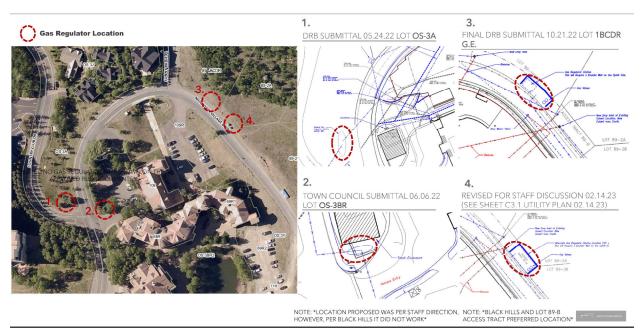
DRB Condition #14	- Prior to FTC	12.01.2023
Town Memo #4	- Overview	01.19.2023
Town Memo #2	- First Reading	01.19.2023
Town Memo Bullet Point #8	- G. Staff Concerns	01.19.2023

### **REQUEST:**

 $\bullet$   $\,\,$  The relocation of the switchgear for Lot 109R  $\,$ 

## NOTES:

 This clarifies applicant has been in correspondence with SMPA and Lot Owner of 1BCDR and provided preferred locations that have been rejected by staff.



## PROJECT GAS REGULATOR PROPOSED LOCATION HISTORY:

9B

### WHAT THIS IS:

Project history of Gas Regulator Locations.

- Approved PUD, no location specified
- 05.31.22 Town Memo 17.5.11: Utilities. Proposed Location Rejected
- 06.16.22 Town Memo Item #13. To be approved by Black Hills Gas (Revision required)
- 12.01.22 Town Memo 17.5.11: Utilities. Black Hills preferred Location. Proposed Location Rejected
- 01.19.23 Town Memo G. Staff Concerns. Black Hills preferred Location. Proposed Location Rejected

### TIMELINE:

 DRB Conditions #14
 - Prior to FTC
 12.01.2023

 Town Memo #4
 - Overview
 01.19.2023

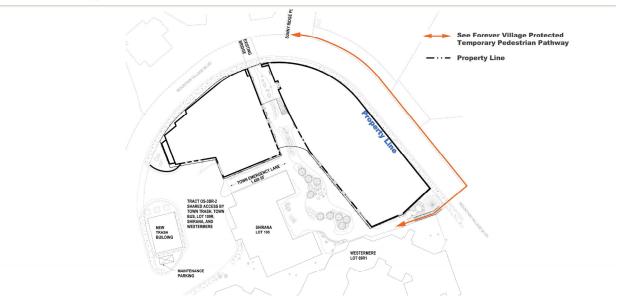
 Town Memo #2
 - First Reading
 01.19.2023

### REQUEST:

 $\bullet$   $\,$  A new gas regulator to supply gas to Lot 109R, adjacent lots, and future developments

### <u>NOTES</u>

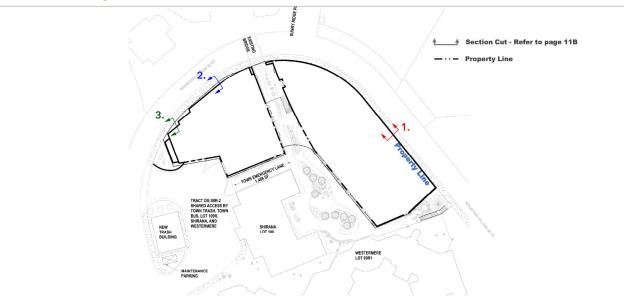
 This clarifies applicant has been in correspondence with Black Hills Gas and Lot Owner of 1BCDR and provided preferred locations that have been rejected by staff. Construction Mitigation



## TEMPORARY SOIL NAILS - ABANDONED AFTER CONSTRUCTION:

11A

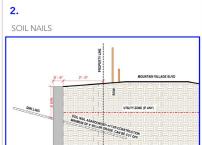
Construction Mitigation

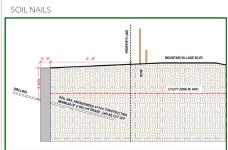


## TEMPORARY SOIL NAILS - ABANDONED AFTER CONSTRUCTION:

Construction Mitigation

SOIL NAILS





3.

## TEMPORARY SOIL NAILS - ABANDONED AFTER CONSTRUCTION:

11C

Construction Mitigation

## WHAT THIS IS:

Soil Nail examples.

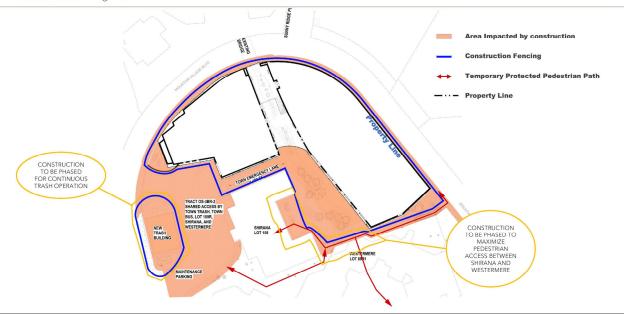
- No layback at top wall
- Established barriers and fence to protect public
- Nails abandoned after project is complete
- Nail placement coordinated with surveyed existing utilities
- Nails placed beneath utilities where possible





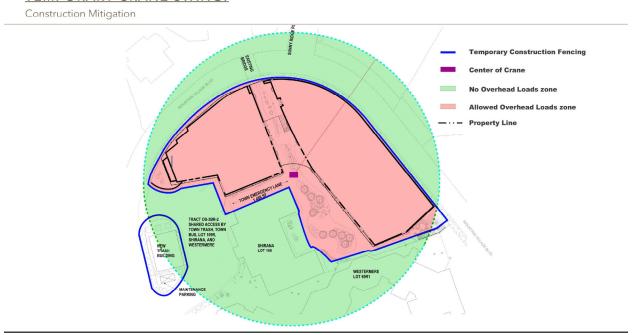


Construction Mitigation



## **TEMPORARY CRANE SWING:**

13A



## **EXHIBIT 2**

## \*Highlights are taken directly from January Staff Report

Table 10. Public Benefits

Item	Value
Onsite deed restricted housing of 2 employee	\$9,950,250 estimated value (kept in one
apartments and 18 employee dormitories and	ownership unit)
14,455 square feet	
Mitigation Payment	\$996,288 (\$250,000 can be used for the
	trash enclosure costs)
22 Public Parking Spaces	\$2,200,000
50 dedicated hotel rooms	(kept in one ownership unit)
Hotel Covenant	Hotel Covenant
Furniture Package	
Hotel Operator Requirements	
5 star luxury hotel operator	n/a
Trash Enclosure	\$1,200,000 – not including the boiler room
	improvement
Public Restroom	\$50,000-\$70,000 annually for maintenance
Village Pond Improvements	\$250,000
Public Restroom	\$250,000 and no less than 381 square feet
Conference Room Space – use for public at	n/a
market rates	
Public Access from Port Cochere to See	\$75,000
Forever Plaza through the building	
(easement)	
Westermere Façade/Breezeway	\$75,000
Improvements*	
24 hour valet for commercial uses**	n/a

Shuttle Service to the Montrose airport for	n/a
hotel for guests	
Various easements (See forever and town	n/a
access to see forever)	
Waive HOA dues for public parking and	TBD
public restroom (if deeded)**	
Ongoing Plaza Maintenance Costs	\$200,000
Maintenance Costs for the provision of town	TBD
parking	

Table 11. Provided Amenities of note but not necessarily written into the development agreement as public benefits – not legally binding

agreement as public benefits. Het legally binding	
Sustainabiltiy Fund committed to be spent	\$200,000-\$350,000*
locally (A Six Senses requirement)	
Silver LEED Certified (a Six Senses	\$2,460,000
requirement)	
Hotel Amenities open to the public	n/a
(conference center is noted above in public	
benefits)	

<sup>\*</sup>Applicant agrees to place Silver Leed Certification into Development Agreement

Table 13. Staff recommended Public Improvements pursuant to the major subdivision

Item	Value
Sidewalk, lighting and a snowmelted sidewalk Along MV Blvd	\$600,000
Sidewalk , lighting and a snowmelted sidewalk from Shirana to MV Blvd	\$180,000 – this should be part of trashence above
OS-3BR-2 Snowmelt	\$1,800,000 This should be areas not already described
Utility relocations/installations as approved by Town Council	\$2,500,000
Repaving Mountain Village Blvd	TBD

Table 14. Elective Public Improvements.

These are improvements initiated by Tiara Telluride, not the town

Item	Value
Stairway Access for 89 Lots on Town owned	TBD
OS-3-BR2 (proposed to be relocated and	
used for public, not just 89 lot, access and	
109R building egress)	

## **EXHIBIT 3**

## Community Benefits

Community Benefit	Value
Provide 22 Spots for Town Parking	\$2,200,000
Provide 20 Spots to Employee Parking	\$2,000,000
Provide 18 Employee Dorms and 2 Employee Apartments housing over 50 employees (14,455 sq ft)	\$9,950,250****
Pedestrian Access Stairs from Access Tract 89B to Village Center, Corten steel staircase, grated, to allow snow to pass	\$150,000****
Plaza Improvements between lot 109 R and Shirana; heated natural stone paver and landscaped	\$1,500,000****
Plaza Improvements between to Westermere Façade, new heated pavers, new lighting, stucco building finish (see attached rendering)	\$75,000****
Plaza Improvements to Village Pond Area Designated in Original PUD (payment to Town),	\$250,000****
Emergency Access Lane & Fire Utilities, heated drive, landscaped	\$200,000****
Sidewalk along Mountain Village Blvd from Lot 161 CR Stairs to Porte Cochere, heated walkway, lighted, landscaped	\$750,000****
Sidewalk along Mountain Village Blvd from Porte Cochere to Entrance at Level G2, heated walkway, lighted, landscaped	\$250,000****
Snow Melt System for all Roads, Plazas, and Sidewalks with Boiler Cost, developer to include engineering plans prior to permit	\$1,500,000****
Construction of a Public Restroom (381 sq ft), high design, build in the same interior design scheme as the hotel	\$250,000****
Operation & Maintenance of Public Restroom	\$50,000-\$70,000 annually****
New Trash Facility Building Structure for Town Use (Not utilized by Hotel Building Management) Updated exterior finishes include stone, wood, craftsman style garage doors for trash collection, and weathered steel.	\$1,200,000****

New concrete snowmelted sidewalks flanking the edge of the building to the plaza stair. New snowmelted concrete sidewalk connecting the existing sidewalk at Mountain Village Boulevard to the Shirana.	\$200,000****
Waiving HOA fees due for the Public Restroom and Parking	TBD
spaces	
Mitigation Fee	\$996,288
EV capabilities provided in Town Parking Spaces (10% EV	\$375,000*****
Installed, 15% EV Ready, 50% EV Capable)	
Sustainability Fund committed to be spent locally	\$200,000 -
	\$350,000
	annually*****
LEED Certified	\$2,460,000******
Payments per Employee in excess of 90 full time equivalent	TBD
employees beginning on Second Anniversary	
Conference Facility	NA
Commercial Spaces and uses contemplated therefore	NA
(Additional Spa and Restaurant Spaces	
TOTAL VALUE	\$23,306,538

\*\*\*\*Construction cost estimations provided by General Contractors

\*\*\*\*\*Once constructed, cost provided by Six Senses

\*\*\*\*\*\*Estimated cost provided by Solar Consultant

\*\*\*\*\*\*\*Once Constructed this is based on a % of annual revenue while Six Senses is the Hotel Operator

\*\*\*\*\*\*\*Based on % of construction costs as per our LEED certification consultant

## **EXHIBIT 4**

Cost to operate snown	nelt per season/ma	intain	per se	ason															
·									boilder			Jan	itorial			F	Plaza	Mai	ntenance
		р	er				average days	ор	erating cost		cost per	со	st per	Jan	per total	Main	itenance	Cost	s per tota
		MSF/	Hour	per hour	per	r 6 hours	per winter		per year		month		SF		SF	Cost	ts per SF		SF
Six Senses Property																			
Galleria	3209 sf	\$	7.26	\$ 23.29	\$	139.77	120	\$	16,772	\$	1,397.65	\$	1.40	\$	4,505	\$	0.29	\$	943
South Plaza	5178 sf	\$	7.26	\$ 37.59	\$	225.55	120	\$	27,066	\$	2,255.54	\$	1.40	\$	7,270	\$	0.29	\$	1,522
Access ramp to centra	1488 sf	\$	7.26	\$ 10.80	\$	64.82	120	\$	7,778	\$	648.17	\$	1.40	\$	2,089	\$	0.29	\$	437
South Stairs to MVB	1858 sf	\$	7.26	\$ 13.49	\$	80.93	120	\$	9,712	\$	809.34	\$	1.40	\$	2,609	\$	0.29	\$	546
								\$	61,328					\$	16,473			\$	3,449
Town Mangeed Prope	rty																		
MVB sidewalk	4635 sf	\$	7.26	\$ 33.65	\$	201.90	120	\$	24,228	\$	2,019.01	\$	1.40	\$	6,508	\$	0.29	\$	1,363
Town Lot OS-3BR-1	12005 sf	\$	7.26	\$ 87.16	\$	348.63	120	\$	41,835			\$	1.40	\$	16,855		0.29	\$	3,481
					Ė			\$	66,063					\$	23,363			\$	4,844
								\$	127,392						\$39,835			\$	8,294
								Ť							700,000			_	
Hi Range Scenario Base	ed on \$9.00/MSF pe	r hour																	
<u> </u>					т			_		_									
									boilder			Jan	itorial			F	Plaza	Mai	ntenance
		n	er				average days	on	erating cost		cost per		st per	lan	ner total				s per total
			Hour	per hour	nei	r 6 hours			per year		month	-	SF	Juin	SF		ts per SF	0050	SF SF
Galleria	3209 sf	\$	9.00	\$ 28.88	\$		120	_	20,792	\$	1,732.63	\$	2.00	\$	6,417	\$	0.60	\$	1,925
South Plaza	5178 sf	\$	9.00	\$ 46.60	\$	279.61	120		33,553	\$		\$	2.00	Ś	10,356		0.60	\$	3,107
Access ramp to centra	1488 sf	\$	9.00	\$ 13.39	-	80.35	120	-	9,642	\$	803.52	-	2.00	\$	2,976	· · ·	0.60	\$	893
South Stairs to MVB	1858 sf	\$	9.00		-	100.33	120	_	12,040	\$	1,003.32	•	2.00	\$	3,716		0.60	Ś	1,115
MVB sidewalk	4635 sf	\$	9.00	\$ 41.72		250.29	120		30,035	Ś	2,502.90		2.00	\$	9,270	· ·	0.60	\$	2,781
WW B SIGE WORK	4033 31	7	5.00	ŷ 41.7Z	7	230.23	120	\$	106,062	7	2,302.30	7	2.00	Ś	32,735	7	0.00	Ś	9,821
								7	100,002					7	32,733			7	3,021
Town Lot OS-3BR-1	12005 sf	\$	9.00	\$ 108.05	\$	864.36	120	\$	103,723			\$	2.00	\$	24,010	\$	0.60	\$	7,203
								Ś	200 705					Ś	FC 745				17.024
								ì	209,785					>	56,745			\$	17,024
Gas cost alone (does n	ot include electric)																		
150 btu/hour per sf at																			
		btus	per							ave	erage days	со	st per						
		hc	our	therms		kWh	per hour	р	er 6 hours		er winter	١,	ear						
Six Senses Owned	16368 sf	2,4	55,136	24.55		719.35	\$ 69.78	\$	418.66	Ė	120	\$ !	50,240						
Town Owned	12005 sf		00,750			527.62	\$ 51.18	\$	307.07			-	36,849						
Total Snowmelted	28373 sf		55,886		_			Ė					37,089						
1 therm = 29.30 kWh								-											
1 (1161111 = 29.30 KVVII			s dolla				15 year replace					_							

VAULT MANAGEMENT
TIARA TELLURIDE LLC
February 14th, 2023

#### PURPOSE OF MEMORANDUM

Tiara Telluride, LLC, a Colorado limited liability company ("Tiara") has submitted a Major PUD Amendment Application with respect to Lot 109R, Town of Mountain Village, San Miguel County, Colorado. The purpose of this Memorandum is to respond to concerns raised by the staff of the Town of Mountain Village prior to the January 2023 Town Council meeting.

#### COMMENTS CARRIED OVER FROM JUNE 2023 MEETING TO JANUARY 2023 MEETING

Applicant is restating and addressing these items to understand if any items remain outstanding from the perspective of Town Staff.

- Council stated the mass and height is an issue The applicant revised their plans to address
  mass and scale. They are no longer asking for additional height over the original approved PUD
- Tiara confirms that the mass and scale presented and approved by the DRB on December 1, 2023 remains unchanged. No request is being made to amend the PUD as it relates to building maximum and average height.

The massing and height are consistent with what was presented to Town Council in August 2022 and approved by DRB in December 1, 2023.

- Town Council states that moving lodging and efficiency lodge to a Class 1 for rezoning is not doable in our community.
- Applicant stated at the August 2022 Town Council meeting that it is not requesting a Class 1
  Application and has withdrawn a request for this consideration.

This item should be considered resolved.

- 3. Town Council states concern about mitigation payment being grouped for a reduction over 2.5 million for it is not feasible. The expense of Community Funds cannot be bypassed. The applicant no longer requests a reduction in fees.
- Applicant is not requesting changes to the agreed upon mitigation payments per the PUD.
  This item should be considered resolved.

68604634-4

Summary of Comments on Microsoft Word -Responses to Town Staff (March 2023 Meeting) 2.13.23 draft (1)

This page contains no comments

- 4. Town Council recommends working with staff to review and negotiate use or transfer of public lands. Staff initiated a zoom with the applicants on August 9, 2022 to discuss this specific concern related to the major subdivision application as conceptually shown and also use of town village center open space for hotel related uses and consideration for such use. The Applicants intend to explain the subdivision request in more detail and the applicant and Council can discuss consideration. Staff asked for the applicants to identify all areas of town property to be used either temporarily, permanently or via a requested encroachment agreement to better quantify this request. Staff requested an exhibit to illustrate all possible use of town owned property, either permanently, via revocable encroachment or temporary. The applicants indicated an encroachment exhibit would be provided after first reading. An exhibit is critical to council's understanding of use of town property.
- Applicant has prepared the attached Exhibit 1 to address this issue, specifically pages: 1A, 2A, 3A, 11A, 11B, 12A, 13A
- Town Council requires conducting a traffic, circulation study and an impact study The applicant provided a traffic circulation study. The uses shown on OS-3BR-2 are significant. This includes a recommendation of one way clockwise traffic inclusive of the town's SMART bus for circulation.
- Applicant has previously submitted a traffic circulation study which was approved by Town staff. Applicant is currently working with Town staff on a traffic <u>impact</u> study which will be complete prior to the March 2023 meeting.

Christopher McGranahan is the Applicant's traffic consultant and met with the Town staff on February 10<sup>th</sup>. Additional conversations including the residents and counsel for Shirana and the HOA manager for the Westermere took place on February 8<sup>th</sup> and the traffic consultant continues to await feedback from Westermere. Applicant anticipates the traffic studies will be updated on or about February 14th.

- 6. Town Council states from previous discussion that that going by 2010 LUO will not be feasible and will have to follow Community Development Code. The applicants agrees to this and have removed all requests to consider any prior LUO provision to the extent they have been identified in the prior PUD. The applicant only remaining request is to continue to honor the original PUD agreement allowance for 1 parking space per 1,000 square feet of commercial square footage. This was approved by the PUD Agreement as a variation in 2010, and would be seen as a variation to the CDC today.
- Tiara bought Lot 109R with a PUD entitlement for the Property. The PUD calculated parking by the then current LUO Code and contemplated the inclusion of an additional 48 spots as a public benefit. The project also contemplated the inclusion of one Employee Residence Unit.

Upon discussions with the Town Council through workshops and in conversation with Town staff and the community of Mountain Village, a strong preference was expressed for additional employee housing, rather than parking. Applicant therefore designed a building massing with a full floor (14,000 sq ft approx.) for Employee Housing. Given the limits of the site, Applicant had to utilize space for employee housing that could have been utilized for parking. Town Council expressed concern with the loss of 48 spots in the initial design, so Applicant worked to provide at least some Town public parking. Additionally, DRB required Tiara to build 18 spots for Employee parking in contrast to the 12 spots actually required by the current CDC.

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## Page: 2

Author: mhaynes Subject: Inserted Text Date: 2/27/2023 11:35:17 AM

This is an inaccurate statement. The DRB has the authority to establish the parking requirement for dormitory use. The required parking for employee housing is meeting the parking requirement, not requiring more than the requirement as represented here. Currently the Town leases a portion of Lot 109R which has 22 parking spots. Applicant worked to attain a minimum of 22 public parking spots along with 18 spots for employee housing. To do that, Tiara had to extend the building footprint at a subgrade level, creating an underground permanent structures easement under the Town plaza, which is Town owned land. Staff was supportive of this decision. Additionally, Applicant parked restaurants at 1 spot per 1000 sq ft (as per the old PUD) instead of 1 per 500 sq ft (as per the new CDC). This allowed Applicant to satisfy the requirements for the project, requirements of DRB for employee housing and provide the Town no net loss in public parking spots on Lot 109R. It is important to note that the availability of 48 public parking spaces was only possible when the LUO calculations for parking were utilized, as the current CDC would require more parking than what was proposed in the 2010 project.

Applicant will continue to investigate ways to provide more parking to the Town to be incorporated at a later time.

- Town Council states that public benefit in volume of variances will need to be reconsidered.
   The applicant requests continue to change with each submittal. A better evaluation of the variations and benefits will be better described, and as identified with this submittal later in the memo.
- To be addressed by Exhibit 2.
- 8. Town Council proposes that submitting a new PUD will be a quicker, more straight forward process. The applicant has chosen to continue with amending the original PUD.
- As previously stated by applicant and Town Attorney, the criteria for an amendment to a PUD are the same as the criteria for a new PUD. The Town has previously amended existing PUD's without any consideration for the volume of amendments (Example Lots 126R/15/R in 2019). That is why a Major (vs Minor) PUD amendment is appropriate.

For the purposes of clarity, the following are the outstanding material amendments to the PUD:

- 1. Density
- 2. Public Parking
- 3. Footprint (and related encroachments and resubdivision/rezoning)
- 4. Project Amenities

In January of 2022, conversations began with Town staff on the amendment of the PUD. Subsequently there was a January 24, 2022 email from Town staff, a discussion regarding the submittal requirements and meeting requirements for a Major Amendment to the PUD. As a point of clarification, the criteria for the approval of a Major PUD Amendment are the same as for the creation of a PUD (Section 17.4.12.0.3).

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## Page: 3

	Author: mhaynes		Date: 2/27/2023 1:26:00 PM
/	the development	as proposed is also removing	all public parking currently provided on the portion of OS-3BR near
	the existing trash	facility that consists of 11 add	ditional spaces, some of these spaces are necessarily removed to meet
	the turning radius	of trucks entering the loading	a dock of the new development.

TAuthor: mhaynes Subject: Inserted Text Date: 2/27/2023 11:39:58 AM

This is an inaccurate statement. The 126R/152R applicants asked that the PUD not expire. The town retained the right to request a PUD amendment, rather than an expiration, for the purposes of preserving public benefits. The applicants withdrew their application to avoid a denial and to regroup. The 2019 process never got so far as to evaluate amendments.

Although the criteria for review are the same, the process is significantly different for a PUD amendment (class 4) versus a new PUD constituting a class 4, a class 3 and then another class 4 application.

1.The proposed PUD is in general conformity with the policies, principles and standards set forth in the Comprehensive Plan;

The proposed amendment is in general conformance with the goals, policies, and provisions of the Mountain Village Comprehensive Plan ("MVCP"). The proposed development conforms to the landscape, incorporates a neutral plette, and integrates natural elements. These design choices allow the structure to yield to Mountain Village's Elysian backdrop, deliquescing with seasonal variations in color and texture. The amendment promotes connectivity and economic vitality, providing conference facilities, employee housing, hotbeds, and pedestrian connections, together creating an environment consistent with MVCP's focus on destination marketing, group sales, and transportation. The proposal is also consistent with the nearby redevelopment plan for Parcel B SHIRANA as set forth in the MVCP, which contemplates redevelopment to provide hotbeds and inclusion into the Mountain Village PUD in order to provide the efficient and holistic development of the entire area.

The proposed PUD is consistent with the underlying zone district and zoning designations on the site or to be applied to the site unless the PUD is proposing a variation to such standards:

The proposed amendment is consistent with applicable Zoning and PUD development agreements regulating development of the property, as they would be amended in accordance with PUD Amendment Application.

 The development proposed for the PUD represents a creative approach to the development, use of land and related facilities to produce a better development than would otherwise be possible and will provide amenities for residents of the PUD and the public in general;

The PUD amendment will provide additional and upgrades to improvements to plaza areas, , for the replacement of existing Town trash facility including construction of a new snowmelted driveway around the trash facility for better circulation of all traffic and to create a turnaround for the bus service, improve pedestrian access from the stairs on the west side of the Shirana to Mountain Village Boulevard to the west by installing a sidewalk, building a stainway access from Mountain Village Blvd to the plaza area, creating a public pedestrian accessway through project from porte cochere on Mth Village Blvd to plaza, new snowmelted sidewalks, provide new commercial businesses in the village core, provide snowmelt throughout the plaza area and adjacent driveway areas and new Mt. Village Blvd. sidewalks and provide an architecturally beautiful, luxury resort in the village core. Additionally, the project will bring employee housing to the village core in a new and creative way.

4. The proposed PUD is consistent with and furthers the PUD purposes and intent;

The PUD Amendment will allow for flexibility, creativity, and innovation in land use planning and project design. The Original PUD benefits will continue to be provided and improved up through this Amendment. The Amendment furthers the land use principles of the comprehensive plan and through this approach, efficient land use is encouraged through infill development that is consistent with the comprehensive plan. The Amendment and subsequent development allows for integrated planning for the Village Center, Lot 109R and surrounding developments in order to achieve the purpose of the PUD.

5. The PUD meets the PUD general standards;

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## Page: 4

TAuthor: mhaynes Subject: Inserted Text Date: 2/27/2023 11:43:15 AM

Redevelopment of Shirana is not identified in the amended comp plan for hotel development as it is not feasible for an existing building with multiple owners to agree to redevelop.

The PUD meets the general standards set forth in CDC Section 17.4.12(I), including but not limited to the authority to initiate a PUD amendment, landscaping, buffering and adequate infrastructure.

6. The PUD provides adequate community benefits;

As set forth in Exhibit 3, this project provides community benefits in an amount exceeding 10% of the estimated construction cost of the Project.

7. Adequate public facilities and services are or will be available to serve the intended land uses:

There are adequate public facilities and services available to serve the intended land uses.

8. The proposed PUD shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion; and

The proposed PUD Amendment does not cause vehicle, delivery or pedestrian circulation hazards as shown on the proposed traffic studies prepared by Christopher McGranana and further improves the trash and service delivery in the area by the construction of a new and more efficient trash facility. The new plan significantly improves traffic circulation, compared to existing conditions and the 2010 PUD.

9. The proposed PUD meets all applicable Town regulations and standards unless a PUD is proposing a variation to such standards.

The proposed PUD Amendment meets all applicable Town regulations and standards, as amended by the Lot 109R PUD and as would be further amended in accordance with the application.

Applicant's application meets the standards of critera for approval and Applicant has followed the same process and steps that Applicant would have followed in the event a new PUD was pursued, as opposed to the proposed amendment. The Applicant has had working sessions and community meetings beyond the scope of the Town's requirements for a new PUD application. Applicant believes that given the Town's guidance from the commencement of this project, the Town Council's comments at the August 2022 meeting, the timeline necessary to change approaches at this jungure and the Town Attorney's advice, an amendment to the existing PUD is only path forward to the success of this project.

- Town Council raises concern on the negative impact from removing parking The current proposal shows 22 public parking spaces, a reduction of the 48 shown in the originally approved PUD
- Applicant will continue to investigate ways to provide more parking to the Town to be incorporated at a later time.

#### JANUARY 19, 2023 FIRST READING OF AN ORDINANCE OVERVIEW COMMENTS

Applicant is addressing issues raised by Town Staff at the January 2023 meeting.

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## Page: 5

(X) Author: award Subject: Inserted Text Date: 2/27/2023 1:32:01 PM per previous comments this percentage likely needs revision

Author: award Subject: Inserted Text Date: 2/27/2023 1:41:02 PM
The 11 existing surface spaces will also be lost with this development

- The Proposed Draft PUD Amendment Development Agreement. The applicant note that the 4th PUD amendment would replace and supersede the original PUD agreement; however, they also rely upon sections and language from the 2010 document which his confusing.
- Applicant's position is that an amended and restated development agreement is the appropriate way to move forward. This means that the new development agreement will be similar to the previous development agreement, however it will reflect changes requested by the Applicant and the Town and approved by Town Council and the DRB, as applicable. If the Applicant or the Town does not request a change to existing language, that language will remain the same. Applicant has submitted a draft of the development agreement in October of 2022, which was not reviewed or commented on by the Town. Based upon the February 1, 2023 meeting with the Town, the development agreement will not be worked on unless and until the Town Council agrees to further continue the hearing.

Furthermore, based upon a January 8th email provided by Town Stath egarding the entitlement timeline, all easements and legal instruments are to be completed at either (a) the recordation of project condo documents or (b) the second reading, This process was confirmed by the Town Attorney. The first reading was never the proposed timeline for actual drafts of legal instruments or easement documents to be completed.

- 2. Use of Town Property In June and August Town Council asked the applicants to substantiate use of town property. As part of staff's comments to the applicant in response to this submittal, staff asked for an exhibit that shows all use of town property both permayent and temporary. The applicant did provide an exhibit of encroachments into the road right of way, as it relates to construction mitigation which we have captured as part of this rview. The applicants responded that they would provide this after the first reading hearing. Given we have been asking for this information since June, and clarity regarding use of town property is important for Town Council in order to evaluate the application, lack of an exhibit leaves Town Council lacking in understanding this application.
- Applicant has prepared the attached Exhibit 1 to address this issue, specifically pages: 1A, 2A, 3A, 11A, 11B, 12A, 13A
- Evolving changes in monetary values and requests related to public benefits, variations and public improvements.
- We have adjusted our costs for the housing and trash enclosure based on the unprecedented escalation in construction costs that have occurred over the last year and have incorporated estimate feedback provided by our Estimating Consultant.

The most recent estimate of public benefits from our prior 1/19/23 Town Council meeting has been included for reference in Exhibit 2.

68694634:5

## Page: 6

Author: mhaynes Subject: Inserted Text Date: 2/27/2023 11:44:41 AM
Thank you for providing clarity. Our attorney can weigh in also. Superseding has been removed.

Author: mhaynes Subject: Inserted Text Date: 2/27/2023 11:47:13 AM

This is an oversimplification of the suite of documents and what is required when. Certain documents need to be executed well in advance of project condominium documents, which would be executed concurrently with a request for a certificate of occupancy for the project. Timing and sequencing would be established prior to a second reading of an ordinance.

TAuthor: mhaynes Subject: Inserted Text Date: 2/27/2023 12:16:29 PM

Staff ran a quick analysis of cost per square foot of sidewalks, snowmelt and trash facility and bathroom. There does not seem to be a consistent cost estimating methodology. Staff will request the town engineer to do a similar cost estimating exercise to better understand true estimated costs should the project move forward.

- No explanation has been provided as to why the trash shed, that does not include construction of the boilers/room increased from \$750,000 to \$1,200,000 except for construction costs.
- Our Estimating Consultant (Cumming) has advised us to adjust our cost to a more realistic conceptual estimate value of \$1,200,000 (1,500 SF x \$800/SF). This higher cost/SF is based on the fact that this is essentially a multi-phased construction project occurring on a small footprint impacted by limited access and significant adjacent utility and subgrade work while maintaining uninterrupted access to the trash facility throughout construction. This pricing also reflects inflation and cost increases from initial estimates in March of 2022 (exceeding 35%). The room to house the boilers is included in this estimate while the boiler cost itself is included in the snowmelt breakout estimates elsewhere.
  - b. Westermere improvements were noted as \$250,000 reduced to \$75,000
- We have separated the plaza area entering the Westermere portal from the portal itself and carried an appropriate cost to enhance the current deck, walls and ceiling lighting. We have estimated approximately \$62/SF to refinish the floor, walls and ceilings within this portal. The estimated SF of 1,200 at \$62 comes in at just under \$75,000.
  - c. All public improvement costs are increasing, specifically snowmelt. Public Improvement costs estimates are typically provided by an engineer or cost estimator. These costs keep escalating and are not easy to substantiate. A small exhibit that depicts the area of snowmelt of question could be helpful to better understand costs and locations referenced.
- We have attached Exhibit 1 (Pages 4A,4B) showing the extent of snowmelt depicting scope and ownership of said snowmelt. Exhibit 4 includes an estimate of the snowmelt system operating costs.
  - d. A request for long term use (greater than 6 months) for condominiums and lodge units is a significant request to introduce, absent reference in the applications at the other three continued hearings before Town Council.
- Applicant is withdrawing this request.
  - e. Ownership and maintenance of the restroom, parking, boilers and stormwater and sewer running within the building remain unresolved. (See #6 below for more discussion around the boiler room).
- Restroom- This will be owned and maintained by the owner of the Hotel Facilities Unit.

Parking- This is decision to be made by the Town, the applicant accepts either Town or hotel ownership of parking.

Boilers- All boilers located on Town property will be owned, operated and maintained by the Town. All boilers located on hotel property will be owned, operated and maintained by the Hotel Owner. Boilers located on Town property service the vehicular access areas (driveways, trash access, Shirana/Westermere driveways, and public parking on OS-3BR-2) and is not

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## This page contains no comments

subject to the above requirements because those are not "plaza area" which is defined in the CDC as the at grade, improved areas in the Village Center and Town Hall Subarea.

Stormwater and Sewer- The Town will have a utility easement and have ownership and maintenance obligations of the stormwater and sewer. This stormwater and sewer serves multiple properties.

- f. The deed restriction that runs with the employee units was not understood by the applicants and this matter is unresolved.
- Applicant accepts the deed restrictions. The only request at this time is as follows:

The ownership of the employee units will be a single purpose entity (a company whose purpose is to own a specific piece of real estate only) controlled by the same ownership as the hotel entity. As a specific example, the hotel is owned by "ABC 1, LLC" and the employee units are owned by "ABC 2, LLC". "ABC 1, LLC" and "ABC 2, LLC" are both owned by "John Smith" and "Jane Doe". In the event "ABC 1, LLC" sells the hotel to "XYZ 1, LLC" "ABC 2, LLC" must also be sold to "XYZ 1, LLC". The purpose of this structure is for insurance and liability purposes only and was discussed with Town Attorney.

- g. Better articulate and manage construction staging on town property (crane and other items)
- We have included Exhibit 1 (specifically pages 10A,11A, 11B, 11C, 12, 13A) In addition to the Construction Mitigation Plan which depicts the location of the construction fence and areas of Town Property that will be impacted by construction. Exhibit 1 (Page 12A) clarifies the east Shirana courtyard area that will be improved with hardscape and landscaping. We have indicated construction fencing in these areas and at the trash enclosure/Town plaza west and north of the Shirana. Materials and construction staging will occur behind construction fencing within the jobsite. Town property that is being improved will occur behind construction fencing. Fencing will only be removed when the area has been approved for use by the Building Department.
  - h. An additional new request is for a possible parking payment in lieu of up to five parking spaces at a rate of \$100,000 a piece. The applicants indicated they may need more structural beams in the garage as they formulate construction drawings which could diminish parking. They agreed to not have this reduction affect either public parking or deed restricted parking
- Applicant reiterates this request.

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## Page: 8

Author: mhaynes Subject: Inserted Text Date: 2/20/2023 3:16:57 PM
It was always understood that any snowmelt provided would be constructed to town specifications and the applicant

would be responsible for ongoing maintenance and expense. This remains the towns position and may be a significant sticking point towards an approval.

TAuthor: mhaynes Subject: Inserted Text Date: 2/27/2023 10:28:29 AM

If this is agreeable to council, the applicant need to adhere to engineering comments, have plans and specifications reviewed by public works and indemnify the town in the event something happens related to either utility to hold us harmless. We would also defer to our attorney to weigh in on this matter should the application move forward

Author: mhaynes Subject: Inserted Text Date: 2/27/2023 10:30:48 AM

The "unit" will be subject to the town's Affordable Housing Regulations (AHR) - this point can be negotiated via the PUD process as needed. These discussions have not begun. If our attorney is comfortable with this owner arrangement then it can be supported. The town will want assurances that the units will be rented to qualified renters and would recommend language in the PUD as such.

- 4. Design Review Board approval with 31 conditions. The thirty-one conditions of the final design approval are primarily conditions that staff will be assuring are satisfied prior to issuance of a building permit. Given this design review is part of a PUD, staff has concerns that to conform to those conditions, new unanticipated issues could arise that could trigger minor or major PUD amendments.
- Each design review item is addressed below.
- 5. Drawing and representation inconsistencies Reducing conflicting information in the submitted materials is critical. For example, a service parking space is shown on some documents south of the trash enclosure and absent from others. A drawing plan set sheet indicates that the restaurants will be open all year long; however, the applicant elsewhere indicated this is something they will not commit to. Conflicts in submittal and record documents lead to confusion down the road which can lead to legal challenges. A clean and clear submittal and record is critical to any project's success. Second, the applicants submit revise materials, but do not redate those materials so it is difficult for staff to understand which version to provide and can only track this by submission dates. This creates a lack of clarity for staff, the applicant and public
- Applicant is requesting a full re-submittal to address inconsistencies that staff has documented and to incorporate new traffic circulation in the site plan, if the traffic plan is accepted by Town staff.
- 6. Ownership and maintenance of the boiler room found in the trash shed. The applicants indicated a need to have a boiler room in the trash shed to serve roughly 30,000 square feet of snowmelt of town owned property OS-3BR-2. Staff comments related to ownership and maintenance of snowmelt in the Village Center has remained clear since the first memo went to the DRB in May of 2022. Section 17.3.4.H.7 R equired Improvements for Adjacent Public Areas is a CDC code section that makes clear it is the obligation of a developer in the Village Center to pay for snowmelt and maintain town plaza areas. The applicant with this application indicated although they understand this, they do not want to do it. The Town has first hand experienced all iterations of managing snowmelt systems in the Village Center; full obligation and maintenance, shared obligations and maintenance and developer obligation and maintenance. There is meaning and value to the town to adhere to our regulations so that the burden of cost and maintenance goes not fall to the town.
- There are two sets of boilers, one set is located in the trash shed and serves Town and Publicly used property (driveways, trash access, Shirana/Westermere driveways, and public parking) and the other set is in the Applicant's building and serves the Applicant's property and the plaza area. The Applicant proposes that it operates and maintains boilers located in its property and the Town would operate and maintain the boilers located in its trash shed and serving the public.

### **DRB CONDITIONS**

Applicant is significantly concerned as it relates to the lack of clarity by Town Council as to the nature and timeline of DRB Conditions. Applicant will therefore address each condition and the timeline for each condition below. Applicant comments are shown in Red.

68694634:5

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- Author: mhaynes Subject: Inserted Text Date: 2/27/2023 10:31:46 AM
  Staff has confidence that drawings will be revised so that they are approvable and do not feel its necessary to provide a revised submittal at this juncture unless the application moves forward. There could yet be PUD negotiations with Council that could change the building more and it seems it would be a wasted effort to amend the designs now. The PUD package needs to be the emphasis at this juncture.
- Author: mhaynes Subject: Inserted Text Date: 2/27/2023 10:34:45 AM

  Village center development per the CDC requires that the developer bear the cost of snowmelt, maintenance and ongoing costs. Via this PUD this extends to the OS lot that they propose a full access easement for use as well as the sidewalk the town requires it to be snowmelted. This has been the town's position from the beginning and it would not be viewed as a benefit to the town if we are responsible for maintenance and ongoing costs of snowmelt. The sidewalk along MV Blvd is considered a public improvement, not a public benefit (or community benefit) associated with the subdivision, is required to be snowmelted and not a public benefit ribs request is not supported by staff. Staff is unsure how to provide any other comments here. We have made the CDC language clear from the beginning of the PUD process and understand the applicant simply is requesting something differen
  - Author: award Subject: Sticky Note Date: 2/27/2023 1:48:14 PM

    I would add that if the sidewalk weren't melted, it would be on the applicant to provide snow removal of this sidewalk, given the tight space between the edge of building and edge of roadway, this would be problematic as there is no area for snow storage
  - Author: award Subject: Sticky Note Date: 2/27/2023 1:51:53 PM
    Additionally the area adjacent to the Town trash facility is necessary for the circulation to the underground garage and the load/unload dock, necessary for the new development, for this circulation to exist, snow melt is essential as again there is no room for snow storage.

- 1. Prior to Town Council Review of the PUD Amendment, the applicant shall provide a shoring plan, either temporary or permanent as well as plan for any construction staging on town property, to be better described as part of the final PUD amendment application. The applicant has provided Exhibit 1 that outlines use of Town Property for construction staging and has further clarified construction mitigation plans. They will continue to work with Town staff to get an approved construction mitigation plan prior to building permit. The narrative better explains the shoring plan, and the applicant states that any needed soil nails for stabilization will be installed from within the property lines and without the necessity of excavating any of Mountain Village Boulevard. Soil nails could be cut once the hotel is built if ever necessary. It should be noted that the crane swing is proposed to swing over Westermere, Shirana and Town property approval by all three entities inclusive of any required insurance and indemnification will be a requirement prior to building permit. The final shoring plan will be provided at time of permit issuance. The proposed shoring plan is presented herein.
- 2. Prior to Town Council Review of the PUD Amendment, the applicant shall verify the public access via the porte cochere to the plaza through the building and identify the legal instrument that will recognize the public access. The applicant has indicated that a perpetual public easement is to be created, the timeline for the recordation of such easement needs to be clarified. This will be addressed by an easement/license at the time of recording of the condominium documents. Applicant has verified access via the porte cochere to the plaza through the building.
- 3. Prior to building permit the applicant shall provide an enlarged detail of storefront areas to clarify how the steel louver detail is used in these areas. A detail of the louver has been provided, however this is the major architectural detail of the storefronts facing the plaza. If not already addressed, applicant will address this item as required prior to building permit, but not until first reading is approved.
- 4. <u>Prior to building permit</u> the applicant shall revise the parking plan to indicate that the staff recommendation of providing 10% EV installed, 15% EV Ready and 50% EV Capable parking spaces is being met. Notes on revised parking plans indicate that EV Parking requirements will be met Applicant submitted drawings with calculations and met percentages.
- Prior to building permit the applicant shall provide a product specification for glass railings that
  is specific to avoiding bird/glass impacts. If not already addressed, applicant will address this item
  as required prior to building permit, but not until first reading is approved.
- 6. Prior to building permit the applicant shall provide additional details regarding proposed solar panels, including the method of mounting and any/all materials associated with the panels for staff review. This will be reviewed by staff prior to building permit as it relates to reflectivity as well as any height/visual concerns per the mounting hardware. If not already addressed, applicant will address this item as required prior to building permit, but not until first reading is approved.
- 7. Prior to building permit, the applicant shall provide a revised door schedule that indicates all exterior door type locations as well as door design, dimensions and materiality for staff and one DRB to review. Door locations, dimensions and materiality have been provided. Door design has not been presented and is an essential element of how this project meets plaza design standards. If not already addressed, applicant will address this item as required prior to building permit, but not until first reading is approved.
- 8. Prior to building permit, the applicant shall provide a drainage study with stormwater run-off calculations and/or update the original study as applicable. This needs to be provided prior to building permit applicant shall also revise specified plaza furniture to be moveable in nature. Firepits shall be designed such that they can be utilized as planting beds in summer months. Irrigation calculations are required for building permit. If not already addressed, applicant will address this item as required prior to building permit, but not until first reading is approved.
- 9. Prior to building permit, the applicant shall provide a current geotechnical report with final DRB review consistent with the Major PUD application requirements. This condition was included in the DRB motion in error. A geotechnical report consistent with Major PUD application requirements was already provided and approved prior to the DRB hearing.
- 10. Prior to building permit, the applicant shall revise the landscaping plans to reduce the area of planting beds, creating at least one open plaza space capable of having small special events and allowing for better access to the plazas for maintenance and EMS services with a 13' 8" minimum

**10** 68694634:5

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Author: award Subject: Inserted Text Date: 2/27/2023 1:57:50 PM

Staff understands that there will be no additional encroachments under Mtn. Village Blvd. outside of the temporary

path. The applicant will either remove the proposed rain garden or provide detail to the satisfaction of staff that eliminates concern over water rights issues. The applicant shall also revise specified plaza furniture to be moveable in nature. Firepits shall be designed such that they can be utilized as planting beds in summer months. Irrigation calculations are required for building permit. If not already addressed, applicant will address this item as required prior to building permit, but not until first reading is approved.

- 11. Prior to building permit the applicant shall revise trash building plans to amend the shape of the trash enclosure building while preserving the area needed for town use and necessary turn radius and opening up sight lines. Plan should also provide a parking space for maintenance of the trash enclosure area and/or boilers for staff review. If not already addressed, applicant will address this item as required prior to building permit, but not until first reading is approved.
- 12. Prior to building permit the applicant shall provide details of engineered anchor points for sun-shades and/or bistro lighting over the plaza areas for special events. If not already addressed, applicant will address this item as required prior to building permit, but not until first reading is approved.
- 13. <u>Prior to building permit</u> the applicant shall revise the Town trash building location/orientation to eliminate the site line impediment to Mountain Village Blvd. and to show venting for the boilers. Revisions show boiler venting and the location has been revised to avoid site line impediments It is the understanding of the applicant this item is closed.
- 14. <u>Prior to building permit</u> the applicant shall continue to work with the Town, utility providers and possibly other developments to develop final locations for transformer/s, switch box and gas substation and identify easements that would be necessary to accommodate utility infrastructure. The applicant should also indicate the plan for disposition of abandoned utilities. If not already addressed, applicant will address this item as required prior to building permit, but not until first reading is approved. The switch "box" currently on the property serves adjacent properties. The Diagrams shown in Exhibit 1 (Pages 7A, 7B, 8A, 8B, 9A, 9B) reflect the details of this proposal.
- 15. <u>Prior to building permit</u> the applicant will obtain an approved CMP from Town staff. If not already addressed, applicant will address this item as required prior to building permit, but not until first reading is approved. This appears to be a repeat of Condition 1.
- 16. Prior to building permit, an improvements agreement shall be entered into between the applicant and the town for all landscaping improvements. If not already addressed, applicant will address this item as required prior to building permit, but not until first reading is approved.
- 17. Prior to building permit, a maintenance agreement for landscaping and plaza maintenance will be entered into between the applicant and the Town. If not aiready addressed, applicant will address this item as required prior to building permit, but not until first reading is approved.
- 18. A trash compactor is required and needs to be dimensionally shown on the plan set in order to reduce number of pick-ups. This has already been addressed by Applicant.
- 19. Prior to certificate of occupancy, the surface of Mountain Village Blvd. adjacent to the project will be re-paved to the satisfaction of the Town. Applicant will address; however, this is only set to occur after the project is nearing completion.
- 20. Prior to certificate of occupancy the required improvements to the Westermere façade will be completed to the satisfaction of the Town consistent with the original development agreement. Applicant will address; however, this is only set to occur after the project is nearing completion.
- 21. Additional agreements and easements will be identified in the Town Council memo prior to a final approval. This will be addressed as needed between first and second reading.
- 22. Prior to recordation of the condominium documents or as soon as practical, staff will designate a new Primary Pedestrian Route through this project and update the relevant Appendix 3-1, along with the Appendix 8-1 Village Center Emergency Access Routes in the CDC accordingly. This is considered a standard condition of approval for a project in the Village Center for the continuation of the existing Primary Pedestrian Route.
- 23. Consistent with town building codes, Unenclosed accessory structures attached to buildings with habitable spaces and projections, such as decks, shall be constructed as either non-combustible, heavy timber or exterior grade ignition resistant materials such as those listed as WUIC (Wildland Urban Interface Code) approved products. This is a standard DRB condition of approval.

**11** 68694634;5

This page contains no comments

- 24. Consistent with town building codes, Unenclosed accessory structures attached to buildings with habitable spaces and projections, such as decks, shall be constructed as either non-combustible, heavy timber or exterior grade ignition resistant materials such as those listed as WUIC (Wildland Urban Interface Code) approved products. This is a standard DRB condition of approval.
- 25. A monumented land survey shall be prepared by a Colorado public land surveyor to establish the maximum building height and the maximum average building height. This is a standard DRB condition of approval.
- 26. Prior to the Building Division conducting the required framing inspection, a four-foot (4') by eight-foot (8') materials board will be erected on site consistent with the review authority approval to show:
  - a. The stone, setting pattern and any grouting with the minimum size of four feet (4') by four feet (4');
  - b. Wood that is stained in the approved color(s);
  - c. Any approved metal exterior material;
  - d. Roofing material(s); and Any other approved exterior materials
  - This is a standard DRB condition of approval.
- 27. It is incumbent upon an owner to understand whether above grade utilities and town infastructure (fire hydrants, electric utility boxes) whether placed in the right of way or general exsement, are placed in an area that may encumber access to their lot. Relocation of such above grade infrastructure appurtenances will occur at the owner's sole expense and in coordination with the appropriate entity (fire department, SMPA, Town of Mountain Village) so that the relocated position is satisfactory. This is a standard DRB condition of approval.
- 28. A Major Subdivision application must be approved by Town Council prior to issuance of a building permit and concurrent with final PUD approval. This will occur concurred with the second reading.
- 29. Improvements to OS-3BR-2, town owned land, are subject to final Town Council approve through the PUD amendment process. Should Town Council make amendment to proposed improvements on OS-3BR-2, this could necessitate revisions to design consistent with town processes. The approved design depends on certain allowances from the Town for encroachment of Town owned properties, the denial of any of these encroachments could have design implications. Staff requested of the applicant an exhibit that demonstrates all temporary and permanent encroachments on Town property, the construction midgation plan address/s some temporary encroachments, but an exhibit of permanent encroachments has not been provided by the applicant. Staff has identified some encroachments from various pages within the drawing set, but would like clarification from the applicant that no other encroachments are being requested. All encroachments are shown on Exhibit 1 (specifically pages: 1A, 2A, 3A, 11B, 12A, 13A).
- 30. Prior to building permit the applicant will provide a revised lighting plan for staff and 2 DRB members to review per the discussions of this meeting. If not already addressed, applicant will address this item as required prior to building permit, but not until first reading is approved.
- 31. <u>Prior to building permit</u> the applicant will provide an address monument design for staff review. If not already addressed, applicant will address this item as required prior to building permit, but not until first reading is approved.

#### COMMENTS REGARDING THE DETAILS OF PUBLIC BENZITIS

Applicant is addressing various comments from Town staff regarding the details of certain public benefits:

1. Are you committing that all hotel amenities like the restaurants and spa are considered public benefits and will be written into the PUD development agreement as such?

This has been removed from public benefits.

12

68694634:5

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TAuthor: award Subject: Inserted Text Date: 2/27/2023 2:04:26 PM

Staff agrees with the applicant's response to the DRB conditions, most issues will be handled by a staff level approval

Author: mhaynes Subject: Inserted Text Date: 2/27/2023 10:39:45 AM

I apologize if this question is confusing. The existing hotel covenant requires that certain facilities are provided as part of the PUD. Please review the hotel covenant. That includes the following list:

Required Facilities and Services

Lobby/Reception Area including a front desk

Operational space for the rental management program

Suitable back of house space

[Onsite employee housing]

Bellman services

Housingkeeping/maid service

Restaurant

Bar/lounge

Spa and fitness- some or all will be made available to the general public

Pool

Business center

Gift shop

The impetus of the question was intended to clarify what is being provided by the PUD - its not just a list of public benefits but also an element includes the hotel covenant and agreeing to the existing covenant. Amenities open to the public versus exclusive to the hotel are typically addressed in the development agreement. If the project moves forward this will need to be better articulated

2.	Are you committing to a # of employee units and amount of square feet (14,455 square feet) or both as it relates to employee housing?
E	We are committed to the square footage with authorization for up to a 3% deviation. Applicant is no longer requesting a deviation of up to 5% and agrees with the staff recommendation of 3%,
3.	Providing parking associated with housing is a requirement, not a public benefit
E	Applicant agrees with this concept.
4.	Snowmelting public plaza areas is a requirement not a public benefit
E	Applicant agrees that certain public plaza areas must be snowmelted as a requirement. Applicant

EV parking spaces is not considered a public benefit but a requirement

i Applicant agrees with this concept.

into the development agreement?

7. The shuttle service that is indicated to be a public benefit is that from the Telluride Airport or Montrose airport?

5. Is the LEED silver building standard - are you considering this a public benefit to be written

i Both.

i Yes.

Rebuilding the trash shed at \$800,000. Staff notes that this value includes the boiler room which is a requirement of the development, not a public benefit.

As stated above, the \$1,200,000 is for the cost of the facility only and does not include the boiler room equipment.

9. Public Bathroom. Town-owned but the public benefits indicate that the six senses will be maintaining the bathroom. Is this correct? Agreement to address future improvements when needed. The town recognizes that you are spending a significant amount of money related to plaza. improvements and snowmelt. These are not considered public benefits but rather a requirement per the village center zone district. We recommend you can demonstrate your costs in a different way so that this does not confuse matters during the hearing.

i Public bathroom will be owned and maintained by the owner of the Hotel Facilities Unit.

**13** 68694634:5

## Page: 13

Author: award Subject: Inserted Text Date: 2/27/2023 2:06:34 PM

I would note that the number of units is also important and would need to remain the same or otherwise would compel a density transfer rezone.

Author: mhaynes Subject: Inserted Text Date: 2/27/2023 10:42:54 AM

Staff has noted this of mention but feels it unwise to add it as a public benefit since it is a requirement of the current operator. It would require a major PUD amendment to change this if it is listed a a public benefit but not adhered to through construction and the final C of O. This should warrant further discussion

Author: mhaynes Subject: Inserted Text Date: 2/27/2023 10:45:42 AM

The cost per square foot of the public bathroom is 656 as an estimate but the trash facility is still 800 a square foot. Staff will request that a 3rd party review cost estimates should the application move forward. There is no standard cost per square foot provided for similar improvements in different locations whether it be a sidewalk, snowmelt or the bathroom or trash facility which is concerning

# This page contains no comments

### Summary

Applicant strongly believes that an amendment to the PUD is the most prudent, efficient, and legally sound approach to achieving a project that meets the goals of the Town and the

Applicant respectfully requests that the staff review Applicant's submissions with an open mind and attention towards Applicant's continued reduction of requested amendments to the PUD and thoughtful approach to the project.

Applicant has prepared a number of new exhibits, attached hereto, to further clarify outstanding items. Applicant agrees to continue to work with staff towards presenting an application that has staff fully apprised of the project in order to move forward.

## EXHIBIT 1 1A **OVERHEAD ENCROACHMENTS:** Revised For Staff Discussion Proposed Awning Encroachm 3' - 6" over Property line Awning within Property line 2' - 6" --- Property Line NOTE: \*DIAGRAM PURPOSES ONLY, LEGAL EXHIBITS TO BE PROVIDED BY SURVEYOR AT FINAL TOWN COUNCIL.\* 1B **OVERHEAD ENCROACHMENTS:** WHAT THIS IS: TIMELINE: DRB Conditions #29 12.01.2022 - Overview Town Memo #4 01.19.2023 Town Memo #2 - First Reading Town Memo Bullet Points #3/5 -G. Staff Concerns 01.19.2023 Overhead encroachment for awnings over the retail spaces on the plaza Overhead awnings on the plaza have received positive feedback and provide shelter. Awning encroachments on the plaza side are fairly typical and supported by It is our understanding that this is in line with the 2010 Approved PUD language There is **no longer** a request for the following overhead encroachments: Direct Employee ingress/egress via sidewalk. Ingress/egress will now occur from stair

T\_1 = 1

## **15** 68694634;5

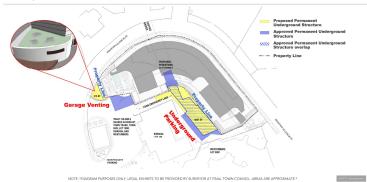
Awning at porte cochere on Mtn. Village Blvd.
 Any potential of light fixtures over the property line

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TAUTHOR: award Subject: Inserted Text Date: 2/27/2023 2:11:41 PM
Note- architectural changes will need minor revision staff review

### EASEMENT AGREEMENT (PERMANENT UNDERGROUND STRUCTURES):

As Proposed on 01.19.23 Town Council Presentation



### EASEMENT AGREEMENT (PERMANENT UNDERGROUND STRUCTURES):

2B

2A

As Proposed on 01.19.23 Town Council Presentation

### WHAT THIS IS:

A request for an adjustment to permanent underground structures.

### TIMELINE:

DRB Conditions #29	- Prior to FTC	12.01.2022
Town Memo #4	- Overview	01.19.2023
Town Memo #2	- First Review	01.19.2023
Town Memo Bullet Points #3/5	- G. Staff Concerns	01.19.2023

#### REQUEST

- Option as proposed in 01.19.23 presentation.
- Proposed Approximate area: 5,357 S.F.

#### Approved area: 6,225 S.

There is no longer a request for an area well.

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# This page contains no comments

### EASEMENT AGREEMENT (OS-3BR-2 USAGE/SITE UTILITIES):



### EASEMENT AGREEMENT (OS-3BR-2 USAGE/SITE UTILITIES):

3B

ЗА

WHAT THIS IS:		
A request for an adjustment to the (	OC 200 2   Inna /Cita   Hillisi	ion assessment
A request for an adjustment to the t	J3-3BR-2 Osage/3ite Otiliti	nes easement.
TIMELINE:		
DRB Conditions #29	- Prior to FTC	12.01.2022
Town Memo #4	- Overview	01.19.2023
Town Memo #2	- First Reading	01.19.2023
Town Memo Bullet Points #3/5	- G. Staff Concerns	01.19.2023
REQUEST:		
Modification to the OS-3BR-2 U	lsage/Site Utilities easemer	ent.
<ul> <li>Approximate proposed area: 30</li> </ul>	0,292 S.F. increase of 2,005	5 S.F. from 28,287 D.F. approved
improvements.		
NOTES:		
This clarifies Owner/Contractor	access for improvements of	on OS-3BR-2
<ul> <li>Snowmelt Systems</li> </ul>		
New Trash Building		ess to garage and load/
Emergency Lane	unload zone	
<ul> <li>Plaza Improvements</li> </ul>		

68694634;5

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### OWNERSHIP AND MAINTENANCE OF BOILER ROOM:



### OWNERSHIP AND MAINTENANCE OF BOILER ROOM:

4B

4A

#### WHAT THIS IS:

A request to define ownership of plaza area maintenance

#### TIMELINE:

DRB Conditions #29	- Prior to FTC	12.01.2022
Town Memo #4	- Overview	01.19.2023
Town Memo #6	- First Reading	01.19.2023
Town Memo #2	- First Reading	01.19.2023
Town Memo Bullet Points #2/4/5	- PUD Amdt. Criteria	01.19.2023
Town Memo Bullet Point #3	- G. Staff Concerns	01.19.2023

#### REQUEST:

 To define ownership of plaza area maintenance including snowmelt system, and boiler housed within Lot 109R property

#### NOTES:

This modification removed boiler(s) supplying snowmelt for play clocated inside hotel back of house). The remaining town-owned snowmelt boilers would be located in the New Trash Building CONST.

#### CODE:

 SECTION 17.3.6.H.Z PERCIDES." Unless otherwise der mixed by the town to be unnecessary or unwanted, snowmelt systems shall be required to be installed by the developer and operated and maintained by the subsequent to works! for all new or improved town plaza areas unless such areas are landscaped with parting bade or other landscaping that does no accessitate snowmelting."

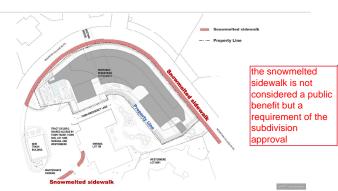
18

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Author: mhaynes Subject: Inserted Text Date: 2/27/2023 10:53:18 AM

Staff's position is consistent with the CDC: the applicant improves and pays for improvements to plaza areas. The applicant is responsible for plaza and ROW improvements 30' from the drip line of the building. The applicant is responsible to improve areas that extend 30' from the building dripline and/or encompass the areas of disturbance, whichever is greater (CDC 17.3.4.H.7.a.)for improvements to town OS areas that are necessary for the functioning of the hotel and being used by the applicant. Snowmelt and maintenance costs being asked to be bore by the town would require a high threshold of public benefit and otherwise inconsistent with 17.3.4.H.7. of the CDC

### ADDITIONAL BENEFIT SNOWMELTED SIDEWALKS:



### ADDITIONAL BENEFIT SNOWMELTED SIDEWALKS:

5B

5A

### WHAT THIS IS:

 $Snowmelted \ sidewalk \ for \ direct \ year-round \ pedestrian \ circulation.$ 

In compliance with TMVCP (Comprehensive Plan)

### TIMELINE:

DRB Conditions #29	- Prior to FTC	12.01.2022
Town Memo #4	- Overview	01.19.2023
Town Memo #2	- First Reading	01.19.2023
Town Memo Bullet Point #5	- PUD Amdt. Criteria	01.19.2023
Town Memo Bullet Points #3/4	- G. Staff Concerns	01.19.2023

### NOTES:

- Approved PUD 2010: Sidewalks not included
- Proposed PUD: Per Staff direction/requirement, new snowmelted sidewalks added as Major PUD Amendment Modification

### CODE:

TMVCP (Comprehensive Plan): C. Provide direct, year-round, at-grade pedestrian
connection for all hotbed projects in Mountain Village Center by sidewalks and appropriate
days due libetion.

# **19** 68694634;5

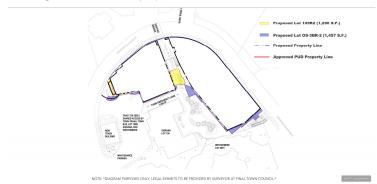
# Page: 19

Author: mhaynes	Subject: Text Box	Date: 2/27/2023 12:51:36 PM	
the snowmelted	sidewalk is not conside	ered a public benefit but a requirement of the subdivision	
annroval			

### **LOT LINE ADJUSTMENTS PER SECTION 17.3:**

6A

Net area gain back to Town of 167 S.F. of Open Space



### **LOT LINE ADJUSTMENTS PER SECTION 17.3:**

6B

Net area gain back to Town of 167 S.F. of Open Space

### WHAT THIS IS:

A request for an adjustment to the lot line.

M	н	ш	N	н

DRB Conditions #28	- Prior to FTC	12.01.2022
DRB Conditions #29	- Prior to FTC	12.01.2022
Town Memo #4	- Overview	01.19.2023
Town Memo #8	- Overview	01.19.2023
Town Memo #2	- First Reading	01.19.2023
Iown Memo Bullet Points #3/4	- G. Staff Concerns	01.19.2023

### REQUEST:

CODE:

 ZONING & LAND USE CODE PER SECTION 17.3 ZONING AND LAND USEH. LOT LINE ADJUSTMENTS. LOT UNE ADJUSTMENTS THAT AFFECT OPEN SPACE ARE PERMITTED, SUBJECT TO THE APPROVAL OF THE TOWN, BUT ONLY TO THE EXTENT THAT THERE IS NO NET LOSS OF OPEN SPACE AS REQUIRED HEREIN.

**20** 68694634;5

### EXISTING PRECEDENT UTILITY LOCATIONS:

7A



NOTE: "THESE ARE ONLY A FEW OF THE VAST EXAMPLES OF EXPOSED LITHITIES IN THE VILLAGE AREA. LOCATED ON TOWN, OWNED SPACE OR IN THE RIGHT OF WAS

### **EXISTING PRECEDENT UTILITY LOCATIONS:**

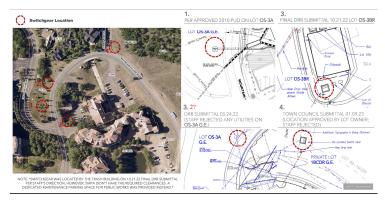
7B



NOTE: "THESE ARE ONLY A FEW OF THE VAST EXAMPLES OF EXPOSED UTILITIES IN THE VILLAGE AREA, LOCATED ON TOWN-OWNED SPACE OR IN THE RIGHT OF WAY

### PROJECT HISTORY OF SWITCHGEAR LOCATION:

8A



### PROJECT HISTORY OF SWITCHGEAR LOCATION:

8B

#### WHAT THIS IS:

Project history of Switchgear Relocation

05.31.22 Town Memo 17.5.11: Utilities. Approved PUD location rejected by staff

#### TIMELINE:

DRB Condition #14	- Prior to FTC	12.01.2023
Town Memo #4	- Overview	01.19.2023
Town Memo #2	- First Reading	01.19.2023
Town Memo Bullet Point #8	- G. Staff Concerns	01.19.2023

#### REQUEST:

The relocation of the switchgear for Lot 109F

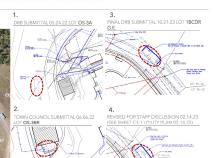
### NOTES:

 This clarifies applicant has been in correspondence with SMPA and Lot Owner of 1BCDR and provided preferred locations that have been rejected by staff.

1, 2.view corridor restriction prevents above ground structure 3. staff was generally ok with this location, however did require a town maintenance parking spot in proximity to trash shed, applicant opted to move switch

move switchgear to accommodate parking
4. Staff didn't reject, just noted encroachment on private property and
asked for Town Council weigh-in on whether such encroachment was
appropriate

### PROJECT GAS REGULATOR PROPOSED LOCATION HISTORY:



NOTE: \*LOCATION PROPOSED WAS PER STAFF DIRECTION, NOTE: \*BLACK HILLS AND LOT 89-B HOWEVER, PER BLACK HILLS IT DID NOT WORK\*

ACCESS TRACT PREFERRED LOCATION\*

PROJECT GAS REGULATOR PROPOSED LOCATION HISTORY:

9B

9A

### WHAT THIS IS:

Gas Regulator Location

Project history of Gas Regulator Locations.

- Approved PUD, no location specified
- 05.31.22 Town Memo 17.5.11; Utilities. Proposed Location Rejected
- 06.16.22 Town Memo Item #13. To be approved by Black Hills Gas (Revision required)
- 12.01.22 Town Memo 17.5.11: Utilities. Black Hills preferred Location. Proposed Location Rejected
   11.03.27 Town Memo C. Creff Courses. Pleak Hills preferred Location. Proposed Location Rejected
- 01.19.23 Town Memo G. Staff Concerns. Black Hills preferred Location. Proposed Location Rejected

### TIMELINE:

 DRB Conditions #14
 - Prior to FTC
 12.01.2023

 Town Memo #4
 - Overview
 01.19.2023

 Town Memo #2
 - First Reading
 01.19.2023

#### REQUEST:

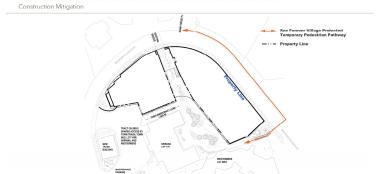
A new gas regulator to supply gas to Lot 109R, adjacent lots, and future developments

### NOTES:

 This clarifies applicant has been in correspondence with Black Hills Gas and Lot Owner of 1BCDR and provided preferred locations that have been rejected by staff.  view corridor restriction prevents above ground structure 2. Black hills denial 3, 4 could have heavy impact on adjacent private land owner, staff asked for council direction on

# This page contains no comments

### TEMPORARY SEE FOREVER PROTECTED PEDESTRIAN ACCESS:

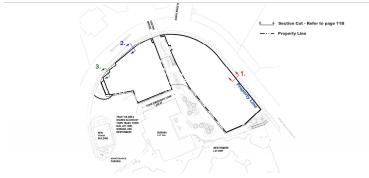


### TEMPORARY SOIL NAILS - ABANDONED AFTER CONSTRUCTION:

11A

10A

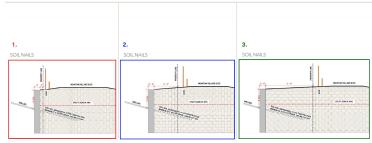
Construction Mitigation



### TEMPORARY SOIL NAILS - ABANDONED AFTER CONSTRUCTION:

11B

Construction Mitigation



### TEMPORARY SOIL NAILS - ABANDONED AFTER CONSTRUCTION:

11C

Construction Mitigation

### WHAT THIS IS:

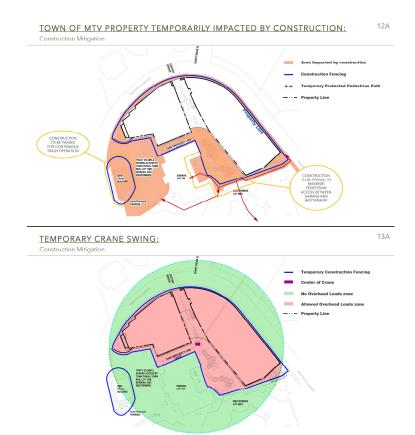
Soil Nail examples.

- No layback at top wall
- Nails abandoned after project is complete
- Nail placement coordinated with surveyed existing utilities
- Nails placed beneath utilities where possible









### EXHIBIT 2

### \*Highlights are taken directly from January Staff Report

Table 10. Public Benefits	
Item	Value
Onsite deed restricted housing of 2 employee	\$9,950,250 estimated value (kept in one
apartments and 18 employee dormitories and	ownership unit)
14,455 square feet	
Mitigation Payment	\$996,288 (\$250,000 can be used for the
	trash enclosure costs)
22 Public Parking Spaces	\$2,200,000
50 dedicated hotel rooms	(kept in one ownership unit)
Hotel Covenant	Hotel Covenant
Furniture Package	
Hotel Operator Requirements	
5 star luxury hotel operator	n/a
Trash Enclosure	\$1,200,000 – not including the boiler room
	improvement
Public Restroom	\$50,000-\$70,000 annually for maintenance
Village Pond Improvements	\$250,000
Public Restroom	\$250,000 and no less than 381 square feet
Conference Room Space - use for public at	n/a
market rates	
Public Access from Port Cochere to See	\$75,000
Forever Plaza through the building	
(easement)	
Westermere Façade/Breezeway	\$75,000
Improvements*	
24 hour valet for commercial uses**	n/a

Shuttle Service to the Montrose airport for hotel for guests	n/a
Various easements (See forever and town access to see forever)	n/a
Waive HOA dues for public parking and public restroom (if deeded)**	TBD
Ongoing Plaza Maintenance Costs	\$200,000
Maintenance Costs for the provision of town	TBD
parking	

Table 11. Provided Amenities of note but not necessarily written into the development

agreement as public benefits - not legally binding	ng
Sustainabiltiy Fund committed to be spent	\$200,000-\$350,000*
locally (A Six Senses requirement)	
Silver LEED Certified (a Six Senses	\$2,460,000
requirement)	
Hotel Amenities open to the public	n/a
(conference center is noted above in public	
benefits)	

<sup>\*</sup>Applicant agrees to place Silver Leed Certification into Development Agreement

Table 13. Staff recommended Public Improvements pursuant to the major subdivision

Item	Value
Sidewalk, lighting and a snowmelted sidewalk	\$600,000
Along MV Blvd	
Sidewalk , lighting and a snowmelted	\$180,000 – this should be part of trash
sidewalk from Shirana to MV Blvd	enclosure above
OS-3BR-2 Snowmelt	\$1,800,000 This should be areas not already
	described
Utility relocations/installations as approved by	\$2,500,000
Town Council	
Repaving Mountain Village Blvd	TBD

Table 14. Elective Public Improvements.

These are improvements initiated by Tiara Telluride, not the town

Item	Value	
Stairway Access for 89 Lots on Town owned OS-3-BR2 (proposed to be relocated and used for public, not just 89 lot, access and 109R building egress)	TBD	

# Page: 28

լ Author: mhaynes		Date: 2/27/2023 11:06:01 AM	
Table 12 Public Impr	ovements table is missing		

### EXHIBIT 3

### Community Benefits

O	17-1
Community Benefit	Value
Provide 22 Spots for Town Parking	\$2,200,000
Provide 20 Spots to Employee Parking	\$2,000,000
Provide 18 Employee Dorms and 2 Employee Apartments housing over 50 employees (14,455 sq ft)	\$9,950,250****
Pedestrian Access Stairs from Access Tract 89B to Village Center, Corten steel staircase, grated, to allow snow to pass	\$150,000****
Plaza Improvements between lot 109 R and Shirana; heated natural stone paver and landscaped	\$1,500,000****
Plaza Improvements between to Westermere Façade, new heated pavers, new lighting, stucco building finish (see attached rendering)	\$75,000****
Plaza Improvements to Village Pond Area Designated in Original PUD (payment to Town),	\$250,000****
Emergency Access Lane & Fire Utilities, heated drive, landscaped	\$200,000****
Sidewalk along Mountain Village Blvd from Lot 161 CR Stairs to Porte Cochere, heated walkway, lighted, landscaped	\$750,000****
Sidewalk along Mountain Village Blvd from Porte Cochere to Entrance at Level G2, heated walkway, lighted, landscaped	\$250,000****
Snow Melt System for all Roads, Plazas, and Sidewalks with Boiler Cost, developer to include engineering plans prior to permit	\$1,500,000****
Construction of a Public Restroom (381 sq ft), high design, build in the same interior design scheme as the hotel	\$250,000****
Operation & Maintenance of Public Restroom	\$50,000-\$70,000 annually*****
New Trash Facility Building Structure for Town Use (Not utilized by Hotel Building Management) Updated exterior finishes include stone, wood, craftsman style garage doors for trash collection, and weathered steel.	\$1,200,000****

#### 29

68694634;5

# Page: 29

TAUTHOR: Maynes Subject: Inserted Text Date: 2/27/2023 11:07:35 AM

Staffs comments remain the same from the January Memo, "more clarity can be provided to better understand how these calculations are being made and noted in these comments this expectation should the application move forward.

As noted staff recommends that the applicants are more clear with tying plaza improvements and sidewalkss to specific square footages and areas so that areas are not double counted. Costs for sidewalks for example are not consistent per lineal foot, building costs are not consistent per square foot. Staff recommends this list needs more. Required improvements are still listed here that do not count as public benefits - referred to as community benefits here. The public benefit package value is not correct in this form presented

Author: mhaynes Subject: Inserted Text Date: 2/27/2023 10:56:37 AM

This is not a community benefit - the applicant acknowledges this in the application

New concrete snowmelted sidewalks flanking the edge of the	\$200,000****	
building to the plaza stair. New snowmelted concrete sidewalk		
connecting the existing sidewalk at Mountain Village Boulevard		
to the Shirana.		
		_
Waiving HOA fees due for the Public Restroom and Parking	TBD,	
spaces		
Mitigation Fee	\$996,288	
v		
EV capabilities provided in Town Parking Spaces (10% EV	\$375,000*****	
Installed, 15% EV Ready, 50% EV Capable)	_	
		/
Sustainability Fund committed to be spent locally	\$200,000 1	
	\$350,000	
	annually*****	
	,	_
LEED Certified	\$2,460,000*******	
Payments per Employee in excess of 90 full time equivalent	TBD	
employees beginning on Second Anniversary		
employees beginning on occord Amilversary		
Conference Facility	NA	
,		
Commercial Spaces and uses contemplated therefore	NA	
(Additional Spa and Restaurant Spaces		
, , , , , , , , , , , , , , , , , , , ,		
TOTAL VALUE	\$23,306,538	

\*\*\*\*Construction cost estimations provided by General Contractors

\*\*\*\*\*Once constructed, cost provided by Six Senses

\*\*\*\*\*\*Estimated cost provided by Solar Consultant

\*\*\*\*\*\*\*Once Constructed this is based on a % of annual revenue while Six Senses is the Hotel Operator

\*\*\*\*\*\*\*\*Based on % of construction costs as per our LEED certification consultant

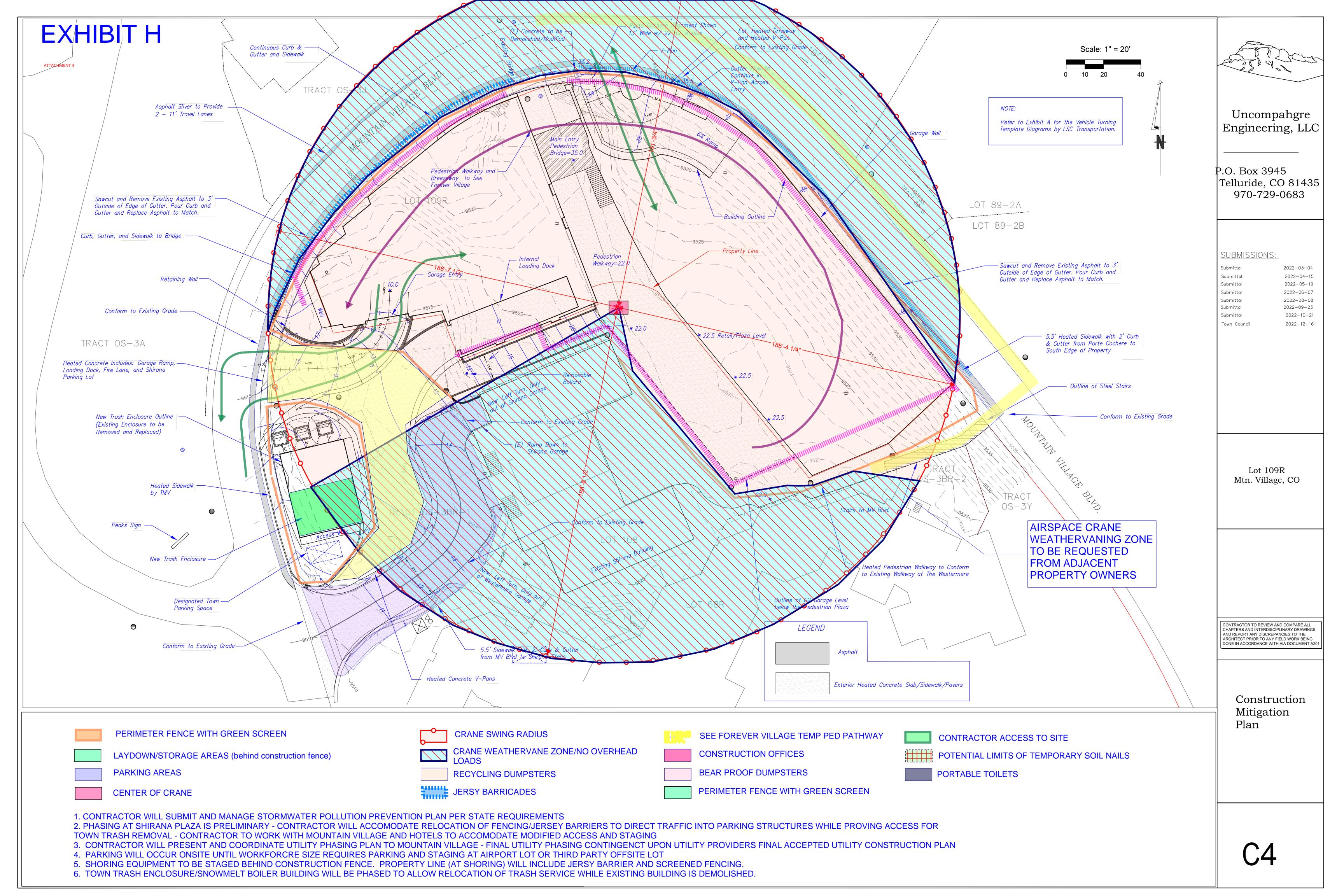
# Page: 30

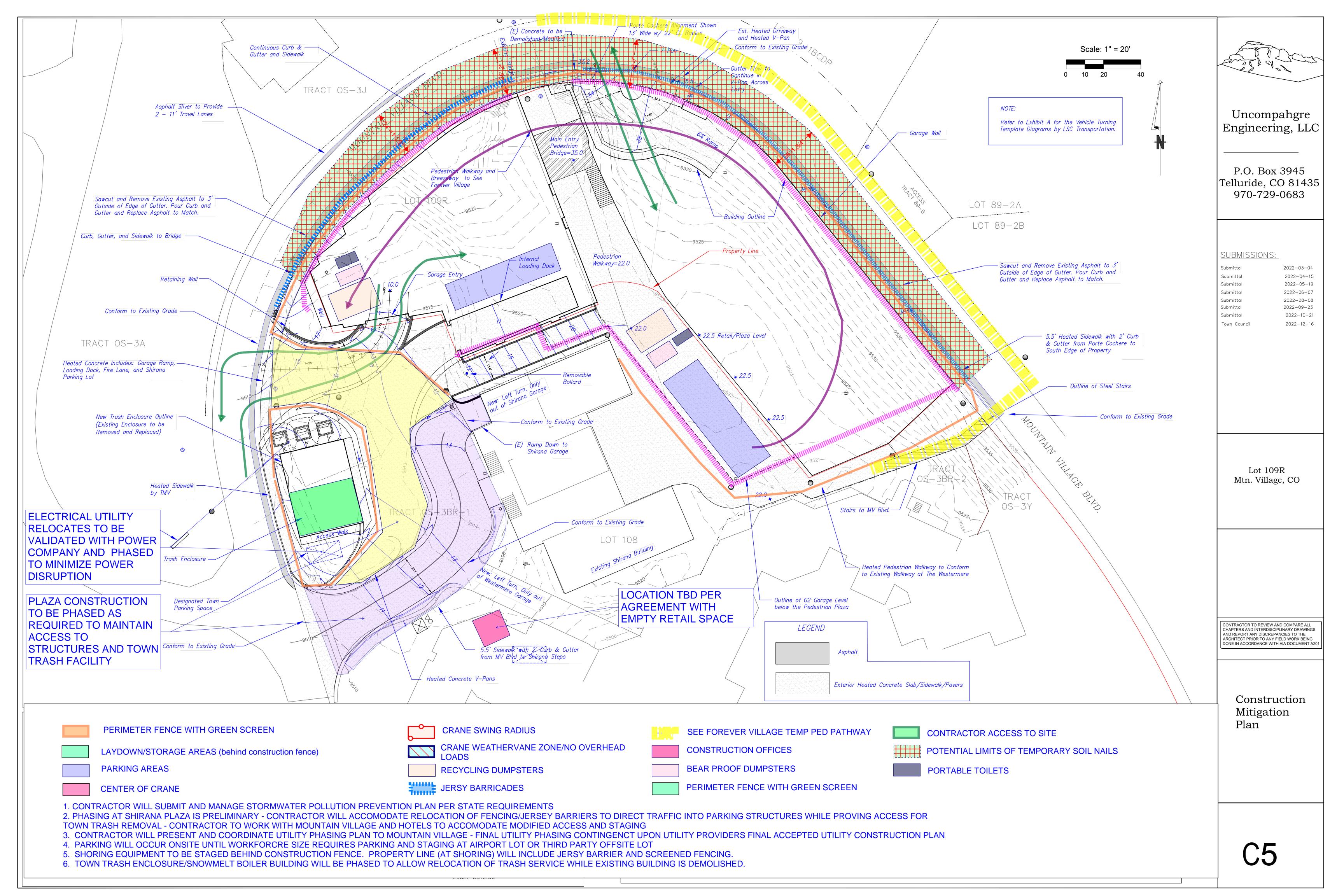
_ TAuthor: mhaynes		Date: 2/27/2023 10:58:54 AM
Not applicable to the	restroom. Unclear the d	irection from council on the public parking ownership/maintenance
agreement		
T Author: mhaynes		Date: 2/27/2023 10:57:07 AM
This is not a communi	ty benefit	
		D
T Author: mhaynes	Subject: Inserted Text	Date: 2/27/2023 10:58:11 AM
This can't be considered	ed a community benefit	and the applicant provided a caviat that this would only occur once
they see profits - the o	commitment is a require	ment of the hotel operator and difficult to bind as the town does not
benefit from this direc	tly .	,
	•	
T Author: mhaynes	Subject: Inserted Text	Date: 2/27/2023 10:58:27 AM
This is a requirement of	of the hotel operator	

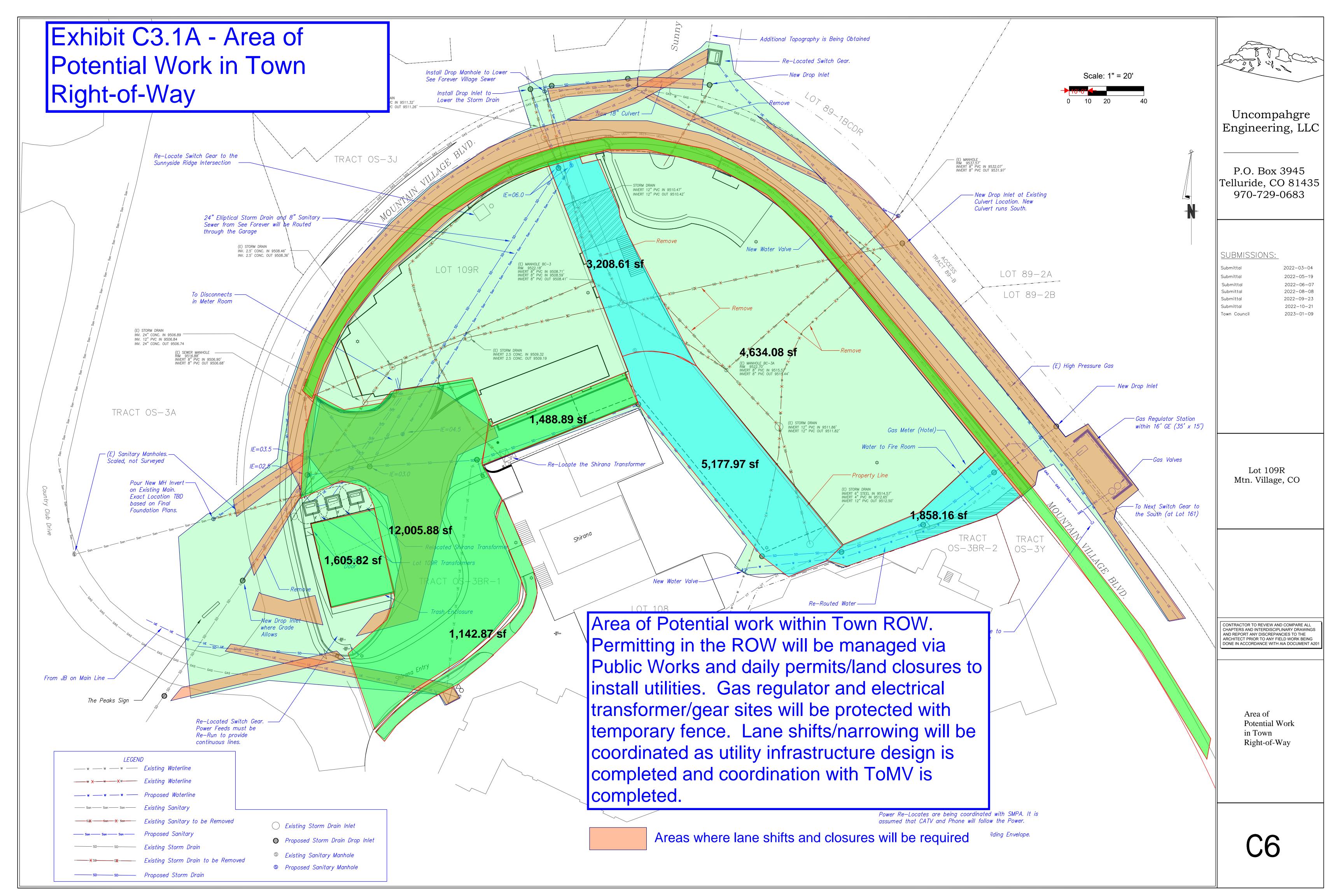
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### EXHIBIT 4

Cost to operate sn	owment pers	eason/m	laintail	1 per se	ason	_			_		_		_		_		_		_	
										boilder				itorial				laza		itenanc
				per				average days		erating cost		cost per	co	st per	Jan	per total		tenance	Costs	
			MSI	-/Hour	per hour	pe	r 6 hours	perwinter	$\perp$	peryear	ш	month	_	SF	_	SF	Cost	s per SF	_	SF
Six Senses Propert			4			ļ.,							Ļ.,						_	
Galleria	3209		\$	7.26	\$ 23.29		139.77	120		16,772		1,397.65		1.40	\$	4,505	\$	0.29	\$	94
South Plaza	5178		\$	7.26	\$ 37.59	\$	225.55	120	\$	27,066	\$	2,255.54	\$	1.40	\$	7,270	\$	0.29	\$	1,52
Access ramp to cer			\$	7.26	\$ 10.80		64.82	120	\$	7,778	\$	648.17	\$	1.40	\$	2,089	\$	0.29	\$	43
South Stairs to MV	B 1858	sf	\$	7.26	\$ 13.49	\$	80.93	120		9,712	\$	809.34	\$	1.40	\$	2,609	\$	0.29	\$	54
						_			\$	61,328	┖		_		\$	16,473			\$	3,44
Town Mangeed Pr																				
MVB sidewalk	4635		\$	7.26	\$ 33.65	\$	201.90	120	\$	24,228	\$	2,019.01	\$	1.40	\$	6,508	\$	0.29	\$	1,36
Town Lot OS-3BR-:	12005	sf	\$	7.26	\$ 87.16	\$	348.63	120	\$	41,835			\$	1.40	\$	16,855		0.29	-	3,48
						_			\$	66,063					\$	23,363			\$	4,84
									\$	127,392	L					\$39,835			\$	8,2
Hi Range Scenario	Based on \$9.	00/MSF p	er hou	ır		_			_		_		_		_				_	
										boilder				itorial				laza		itenano
				per				average days		erating cost		cost per	co	st per	Jan	per total			Costs	
					per hour			perwinter		per year		month	_	SF		SF		s per SF		SF
Galleria	3209		\$	9.00	\$ 28.88	\$	173.26	120		20,792	\$	1,732.63	\$	2.00	\$	6,417	\$	0.60	\$	1,92
South Plaza	5178		\$	9.00	\$ 46.60	\$	279.61	120	\$	33,553	\$	2,796.12		2.00	\$	10,356	\$	0.60	\$	3,10
Access ramp to cer			\$	9.00	\$ 13.39		80.35	120		9,642	\$	803.52		2.00	\$	2,976	\$	0.60	\$	89
South Stairs to MV			\$	9.00	\$ 16.72		100.33	120	\$	12,040	\$	1,003.32		2.00	\$	3,716	\$	0.60	\$	1,11
MVB sidewalk	4635	sf	\$	9.00	\$ 41.72	\$	250.29	120	\$	30,035	\$	2,502.90	\$	2.00	\$	9,270	\$	0.60	\$	2,78
			_			-			\$	106,062	┡		_		\$	32,735			\$	9,82
Town Lot OS-3BR-:	12005	sf	\$	9.00	\$ 108.05	\$	864.36	120	\$	103,723	H		\$	2.00	\$	24,010	\$	0.60	\$	7,20
			+						\$	209,785	_				\$	56,745			\$	17,02
Gas cost alone (do	es not includ	e electric	:)																	
150 btu/hour per s	f at \$.097 per	kWh																		
			bti	ıs per					Г		avi	erage days	co	st per						
			l i	our	therms		kWh	per hour	ре	er 6 hours	р	er winter	L	/ear						
Six Senses Owned	16368	sf	2,	455,136	24.55	П	719.35	\$ 69.78	\$	418.66	П	120	\$ !	50,240						
Town Owned	12005	sf	1,	800,750	18.01		527.62	\$ 51.18	\$	307.07		120	\$ :	36,849						
Total Snowmelted	28373	sf	4,	255,886	42.56							120	\$ 1	37,089						
1 therm = 29 30 kW	/h		+																	
2 UICIIII - 25.30 KV				vs dolla				15 year replac												







### LSC TRANSPORTATION CONSULTANTS, INC.



1889 York Street Denver, CO 80206 (303) 333-1105 FAX (303) 333-1107 E-mail: lsc@lscdenver.com

February 14, 2023

Mr. Matthew E. Shear Tiara Telluridge, LLC 450 S. Old Dixie Highway, #8 Jupiter, FL 33458

> Re: Mountain Village Hotel Mountain Village, CO LSC #220780

Dear Mr. Shear:

Per your request, we have completed this traffic memorandum for the proposed Mountain Village Hotel in Mountain Village, Colorado. The site is located east and south of Mountain Village Boulevard as shown in Figure 1.

### INTRODUCTION

The purpose of this letter is to evaluate sight distance along Mountain Village Boulevard from the two proposed site access points, evaluate internal site vehicle circulation for various vehicle-types, and to estimate the existing and total trip generation potential that could impact the circulation area of the site.

### **EXISTING CONDITIONS**

Figure 2 summarizes the primary existing conditions that affect traffic flow and circulation. The existing traffic flow within the site is tight with limited sight distance along Mountain Village Boulevard.

### ESTIMATED STOPPING SIGHT DISTANCE

Figure 3 shows the estimated stopping sight distance for vehicles approaching from the north assuming two full movement access points. The available sight distance approaching the northern access is insufficient so the northern access is recommended to be ingress only for commercial vehicles and buses.

### SITE CIRCULATION

The proposed northern access is recommended as ingress only for commercial vehicles and buses and the proposed southern access is recommended to be full movement for all vehicles.

Figure 4a shows the site circulation plan for commercial vehicles and buses and Figure 4b shows the site circulation plan for passenger vehicles.

Figures 4a and 4b also show the applicant will be making considerable improvements to the existing conditions shown in Figure 2.

### **AUTO-TURN MOVEMENT TEMPLATES**

Figure 5a shows the vehicular turning template for a WB-50 tractor trailer backing into the loading dock after entering the site via the proposed northern access. Figure 5b shows the vehicular turning template for a WB-50 tractor trailer exiting the loading dock via the proposed southern access. There are typically expected to be an average of about one or two WB-50 deliveries on any given day - most deliveries will be via box truck or cargo van.

Figure 5a shows the entering WB-50 trucks will need to use most of the northern access width which also supports the northern access being ingress only. Figure 5a also shows where a trash truck or box truck can park or stand while a WB-50 loading dock maneuver is in progress.

Figure 5b shows where a trash truck or box truck can park or stand while a WB-50 exits the site via the southern access.

Figure 5c shows a SU-30 box truck making the loading dock maneuver.

The Auto-Turn analysis shows the occasional WB-50 truck (one or two per day) can be accommodated by the proposed access plan and circulation. Box trucks and buses have a smaller footprint so will work quite well.

### TRASH ENCLOSURE

The project team has been coordinating to secure details on the volume and frequency for trips to/from the on-site trash enclosure. Trash is currently picked up about once per day. Trash is assumed to be dropped off by smaller vehicles roughly five times per day but that number is still being confirmed.

### **ESTIMATED TRIP GENERATION POTENTIAL**

Table 1 shows the estimated trips currently using the site circulation area as well as the potential trips that could be generated by the proposed site and the resulting total.

	- · · · · ·	AM	PM
Existing Daily Trips	<u>Daily Trips</u>	<u>Peak-Hour</u>	<u>Peak-Hour</u>
<ul> <li>Westermere</li> </ul>	354	16	39
• Shirana	142	7	15
<ul> <li>Town Smart Bus</li> </ul>	20	2	2
<ul> <li>Town Trash Facility Pickup</li> </ul>	<u>4</u>	2	<u>2</u> 58
<ul> <li>Total Existing Daily Trips</li> </ul>	520	27	58
Proposed Trips			
<ul> <li>Hotel</li> </ul>	967	55	65
<ul> <li>Commercial Area</li> </ul>	<u>561</u>	<u>41</u>	<u>56</u>
<ul> <li>Total Proposed Daily Trips</li> </ul>	1,528	96	121
Total Existing and Proposed Daily Trips	2,048	123	179

It is worth noting that the estimated 123 vehicles in the morning peak-hour are about two vehicles per minute entering or exiting the site and the estimated 179 vehicles in the afternoon peak-hour are about three vehicles per minute entering or exiting the site. The three vehicles expected per minute can be accommodated by the propose improvements and access/circulation plan.

### **CONCLUSION**

- 1. The site access recommendation is to limit the northern access to ingress only for commercial vehicles and buses with the southern access being full movement for all vehicles. The limitation of the northern access to ingress only will better accommodate the occasional large entering WB-50 truck (one or two per day) and provide better sight distance for vehicles exiting the site.
- 2. The trash enclosure should be located to avoid the sight line shading in Figure 3 and the truck paths and vehicle standing areas in Figures 5a, 5b, and 5c.
- 3. The large WB-50 vehicles will be limited to an average of about one or two per day and can be accommodated by the proposed layout and circulation plan. All other vehicles using the access points will have a much smaller footprint and will work quite well.
- 4. The improved access and circulation plan is appropriate to accommodate the existing and currently proposed land use.

\* \* \*

We trust this information will assist you in planning for the proposed Mountain Village Hotel.

Respectfully submitted,
LSC Transportation Continuants, Inc.

CSM/wc 2-14-23

Enclosures: Table 1

Figures 1 - 5c

 $W: LSC \setminus Projects \setminus 2022 \setminus 220780 - Mountain Village \setminus Report \setminus Feb-2023 \setminus Mountain Village + Hotel-021423. wpd \\$ 

an, P.E., PTOE

# Table 1 ESTIMATED TRAFFIC GENERATION

Mountain Village Hotel Mountain Village, CO LSC #220780; February, 2023

		7	Γrip Gen	eration F	Rates (1)		٧	/ehicle-Trip	os Gene	erated	
		Average	AM Pe		PM Pe			AM Peak		PM Peak	-Hour
Trip Generating Category	Quantity	Weekday	In	Out	In	Out	Weekday	In	Out	In	Out
LAND USE CURRENTLY USING OR PROPOS	SED TO USE THE IN	ITERNAL CI	RCULA <sup>-</sup>	TION AR	EA ON	THE SITE					
EXISTING LAND USE											
Westermere	(2)										
Single-Family Attached Housing (2)	9 DU <sup>(3)</sup>	7.20	0.120	0.360	0.336	0.234	65	1	3	3	2
Commercial Area (4)	5.28 KSF (5)	54.45	1.416	0.944	3.295	3.295	287	7	5	17	17
Trash Pickup (1 per day) <sup>(6)</sup>							2	0	0	0	0
				Wes	termere	Total =	354	8	8	20	19
Shirana											
Single-Family Attached Housing (2)	8 DU (3)	7.20	0.120	0.360	0.336	0.234	58	1	3	3	2
Commercial Area <sup>(4)</sup>	1.5 KSF (5)	54.45	1.416	0.944	3.295	3.295	82	2	1	5	5
Trash Pickup (1 per day) (6)							2	0	0	0	(
1 ( 1 )/							_	-			
					Shirana	Total =	142	3	4	8	7
<b>Town Smart Bus</b> (clockwise turnaround through the site) <sup>(7)</sup>							20	1	1	1	1
Town Trash Facility Pickup							4	1	1	1	1
			Ex	isting L	and Use	Total =	520	13	14	30	28
PROPOSED LAND USE											
Hotel <sup>(8)</sup>	121 Rooms	7.99	0.258	0.202	0.301	0.242	967	31	24	36	29
Restaurant (9)	5.200 KSF (5)	53.60	2.632	2.153	2.760	1.765	279	14	11	14	ç
Market (10)	3.700 KSF (5)	46.92	0.844	0.586	2.238	2.238	174	3	2	8	8
Retail <sup>(4)</sup>	2.128 KSF (5)	27.23	0.708	0.472	1.648	1.648	58	2	1	4	2
Spa <sup>(11)</sup>	9.700 KSF (5)	3.63	0.363	0.242	0.123	0.602	35	4	2	1	6
Office (12)	1.400 KSF (5)	10.84	1.338	0.182	0.245	1.195	15	2	0	0	2
			Pro	posed L	and Use	Total =	1,528	56	40	63	58
				Total Tri	ips Gen	erated =	2,048	69	54	93	86
								AM = 1	123	PM = 1	179

### Notes:

- (1) Source: Trip Generation, Institute of Transportation Engineers, 11th Edition, 2021
- (2) ITE Land Use No. 215 Single-Family Attached Housing
- (3) DU Dwelling Units
- (4) ITE Land Use No. 822 Strip Retail Plaza (<40k) assumes half of trips are by residents or via alternative travel mode for proposed use full rate for existing uses.
- (5) KSF = 1,000 square feet
- (6) Trash pickup trips are included in the trip generation rates for the housing and commercial uses but they were broken out separately from the individual uses to document the trips. The double counting of these trips is conservative but inconsequential to the overall impact.
- (7) Assumes one bus per hour for 10 hours per day (10 entering trips and 10 exiting trips)
- (8) ITE Land Use No. 310 Hotel
- (9) ITE Land Use No. 932 High Turnover (Sit-Down) Restaurant assumes half of trips are by on-site residents or via alternative travel modes.
- (10) ITE Land Use No. 850 Supermarket assumes half of trips are by on-site residents or via alternative travel modes.
- (11) ITE Land Use No. 918 Hair Salon assumes half of trips are by on-site residents or via alternative travel modes.
- (12) ITE Land Use No. 710 General Office Building



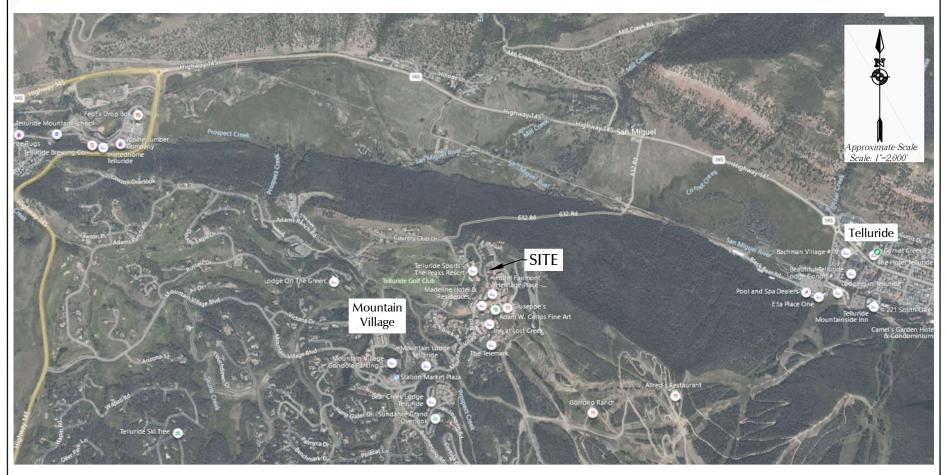
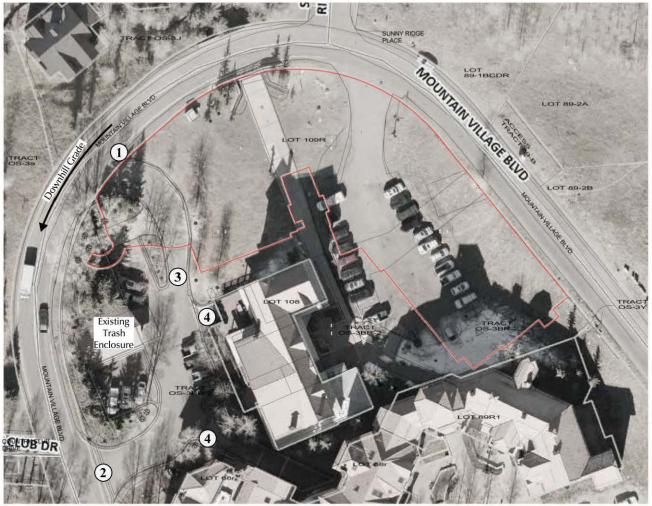


Figure 1
Vicinity
Map

Mountain Village Hotel (LSC #220780)

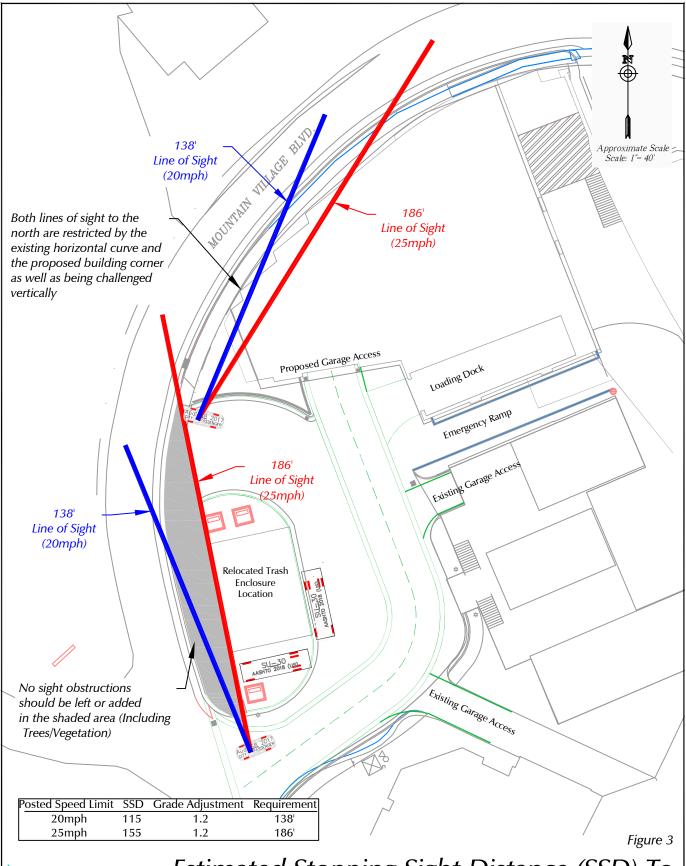




- 1) Poor sight distance due to horizontal curve and existing vegetation
- 2 Poor sight distance due to existing vegetation
- (3) Pinch point of existing site circulation = 16 feet +/-
- 4 Existing parking garage access to remain

Figure 2

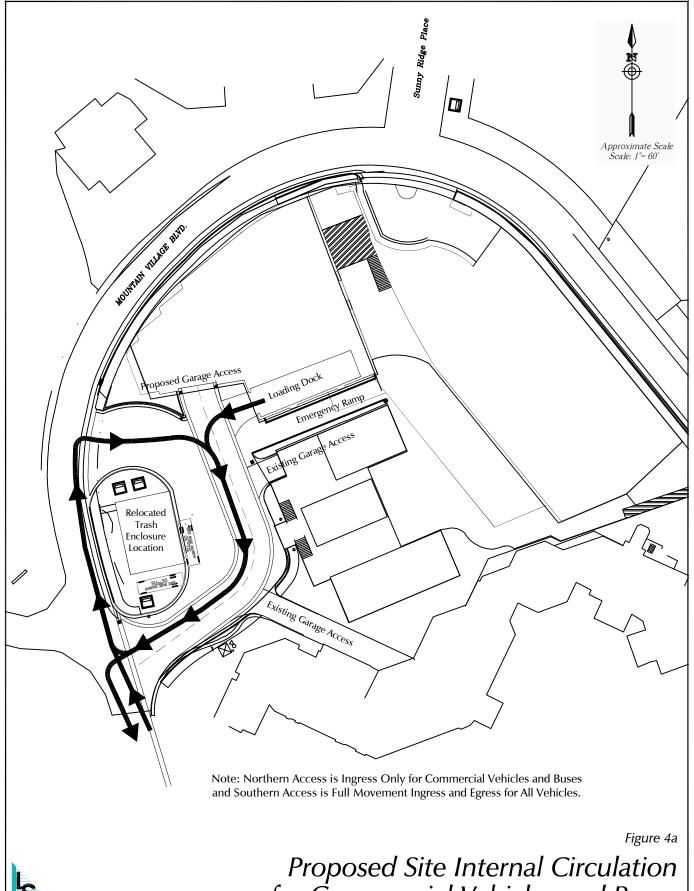






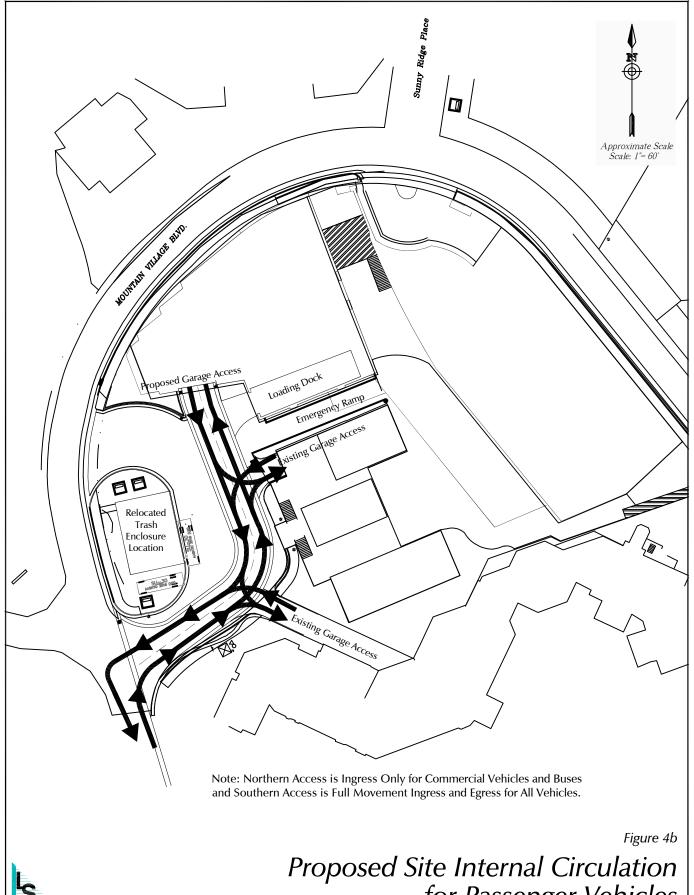
Estimated Stopping Sight Distance (SSD) To The North If Both Accesses Were Full Movement

Mountain Village Hotel (LSC #220780)



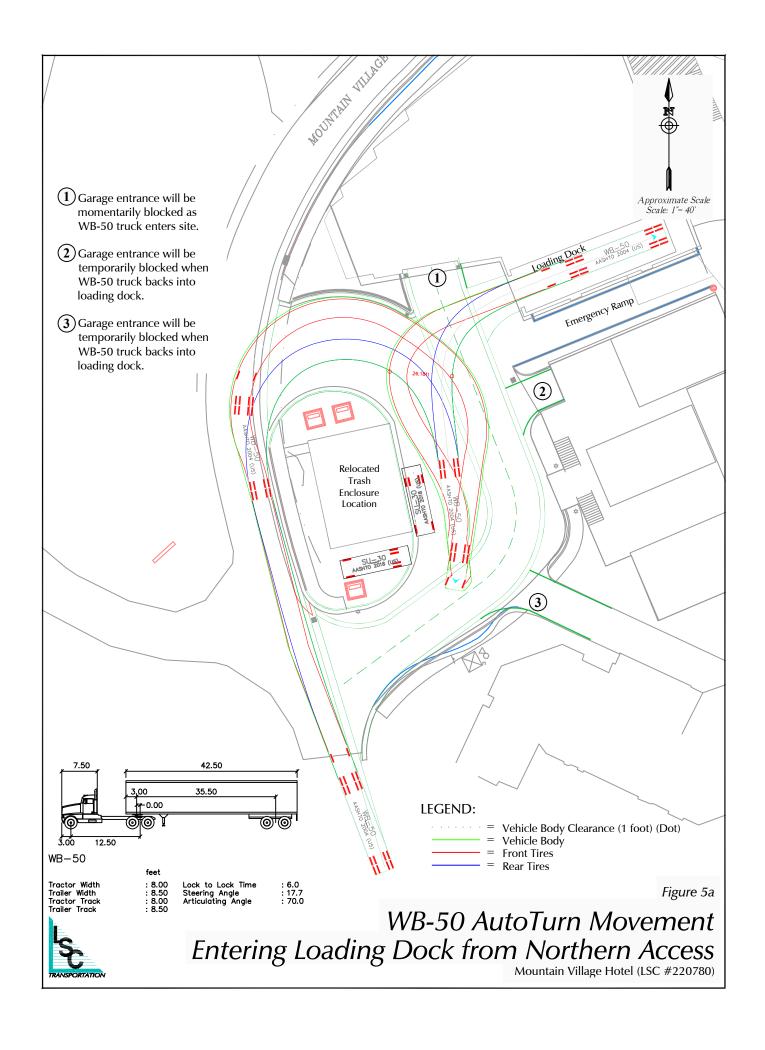
Proposed Site Internal Circulation for Commercial Vehicles and Buses

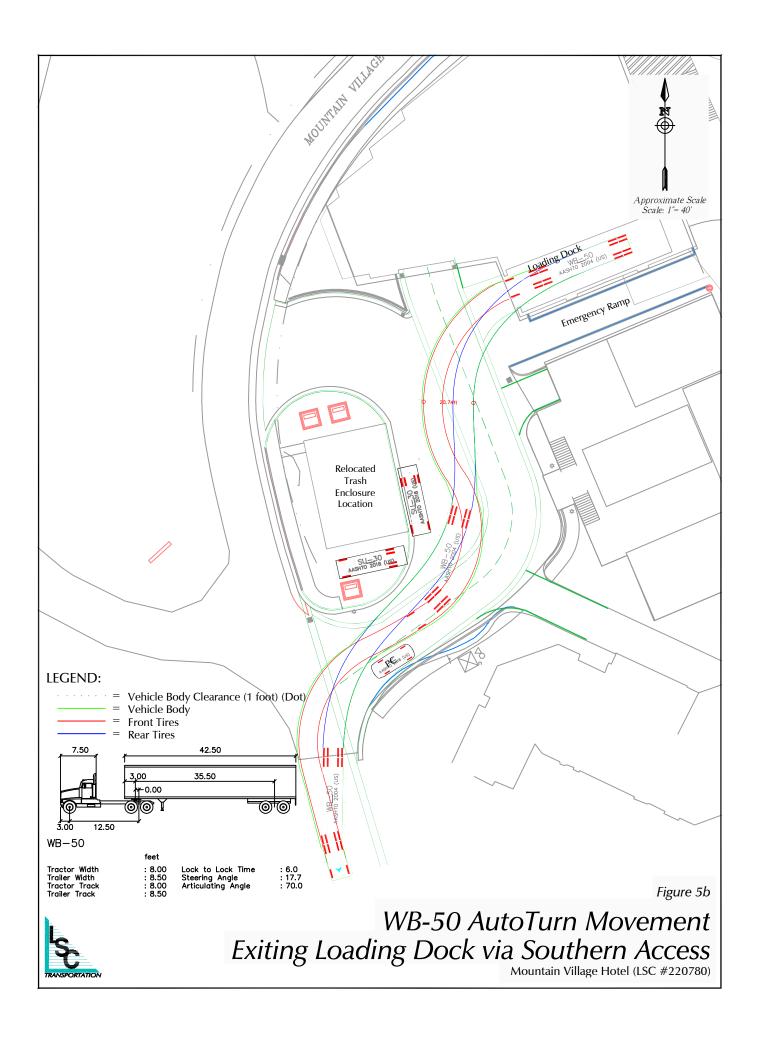
Mountain Village Hotel (LSC #220780)

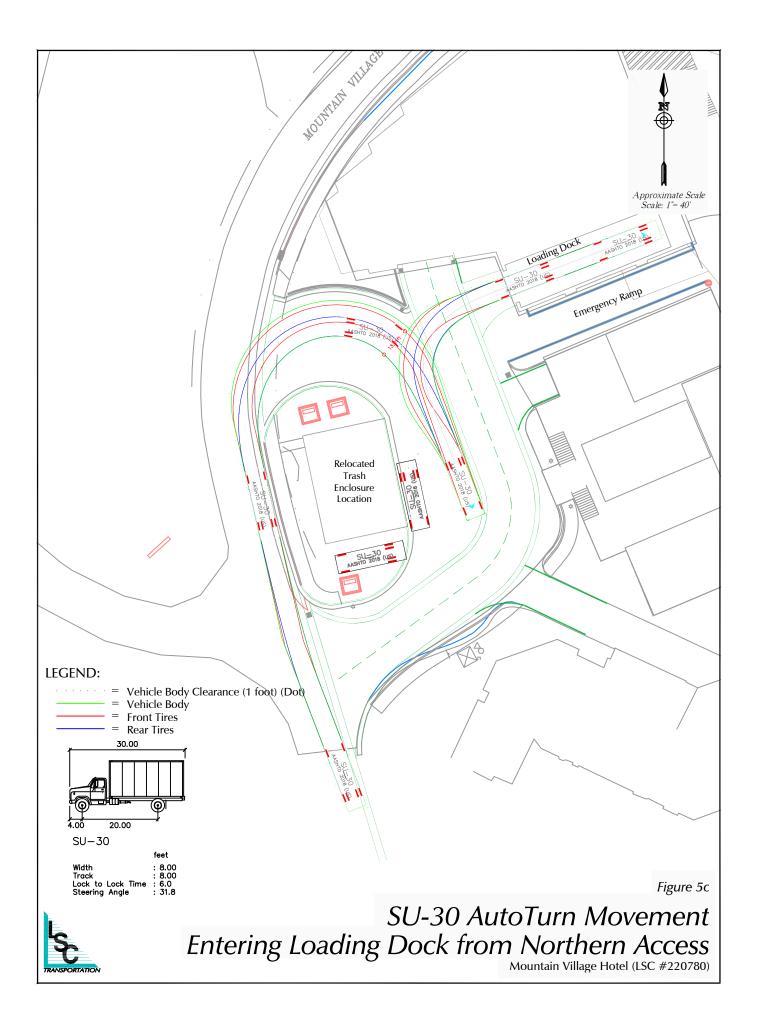


Proposed Site Internal Circulation for Passenger Vehicles Mountain Village Hotel (LSC #220780)



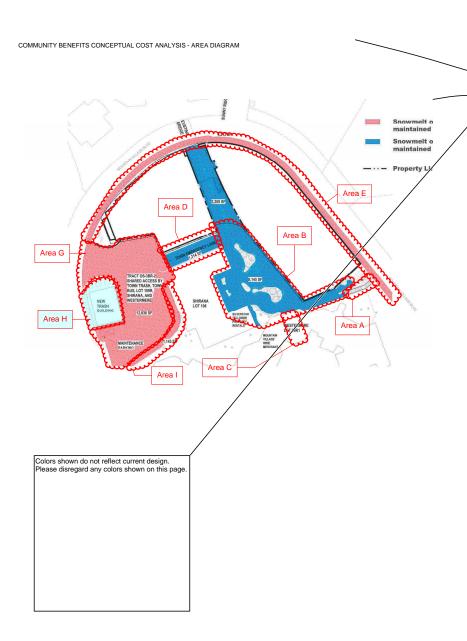






Summary of Comments on Final Community Benefits Cost Analysis with Area Diagram 3-5-23 (Final).PDF

COMMUNITY BENEFITS CONCER	TUAL CO	ST ANALYSIS					
POTENTIAL DEVELOPMENT COSTS ASSOCIATED WITH		\$/SF CONSTRUCTION ANTICIPATED (ROM)		TOTAL ROM \$/SF	ANTICIPAT COSTS	ED NOTES	
Community Benefits		CONCEPT SF'S	25%		ROUNDE		
Provide 18 Employee Dorms and 2 Employee Apartments housing over 50 employees	14455	\$ 550	\$ 138	\$ 688	\$ 9,950,2	Based on comparative housing and affordable housing projects in the mountain region, we would satisficate engine housing to be between \$450.400 PEC construction - design, regimening, and development cost. Cost stands represent a middle of the read agreed or the region of the cost	
Pedestrian Access Stairs from Access Tract 898 to Village Center, Corten steel staircase, grated, to allow inow to pass	400	\$ 300	\$ 75	\$ 375	\$ 150,0	300 Stair Case only (Approximately 10' x 40' long).	
Haza improvements between lot 109 R and Shirana; heated natural stone gover and landscaped Haza improvements between to Westermere Façade, new heated pavers, new lighting, stucco building	8145	\$ 150	\$ 38	\$ 188	\$ 1,500,0	Sudget anticipates geogram on structure below, snowmelt,	
inish (see attached rendering)	1200	\$ 50		\$ 63	-		
Imergency Access Lane & Fire Utilities, heated drive, landscaped idewalk abrig Mountain Village Bind from Lot 161 CR Stairs to Porte Cochere, heated walkway, lighted, andscaped	1314 4213	\$ 125 \$ 200	\$ 31	\$ 156 \$ 250		Anticipates roll over curb and pedestrian protection. Walk likely to be 6' wide and thicker for	
idewalk along Mountain Village Blvd from Porte Cochere to Entrance at Level G2, heated walkway, ighted, landscaped	0		s -	s -	\$	Clarification: This sidewalk section is included with the 4,213 SF of sidewalk noted above, budgets are adjusted accordingly	
Sonow Malt System for all Roads, Plazas, and Sidewalks with Boiler Cost, developer to include engineering plans prior to permit. (This is the TRACT OS-38b-2-31mand Access) construction of a PANIC Restorous TESL 1911, Tigot design; bound in the same interior design softence as the	12036	\$ 100	\$ 25			Costs provided anticipate \$200-250 PSF for building core and shell appropriated work, and \$250-300	
notel  New Trash Facility Building Structure for Town Use (Not utilized by Hotel Building Management) Updated atteins finishes include stone, wood, craftsman style garage doors for trash collection, and weathered tetel.	381	\$ 500 \$ 625		\$ 625 \$ 781	\$ 250,0 \$ 1,200.0	Stated on current SF, early concept design, and logistics phasing requirements, we have provisioned roughly SASS SF for Construction + AVLO. Our concept estimate assumes a heavy timber framed building with water tight boiler and trush more. Landscapes around building adaptors to parking	
New concrete snowmelted sidewalks flanking the edge of the culding to the plaza stair. New snowmelted concrete sidewalk connecting the existing sidewalk at Mountain Village Boulevard to the Shriana.							
5200,000* SUB - TOTALS	1143	\$ 150	\$ 38	\$ 188	\$ 200,0 \$ 16,025,2		
CURAMANG MANAGEMENT IS ANNUABLE TO DESCUSS COSTO/ES AS NEEDED FOR REVIEW OF THESE BUDGETS BE ATTROCKED COMMUNION & BRIEFIS CONCENTION. COST ANNUAGE AND A DAGRAME					1		



Author: cknight Subject: Text Box Date: 3/3/2023 1:40:34 PM
COMMUNITY BENEFITS CONCEPTUAL COST ANALYSIS - AREA DIAGRAM

Author: cknight Subject: Snapshot Date: 3/3/2023 1:40:04 PM

Author: SPaletz Subject: Text Box Date: 3/5/2023 11:39:25 AM
Colors shown do not reflect current design. Please disregard any colors shown on this page.

# Summary of Comments on Microsoft Word - Responses to Town Staff (March 2023 Meeting) 2.13.23 draft (1)

Page: 2

Number: 1 Author: mhaynes Subject: Inserted Text Date: 2/27/2023 1:35:17 PM

This is an inaccurate statement. The DRB has the authority to establish the parking requirement for employee housing is meeting the parking requirement, not requiring more than the requirement as represented here.

See Parking memorandum.	
	_

### Page: 3

Author: SPaletz Subject: Text Box Date: 3/5/2023 11:39:44 AM See Parking memorandum.

T Number: 1 Author: mhaynes Subject: Inserted Text Date: 2/27/2023 3:26:00 PM

the development as proposed is also removing all public parking currently provided on the portion of OS-3BR near the existing trash facility that consists of 11 additional spaces, some of these spaces are necessarily removed to meet the turning radius of trucks entering the loading dock of the new development.

Number: 2 Author: mhaynes Subject: Inserted Text Date: 2/27/2023 1:39:58 PM
This is an inaccurate statement. The 126R/152R applicants asked that the PUD not expire. The town retained the right to request a PUD amendment, rather than an expiration, for the purposes of preserving public benefits. The applicants withdraw their application to avoid a denial and to regroup. The 2019 process never got so far as to evaluate amendments.

Number: 3 Author: mhaynes Subject: Inserted Text Date: 2/27/2023 1:41:30 PM
Although the criteria for review are the same, the process is significantly different or a PUD amendment (class 4) versus a new PUD constituting a class 4, a class 3 and then another class 4 application.

#### 1.See Parking Memorandum.

2 and 3. In a November 2019 staff report on 126R/152R, the volume of amendments was not raised as a concern as an amendment to existing PUD vs a new PUD. We are asking that the application be reviewed based on the criteria in the code. The code does not limit the number of variances in a PUD Amendment application. We have had as many meetings and review sessions as would have occurred in the event a new application was pursued.

### Page: 4

Author: SPaletz Subject: Text Box Date: 3/5/2023 4:59:17 PM

1.See Parking Memorandum

2 and 3. In a November 2019 staff report on 126R/152R, the volume of amendments was not raised as a concern as an amendment to existing PUD vs a new PUD. We are asking that the application be reviewed based on the criteria in the code. The code does not limit the number of variances in a PUD Amendment application. We have had as many meetings and review sessions as would have occurred in the event a new application was pursued.

Number: 1

Author: mhaynes Subject: Inserted Text

Date: 2/27/2023 1:43:15 PM

Redevelopment of Shirana is not identified in the amended comp plan for hotel development as it is not feasible for an existing building with multiple owners to agree to redevelop.

Our application was based upon the 2018 Comp Plan in which the comp plan stated "Consider redevelopment of the Shirana Condominiums and the town's trash facility and surrounding parking lot to provide hotbeds as envisioned by the Comprehensive Plan'.

The Comp Plan was changed in the middle of the application process (December 2022). It currently states the following (which was also stated in 2018, in addition to the statement above):

### PARCEL B SHIRANA

- a. Encourage the owner or developer of the Mountain Village Hotel PUD and Shirana owners to consider an inclusion into the Mountain Village PUD in order to provide the efficient and holistic development of the entire area.
- b. Determine if the current parking garage entry for Palmyra and Westermere can be legally used to access parking for the Mountain Village Hotel PUD and consider positive and negative impacts of such access.
- c. Ensure the trash facility is relocated to an efficient and compatible location.

We would emphasize that the recently amended comp plan notes that town should "ensure trash facility is relocated." The relocation of the trash facility is desired by Applicant and neighbors and would alleviate all circulation concerns.

### Page: 5

Author: SPaletz Subject: Text Box Date: 3/5/2023 5:02:16 PM

Our application was based upon the 2018 Comp Plan in which the comp plan stated "Consider redevelopment of the Shirana Condominiums and the town's trash facility and surrounding parking lot to provide

hotbeds as envisioned by the Comprehensive Plan".

The Comp Plan was changed in the middle of the application process (December 2022). It currently states the following (which was also stated in 2018, in addition to the statement above):

#### PARCEL B SHIRANA

- a. Encourage the owner or developer of the Mountain Village Hotel PUD and Shirana owners to consider an inclusion into the Mountain Village PUD in order to provide the efficient and holistic development of the entire area.
- b. Determine if the current parking garage entry for Palmyra and Westermere can be legally used to access parking for the Mountain Village Hotel PUD and consider positive and negative impacts of such access.
- c. Ensure the trash facility is relocated to an efficient and compatible location.

We would emphasize that the recently amended comp plan notes that town should "ensure trash facility is relocated." The relocation of the trash facility is desired by Applicant and neighbors and would alleviate all circulation concerns.

Number: 1	Author: award	Subject: Inserted Text	Date: 2/27/2023 3:32:01 PM	
per previous co	mments this percen	tage likely needs revision		_
T Number: 2	Author: award	Subject: Inserted Text	Date: 2/27/2023 3:41:02 PM	
The 11 existing	surface spaces will a	also be lost with this devel	opment	

Applicant supports the list of public benefits shown in the draft ordinance presented at the January 2023 Meeting approving the PUD amendment.

2. See parking memorandum.

## Page: 6

Author: SPaletz Subject: Text Box Date: 3/5/2023 5:04:49 PM

1. Applicant supports the list of public benefits shown in the draft ordinance presented at the January 2023 Meeting approving the PUD amendment.

2. See parking memorandum.

Number: 1 Author: mhaynes Subject: Inserted Text Date: 2/27/2023 1:44:41 PM
Thank you for providing clarity. Our attorney can weigh in also. Superseding has been removed.

Number: 2 Author: mhaynes Subject: Inserted Text Date: 2/27/2023 1:47:13 PM
This is an oversimplification of the suite of documents and what is required when. Certain documents need to be executed well in advance of project condominium documents, which would be executed concurrently with a request for a certificate of occupancy for the project. Timing and sequencing would be established prior to a second reading of an ordinariog of an ordinar

Number: 3 Author: mhaynes Subject: Inserted Text Date: 2/27/2023 2:16:29 PM

Staff ran a quick analysis of cost per square foot of sidewalks, snowmelt and trash facility and bathroom. There does not seem to be a consistent cost estimating methodology. Staff will request the town engineer to do a similar cost estimating exercise to better understand, true estimated costs should the project move forward.

 This will come into play only if the application moves forward, at which point town attorney can weigh in.

 Applicant notes that some documents will be finalized prior to second reading as well.
 Applicant is in agreement with general timeline of documents based upon prior discussions with town attorney.

3. See note from Cumming and exhibit on page 1 and 2 of this PDF.

these conceptual estimates have been informed by work that is currently being procured in the mountains. We have no objection to the Town employing a 3rd party estimator to conduct their own estimates but we have offered to reconcile these budgets with the actual estimates from the General Contractor as they establish their guaranteed maximum price for the work. We have also included an additional table (page 1 of this PDF) summarizing these budgets and can provide detailed conceptual estimates at the Town's request supporting the overall cost per SF.

### Page: 7

Author: cknight Subject: Callout Date: 3/5/2023 5:14:33 P.M.
Cummings is a professional 3rd party cost estimator and these conceptual estimates have been informed by work that is currently being procured in the mountains. We have no objection to the Town employing a 3rd party senimator to conduct their own estimates but we have offered to reconcile these budges with the actual estimates from the General Contractor as they establish their guaranteed maximum price for the work. We have also included an additional table (page 1 of this PDF) summarizing these budgets and can provide detailed conceptual estimates at the Town's request supporting the overall costs per SF.

Author: SPaletz Subject: Text Box Date: 3/5/2023 5:13:48 PM

1. This will come into play only if the application moves forward, at which point town attorney can weigh in.

- Applicant notes that some documents will be finalized prior to second reading as well. Applicant is in agreement with general timeline of documents based upon prior discussions with town attorney.
- 3. See note from Cumming and exhibit on page 1 and 2 of this PDF.

Number: 1 Author: mhaynes Subject: Inserted Text Date: 2/20/2023 5:16:57 PM

It was always understood that any snowmelt provided would be constructed to town specifications and the applicant would be responsible for ongoing maintenance and expense. This remains the towns position and may be a significant sticking point towards an

Number: 2 Author: mhaynes Subject: Inserted Text Date: 2/27/2023 12:28:29 PM

If this is agreeable to council, the applicant need to adhere to engineering comments, have plans and specifications rewired by public works and indemnify the town in the event something happens related to either utility to hold us harmless. We would also defer to our attorney to weigh in on this matter should the application move forward

Number: 3 Author: mhaynes Subject: Inserted Text Date: 2/27/2023 12:30:48 PM

The "unit" will be subject to the town's Affordable Housing Regulations (AHR) - this poje can be negotiated via the PUD process as needed. These discussions have not begun. If our attorney is comfortable with this owner arrangement then it can be supported. The town will want assurances that the units will be rented to qualified renters and would recommend language in the PUD as such.

- Applicant is willing to concede the inclusion of the sidewalk along Mountain Village Blvd. (as shown in updated exhibit 4A). The town driveway will be utilized by many different users (public parking, Shirana, trash pickup, town maintenance) and Applicant cannot be responsible for the long term maintenance of that area and it is inconsistent with Section 17.3.4.H.7 of the code as the driveway area is not a Plaza Area which states "Unless otherwise determined by the Town to be unnecessary or unwanted, snowmelt systems shall be required to be installed by the developer and operated and maintained by the subsequent lot owner(s) for all new or improved town plaza areas unless such areas are landscaped with planting beds or other landscaping that does not necessitate snow melting." The Lot Owner is the Town.
- 2. It was never contemplated that Applicant would maintain a utility that serves multiple properties. Applicant is comfortable with a submission to public works and further discussions with town attorney.
- 3. This item was discussed with town attorney and pending details of the entities, town attorney is general comfortable with the concept.

#### Page: 8

Author: SPaletz Subject: Text Box Date: 3/5/2023 6:38:38 PM

1. Applicant is willing to concede the inclusion of the sidewalk along Mountain Village Blvd. (as shown in updated exhibit 4A). The town driveway will be utilized by many different users (public parking, Shirana, trash pickup, town maintenance) and Applicant cannot be responsible for the long term maintenance of that area and it is inconsistent with Section 17.3.4.H.7 of the code as the driveway area is not a Plaza Area which states 'Unless otherwise determined by the Town to be unnecessary or unwanted, snowmelt systems shall be required to be installed by the developer and operated and maintained by the subsequent lot owner(s) for all new or improved town plaza areas unless such areas are landscaped with planting beds or other landscaping that does not necessitate snow melting." The Lot Owner is the Town.

- 2. It was never contemplated that Applicant would maintain a utility that serves multiple properties. Applicant is comfortable with a submission to public works and further discussions with town attorney
- 3. This item was discussed with town attorney and pending details of the entities, town attorney is general comfortable with the concept.

Number: 1 Author: mhaynes Subject: Inserted Text Date: 2/27/2023 12:31:46 PM

Staff has confidence that drawings will be revised so that they are approvable and do not feel its necessary to provide a revised submittal at this juncture unless the application moves forward. There could yet be PUD negotiations with Council that could change the building more - and it seems it would be a wasted effort to amend the designs now. The PUD package needs to be the emphasis at this juncture.

Number: 2 Author: mhaynes Subject: Inserted Text Date: 2/27/2023 12:34:45 PM

Village center development per the CDC requires that the developer bear the cost of snowmelt, maintenance and ongoing costs. Via the PUD this extends to the OS lot - that they propose a full access easement for use - as well as the sidewalk - the town requires it to be snowmelted. This has been the town's position from the beginning and it would not be viewed as a benefit to the town if we responsible for maintenance and ongoing costs of snowmelt. The sidewalk along MV Blvd is considered a public improvement, not a public benefit (or community benefit) associated with the subdivision, is required to be snowmelted and not a public benefit. This request is not supported by staff. Staff is unsure how to provide any other comments here. We have made the Coc language clear from the beginning of the PUD process and understand the applicant simply is requesting something differen

Author: award Subject: Sticky Note Date: 2/27/2023 3:48:14 PM would add that if the sidewalk weren't melted, it would be on the applicant to provide snow emoval of this sidewalk, given the tight space between the edge of building and edge of roadway, this would be problematic as there is no area for snow storage

Author: award Subject: Sticky Note Date: 2/27/2023 3:51:53 PM

Additionally the area adjacent to the Town trash facility is necessary for the circulation to the underground garage and the load/ unload dock, necessary for the new development, for this circulation to exist, snow melt is essential as again there is no room for snow storage.

- To be addressed if application moves forward.
- 2. Same answer as page 8, note 1.

#### Page: 9

Author: SPaletz Subject: Text Box Date: 3/5/2023 5:09:30 PM

- 1. To be addressed if application moves forward
- 2. Same answer as page 8, note 1.

age: 10	Page: 10
Number: 1 Author: award Subject: Inserted Text Date: 2/27/2023 3:57:50 PM	Author: SPaletz Subject: Text Box Date: 3/3/2023 9:44:33 AM
Staff understands that there will be no additional encroachments under Mtn. Village Blvd. outside of the temporary seil nails.	Agreed.
Agreed.	

Number: 1 Author: award Subject: Inserted Text Date: 2/27/2023 4:04:26 PM

Staff agrees with the applicant's response to the DRB conditions, most issues will be handled by a staff level approval prior to building Number: 2 Author: mhaynes Subject: Inserted Text Date: 2/27/2023 12:39:45 PM a pologize if this question is confusing. The existing hotel covenant requires that certain facilities are provided as part of the PUD. Please

review the hotel covenant. That includes the following list:

Required Facilities and Services

Lobby/Reception Area including a front desk

Operational space for the rental management program Suitable back of house space

[Onsite employee housing]

Bellman services

Housingkeeping/maid service

Restaurant

Bar/lounge

Spa and fitness- some or all will be made available to the general public

Pool

Business center

Gift shop

Gill ships
The impetus of the question was intended to clarify what is being provided by the PUD - its not just a list of public benefits but also an element includes the hotel covenant and agreeing to the existing covenant. Any nities open to the public versus exclusive to the hotel are typically addressed in the development agreement. If the project moves forward this will need to be better articulated

Agreed
 Applicant commits to all required facilities and services in the current hotel covenant.

#### Page: 11

Author: SPaletz Subject: Text Box Date: 3/5/2023 5:12:25 PM

Agreed
 Applicant commits to all required facilities and services in the current hotel covenant.

Number: 1 Author: award Subject: Inserted Text Date: 2/27/2023 4:06:34 PM

I would note that the number of units is also important and would need to remain the same or otherwise would compel a density transfer

Number: 2 Author: mhaynes Subject: Inserted Text Date: 2/27/2023 12:42:54 PM

Staff has noted this of mention but feels it unwise to add it as a public benefit since it is a requirement of the current operator. It would require a major PUD amendment to change this if it is listed a a public benefit but not adhered to through construction and the final C of O. This should warrant further discussion

Author: mhaynes Subject: Inserted Text Date: 2/27/2023 12:45:42 PM

Number: 3 Author: mhaynes Subject: Inserted Text Date: 2/27/2023 12:45:42 PM

The cost per square foot of the public bathroom is 656 as an estimate but the trash facility is still 800 a square foot. Staff will request the a 3rd party review cost estimates should the application move forward. There is no standard cost per square foot provided for similar improvements in different locations whether it be a sidewalk, snowmelt or the bathroom or transfacility which is concerning

- Applicant agrees to number of units, request is only for square footage deviation.
- 2. Applicant agrees with staff.
- 3. Applicant has submitted detailed explanations of costs on page 1 of this PDF. See also note from Cumming on this page.

Cumming takes no exception to a peer review of estimates. We understand that the budgets provided vary from budgets provided for work in other areas but we are evaluating these individual improvements on a case by case basis. For clarity, we have provided an updated Community Benefits Conceptual Cost Analysis table (page 1 of this document) lining out our budgets and a brief methodology for the drivers of the individual budgets. We hope this helps clarify our approach to conceptual budgeting of these scopes.

#### Page: 12

Author: cknight Subject: Callout Date: 3/5/2023 5:12:41 PM

Actions: Chingin: Studject. Carout Date: 3/1/02/3/12/41 PM.

Date: 3/1

Author: SPaletz Subject: Text Box Date: 3/5/2023 5:13:24 PM

1. Applicant agrees to number of units, request is only for square footage deviation.

- Applicant agrees with staff.
- Applicant has submitted detailed explanations of costs on page 1 of this PDF. See also note from Cumming on this page.

1. Agreed.

Page: 13 Number: 1 Author: award Subject: Inserted Text
Note- architectural changes will need minor revision staff review Author: SPaletz Subject: Text Box Date: 3/3/2023 9:47:09 AM 1. Agreed. Date: 2/27/2023 4:11:41 PM

Number: 1 Author: mhaynes Subject: Inserted Text Date: 2/27/2023 12:53:18 PM

Staff's position is consistent with the CDC: the applicant improves and pays for improvements to plaza areas. The applicant is responsible for plaza and ROW improvements 30' from the drip line of the building. The applicant is responsible to improve areas that extend 20' from the building dripline and/or encompass the areas of disturbance, whichever is greater (CDC 17.3.4.H.7.a.)for improvements to town OS areas that are necessary for the functioning of the hotel and being used by the applicant. Snowmelt and maintenance costs being asked to be bore by the town would require a high threshold of public benefit and otherwise inconsistent with 17.3.4.H.7. of the CDC

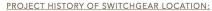
1. Same answer as Page 8, No	te 1.

#### Page: 14

Author: SPaletz Subject: Text Box Date: 3/5/2023 5:09:55 PM 1. Same answer as Page 8, Note 1.

Pac	ie:	1	9

age: 19	Page: 15
Number: 1 Author: mhaynes Subject: Text Box Date: 2/27/2023 2:51:36 PM the snowmelted sidewalk is not considered a public benefit but a requirement of the subdivision approval	Author: SPaletz Subject: Text Box Date: 3/3/2023 9:47:28 AM  1. Agreed.
1. Agreed.	





#### PROJECT HISTORY OF SWITCHGEAR LOCATION:

8B

8A

#### WHAT THIS IS:

Project history of Switchgear Relocation.

05.31.22 Town Memo 17.5.11: Utilities. Approved PUD location rejected by staff

#### TIMELINE:

DRB Condition #14	- Prior to FTC	12.01.2023
Town Memo #4	- Overview	01.19.2023
Town Memo #2	- First Reading	01.19.2023
Town Memo Bullet Point #8	- G. Staff Concerns	01.19.2023

#### REQUEST:

The relocation of the switchgear for Lot 109R

#### NOTES:

 This clarifies applicant has been in correspondence with SMPA and Lot Owner of 1BCDR and provided preferred locations that have been rejected by staff. 1, 2.view corridor restriction prevents above ground structure

3. staff was generally ok with this location, however did require a tow maintenance parking spot in proximity to trash shed, applicant opted move switchgear to accommodate parking

move switchgear to accommodate parking
4. Staff didn't reject, just noted encroachment on private property an
asked for Town Council weigh-in on whether such encroachment w
appropriate

Applicant reviewed staff comments and recognizes that staff now understands the owner of the relevant property is comfortable with a switchgear on his property and that the decision is now up to Council.

#### 22

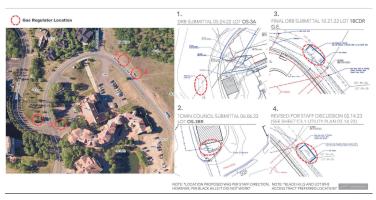
68694634;5

#### Page: 16

Author: SPaletz Subject: Text Box Date: 3/4/2023 6:26:17 PM

Applicant reviewed staff comments and recognizes that staff now understands the owner of the relevant property is comfortable with a switchgear on his property and that the decision is now up to Council.





#### PROJECT GAS REGULATOR PROPOSED LOCATION HISTORY:

9B

9A

#### WHAT THIS IS:

Project history of Gas Regulator Locations

- Approved PUD, no location specified
- 05.31.22 Town Memo 17.5.11: Utilities. Proposed Location Rejected
   06.16.22 Town Memo Item #13. To be approved by Black Hills Gas (Revision required)
- 06.16.22 Town Memo Item #13. To be approved by Black Hills Gas (Revision required)
   12.01.22 Town Memo 17.5.11: Utilities. Black Hills preferred Location. Proposed Location Rejected
- 01.19.23 Town Memo G. Staff Concerns. Black Hills preferred Location. Proposed Location Rejected

#### TIMELINE:

 DRB Conditions #14
 - Prior to FTC
 12.01.2023

 Town Memo #4
 - Overview
 01.19.2023

 Town Memo #2
 - First Reading
 01.19.2023

#### REQUEST:

A new gas regulator to supply gas to Lot 109R, adjacent lots, and future developments

#### NOTES:

 This clarifies applicant has been in correspondence with Black Hills Gas and Lot Owner of 1BCDR and provided preferred locations that have been rejected by staff.  view corridor restriction prevents above ground structure 2. Black hills denial 3, 4 could have heavy impact on adjacent private land owner, staff asked for council direction on this location

Applicant reviewed staff comments on this item and raises the following:

The plat notes this easement as an access easement, however, all lots in this vicinity have access to Sunny Ridge Place or Lookout Ridge, this access tract is not necessary nor likely to provide any access to a contiguous lot. This access tract seems to have predated the extension of Lookout Ridge.

23

68694634;5

#### Page: 17

Author: SPaletz Subject: Text Box Date: 3/5/2023 6:49:16 PM

Adultion Strate 2 Journal of Modern Strategy and Tables the following:

1. The plat notes this assement as an access easement, however, all lots in this vicinity have access to Sunny Ridge Place or Lookout Ridge, this access tract is not necessary nor likely to provide any access to a configuous lot. This access tract seems to have predated the extension of Lookout Ridge.

Table 12. Public Improvements that are considered public benefits pursuant to the 2010 PUD agreement

Item	Value
Plaza Improvements (See Forever walkway and Shirana area)	\$1,500,000
Trash Enclosure rebuild on OS-3BR-2 including all surface improvements including snowmelt and a portion of sidewalk and resurfacing of OS-3BR-2	\$2,100,000
Snowmelting and Improving the fire lane	\$150,000
Village Pond Improvements – payment	\$250,000
TOTAL	

Author: SPaletz Subject: Text Box Date: 3/3/2023 9:49:29 AM

Author: SPaletz Subject: Stamp Date: 3/3/2023 9:56:46 AM

Author: mhaynes Subject: Inserted Text Date: 2/27/2023 1:07:35 PM

Staffs comments remain the same from the January Memo, "more clarity can be provided to better understand how these calculations are being made and noted in these comments this expectation should the application move forward.

Number: 2 Author: mhaynes Subject: Inserted Text Date: 2/27/2023 1:02:00 PM

As noted staff recommends that the applicants are more clear with tying plaza improvements and sidewalkss to specific square footages and areas so that areas are not double counted. Costs for sidewalks for example are not consistent per lineal foot building costs are not consistent per square foot. Staff recommends this list needs more. Required improvements are still listed here that do not count as public benefits - referred to as community benefits here. The public benefit package value is not correct in this form presented

Date: 2/27/2023 12:56:37 PM Number: 3 Author: mhaynes Subject: Inserted Text Date: 2/27/2023
This is not a community benefit - the applicant acknowledges this in the application

3. Acknowledged by Applicant, this was included in error.

- 1. We have included a 'Community Benefits Conceptual Cost Analysis (on page 2 of this PDF) with diagrams our preliminary conceptual calculations and the scope that these budgets are based on. Again, these costs are based on work actually being procured in today's dollars in
- the mountain region.

  2. The table (page 1 of this PDF) noted above includes measurement quantities, costs per unit and a methodology noting unique qualities of each scope. Our focus is to address the methodology as requested understanding that the final public benefits package value is agreed to by Town and Applicant.

#### Page: 19

Author: SPaletz Subject: Text Box Date: 3/3/2023 4:42:12 PM

3. Acknowledged by Applicant, this was included in error.

- Author: cknight Subject: Text Box Date: 3/5/2023 5:15:00 PM

  1. We have included a Community Benefits Conceptual Cost Analysis (on page 2 of this PDF) with diagrams our preliminary conceptual calculations and the scope that these budgets are based on. Again, these costs are based on work actually being procured in today's dollars in the mountain region.

  2. The table (page 1 of this PDF) noted above includes measurement quantities, costs per unit and a methodology noting unique qualities of each scope. Our focus is to address the methodology as requested understanding that the final public benefits package value is a greed to by Town and Applicant.

Number: 1		Subject: Inserted Text	Date: 2/27/2023 12:58:54 PM	Ξ
Not applicable to	o the restroom. Unc	lear the direction from o	ouncil on the public parking ownership/maintenance agreement	
Number: 2	Author: mhaynes	Subject: Inserted Text	Date: 2/27/2023 12:57:07 PM	_
This is not a com	munity benefit			
T Number: 3	Author: mhaynes	Subject: Inserted Text	Date: 2/27/2023 12:58:11 PM	
This can't be con	sidered a communit	y benefit and the applic	Date: 2/27/2023 12:58:11 PM ant provided a caviat that this would only occurrence they see profits - the	
commitment is a	requirement of the	hotel operator and diffi	cult to bind as the town does not benefit from this directly	
Number: 4	Author: mhaynes	Subject: Inserted Text	Date: 2/27/2023 12:58:27 PM	

Number: 4 Author: mhaynes Subject: Inserted Text This is a requirement of the hotel operator

Applicant accepts staff/council's position
 OK.
 OK.
 Applicant will not submit this item as a benefit.

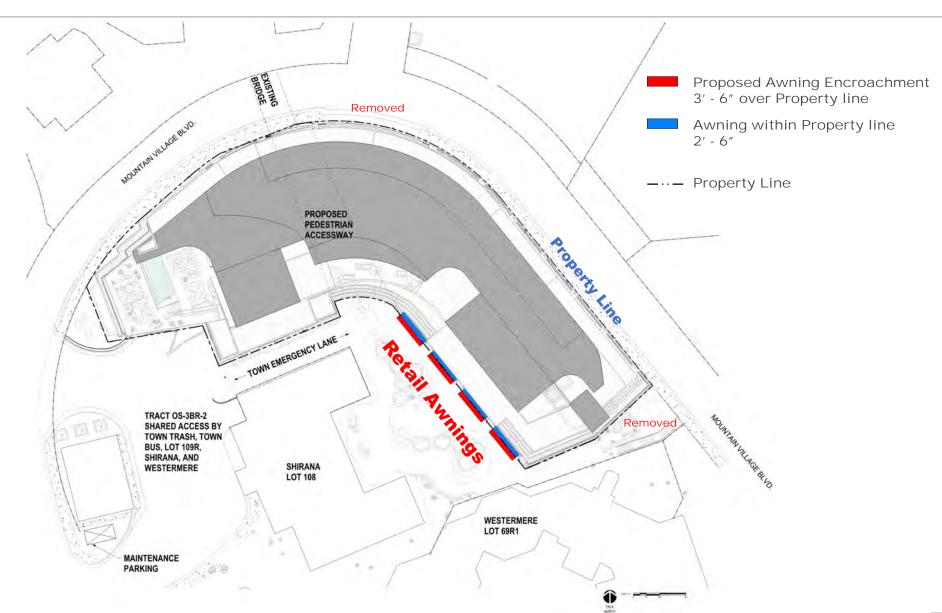
### Page: 20

Author: SPaletz	Subject: Text Box	Date: 3/5/2023 5:15:20 PM

- Subject: Text Box Date
   Subject: Text Box Date
   Applicant accepts staff/council's position
   OK.
   Applicant will not submit this item as a benefit.

# **OVERHEAD ENCROACHMENTS:**

Revised For Staff Discussion



## **OVERHEAD ENCROACHMENTS:**

### WHAT THIS IS:

A request for an overhead encroachment.

### TIMELINE:

DRB Conditions #29	- Prior to FTC	12.01.2022
Town Memo #4	- Overview	01.19.2023
Town Memo #2	- First Reading	01.19.2023
Town Memo Bullet Points #3/5	- G. Staff Concerns	01.19.2023

#### **REQUEST:**

- Overhead encroachment for awnings over the retail spaces on the plaza
- Overhead awnings on the plaza have received positive feedback and provide shelter.

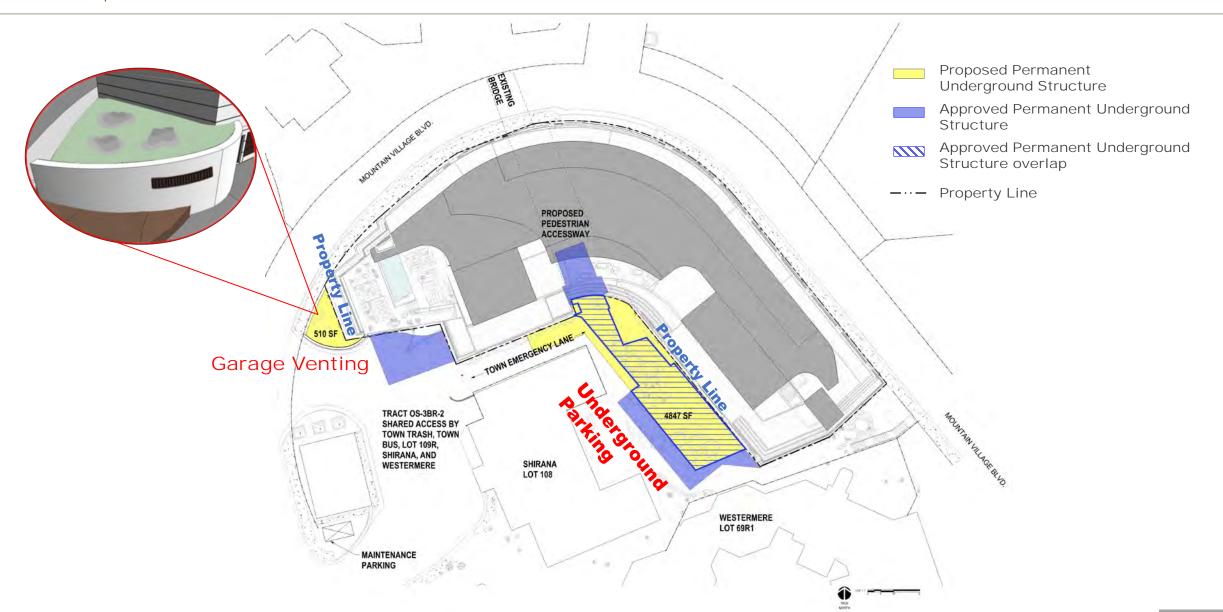
  It is our understanding that this is in line with the 2010 Approved PUD language

#### **NOTES:**

- There is **no longer** a request for the following overhead encroachments:
  - Direct Employee ingress/egress via sidewalk. Ingress/egress will now occur from stair 3 via the plaza level.
  - Awning at porte cochere on Mtn. Village Blvd.
  - Any potential of light fixtures over the property line

# EASEMENT AGREEMENT (PERMANENT UNDERGROUND STRUCTURES):

As Proposed on 01.19.23 Town Council Presentation



## EASEMENT AGREEMENT (PERMANENT UNDERGROUND STRUCTURES):

As Proposed on 01.19.23 Town Council Presentation

### WHAT THIS IS:

A request for an adjustment to permanent underground structures.

### TIMELINE:

DRB Conditions #29	- Prior to FTC	12.01.2022
Town Memo #4	- Overview	01.19.2023
Town Memo #2	- First Review	01.19.2023
Town Memo Bullet Points #3/5	- G. Staff Concerns	01.19.2023

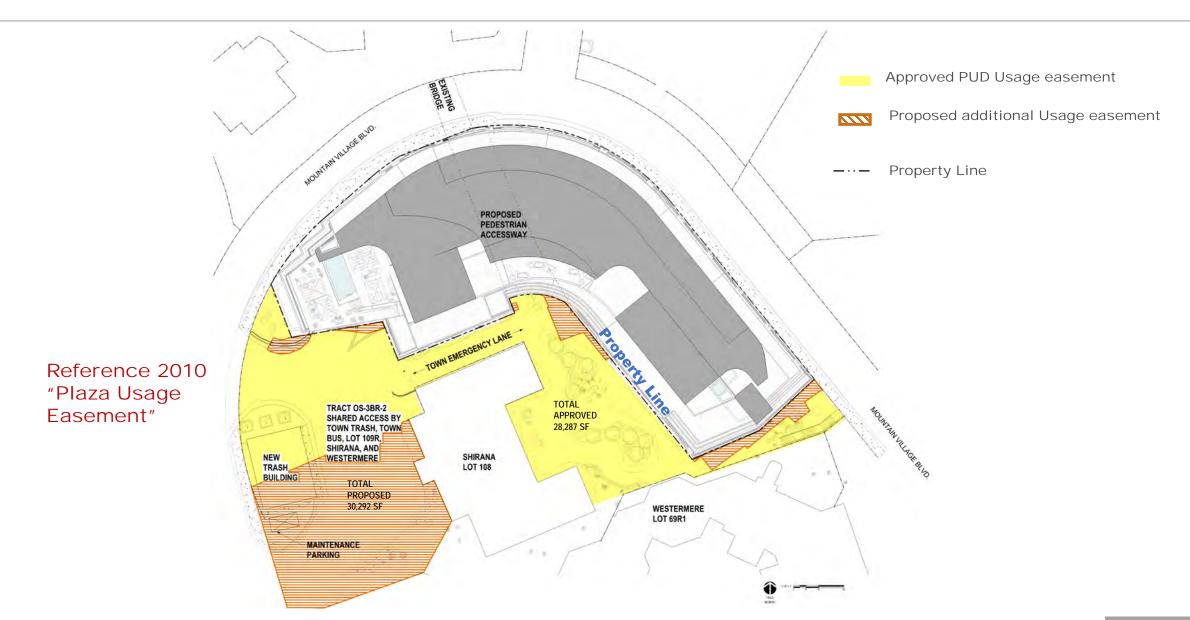
### **REQUEST:**

- Option as proposed in 01.19.23 presentation.
- Proposed Approximate area: 5,357 S.F.
- Approved area: 6,225 S.F.

#### **NOTES:**

• There is **no longer** a request for an area well.

# EASEMENT AGREEMENT (OS-3BR-2 USAGE/SITE UTILITIES):



## EASEMENT AGREEMENT (OS-3BR-2 USAGE/SITE UTILITIES):

## WHAT THIS IS:

A request for an adjustment to the OS-3BR-2 Usage/Site Utilities easement.

### TIMELINE:

DRB Conditions #29	- Prior to FTC	12.01.2022
Town Memo #4	- Overview	01.19.2023
Town Memo #2	- First Reading	01.19.2023
Town Memo Bullet Points #3/5	- G. Staff Concerns	01.19.2023

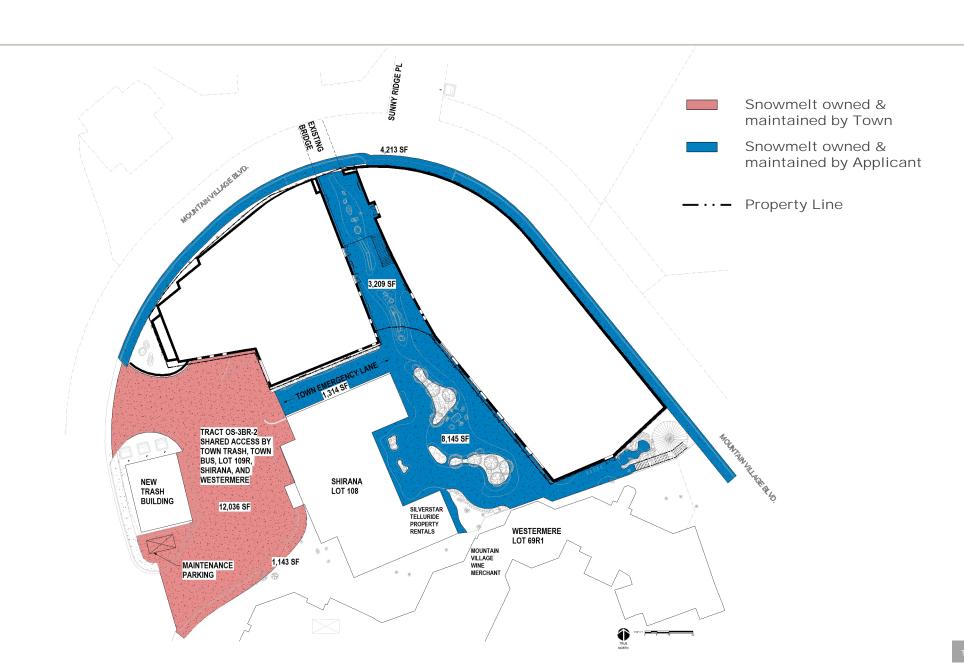
### **REQUEST:**

- Modification to the OS-3BR-2 Usage/Site Utilities easement.
- Approximate proposed area: 30,292 S.F. increase of 2,005 S.F. from 28,287 D.F. approved improvements.

#### **NOTES:**

- This clarifies Owner/Contractor access for improvements on OS-3BR-2
  - Snowmelt Systems
  - New Trash Building
  - Emergency Lane
  - Plaza Improvements
  - Access to Lot 109R Garage and Load/Unload zone

# OWNERSHIP AND MAINTENANCE OF BOILER ROOM:



## **OWNERSHIP AND MAINTENANCE OF BOILER ROOM:**

### WHAT THIS IS:

A request to define ownership of plaza area maintenance.

### TIMELINE:

DRB Conditions #29	- Prior to FTC	12.01.2022
Town Memo #4	- Overview	01.19.2023
Town Memo #6	- First Reading	01.19.2023
Town Memo #2	- First Reading	01.19.2023
Town Memo Bullet Points #2/4/5	- PUD Amdt. Criteria	01.19.2023
Town Memo Bullet Point #3	- G. Staff Concerns	01.19.2023

## **REQUEST:**

• To define ownership of plaza area maintenance including snowmelt systems and boilers housed within Lot 109R property

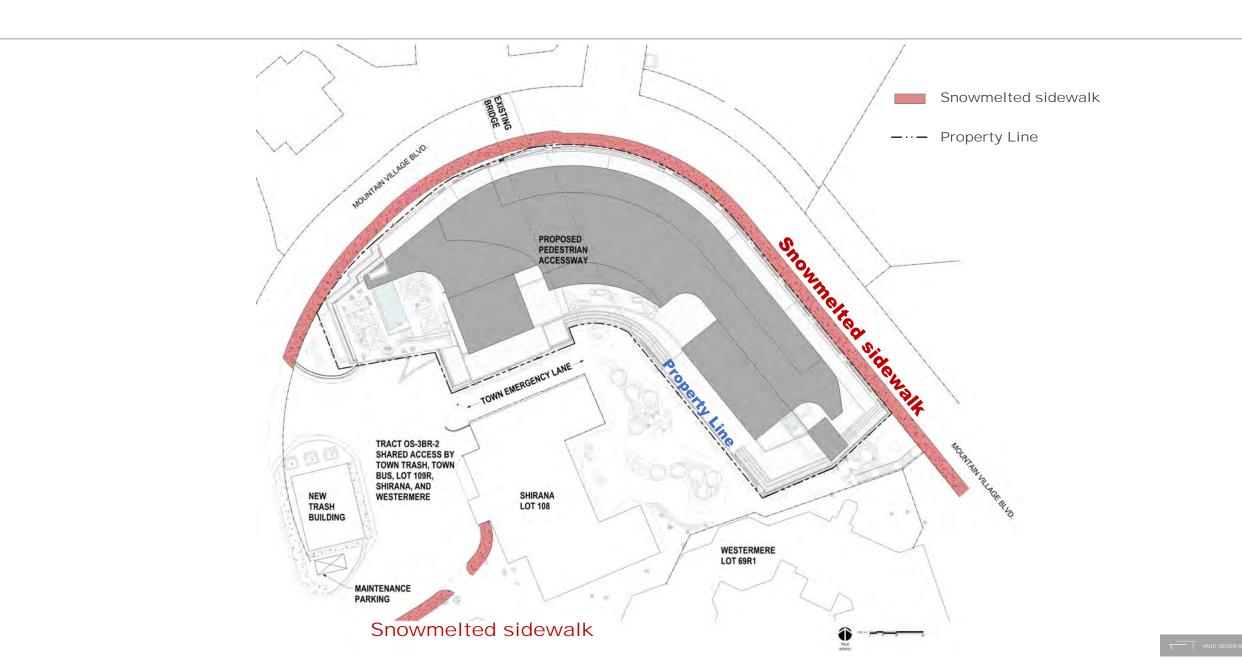
### **NOTES:**

• This modification removed boiler(s) supplying snowmelt for plaza (located inside hotel back of house). The remaining town-owned snowmelt boilers would be located in the New Trash Building

#### CODE:

• <u>SECTION 17.3.4.H.7 PROVIDES</u>: "Unless otherwise determined by the town to be unnecessary or unwanted, snowmelt systems shall be required to be installed by the developer and operated and maintained by the subsequent lot owner(s) for all new or improved town plaza areas unless such areas are landscaped with planting beds or other landscaping that does not necessitate snowmelting."

# **SNOWMELTED SIDEWALKS:**



## **SNOWMELTED SIDEWALKS:**

## WHAT THIS IS:

Snowmelted sidewalk for direct year-round pedestrian circulation.

• In compliance with TMVCP (Comprehensive Plan)

### **TIMELINE:**

DRB Conditions #29	- Prior to FTC	12.01.2022
Town Memo #4	- Overview	01.19.2023
Town Memo #2	- First Reading	01.19.2023
Town Memo Bullet Point #5	- PUD Amdt. Criteria	01.19.2023
Town Memo Bullet Points #3/4	- G. Staff Concerns	01.19.2023

### **NOTES:**

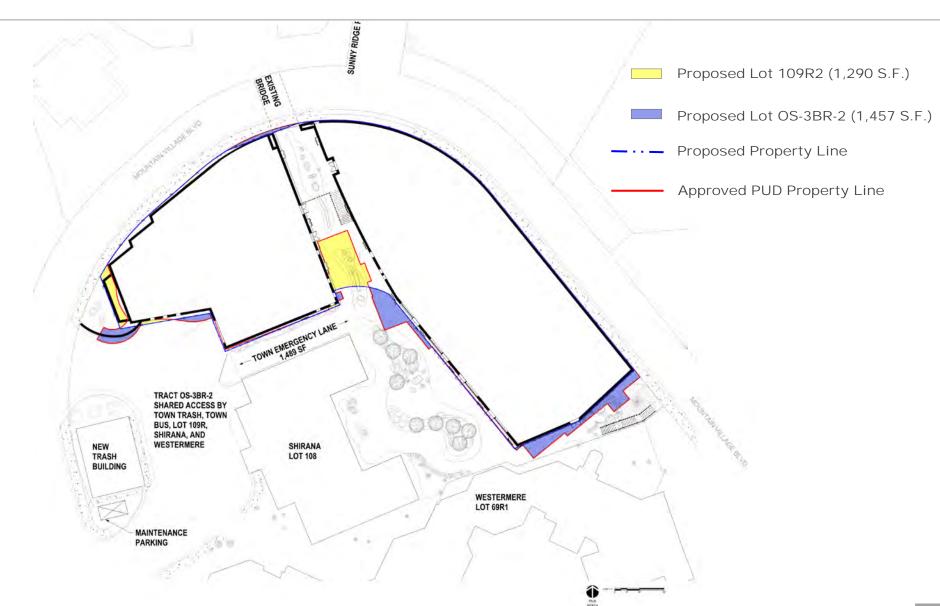
- Approved PUD 2010: Sidewalks not included
- Proposed PUD: Per Staff direction/requirement, new snowmelted sidewalks added as a
   Major PUD Amendment Modification

### CODE:

• TMVCP (Comprehensive Plan): C. Provide direct, year-round, at-grade pedestrian connection for all hotbed projects in Mountain Village Center by sidewalks and appropriate dark-sky lighting.

## LOT LINE ADJUSTMENTS PER SECTION 17.3:

Net area gain back to Town of 167 S.F. of Open Space



## **LOT LINE ADJUSTMENTS PER SECTION 17.3:**

Net area gain back to Town of 167 S.F. of Open Space

### WHAT THIS IS:

A request for an adjustment to the lot line.

#### TIMELINE:

DRB Conditions #28	- Prior to FTC	12.01.2022
DRB Conditions #29	- Prior to FTC	12.01.2022
Town Memo #4	- Overview	01.19.2023
Town Memo #8	- Overview	01.19.2023
Town Memo #2	- First Reading	01.19.2023
Town Memo Bullet Points #3/4	- G. Staff Concerns	01.19.2023

#### REQUEST:

For a Lot Line adjustment

#### CODE:

• ZONING & LAND USE CODE PER SECTION 17.3 ZONING AND LAND USE H. LOT LINE ADJUSTMENTS. LOT LINE ADJUSTMENTS THAT AFFECT OPEN SPACE ARE PERMITTED, SUBJECT TO THE APPROVAL OF THE TOWN, BUT ONLY TO THE EXTENT THAT THERE IS NO NET LOSS OF OPEN SPACE AS REQUIRED HEREIN.

# **EXISTING PRECEDENT UTILITY LOCATIONS:**





NOTE: \*THESE ARE ONLY A FEW OF THE VAST EXAMPLES OF EXPOSED UTILITIES IN THE VILLAGE AREA, LOCATED ON TOWN-OWNED SPACE OR IN THE RIGHT OF WAY.\*

## **EXISTING PRECEDENT UTILITY LOCATIONS:**

1. PRECEDENT: EXPOSED UTILITIES ALONG MTV BLVD ACROSS FROM MTNV MARKET. BY OS-FT1





2. PRECEDENT: EXPOSED UTILITIES ALONG MTV BLVD BY WESTERMERE - LOCATED ON OS-3Y & 89-2B.







**3.** PRECEDENT: EXPOSED UTILITIES ALONG MTV BLVD BY THE MADELINE - LOCATED ON **OS-3CRR**.

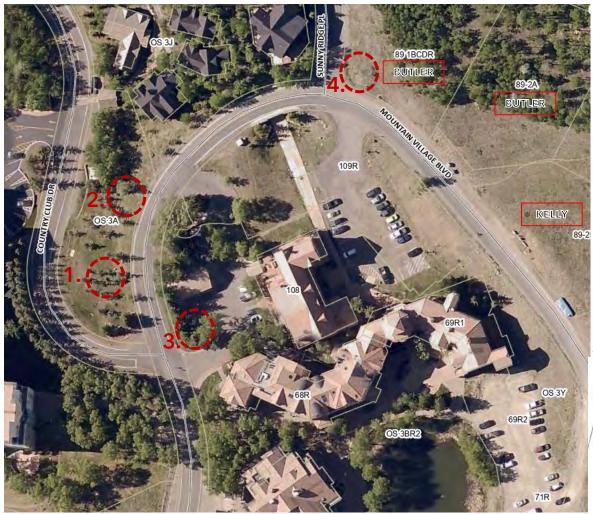




NOTE: \*THESE ARE ONLY A FEW OF THE VAST EXAMPLES OF EXPOSED UTILITIES IN THE VILLAGE AREA, LOCATED ON TOWN-OWNED SPACE OR IN THE RIGHT OF WAY.\*

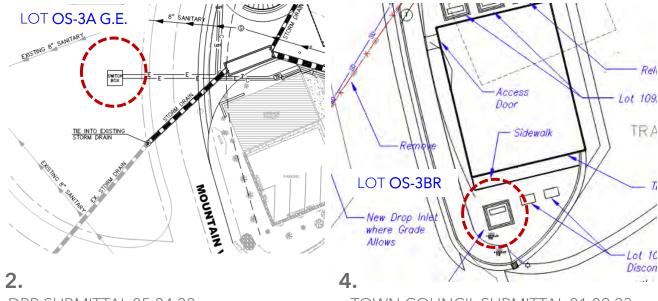
# PROJECT HISTORY OF SWITCHGEAR LOCATION:





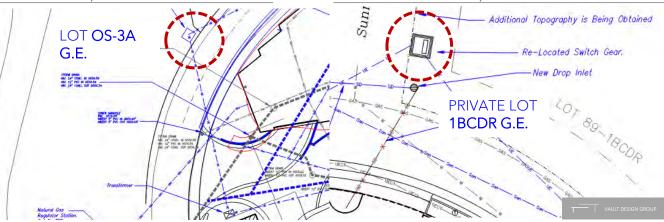
NOTE: \*SWITCHGEAR WAS LOCATED BY THE TRASH BUILDING ON 10.21.22 FINAL DRB SUBMITTAL PER STAFF'S DIRECTION, HOWEVER, SMPA DIDN'T HAVE THE REQUIRED CLEARANCES. A DEDICATED MAINTENANCE PARKING SPACE FOR PUBLIC WORKS WAS PROVIDED INSTEAD.\*

1. PER APPROVED 2010 PUD ON LOT OS-3A FINAL DRB SUBMITTAL 10.21.22 LOT OS-3BR



DRB SUBMITTAL 05.24.22 (STAFF REJECTED ANY UTILITIES ON OS-3A G.E.)

TOWN COUNCIL SUBMITTAL 01.09.23 (LOCATION APPROVED BY LOT OWNER; STAFF REJECTED)



## PROJECT HISTORY OF SWITCHGEAR LOCATION:

## WHAT THIS IS:

Project history of Switchgear Relocation.

• 05.31.22 Town Memo 17.5.11: Utilities. Approved PUD location rejected by staff

### **TIMELINE:**

DRB Condition #14	- Prior to FTC	12.01.2023
Town Memo #4	- Overview	01.19.2023
Town Memo #2	- First Reading	01.19.2023
Town Memo Bullet Point #8	- G. Staff Concerns	01.19.2023

### **REQUEST:**

• The relocation of the switchgear for Lot 109R

### **NOTES:**

- This clarifies applicant has been in correspondence with SMPA and Lot Owner of 1BCDR and provided preferred locations that have been rejected by staff.
- Lot Owner of 1BCDR (Butler) letter of approval attached.
- SMPA preferred location letter attached.

## PROJECT GAS REGULATOR PROPOSED LOCATION HISTORY:



NOTE: \*LOCATION PROPOSED WAS PER STAFF DIRECTION, NOTE: \*BLACK HILLS AND LOT 89-B HOWEVER, PER BLACK HILLS IT DID NOT WORK\* ACCESS TRACT PREFERRED LOCATION\*

## PROJECT GAS REGULATOR PROPOSED LOCATION HISTORY:

#### WHAT THIS IS:

Project history of Gas Regulator Locations.

- Approved PUD, no location specified
- 05.31.22 Town Memo 17.5.11: Utilities. Proposed Location Rejected
- 06.16.22 Town Memo Item #13. To be approved by Black Hills Gas (Revision required)
- 12.01.22 Town Memo 17.5.11: Utilities. Black Hills preferred Location. Proposed Location Rejected
- 01.19.23 Town Memo G. Staff Concerns. Black Hills preferred Location. Proposed Location Rejected

#### TIMELINE:

DRB Conditions #14	- Prior to FTC	12.01.2023
Town Memo #4	- Overview	01.19.2023
Town Memo #2	- First Reading	01.19.2023

#### **REQUEST:**

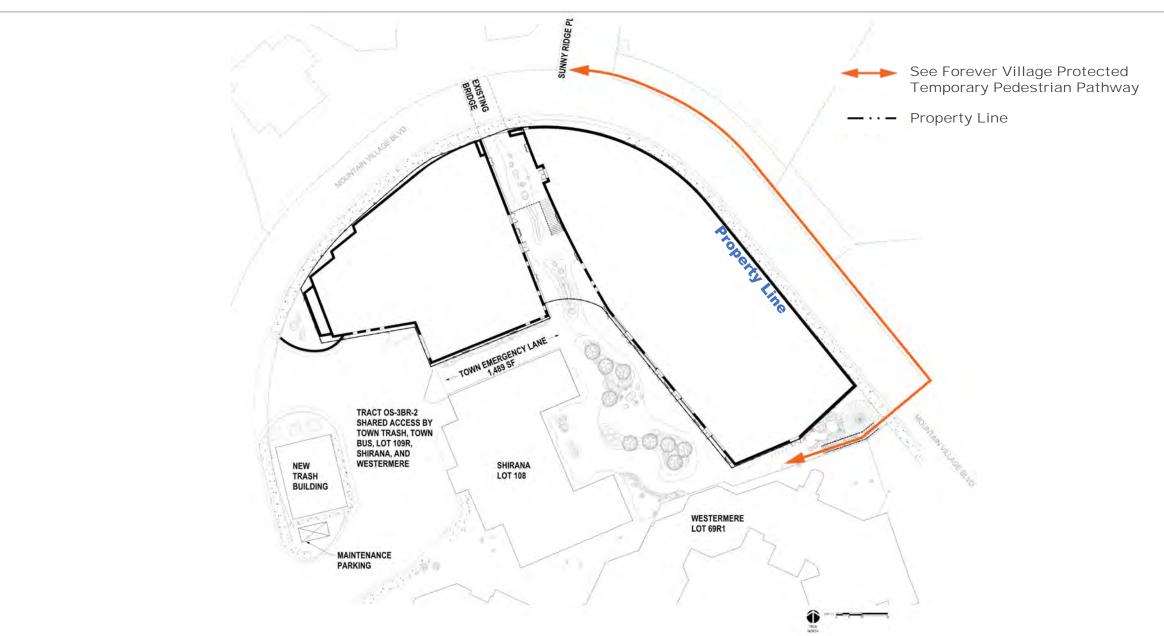
• A new gas regulator to supply gas to Lot 109R, adjacent lots, and future developments

#### **NOTES:**

- This clarifies applicant has been in correspondence with Black Hills Gas and Lot Owner of 1BCDR and provided preferred locations that have been rejected by staff.
- Lot Owner of 1BCDR (Butler) letter of approval attached.
- Black Hills preferred location letter attached.

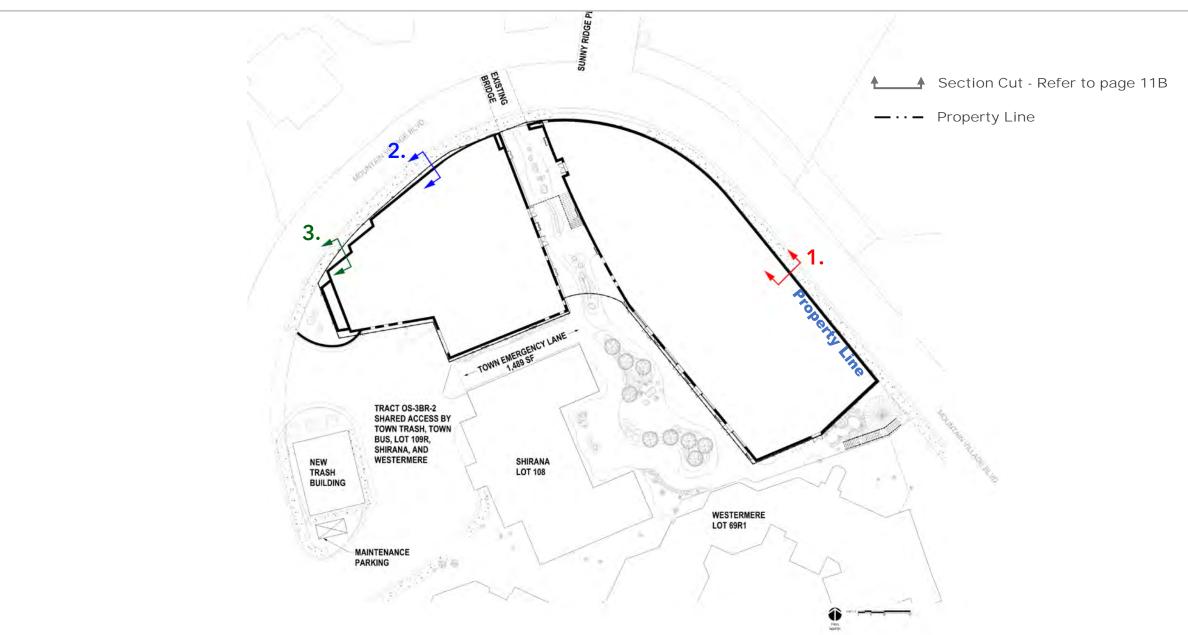
# TEMPORARY SEE FOREVER PROTECTED PEDESTRIAN ACCESS:

Construction Mitigation



# TEMPORARY SOIL NAILS - ABANDONED AFTER CONSTRUCTION:

Construction Mitigation

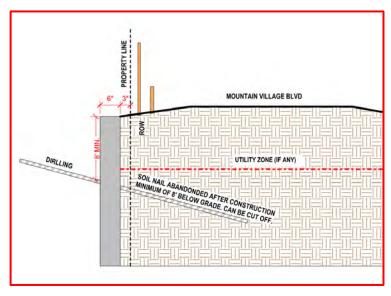


## TEMPORARY SOIL NAILS - ABANDONED AFTER CONSTRUCTION:

Construction Mitigation

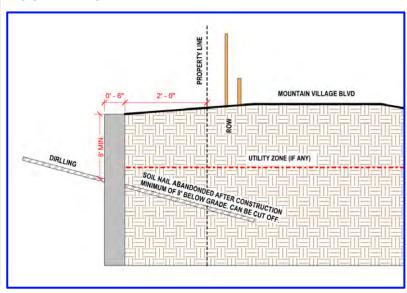
1.

SOIL NAILS



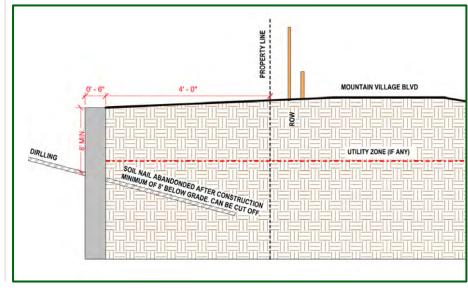
2.

SOIL NAILS



3.

SOIL NAILS



## TEMPORARY SOIL NAILS - ABANDONED AFTER CONSTRUCTION:

## Construction Mitigation

## WHAT THIS IS:

Soil Nail examples.

- No layback at top wall
- Established barriers and fence to protect public
- Nails abandoned after project is complete
- Nail placement coordinated with surveyed existing utilities
- Nails placed beneath utilities where possible

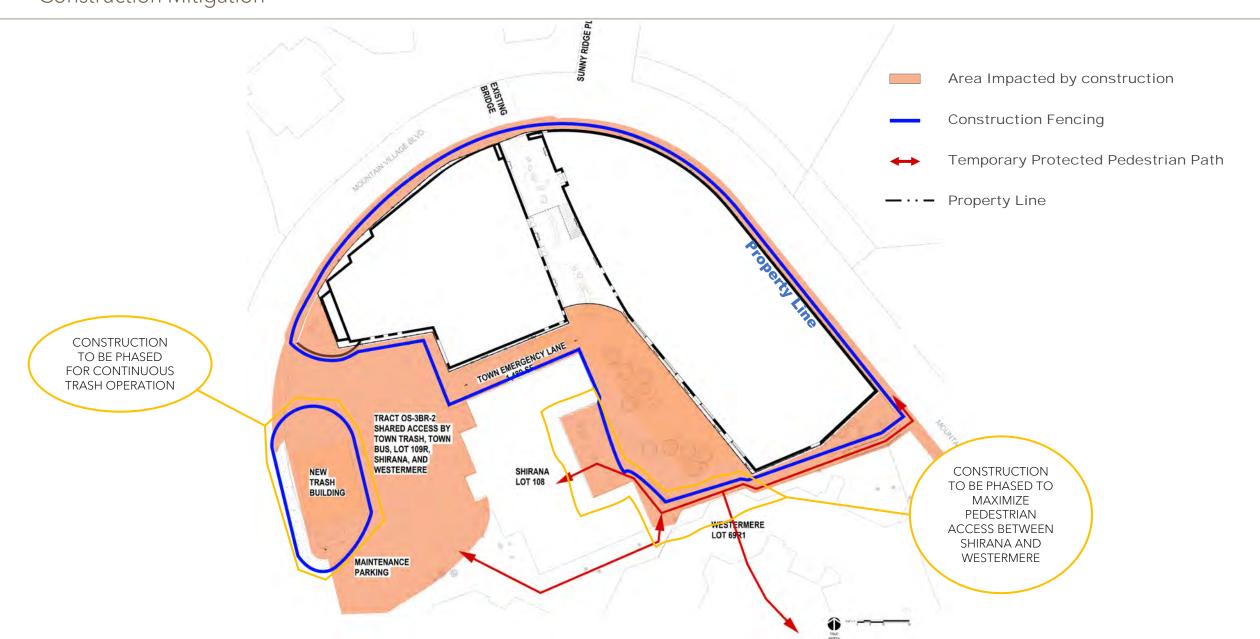






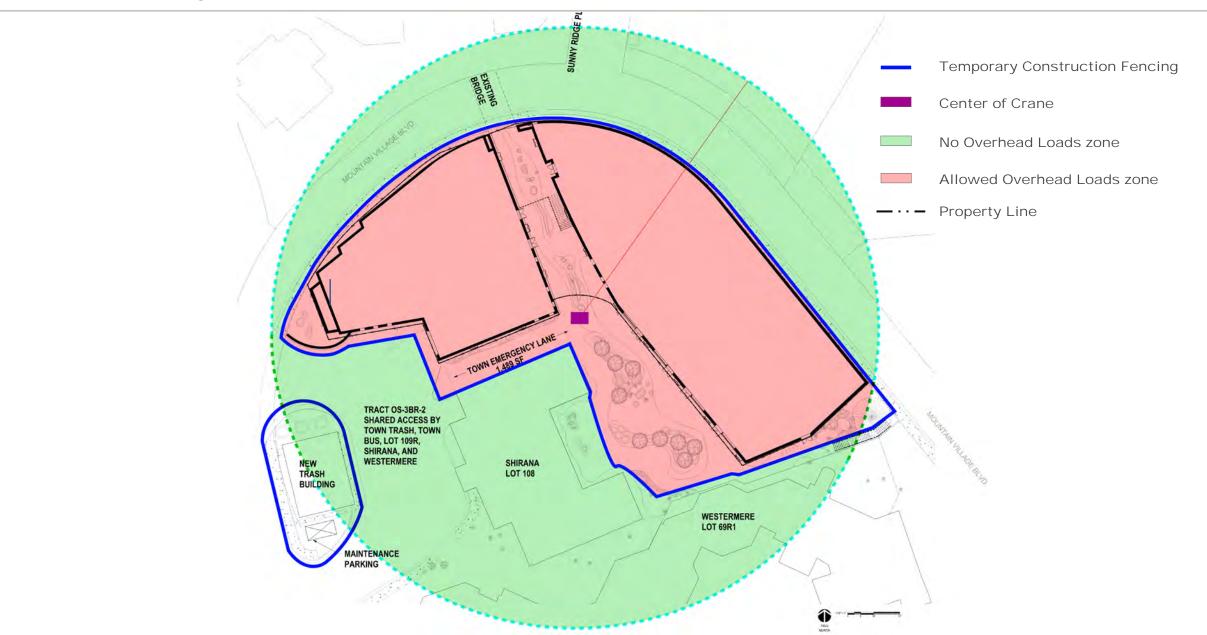
## TOWN OF MTV PROPERTY TEMPORARILY IMPACTED BY CONSTRUCTION:

Construction Mitigation



# **TEMPORARY CRANE SWING:**

Construction Mitigation



# VAULT MANAGEMENT TIARA TELLURIDE LLC

March 5, 2023

# STATUS OF PARKING

The purpose of this Memorandum is to address the issues raised by staff and Town Council as it relates to parking in the project. Applicant has presented a hotel project that achieves community objectives and the goals set out in the comprehensive plan. As a "Green" building project, the focus has always been on maximizing the project for use by visitors and the community. To that end, Applicant has focused on building a project for the future, one which emphasizes the need for hotbeds and housing, rather than the parking of vehicles.

To address the concerns of staff and Town Council as to the loss of currently available public parking spaces, the Applicant propose the following alternatives, that if preferable by staff and Town Council, Applicant can execute.

# OPTION 1 RELOCATION OF TRASH FACILITY TO ADDRESS CIRCULATION AND PUBLIC PARKING

Staff has emphasized the importance of the amended Comprehensive Plan. It is important to note that the Comprehensive Plan states that the Town should "ensure the trash facility is relocated to an efficient and compatible location." This is desired by Applicant and the residents of Shirana and Westermere. If the trash facility is relocated it would eliminate the issues raised by staff and Town Council as it relates to vehicular circulation and the removal of the 11 parking spaces in front of the Shirana. All interested parties (Applicant, Shirana and Westermere) and the Town's comprehensive plan emphasize the relocation of that facility. Applicant requests consideration that it is operating in the most efficient manner given the current guidelines of the town as it relates to the trash facility. If the trash facility is relocated, vehicular circulation would be even more efficient and all legal spaces in that location would remain.

# OPTION 2 REPLACEMENT OF EMPLOYEE PARKING WITH PUBLIC PARKING

Applicant recognizes the requirement by DRB that Applicant provide 18 dedicated parking spaces for employee housing. As the project has progressed, Applicant has determined that based upon the operating procedures of Six Senses (an operator that has extensive experience operating

dedicated employee housing within its hotel operations) no employees utilizing the employee apartments and dormitories will have a motor vehicle and will utilize a Six Senses provided shuttle service. Applicant is willing to commit in perpetuity to this operational structure and will dedicate these 18 spaces for public parking spaces. That will bring the total number of public parking spaces to 40.

# OPTION 3 REPLACING A PORTION OF EMPLOYEE HOUSING WITH PUBLIC PARKING

Note: This option is not preferred by Applicant as Applicant believes in the importance of Employee Housing to the community, however Applicant desires to provide this option if it is preferable to the Town.

Applicant has always emphasized the need for housing over the parking of vehicles, especially as this project focuses on a future where fewer vehicles are on the road. However, in an effort to provide staff and Town Council with an alternative option to increase the number of available parking spaces, Applicant is willing to decrease the number of employee housing units in order to increase the availability of public parking (both through a reduction in dedicated employee spaces and the utilization of some of the employee housing space for parking). This approach is not the preference of Applicant, however Applicant is working in good faith towards providing the Town Council with the options necessary to meet their priorities and preferences.

Applicant requests that this memorandum is made a part of the town record and be included in the staff report.

### **PUD Criteria for Decision.**

1. The proposed PUD is in general conformity with the policies, principles and standards set forth in the Comprehensive Plan;

### **Village Center [Comprehensive Plan] Subarea Goals**

- Develop additional spa and restaurant spaces designed to fit the needs of each hotbed project
- Prioritize pedestrian circulation to and within Mountain Village Center
- Integrate deed restricted dorm units into future hotbed projects
- Provide a coordinated, combined development plan between multiple property owners on Parcel D Pond Lots, Parcel E Le Chamonix, Parcel F Lot 161-CR and Parcel G Gondola Station to maximize the number of hotbed units, attract a significant flagship hotel operator and provide enhanced retail, restaurant, open space and recreational amenities
- Provide direct, year-round, at-grade pedestrian connection for all hotbed projects in Mountain Village Center by sidewalks and appropriate dark-sky lighting
- Develop an improved wayfinding program specifically to direct visitors to key activity centers such as Mountain Village Center
- 2. The proposed PUD is consistent with the underlying zone district and zoning designations on the site or to be applied to the site unless the PUD is proposing a variation to such standards;
- 3. The development proposed for the PUD represents a creative approach to the development, use of land and related facilities to produce a better development than would otherwise be possible and will provide amenities for residents of the PUD and the public in general;
- 4. The proposed PUD is consistent with and furthers the PUD purposes and intent;

The PUD Purpose and Intent is to found at 17.4.12.A.1-6.

The purpose and intent of the Planned Unit Development ("PUD") Regulations is to:

- 1. Permit variations from the strict application of certain standards of the CDC in order to allow for flexibility, creativity and innovation in land use planning and project design;
- 2. Allow for a creative planning approach to the development and use of land and related physical facilities to produce a better development;
- 3. Provide for community benefits:
- 4. Promote and implement the Comprehensive Plan:
- 5. Promote more efficient use of land, public facilities and governmental services; and
- 6. Encourage integrated planning in order to achieve the above purposes.
- 5. The PUD meets the PUD general standards;

PUD General Standards are found at 17.4.12.I. which includes and is not limited to the following requirements:

Sub 5. **Rezone.** The development must rezone to the PUD Zone District which is a rezoning process, that does not require a separate application but does require the PUD Major PUD amendment to be approved by Ordinance. Staff note: The development will be rezoned to Planned Unit Development.

- Sub.7. **Density.** Recognizes that a density transfer does not require a separate application.
- Sub 8. **Landscaping and Buffering.** The project shall provide buffering of uses from one another to minimize adverse impacts and shall create attractive public spaces consistent with the character of the surrounding environment, neighborhood and area.
- Sub 9. **Infrastructure**. The development proposed for the PUD shall include sufficient infrastructure, including but not limited to vehicular and pedestrian access, mass transit connections, parking, traffic circulation, fire access, water, sewer and other utilities.
- 6. The PUD provides adequate community benefits;
- 7. Adequate public facilities and services are or will be available to serve the intended land uses;
- 8. The proposed PUD shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion; and
- 9. The proposed PUD meets all applicable Town regulations and standards unless a PUD is proposing a variation to such standards.

# 17.3.4.H.7. Required Improvements for Adjacent Public Areas

- a. All new development on lots within the Village Center shall be required to construct improvements that enhance and improve the adjacent open space, town plaza areas and common area, as applicable.
- b. The required improvements shall extend thirty (30) feet from the building dripline and/or encompass the area of disturbance, whichever is greater.
- c. Open space areas shall be enhanced as determined by the review authority by additional landscape plantings, appropriate revegetation and/or the creation of new town plaza areas and/or trails and other improvements as envisioned in the Comprehensive Plan.
- d. Town plaza areas shall be improved with new or repaired paver systems and landscaping as determined by the Town, having as a goal the enhancement and improvement of town plaza areas consistent with the Design Regulations.
- e. Unless otherwise determined by the Town to be unnecessary or unwanted, snowmelt systems shall be required to be installed by the developer and operated and maintained by the subsequent lot owner(s) for all new or improved town plaza areas unless such areas are landscaped with planting beds or other landscaping that does not necessitate snow melting.
- f. Design and construction specifications shall be reviewed and approved by applicable Town departments consistent with this CDC and applicable industry construction standards.
- g. Adjacent plaza area improvements shall be maintained by the development's owners' association. Any such maintenance responsibilities shall be specifically set forth in the development agreement as well as the governing documents of the owners' association.
- h. The developer shall obtain adjacent property owner permission when the adjacent areas to be improved and maintained are owned by a third party, non-Town entity.

### ORDINANCE NO. 2023-

# AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO, CONDITIONALLY APPROVING A MAJOR PLANNED UNIT DEVELOPMENT AMENDMENT FOR LOT 109R AND PORTIONS OF VILLAGE CENTER OPEN SPACE TO BE CONVEYED TO THE DEVELOPER

WHEREAS, Tiara Telluride, LLC ("Developer") is the owner of certain real property described as Lot 109R, Town of Mountain Village, Colorado, according to the plat recorded as Reception No. 416994 ("Lot 109R") and

WHEREAS, the Town of Mountain Village ("Town") is the owner of certain real property adjacent to Lot 109R described as open space parcel OS-3BR-2, according to the plat recorded as Reception No. 416994 (the "Town Property"); and

WHEREAS, the Developer has submitted an application to replat Lot 109R and the Town Property (the "Major Subdivision Application") for the purpose of a land exchange where the Town would convey portions of the Town Property described in Exhibit A to become part of Lot 109R (the "109R Adjustment Parcels") and the Developer would convey portions of the current Lot 109R also described in Exhibit A to become part of the Town Property (the "Open Space Adjustment Parcels") (Lot 109R and the 109R Adjustment Parcels as combined may be referred to herein as the "Property," and the Town Property and the Open Space Adjustment Parcels combined may be referred to herein as the "Adjusted Town Property"); and

WHEREAS, the purpose of this Ordinance is to act on the Developer's application for a Major Planned Unit Development ("PUD") Plan for the Property, and the Town Council will simultaneously be considering a separate ordinance concerning the required rezoning of the Open Space Adjustment Parcels to bring them into the same zoning designation as the Town Property (the "Rezoning Ordinance"); and

WHEREAS, the Town Council will consider acting on the Major Subdivision Application by resolution to coincide with second reading of this Ordinance; and

WHEREAS, the Town previously approved a PUD Plan for Lot 109R by Resolution 2010-1208-31 (the "2010 PUD") and, in connection therewith, the Town and Developer's predecessor-owner of Lot 109R entered into a Development Agreement dated March 18, 2011, which was recorded as Reception No. 416997 (the "2011 Development Agreement"); and

WHEREAS, pursuant to Ordinance 2015-07, the Town approved a First Amendment to the 2011 Development Agreement extending vested rights relating to the 2010 PUD until December 8, 2020; and

WHEREAS, pursuant to Ordinance 2020-16, the Town approved a Second Amendment to the 2011 Development Agreement extending vested rights relating to the 2010 PUD until December 8, 2022; and

WHEREAS, pursuant to Ordinance 2022-10, the Town approved a Third Amendment to the 2011 Development Agreement extending vested rights relating to the 2010 PUD until September 8, 2023<sup>1</sup>; and

<sup>&</sup>lt;sup>1</sup> Ordinance 2022-10 has been challenged in pending litigation. *See Scythian Ltd, et al. v. Town of Mountain Village, et al.*, Case No. 2022 CV 30045, San Miguel County District Court. If Ordinance 2022-10 is found by the court to be invalid, such a finding will not invalidate or otherwise affect the approval of this Ordinance. This Ordinance and the Amended and Restated Development Agreement will supersede the Third Amendment to the 2010 PUD and related

WHEREAS, the Developer has applied to the Town for approval of a Major Amendment to the 2010 PUD to include the 109R Adjustment Parcels and to make adjustments to density, height, design, and other matters for the development of a mixed-use project consisting of hotel rooms, employee housing, public amenities including restaurants and a spa, along with commercial and retail space, underground parking garage, outdoor landscaped areas, plazas, and related improvements to be operated by a five-stary luxury brand hotel operator (the "Project") as more particularly described in the application, which consists of the materials submitted to the Town and itemized on Exhibit B, plus all statements, representations, and additional documents of the Developer and its representatives (the "Major PUD Amendment Application") at the public hearings before the Design Review Board ("DRB") and Town Council; and

WHEREAS, the DRB held public hearings regarding the Major PUD Amendment Application on May 5, 2022 and May 31, 2022, and voted 3-1 to issue a recommendation of approval to the Town Council concerning the Application, subject to further consideration by the DRB for final design review and for its recommendation regarding the related Major Subdivision Application; and

WHEREAS, the Town Council considered this Ordinance on first reading at its regular meetings on June 16, 2022 and August 18, 2022, and consented to including the 109R Adjustment Parcels in the Developer's Major PUD Amendment Application and Major Subdivision Application, but voted to continue the matter to November 17, 2022 so as to allow the Developer time to submit the Major Subdivision Application and final design review materials; and

WHEREAS, the Town Council again considered this Ordinance on first reading at its regular meeting on November 17, 2022, but voted to continue the matter to January 19, 2023 so as to allow the DRB to conduct a further public meeting regarding final design review and the Major Subdivision Application before the Town Council would make a decision as to the Major PUD Amendment Application; and

WHEREAS, following a DRB meeting held on December 1, 2022, the DRB recommended to the Town Council approval of the Major PUD Amendment Application and the Major Subdivision Application, subject to conditions; and

WHEREAS, the Town Council has considered the Major PUD Amendment Application, the DRB's recommendations, and testimony and comments from the Developer, Town staff, and members of the public at a public meeting on January 19, 2023 and at a duly noticed public hearing on , 2023; and

WHEREAS, the Town Council has considered the criteria set forth in Section 17.4.12 of the Town's Community Development Code ("CDC") and finds that each of the following has been satisfied or will be satisfied upon compliance with the conditions of this Ordinance set forth below and in the Amended and Restated Development Agreement:

- 1. The proposed PUD is in general conformity with the policies, principles and standards set forth in the Comprehensive Plan;
- 2. The proposed PUD is consistent with the underlying zone district and zoning designations on the site or to be applied to the site unless the PUD is proposing a variation to such standards;

Third Amendment to the 2011 Development Agreement, thus rendering the approval of the third extension of vested rights moot.

- 3. The development proposed for the PUD represents a creative approach to the development, use of land and related facilities to produce a better development than would otherwise be possible and will provide amenities for residents of the PUD and the public in general;
- 4. The proposed PUD is consistent with and furthers the PUD purposes and intent;
- 5. The PUD meets the PUD general standards;
- 6. The PUD provides adequate community benefits;
- 7. Adequate public facilities and services are or will be available to serve the intended land uses;
- 8. The proposed PUD shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion; and
- 9. The proposed PUD meets all applicable Town regulations and standards unless a PUD is proposing a variation to such standards.

WHEREAS, the Town Council now desires to approve the Major PUD Amendment Application, subject to the terms and conditions set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO, as follows:

<u>Section 1. Recitals</u>. The above recitals are hereby incorporated as findings of the Town Council in support of the enactment of this Ordinance.

Section 2. Approvals. The Town Council hereby approves the Major PUD Amendment Application, subject to the conditions set forth below ("Final PUD Approval"). The Town Council also approves the Amended and Restated Development Agreement, in the form attached hereto as Exhibit C, which the Mayor and Town Clerk are authorized to sign on behalf of the Town. All exhibits to this Ordinance are available for inspection at the Town Clerk's Office. Further, subject to Condition #1 below and Developer's execution of the Amended and Restated Development Agreement, the Town Council authorizes conveyance of the Lot 109R Adjustment Parcels to the Developer and agrees to accept the conveyance of the Open Space Adjustment Parcels from the Developer. These approvals include the following variations from the presumptive standards in the CDC or from the 2010 PUD:

2.1. **Zoning and Density**. The Town Council approves the rezoning of and density for the Property as follows:

Table 1. Current Zoning and Density Under the 2010 PUD.

Type of Zoning	Total Zoning	Person	<b>Total Person Equivalents</b>
<b>Designation Unit</b>	<b>Designation Units</b>	Equivalent per	
		<b>Unit Type</b>	
Efficiency Lodge	66	.5	33
Lodge	38	.75	28.5
Condominiums	20	3	60
Employee	1	3	3
Apartments			
Commercial	20,164 sq ft	0	0
Total			124.5

Table 2. Approved Zoning and Density for the Property.

Type of Zoning	Total Zoning	Person	<b>Total Person Equivalents</b>
<b>Designation Unit</b>	<b>Designation Units</b>	Equivalent per	
		Unit Type	
Efficiency Lodge	50	.5	25
Lodge	31	.75	23.25
Condominiums	20	3	60
Employee	2	3	6
Apartments			
Employee	18	1	18
Dormitory			
Commercial	26,468 sq ft*		0
Total			132.25

<sup>\*</sup> Commercial space will be memorialized in square footage on the final condominium map to be approved and recorded following construction as addressed in the separate resolution for the Major Subdivision Application.

a. *Rezone and Density Transfers*. To create the zoning and density in Table 2 above, the Developer will place the following density into the Town's Density Bank:

Table 3. Approved Density Bank Transfers.

Zoning Designations	Person Equivalents	Total Number of zoning designation type of units to be placed into the density bank	Total Person equivalents
Efficiency Lodge	.5	16	8
Lodge	.75	7	5.25
Total Units and Person Equivalents	N/A	23	13.25

b. *Employee Housing Density*. At the request of the Developer, the Town will create the employee housing density needed for the Developer to provide an additional Employee Apartment and 18 Employee Dormitories. The Town will utilize the remainder of Town Density Certificate #27, a portion of which is already committed to the 161C-R Four Seasons project, with a small amount of density to be created by the Town called "Bonus Density," which will not count against the Town's density limitations.

Table 4. Approved Additional Employee Density.

<b>Zoning Designations</b>	Person Equivalents	Total Number of zoning designation types to be created	Total Person equivalents
Employee Apartment	3	1	3
Employee Dormitory	1	18	18
<b>Total Person</b>			21
Equivalents			

Table 5. Approved Changes to Density Certificate #27.

Zoning Designation	Person Equivalent	Number of unit types	Total Person Equivalents
Employee	3	13	39
Condominium			
Employee	3	-9	-27
Condominium Rezoned			
to Employee Apartment			
for 161C-RR Four			
Seasons			
Employee	1	-12	-12
Condominum Rezoned			
to Employee Dormitory			
Total (Density	N/A	0	0
Certificate #27 would			
be retired and voided)			

Table 6. Approved Bonus Density.

Zoning Designation	Person Equivalent	Number of unit types	Total Person Equivalents
Employee Dormitory	1	6	6
Employee Apartment	3	1	3
Total	N/A	7	9

- c. Limited Modification of Employee Units. Notwithstanding the provisions of CDC Section 17.4.12(O)(2), the type, mix, or configuration of individual Employee Apartments and Employee Dormitories, only to the extent that such changes result in increases in density used at the Project or in changes to use designations, may be initiated by the owner of fee title to the Employee Housing Unit (defined in section 3.9(b) below), without any requirement that such change be initiated or joined by owners of fee title to at least 67% of the real property within the PUD or an individual or entity having the written permission of owners of fee title to at least 67% of the real property within the PUD, provided the Employee Housing Unit continues to be used for Employee Apartment, Employee Dormitory, and Employee Amenities (an "Employee Housing Unit PUD Amendment"). An Employee Housing Unit PUD Amendment cannot otherwise reduce the number of allocated parking spaces for deed restricted housing, as outlined below, and all other regulations still apply. An Employee Housing Unit PUD Amendment will be reviewed by the Town's planning division as a Class 1 Application, consistent with CDC Section 17.4.3(K)(1). Any proposed decrease in the number of employee units or changes in square footage will be reviewed as a Class 4 Application, consistent with CDC Section 17.4.3(K)(3).
- 2.2. **Parking**. The Town Council approves the parking requirements for the Property as follows:

Table 7. Approved Parking for the Property

Parking	Requirement per type	Number of Units	Required	Provided
Commercial Space	1 per 1,000*	26,468 sq ft	27	27

Condo	1 per unit	20	20	20
Efficiency	.5 per unit	50	25	25
Lodge				
Lodge	.5 per unit	31	15.5	16
Public Parking	(48 per 2010	22	22	22
	PUD)			
Employee	1 per unit	18	18**	18
Dormitory	_			
Employee	1 per unit	2	2	2
Apartment	_			
HOA	1-5 spaces	1	1-5	1
Maintenance	_			
Vehicles				
Total			130.5	131

<sup>\*</sup>The 2010 PUD only required one (1) parking space per 1,000 square feet of commercial space and did not calculate commercial parking per intensity of use, which otherwise is one (1) parking space per 500 square feet of high intensity commercial use (e.g., restaurant versus an office). At the Developer's request, the Town recognizes this parking requirement of only one (1) parking space per 1,000 square feet of commercial space, consistent with the 2011 Development Agreement.

- a. Reduction in Total Parking Spaces. In exchange for a payment of \$100,000 for each space, the Developer may remove up to five (5) parking spaces at the Property from the total in Table 7 above; provided, however, that the spaces allocated for Public Parking, Employee Dormitory, and Employee Apartment are not affected. Any such payment-in-lieu must be made to the Town prior to building permit.
- 2.3. **Design Variations**. The Town Council approves variations to the CDC's Design Regulations for the Property as follows:

Table 8. Final Design Variations Approved by DRB.

CDC Provision	Requirement per 2010 PUD	Approved Amendment
Maximum Building Height*	88' 9"	88' 9"
Average Building Height*	65' 2.9"	62.35'
Maximum Lot Coverage	100%	98%
General Easement	N/A	N/A
Encroachments		
Roof Pitch		
Primary		1/4:12
Secondary		1/4:12
Exterior Material		
Stucco	Primary Material	0%
Stone	25% minimum	40%
Windows/Doors	40% maximum	31%*
Parking (requirement per type)		(131 total spots shown on architectural plan set)
Commercial Space (1 per 1,000**)	27	27

<sup>\*\*</sup>The DRB established dormitory parking at one (1) space per Employee Dormitory at its May 31, 2022 meeting.

Condo (1 per unit)	22	20
Efficiency Lodge (.5 per unit)	31	25
Lodge (.5 per unit)	9	16
Public Parking	48	22
Employee Dormitory	Determined by DRB on May 31, 2022 1 space per dormitory unit	18
Employee Apartment (1 per unit)	2	2
HOA Maintenance Vehicles (1-5 spaces)	1-5	1
Unassigned	0	0
Total	92	131

<sup>\*</sup>Additive of windows and glass screens.

# Design Variations:

- a. Roof form
- b. Wall material not meeting the required 25% stucco
- c. Glazing uninterrupted areas of glass that exceed 16 sq ft
- d. Decks and balconies long continuous bands
- e. Commercial, ground level, and plaza areas color selection; ski locker private use on a Primary Pedestrian Route
- f. Parking area aisle width
- g. Road and driveway driveway width

## DRB Specific Approvals:

- h. Materials TPO membrane roof; metal fascia and soffit
- i. Solar roof tiles in the Village Center
- j. Road and driveway curb cuts
- k. Landscape lighting ROW encroachment light fixtures

# 2.4 **CDC Variations**. The Town Council approves variations to the CDC's general requirements as follows:

- a. *Encroachments*. The Town shall grant to the Developer easements for certain building overhangs and encroachments as well as emergency access for the Employee Housing Unit as provided by the Amended and Restated Development Agreement.
- b. *Trash Enclosure*. In the event that the Developer is able to relocate the trash enclosure from the location shown in the Major PUD Amendment Application, the Developer shall submit new plans for the trash enclosure as a sa Class 1 Application, consistent with Code section 17.4.3(K)(1).

<sup>\*\*</sup> The 2010 PUD only required one (1) parking space per 1,000 square feet of commercial space and did not calculate commercial parking per intensity of use, which otherwise is one (1) parking space per 500 square feet of high intensity commercial use (e.g., restaurant versus an office). At the Developer's request, the Town recognizes this parking requirement of only one (1) parking space per 1,000 square feet of commercial space, consistent with the 2011 Development Agreement.

- c. *Conference Center*. The Developer agrees that the conference center proposed as part of the Project will be offered to the public at market rate.
- d. *Garage Drive Aisle*. The garage drive aisle is reduced from 22 feet to 18 feet, subject to approval by the fire marshal per Code section 17.5.8(C)(3).

<u>Section 3. Conditions</u>. The approval of the Major PUD Amendment Application is subject to the following terms and conditions:

- 3.1. The Town Council must separately approve the related Major Subdivision Application and Rezoning Ordinance, which respectively concern the re-subdivision of Lot 109R and replat of the Town Property to create the 109R Adjustment Parcels and the Open Space Adjustment Parcels ("Property Replat"). If the amended subdivision plats are not approved within 90 days after second reading of this Ordinance, this Ordinance shall become null and void.
- 3.2. All conditions of approval of the Major Subdivision Application as set forth in Resolution 2023-\_\_ ("Subdivision Approval") and as set forth on the Property Replat and in the DRB's final design review on December 1, 2022 are incorporated as conditions of this Final PUD Approval.
- 3.3. The land swap involving the 109R Adjustment Parcels and Open Space Adjustment Parcels must be completed as provided by the Amended and Restated Development Agreement.
- 3.3. The Town and Developer shall enter into the Amended and Restated Development Agreement, attached hereto as Exhibit C.
- 3.4. **Public Benefits**. The Developer agrees to provide the following as "Public Benefits," as that term is defined by the CDC:

Table 9. Approved Public Benefits.

2010 PUD	2023 Major PUD Amendment
40 dedicated hotel rooms	50 dedicated hotel rooms held in common ownership
	as a single condominium unit, which cannot be further
	subdivided or condominiumized
Hotel operator requirements	Hotel operator requirements – letter of intent with Six
	Senses
Furniture package	Furniture package
A mitigation payment of \$996,288	A mitigation payment of \$996,288 (\$250,000 of
	which may be used for trash enclosure costs)
Up to \$250,000 of the mitigation payment can	Existing trash facility to be replaced by the Developer
be used for the trash facility (relocation or	for estimated total cost of \$, which
construction)	includes Town consent that the Developer rebuild the
	trash building and include a boiler room for snowmelt
60% (\$597,773) of the mitigation payment to	The remaining \$597,773 of the mitigation payment to
be used for employee housing	be used for employee housing
Hotel covenant	Hotel covenant
On the 2 <sup>nd</sup> anniversary of a Certificate of	On the 2 <sup>nd</sup> anniversary of a Certificate of Occupancy,
Occupancy, the hotel operator will provide	the operator will provide actual full time equivalent
actual full time equivalent employee	employee information. The owner shall pay \$4,018.52
information. The owner shall pay \$4,018.52	per employee in excess of the 90 full time equivalent
per employee in excess of the 90 full time	employees estimated by the owner.
equivalent employees estimated by the owner.	

One (1) Employee Apartment  Public restroom	Two (2) Employee Apartments and 18 Employee Dormitories, each comprised of individual sleeping rooms accommodating three (3) people with common amenities, such as a shared kitchen, recreational facilities, and a laundry, within a minimum commitment of 14,455 square feet of employee housing. The Developer's estimated cost is \$9,950,250.  Public restroom of no less than 381 square feet,
	construction of which is estimated to cost \$150,000. Maintenance costs, estimated to be \$50,000-70,000 annually, are the owner's responsibility.
Plaza improvements	\$250,000 contribution to the Town for improvements to the Village Pond Plaza. The existing easement for use and access will be terminated.
Emergency access to Plaza Area	Emergency access to Plaza Area
The Project's Association responsible for removing and/or relocating snow from the south side of upper Mountain Village Blvd.	Installation of two (2) new sidewalks improved with snow melt systems: (a) Shirana to Mountain Village Blvd.; and (b) from where the 161C-R sidewalk ends continuous along Mountain Village Blvd. to the entrance to OS-3BR-2 (109R back of house and Town short term parking area)
See Forever Walkway. A pedestrian access easement will be drafted that connects See Forever through Lot 109R to the Village Center	See Forever Walkway. A pedestrian access easement will be drafted that connects See Forever through Lot 109R to the Village Center.
48 public parking spaces in the parking garage	22 public parking spaces in the parking garage, which the Developer will own but grant to the Town an easement agreement. The Developer may charge fees for use of public parking spaces consistent with Town-established rates such as those at the Heritage Parking Garage.
Westermere breezeway improvements	Westermere breezeway improvements and Westermere path improvements consistent with the Developer's proposed development plan and subject to relevant provisions of the Amended and Restated Development Agreement, estimated to cost \$ *
Conference room space rentable by the public	Conference room space rentable by the public
20,164 square feet of commercial density	26,468 square feet of commercial density  Public access via the port cochere through the building to the See Forever walkway plaza, which is estimated to cost \$75,000 and will be assured via an easement agreement
24-hour valet service in exchange for tandem parking	Valet parking provided for commercial uses. Shuttle service between Montrose Airport and the hotel for guests.

<sup>\*</sup>If Town plaza area is improved as part of the Westermere improvements, then this is also considered a Public Improvement that qualifies as a Public Benefit.

3.5. **Public Amenities**. The Developer agrees to provide the following public amenities:

Table 10. Approved Public Amenities.

Public Amenity	Value
Sustainability Fund committed to be spent locally	\$200,000-\$350,000
(a Six Senses requirement)	
Silver LEED Certified (a Six Senses requirement)	\$2,460,000
Hotel amenities open to the public (conference	
center is noted above in Public Benefits)	
Hotel amenities open 365 days a year	
Total	

3.6. **Public Improvements**. The Developer agrees to provide the following "Public Improvements," as that term is defined by the CDC:

Table 11. Approved Public Improvements.

Item	Value
Plaza Improvements (See Forever walkway and	\$1,500,000
Shirana area)	
Trash Enclosure rebuild on OS-3BR-2	\$550,000
Snowmelting and Improving the fire lane	\$200,000
Village Pond Improvements – payment	\$250,000
Total	

- 3.7. All Public Improvements to be conveyed or dedicated to the Town shall be constructed by the Developer at its expense pursuant to plans and specifications approved by the Town Engineer, and the Developer shall provide a letter of credit or other security, in a form subject to approval by the Town Attorney, to secure the construction and completion of such improvements based on engineering cost estimates to be approved by the Town Engineer. The procedures for providing and releasing security, inspection and acceptance of conveyance or public dedications, and construction warranties for the Public Improvements shall be addressed in the Amended and Restated Development Agreement and/or a supplement thereto to be executed prior to issuance of a building permit.
- 3.8. The housing mitigation requirements for the Project are being satisfied by the construction of 2 Employee Apartments and 18 Employee Dormitories, as shown on the final plans in the Major PUD Amendment Application. A final housing mitigation based upon the construction drawings will be submitted with the building permit application to verify compliance with the housing mitigation requirements pursuant to the housing mitigation ordinance in effect as of the date of approval of this Ordinance.
- 3.9. The 1997 Employee Housing Restriction outlined in Chapter 16.01 of the Code shall apply to the Employee Housing Unit with the following modifications:
  - a. The deed restriction cannot be lost in foreclosure (lender subordination may be required).
  - b. The 2 Employee Apartments and 18 Employee Dormitories shall be condominiumized as a single condominium unit (the "Employee Housing Unit") and cannot be rezoned or further diminished at without approval by the Town Council.
  - c. The deed restriction will not sunset in 50 years.

- d. There will be no reduction in the number of dwelling units or committed floor area of 14,445 square feet, except that the floor area may vary between final design and building permit by 3%.
- 3.10. A deed restriction in substantially the same form as Exhibit \_\_ shall be recorded in the San Miguel County Clerk and Recorder contemporaneously with the recordation of the condominium map for the Project, and any prior lienholder must agree to subordinate to this deed restriction. In the event of any conflict between Exhibit \_\_ and the recorded deed restrictions, the recorded version shall control.
- 3.11. The Employee Housing Unit must be constructed concurrently with the free-market portions of the Property.
- 3.12. The 50 Efficiency Lodge Units constructed as hotel rooms on the Property shall be condominiumized as a single condominium unit (the "Hotel Rooms Unit") and cannot be further condominiumized.
- 3.13. The Employee Housing Unit and the Hotel Rooms Unit shall be owned by the same person or entity.
- 3.14. The Developer shall provide the Town with written confirmation of the five-star operator's commitment to operate and manage the hotel prior to building permit.
- 3.15. In the event that a five-star operator does not continue to operate and manage the hotel constructed on the Property, the Developer shall be required to process a Class 4 Application to amend this Final PUD Approval to allow for an operator with less than five stars.
- 3.16. Construction Mitigation. The Developer shall demonstrate it has consent from all nearby property owners or their representatives or associates for any direct impacts during construction, including any properties that will be used for construction access, staging, or storage or which will be underneath the span of the construction crane such as the Town, Shirana, and Westermere. The Developer shall indemnify all such parties against any damage to such property and shall provide proof of adequate insurance coverage protecting such owners. A construction mitigation and communications plan must be submitted to Town staff for approval in order to mitigate construction impacts in the Project area. Specifically, details concerning the management and maintenance of the construction area including Town property and the See Forever walkway must be finalized prior to submittal of a building permit application. During construction, Bruin waste services to the Village Center will be uninterrupted. Mountain Village Blvd. must always have at least one (1) lane of traffic open, except for the standard periodic lane closures that are issued and approved by the Town's public works department.
- 3.17. Shirana or Westermere shall have the right and ability to remove landscaping installed or maintained by the Developer or its successors on the Property or on the Adjusted Town Property (if applicable) to the extent that such landscaping interferes with access from the plaza for maintenance to their buildings.
- 3.18. Upon submittal of a building permit application, Town staff will evaluate any new encroachments and will have the ability to elevate such encroachments to the Town Council for a one-step review as a PUD amendment, with a public notice requirement.
  - 3.19. **Conditions of Building Permit**. Prior to building permit, the Developer shall:

- a. Provide an enlarged detail of storefront areas to clarify how the steel louver detail is used in these areas.
- b. Revise the parking plan to indicate that Town staff's recommendation of providing 10% EV installed, 15% EV Ready, and 50% EV Capable parking spaces is being met.
- c. Provide a product specification for glass railings that is specific to avoiding bird/glass impacts.
- d. Provide additional details regarding proposed solar panels, including the method of mounting and any/all materials associated with the panels for Town staff review.
- e. Provide a revised door schedule that indicates all exterior door type locations as well as door design, dimensions, and materiality for staff and one DRB member to review.
- f. Provide a drainage study with stormwater run-off calculations and/or update the original study as applicable.
- g. Provide a current geotechnical report consistent with the major PUD application requirements.
- h. Revise the landscaping plans to reduce the area of planting beds, creating at least one open plaza space capable of having small special events and allowing for better access to the plazas for maintenance and EMS services with a 13' 8" minimum path. The Developer shall also revise specified plaza furniture to be moveable in nature. Firepits shall be designed such that they can be utilized as planting beds in summer months. Irrigation calculations are required for building permit.
- i. Revise trash building plans to amend the shape of the trash enclosure building while preserving the area needed for Town use and necessary turn radius and opening up sight lines. Such plan should also provide a parking space for maintenance of the trash enclosure area and/or boilers for staff review.
- j. Provide details of engineered anchor points for sunshades and/or bistro lighting over the plaza areas for special events.
- k. Revise the Town trash building location/orientation to eliminate the site line impediment to Mountain Village Blvd. and to show venting for the boilers.
- Continue to work with the Town, utility providers, and possibly other developments to develop final locations for transformers, switch box, and gas substation and identify easements that would be necessary to accommodate utility infrastructure. The Developer should also indicate the plan for disposition of abandoned utilities.
- m. Obtain an approved CMP from Town staff.
- n. Enter into an agreement with the Town for landscaping and plaza maintenance.
- o. Show dimensions of the required trash compactor on the plan set in order to reduce the number of pick-ups.
- p. Provide a revised lighting plan for Town staff and two DRB members to review.
- q. Provide an address monument design for Town staff review.
- r. Pay applicable REMP fees.
- s. Pay required mitigation fee.
- t. Make any payment-in-lieu required for reduction of total number of parking spaces.

# 3.20. **Conditions of Certificate of Occupancy**. Prior to certificate of occupancy, the Developer shall:

- a. Repave the surface of Mountain Village Blvd. adjacent to the Project to the satisfaction of the Town.
- b. Complete the required improvements to the Westermere façade consistent with the Amended and Restated Development Agreement and to the satisfaction of the Town.
- c. Coordinate a civic wayfinding program with Town staff.

- d. Enter into any necessary easement or encroachment agreements with the Town, as determined by the Town Attorney.
- 3.21. As soon as practicable and prior to the recordation of the condominium documents, Town staff will designate a new Primary Pedestrian Route through this project and update the relevant Appendix 3-1, along with the Appendix 8-1 Village Center Emergency Access Routes in the CDC accordingly.
- 3.22. Consistent with Town building codes, unenclosed accessory structures attached to buildings with habitable spaces and projections, such as decks, shall be constructed as either non-combustible, heavy timber, or exterior grade ignition resistant materials such as those listed as WUIC (Wildland Urban Interface Code) approved products.
- 3.23. A monumented land survey of the footers will be provided prior to pouring concrete to determine there are no additional encroachments into the setbacks or across Property lines.
- 3.24. A monumented land survey shall be prepared by a Colorado public land surveyor to establish the maximum building height and the maximum average building height.
- 3.25. Prior to the Town's building division conducting the required framing inspection, a four-foot (4') by eight-foot (8') materials board will be erected on site consistent with this Final PUD Approval to show:
  - a. The stone, setting pattern, and any grouting with the minimum size of four feet (4') by four feet (4').
  - b. Wood that is stained in the approved color(s).
  - c. Any approved metal exterior material.
  - d. Roofing material(s) and any other approved exterior materials.
- 3.26. It is incumbent upon the Developer to understand whether above-grade utilities and Town infrastructure (e.g., fire hydrants and electric utility boxes), whether placed in the right of way or general easement, are placed in an area that may encumber access to the Property. Any relocation of such above-grade infrastructure appurtenances will occur at the Developer's sole expense and in coordination with the appropriate entity (e.g., fire department, SMPA, and/or the Town) so that the relocated position is satisfactory and in compliance with applicable regulations.
- 3.27. Improvements to the Adjustment Parcels are subject to the Town Council's final approval. Should the Town Council make amendments to the proposed improvements on the Adjustment Parcels, the Developer may be required to revise design plans consistent with Town processes.
- 3.28. All representations of the Developer, whether within the Major PUD Amendment Application submittal materials or at the DRB or Town Council public hearings, as amended, are conditions of this Final PUD Approval.
- 3.29. [Conditions of the DRB's final approval from December 1, 2022 that are not explicitly stated herein.]
- 3.30. [Additional conditions to be added based on DRB and staff recommendations as further refined by Town Council.]

	s Ordinance is found to be void or ineffective, it shall be maining provisions shall remain valid and in full force and
	nall become effective on, 2023 ("Effective records of the Town kept for that purpose and shall be d the Town Clerk.
	on this Ordinance was held on the day of, l, 455 Mountain Village Blvd., Mountain Village, Colorado
development plan that expires three (3) years fro	proval constitutes a vested property right and site-specific m the Effective Date of this Ordinance ("Approval Period") al details concerning the scope of the vested rights granted and Restated Development Agreement.
	the Property Replat and the Amended and Restated
Section 9. Publication. The Town Clerk or I Ordinance as required by Article V, Section 5.9	Deputy Town Clerk shall post and publish notice of this of the Charter.
INTRODUCED, READ, AND REFERRED to of Mountain Village, Colorado this 19th day of	to public hearing before the Town Council of the Town of January, 2023.
TOWN OF MOUNTAIN VILLAGE:	TOWN OF MOUNTAIN VILLAGE, COLORADO, A HOME-RULE MUNICIPALITY  By:  Laila Benitez, Mayor
ATTEST:	Lana Denitez, Mayor
Susan Johnston, Town Clerk	
HEARD AND FINALLY ADOPTED by the Colorado this day of, 20223.	he Town Council of the Town of Mountain Village,
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 To ("Town") do hereby certify that:	wn Clerk o	of the Tov	vn of Moun	tain Village, Colorado
1. The attached copy of Ordinance No. 2023 ("Or	rdinance")	is a true, c	correct, and	complete copy thereof.
2. The Ordinance was introduced, read by title, appr the Town Council the Town ("Council") at a regu Blvd., Mountain Village, Colorado, on January Town Council as follows:	ılar meetin	g held at	Town Hall,	455 Mountain Village
Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tem				
Marti Prohaska				
Harvey Mogenson				
Patrick Berry				
Peter Duprey				
Jack Gilbride				
Council held at Town Hall, 455 Mountain Village 2023. At the public hearing, the Ordinance warmendment by the Town Council, by the affirmat	as conside	ered, read	by title, a	and approved without
Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tem				
Marti Prohaska				
Harvey Mogenson				
Patrick Berry				
Peter Duprey				
Jack Gilbride				
	cords of th	e Town.		

# Exhibit A

[Legal Descriptions of Adjustment Parcels]

# Exhibit B

[List of Major PUD Amendment Application Materials]

# Exhibit C

[Amended and Restated Development Agreement]

**From:** Tracy Boyce <tracy.boyce@sothebysrealty.com>

**Sent:** Thursday, March 9, 2023 9:44 AM **To:** council <council@mtnvillage.org> **Subject:** Six Senses Development

**ATTACHMENT 13A** 

Hi MV Councilpersons,

I am writing to show my support for the Six Senses project in MV Core. I understand that there has been some back and forth with the design between this developer and Council. Through no fault of your own it seems, but I am hopeful that you can come to an agreement to get this project approved. My support for Six Senses was swayed in their favor as I reviewed the project, especially the community benefit this project will bring. Their commitment to help combat environmental issues and climate change through their policies really makes sense to me. I am excited to see this project come to fruition, as well as the other projects that are currently in the pipeline. I have been so grateful for this Council and while I don't live in MV find you all to be reasonable and very measured in your approval processes. I humbly encourage you to work with this developer so we can move forward with a terrific project that will benefit us with job creation, a significant amount of workforce housing, their commitment to donate a percentage of their gross revenues to local non-profits, (something we have never seen from another developer in my recollection) and economic sustainability for the Mountain Village core.

I thank you kindly for your consideration,

Tracy L Boyce
Broker Associate
LIV Sotheby's International Realty
215 San Juan Avenue C-3(FedEx/UPS Delivery)

Post Office Box 845(USPS Delivery) Telluride, Colorado 81435 m.970.708.0737

tracy.boyce@sothebysrealty.com

President, Telluride Association of Realtors 2022-2023
President Elect Telluride Association of Realtors 2021-2022
Telluride Association of Realtors Board Member 2019-Present
Education Chair Telluride Association of Realtors 2019-2021
Education Committee Member 2015-2019
Community Realtor of the Year 2014



**From:** angie@tellurideresorthomes.com <angie@tellurideresorthomes.com>

**Sent:** Thursday, March 9, 2023 10:12 AM **To:** council < council@mtnvillage.org>

Subject: Support for Six Senses Hotel Project, MV Lot 109-R

Angie Johnson PO Box 649 Telluride CO 81435

March 9, 2023

Town Council
Town Of Mountain Village
455 Mountain Village Blvd., Suite A
Mountain Village, CO 81435

# Dear Town Council:

The development team of Tiara Telluride has been laboring for more than a year to provide the best use for the property located at Lot 109-R aka the Mountain Village Hotel. They have designed within approved PUD height limits and created a beautiful and location-appropriate five-star project. They are accomplishing the following to truly help the community in contrast to the approved PUD:

- Reduced density, which helps alleviate traffic in the village core
- Adding approximately 14,000 sq ft of Workforce Housing, which, while costing them additional funds, is unique to the project and much needed by whole area. This space will house up to 56 employees.
- Proposing the first commercial LEED-certified building in Mountain Village.

- A commitment from Six Sense to donate ½% of gross revenue annually to local non-profits.
- Collaborating with Six Senses one of the world's top hotel flags, which follows the ethos of what Mountain Village strives to be. With the Six Senses Brand, they envision an environmentally forward and community inclusive operation.
- Redeveloping the area around the Trash facility including the facility itself. The plans presented significantly alleviate the current and any future challenges of that area
- Building extensive new sidewalks to help pedestrians move around the core safely
- Replacing all public parking in on the site today with new, garage parking spaces.

There are numerous additional benefits that this project intends to bring to the area. The variances being requested only work to improve the project as a whole. The increase in public benefits and improvements completely justifies the ask and are above and beyond those offered by comparable projects in the area. I implore the Council to approve this project. We NEED this amazing hotel..Thank you!

Sincerely,

Angie Johnson

Sent from my iPhone

March 9, 2023

Mountain Village Town Council (Via Email)

Re: Lot 109R

To the members of the Mountain Village Town Council:

We are residents of Shirana and write to express our continued concerns about the application for the proposed hotel in Lot 109R. As we have expressed throughout the numerous hearings regarding this proposal, we are not opposed to development of the site, but do not believe that the current plans can be achieved safely, practically, and in accordance with the existing PUD.

The proposed hotel would be built on a site that currently comprises 22 public parking spaces, some of which are proposed to be replaced by indoor hotel parking, though it's unclear how such indoor hotel parking would address delivery trucks and similar vehicles. In addition, the proposed back-of-house needs of the hotel would eliminate an additional 10+ public parking spaces on Tract OS-3BR-2. That Tract also houses the entries for both the Shirana and Westermere garages and the town trash transfer station, and is a bus turnaround area. That Tract would also be the site of an emergency lane for the proposed hotel in addition to the loading dock. Traffic and congestion are critical issues that we do not believe have been adequately addressed, if addressed at all. The sole traffic "study" that we have seen relates only to whether a standard-sized tractor-trailer can fit in the loading dock at the back of the proposed hotel. We simply don't believe that Tract OS-3BR-2 can adequately and safely serve all the intended uses, and also believe that the elimination of parking will have a serious and negative impact on the Mountain Village Core area.

### Some practical questions:

- Where are UPS and FedEx and other delivery trucks to park while making deliveries to residences and business in this part of Mountain Village?
  - o In the hotel garage?
  - Are the drivers to carry packages to/from the garage and local residences and businesses?
- Where are trades-people (plumbers, electricians, carpenters, roofers, snow-removal workers, etc.) to park while servicing properties in this part of Mountain Village?
  - o In the hotel garage?
  - o Are they to carry their tools and equipment back and forth to the garage?

We do not believe the project can proceed without addressing Tract OS-3BR-2 as a preliminary matter. Under the current proposal, the trash transfer station is proposed to be expanded and re-oriented. As a result, this area will need to support the following simultaneously:

- Ingress/egress to the Shirana garage
- Ingress/egress to the Westermere garage
- Ingress/egress to the expanded trash transfer station for Mountain Village trash carts
- Ingress/egress to the expanded trash transfer station for commercial garbage trucks

- Ingress/egress to the proposed hotel for deliveries (food & beverage, linens, event-related)
- Fire Lane for emergency vehicles
- Bus turnaround area

In addition, the following parking needs must be considered in light of the loss of public parking in this area of the Mountain Village Core:

- Parking for trades-people servicing business and residences
- Temporary parking for delivery (including UPS and FedEx) vehicles servicing business and residences

These are real and current needs vital to the day-to-day flow of life in this part of Mountain Village. No study has shown how these needs will be accommodated if this proposal is approved, most likely for the reason that the proposal cannot meet or even come close to meeting these needs.

We do not believe the proposal is sustainable without addressing the substantial traffic, parking, and congestion issues as a preliminary matter. Even if the proposal does not move forward, we urge the Town Council to consider permanent relocation of the trash transfer station in order to address these concerns as well as the ensuing public safety issues, issues which are not unique to this project.

Thank you for your continued consideration.

Jackie and Alan Kadin

#### **ATTACHMENT 13D**

From: mvclerk

To: Sally Puff Courtney

Cc: mvclerk

**Subject:** RE: Six Senses moving forward **Date:** Wednesday, March 8, 2023 3:51:26 PM

Ms. Puff Courtney,

Thank you for your public comment. This email serves as proof that it was received and will be forwarded to the appropriate departments.

Regards,

Susan Johnston Town Clerk Town of Mountain Village 0::970.369.6429 M::970-729-3440

Website | Facebook | Twitter | Instagram | Email Signup

From: Sally Puff Courtney <sally@telluridebroker.com>

**Sent:** Wednesday, March 8, 2023 3:00 PM **To:** council < council@mtnvillage.org >

Cc: Sally Puff Harley <spuff@telluridebroker.com>

Subject: Six Senses moving forward

Dear Town Council,

Last fall I went to Portugal and stayed in a Six Senses so I could see how the 5 star hotel was put together, laid out and how it was run. We stayed there for several days. The property was gorgeous, the staff and food were fabulous and I thought it was extremely well done. Knowing that we were considering one in Telluride, I wanted to check it out. I was impressed and would be excited to tell folks where to stay in the village as it was truly a wonderful experience for my husband and me.

I think whatever we do in Telluride, it should be top shelf. We are such a unique and beautiful area, I think when building it should always be the best that we can do. I am very excited about the 1/2% that the Six Senses has committed to go to non-profits as I am involved and sit on the Board of Directors of one (Telluride Science). I don't think I have ever heard of another hotel or project doing something like that. What a wonderful gift back to the community. That is just one of the many public benefits from this group. Employee housing, which is so important today, new public parking and new sidewalks will all be a big plus to this area and to a free flowing pedestrian core will make the whole core area even more special.

We need another extraordinary hotel in the Mt. Village and we know that more and more each day as we continue to grow and have more guests who want to come and visit Telluride. I would strongly urge the town council to approve this project and keep it on track to become a reality.

Thanks for your consideration.

Sally C.

# SALLY PUFF COURTNEY, Senior Real Estate Advisor

LIV Sotheby's International Realty 225 South Oak, Unit D/PO Box 73 Telluride, CO 81435 p. 970-728-3086| c. 970-729-0396 sally@telluridebroker.com

To some, a referral is merely a name. To me, it is the greatest compliment.

I truly appreciate the opportunity to forge new relationships with your family, friends and neighbors.



Shirana Condominium Association 624 Mountain Village Boulevard Mountain Village, CO 81435

**VIA EMAIL** 

March 9, 2023

Town Council Town of Mountain Village 455 Mountain Village Blvd Mountain Village, CO 81435

Dear Mayor Benitez and Members of the Town Council:

The owners of the Shirana Condominium wish to offer a brief summary of our concerns about the proposed Lot 109 / Six Senses project as the matter comes before Council again. We have offered written and public comment at each stage of this process and while the project has evolved somewhat from its original form, we remain very concerned about its impact on our building and the quality of our time in Mountain Village.

From the beginning, in the earliest DRB meetings, we voiced concerns that this project was effectively an entirely new PUD as it differed so substantially from what was agreed to in 2010. Our owners then (some of whom remain owners today) participated in negotiating that PUD, so it has been frustrating to see it used as the basis for a substantially expanded and very different project. We are not opposed to a hotel project per se; rather, we can only support one that treats our owners fairly and safely and that is consistent with the rules of the game from 2010. While some concessions were made on building height, the project is still far more massive than what was agreed to back then and the design, which is admittedly a matter of personal taste, must at least be acknowledged to be far different from anything else in all of Mountain Village and a significant departure from long-established design guidelines.

We have engaged somewhat with the developer on matters that are important to our building, outside of concerns about design, scale, etc. We appreciate that the developer has agreed conceptually to take the steps that we have requested to ensure the integrity and safety of our building during construction, if and when it occurs. We would ask that the Town mandate these assurances and rigorously enforce a robust construction mitigation program if it considers approving this project.

That said, we continue to have significant concerns about the practicality, viability, and safety of the project itself. Some of these concerns really must be addressed by the Town as much as the developer because they involve Town resources, like surface parking and the trash facility. Absent town action on these issues, the project is in our view simply unworkable in terms of traffic circulation, traffic safety, and parking. While these issues affect our building most directly, they should be concerns for all who live in, work in, and visit Mountain Village.

We have written and spoken before about the importance of the surface parking spots in "front" of Shirana, not to mention the lot "behind" us which obviously is replaced, to some extent, by garage parking. At any given point, there are usually 8-11 cars parked in the front spots. They would be

eliminated in the developer's plan. It is unreasonable to think that all visitors to Shirana, Westermere and other buildings at this end of the Core can be accommodated in the developer's proposed public garage parking, or that it's even practical. Think FedEx, UPS, tradespeople, commercial deliveries to the several businesses here, friends and family. Is the plumber going to park in the garage and carry his equipment to the building? Whether or not the spaces in front of our building are up to code, they're there, and they're constantly needed.

We have also written about traffic circulation. The lot in front of our building is congested now with deliveries, visitors, and (more on this below) trash trucks; it is also the access point for both the Shirana and Westermere garages and is used as a bus turnaround. The traffic study completed by the developer, at least what we've seen, really is a study of whether a large hotel delivery truck can physically back into the proposed loading dock. It is not a study about parking usage or the safety, quite frankly, of the intense vehicle movement through this area. It is not a study of what happens when all these vehicles arrive at once, the associated noise, idling, and confusion. It is not a study of the safety risks to pedestrians as large trucks come and go, forward and in reverse. We have a constant flow of vehicles now; it's hard to imagine what that will be like if this project is approved.

All of which brings us to an issue that links all these concerns together: the town trash facility. We have detailed the history before - intended to be temporary, intended to be moved under the Comprehensive Plan. We have borne the brunt of this facility for years and must mention what noisy, unpleasant eyesore the current shed is. We would like to see it moved regardless of what happens with this project. If not we would like to see more oversight from the Town in terms of operating hours and rules, noise, and cleanliness. Regardless, we believe that if this project is to move ahead, the trash facility has to be moved. It's the only way to protect some surface parking and the only hope for reasonable traffic circulation. And the developer has offered to pay for this because of these realities and the fact that its current trash facility is just aesthetically and functionally incompatible with the luxury hotel they want to build. The project is not viable unless the facility is moved.

Last, we would ask the Town Council to consider some proof of financing as a condition for approval, if it ever gets to that point or if the Council decides to grant a continuance. It would be a tragedy to have a project of this size and scope begin without adequate financing and stall after the commencement of construction.

We know that you have hard jobs and these decisions are difficult. Mountain Village is what it is today because you and your predecessors have worked hard and with vision to make this community what it is today. We wish we could be supportive of this project but given these concerns, we cannot. We thank you, again, for your consideration of our views.

Sincerely,

Robert C. Connor President, Shirana Condominium Owners Association **From:** Hilary Taylor <a href="mailto:right] Hil

**Sent:** Thursday, March 9, 2023 9:22 AM **To:** council <council@mtnvillage.org> **Subject:** Support of Six Senses Project

### Dear Town Council:

I'm very sorry I will be on a plane during the meeting next week and unable to attend. But I want to express my strong support of the Six Senses Hotel in Mountain Village.

I had never heard of Six Senses until 2019 when I was lucky enough to spend an afternoon at their Douro Valley location in Portugal. I was blown away by the people, atmosphere, beauty, dining experience and exceptional hospitality. It was unlike anything I have experienced in terms of understated, natural luxury. I'm attaching a couple photos.

I have also done my due diligence in learning more about their vision for the Mountain Village location. I am impressed that Tiara Telluride will add workforce housing, be the first commercial LEED certified building in Mountain Village, has committed to donate to local non-profits, build sidewalks, add/supplement parking and they have designed within approved PUD height limits. Lot 109-R as a parking lot for 30 cars is not the highest and best use for Mountain Village. The plan has always been a Mountain Village Hotel. We can do better and we have an opportunity right now!

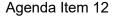
Trust me- we WANT this project. Please do not hesitate on approving this project today.

Sincerely,

Hilary

#### **Hilary Taylor**

Real Estate Advisor Telluride, CO LIV Sotheby's International Realty





# COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION

455 Mountain Village Blvd. Mountain Village, CO 81435 (970) 728-1392

**TO:** Town of Mountain Village Town Council

**FROM:** Michelle Haynes, Assistant Town Manager and Amy Ward, Community

**Development Director** 

**DATE:** March 16, 2023

**RE:** Consideration on first reading of an ordinance a rezone of portions of tract OS-

3BR-2 to PUD, and portions of Lot 109R to Active Open Space, Village Center, and a small tract from Lot 109R to Mountain Village Boulevard, Active Open

Space Right of Way.

# **PROJECT OVERVIEW**

This item was public noticed to be heard at the January 19, 2023 meeting. At that meeting, the Council directed staff to prepare a resolution of denial of the related Major PUD Amendment for consideration at the March 16, 2023 Regular Town Council meeting. After hearing further presentation by the Applicant, Council should act first on the Major PUD Amendment. If the PUD Application is approved on first reading, then Council should continue this rezone Application to coincide with second reading of the PUD ordinance. If Council denies the PUD Application, then Council should pass the Resolution prepared by staff declaring the rezone application moot and withdrawn unless the applicant withdraws the rezone application voluntarily.

#### **ATTACHMENTS**

1. Rezone Denial Resolution

### **PROJECT OVERVIEW**

If the Town Council passes the Resolution denying the Major PUD Amendment, then the rezone application would conflict with the underlying zoning and should not be approved. In that event, staff has presented a form of resolution declaring that the rezone application is moot and deemed withdrawn.

### REZONE RECOMMENDED MOTION

If the Town Council denies the Major PUD Amendment, then the Applicant is likely to verbally withdraw the applications for subdivision approval and for rezoning of the adjustment parcels to open space before any further vote occurs. In the unlikely event that a vote is necessary, the following motion would be appropriate:

Because of the denial of the Major PUD Amendment, I move to approve the denial Resolution attached as exhibit 1. finding that the rezone application is moot and shall be deemed withdrawn.

If the Town Council continues the 109R PUD and rezone ordinance, then Town Council would likely wish to continue the rezone application also, see alternative motion listed below. This motion would also apply if the Council votes to approve the Major PUD Amendment ordinance on first reading so that the rezone ordinance could be considered simultaneously with the other applications.

### RECOMMENDED CONTINUANCE MEMO – ALTERNATIVE MOTION

I move to continue consideration of a first reading of an ordinance regarding rezone of portions of tract OS-3BR-2 to PUD, and portions of Lot 109R to Active Open Space, Village Center, and a small tract from Lot 109R to Mountain Village Boulevard, Active Open Space Right of Way, to the \_\_\_\_\_\_ Regular Town Council meeting to be reviewed concurrent with the Fourth Major PUD amendment ordinance and subdivision resolution.

/mbh

# A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO CONCERNING THE REZONING OF CERTAIN PARCELS IN CONNECTION WITH A MAJOR SUBDIVISION OF LOT 109R

# **RESOLUTION NO. 2023-**

WHEREAS, Tiara Telluride, LLC (the "Developer") is the owner of certain real property described as Lot 109R, Town of Mountain Village, Colorado, according to the plat recorded as Reception No. 416994 ("Lot 109R") and

WHEREAS, the Town of Mountain Village (the "Town") is the owner of certain real property adjacent to Lot 109R described as open space parcel OS-3BR-2, according to the plat recorded as Reception No. 416994 (the "Town Property"); and

WHEREAS, the Developer has applied to the Town to replat Lot 109R and the Town Property (the "Major Subdivision Application") for the purpose of a land exchange where the Town would convey portions of the Town Property to become part of Lot 109R (the "109R Adjustment Parcels") and the Developer would convey portions of the current Lot 109R to become part of the Town Property (the "Open Space Adjustment Parcels," and together with the Town Property, the "Adjusted Town Property"); and

WHEREAS, the Developer has applied to the Town to rezone the Adjusted Town Property as open space (the "Rezoning Application") in connection with its application for approval of a Major PUD Amendment for the remainder of Lot 109R, including 109R Adjustment Parcels to be conveyed by the Town to the Developer (the "Major PUD Amendment Application," and together with the Major Subdivision Application and Rezoning Application, the "Applications"); and

WHEREAS, the DRB held public hearings regarding the Major PUD Amendment Application, which included the proposal to transfer and rezone certain portions of Lot 109R into Town open space, on May 5, 2022 and May 31, 2022, and voted 3-1 to issue a recommendation of approval to the Town Council concerning the Application, subject to further consideration by the DRB for final design review and for its recommendation regarding the related Major Subdivision Application; and

WHEREAS, the Town Council considered an ordinance approving the Major PUD Amendment Application (the "Major PUD Amendment Ordinance") on first reading at its regular meetings on June 16, 2022 and August 18, 2022, and consented to including the 109R Adjustment Parcels in the Developer's Major PUD Amendment Application and Major Subdivision Application, but voted to continue the matter to November 17, 2022 so as to allow the Developer time to submit the Major Subdivision Application and final design review materials; and

WHEREAS, the Town Council again considered the Major PUD Amendment Ordinance on first reading at its regular meeting on November 17, 2022, but voted to continue the matter to January 19, 2023 so as to allow the DRB to conduct a further public meeting regarding final design review and the Major Subdivision Application before the Town Council would make a decision as to the Major PUD Amendment Application; and

WHEREAS, following a DRB meeting held on December 1, 2022, the DRB recommended to the Town Council approval of the Major PUD Amendment Application and the Major Subdivision Application, subject to conditions, as well as approval of the Rezoning Application; and

WHEREAS, the Town Council considered the Major PUD Amendment Application, the DRB's recommendations, and testimony and comments from the Developer, Town staff, and members of the public

at a public meeting on January 19, 2023 and voted 6-1 to the Major PUD Amendment Application; and	o direct Town staff to prepare a resolution denying
WHEREAS, because the Rezoning Application Application, a denial of the Major PUD Amendment Application	n is contingent upon the Major PUD Amendmen plication has made the Rezoning Application moot
WHEREAS, the Town Council held a public Resolution and voted to approve this Resolution	c meeting on March 16, 2023, to consider this concerning the Rezoning Application.
NOW, THEREFORE, BE IT RESOLVED by the Colorado, that:	ne Town Council of the Town of Mountain Village
Section 1. Recitals. The above recitals and Resolution 1 the Town Council in support of the enactment of this Re	
Section 2. Application. The Town Council finds that, has been denied pursuant to Resolution No. 2023, the considered withdrawn by the Developer, without prejudent	ne Rezoning Application is now moot and shall be
Section 3. Effective Date. This Resolution shall be in f	full force and effect upon its passage and adoption
ADOPTED AND APPROVED by the Town Council	l at a regular public meeting held on March 16
2023.	TOWN OF MOUNTAIN VILLAGE TOWN COUNCIL
	By:
ATTEST:	, , , , , , , , , , , , , , , , , , ,

Susan Johnston, Town Clerk

APPROVED AS TO FORM:

David McConaughy, Town Attorney



# Agenda Item 14 COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION

455 Mountain Village Blvd. Mountain Village, CO 81435 (970) 728-1392

**TO:** Town of Mountain Village Town Council

**FROM:** Michelle Haynes, Assistant Town Manager and Amy Ward Community

**Development Director** 

**FOR:** March 16, 2023

**DATE:** March 4, 2023

**RE**: Consideration of a Resolution Regarding a Major Subdivision application to replat

portions of OS-3BR-2 into Lot 109R and a portion of Lot 109R into OS-3BR-2, along with a small right of way dedication to the Mountain Village Boulevard, resulting in a net increase to OS-3BR-2, Village Center active open space of 84 square feet, decrease of Lot 109R of 175 square feet and 77 square feet dedicated to Mountain Village Boulevard, Active Open Space right of way that consists of an existing portion of the bridge – *continued from the January 19*.

2023 regular meeting

This item was public noticed to be heard at the January 19, 2023 meeting. At that meeting, the Council directed staff to prepare a resolution of denial of the related Major PUD Amendment for consideration at the March 16, 2023 Regular Town Council meeting. After hearing further presentation by the Applicant, Council should act first on the Major PUD Amendment. If the PUD Application is approved on first reading, then Council should continue this Major Subdivision Application to coincide with second reading of the PUD ordinance. If Council denies the PUD Application, then Council should pass the Resolution prepared by staff declaring the subdivision application moot and withdrawn unless the applicant withdraws the subdivision application voluntarily.

#### **ATTACHMENTS**

1. Subdivision Denial Resolution

#### **PROJECT OVERVIEW**

If the Town Council passes the Resolution denying the Major PUD Amendment, then the subdivision would conflict with the underlying zoning and should not be approved. In that event, staff has presented a form of resolution declaring that the subdivision application is most and deemed withdrawn.

#### RECOMMENDED MOTION

If the Town Council denies the Major PUD Amendment, then the Applicant is likely to verbally withdraw the applications for subdivision approval and for rezoning of the adjustment parcels to

open space before any further vote occurs. In the unlikely event that a vote is necessary, the following motion would be appropriate:

Because of the denial of the Major PUD Amendment, I move to approve the denal Resolution attached as exhibit 1. finding that the subdivision application is moot and shall be deemed withdrawn.

If the Town Council continues the 109R PUD and rezone ordinance, then Town Council would likely wish to continue the major subdivision application also, see alternative motion listed below. This motion would also apply if the Council votes to approve the Major PUD Amendment ordinance on first reading so that the subdivision resolution could be considered simultaneously with second reading of the ordinance.

#### RECOMMENDED CONTINUANCE MEMO - ALTERNATIVE MOTION

I move to continue consideration of a Resolution Regarding a Major Subdivision application to replat portions of OS-3BR-2 into Lot 109R and a portion of Lot 109R into OS-3BR-2, along with a small right of way dedication to the Mountain Village Boulevard, resulting in a net increase to OS-3BR-2, Village Center active open space of 84 square feet, decrease of Lot 109R of 175 square feet and 77 square feet dedicated to Mountain Village Boulevard, Active Open Space right of way that consists of an existing portion of the bridge to the \_\_\_\_\_\_ Regular Town Council meeting to continued to be reviewed concurrent with the Fourth Major PUD amendment ordinance and rezone ordinance.

/mbh

## A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO CONCERNING A MAJOR SUBDIVISION OF LOT 109R

#### **RESOLUTION NO. 2023-**

WHEREAS, Tiara Telluride, LLC (the "Developer") is the owner of certain real property described as Lot 109R, Town of Mountain Village, Colorado, according to the plat recorded as Reception No. 416994 ("Lot 109R") and

WHEREAS, the Town of Mountain Village (the "Town") is the owner of certain real property adjacent to Lot 109R described as open space parcel OS-3BR-2, according to the plat recorded as Reception No. 416994 (the "Town Property"); and

WHEREAS, the Developer has applied to the Town to replat Lot 109R and the Town Property (the "Major Subdivision Application") for the purpose of a land exchange where the Town would convey portions of the Town Property to become part of Lot 109R and the Developer would convey portions of the current Lot 109R to become part of the Town Property ("Rezoning Application) in connection with its application for approval of a Major PUD Amendment for the remainder of Lot 109R, including 109R Adjustment Parcels to be conveyed by the Town to the Developer (the "Major PUD Amendment Application," and together with the Major Subdivision Application and Rezoning Application, the "Applications"); and

WHEREAS, the DRB held public hearings regarding the Major PUD Amendment Application on May 5, 2022 and May 31, 2022, and voted 3-1 to issue a recommendation of approval to the Town Council concerning the Application, subject to further consideration by the DRB for final design review and for its recommendation regarding the related Major Subdivision Application; and

WHEREAS, the Town Council considered an ordinance approving the Major PUD Amendment Application (the "Major PUD Amendment Ordinance") on first reading at its regular meetings on June 16, 2022 and August 18, 2022, and consented to including the 109R Adjustment Parcels in the Developer's Major PUD Amendment Application and Major Subdivision Application, but voted to continue the matter to November 17, 2022 so as to allow the Developer time to submit the Major Subdivision Application and final design review materials; and

WHEREAS, the Town Council again considered the Major PUD Amendment Ordinance on first reading at its regular meeting on November 17, 2022, but voted to continue the matter to January 19, 2023 so as to allow the DRB to conduct a further public meeting regarding final design review and the Major Subdivision Application before the Town Council would make a decision as to the Major PUD Amendment Application; and

WHEREAS, following a DRB meeting held on December 1, 2022, the DRB recommended to the Town Council approval of the Major PUD Amendment Application and the Major Subdivision Application, subject to conditions, as well as approval of the Rezoning Application; and

WHEREAS, the Town Council considered the Major PUD Amendment Application, the DRB's recommendations, and testimony and comments from the Developer, Town staff, and members of the public at a public meeting on January 19, 2023 and voted 6-1 to direct Town staff to prepare a resolution denying the Major PUD Amendment Application; and

	Subdivision Application is contingent upon the Major PUD Major PUD Amendment Application has made the Major
	neld a public meeting on March 16, 2023, to consider this Resolution concerning the Major Subdivision Application.
NOW, THEREFORE, BE IT RESC Colorado, that:	DLVED by the Town Council of the Town of Mountain Village,
Section 1. Recitals. The above recitals and the Town Council in support of the enactment	Resolution No. 2023 are hereby incorporated as findings of ent of this Resolution.
	sil finds that, because the Major PUD Amendment Application . 2023, the Major Subdivision Application is now moot and judice.
Section 3. Effective Date. This Resolution	n shall be in full force and effect upon its passage and adoption.
ADOPTED AND APPROVED by the To 2023.	own Council at a regular public meeting held on March 16,
	TOWN OF MOUNTAIN VILLAGE TOWN COUNCIL
	By:
ATTEST:	Lana Bennez, Mayor
Susan Johnston, Town Clerk	
APPROVED AS TO FORM:	
David McConaughy, Town Attorney	



# Agenda Item No. 15 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

455 Mountain Village Blvd. Mountain Village, CO 81435 (970) 369-8250

**TO:** Mountain Village Town Council

**FROM:** Amy Ward, Community Development Director

**FOR:** Town Council Meeting; March 16, 2023

**DATE:** March 8, 2023

**RE:** Consideration of a Resolution to Approve a Major Subdivision Application for Lots

126R, 152R, OSP-118 and OSP-126 per Community Development Code Section

17.4.13, continued from the February 16, 2023 regular meeting

Staff is requesting that this be continued to the Regular April 20, 2023 Town

**Council Meeting** 

**BACKGROUND:** Staff is requesting a continuation of the Consideration of a Resolution to Approve a Major Subdivision Application for Lots 126R, 152R, OSP-118 and OSP-126 per Community Development Code Section 17.4.13. The memo is being provided not to open the public hearing but solely for the purpose of the DRB providing a motion to continue to the Regular April 20 meeting date.

Council also has the ability to table the item, which would require the applicant to re-notice the project at a time in the future.

**RECOMMENDED MOTION:** I move to continue, Consideration of a Resolution to Approve a Major Subdivision Application for Lots 126R, 152R, OSP-118 and OSP-126 per Community Development Code Section 17.4.13, continued from the February 16, 2023 regular meeting

/AW



# Agenda Item No.16 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

455 Mountain Village Blvd. Mountain Village, CO 81435 (970) 369-8250

**TO:** Mountain Village Town Council

**FROM:** Amy Ward, Community Development Director

**FOR:** Town Council Meeting; March 16, 2023

**DATE:** March 8, 2023

RE: Second Reading, Public Hearing and Council Vote on an Ordinance to

Consider a Rezone and Density Transfer Application for Lots 126R, 152R

per Community Development Code Section 17.4.10, continued from the

February 16, 2023 regular meeting

Staff is requesting that this be continued to the Regular April 20, 2023 Town

**Council Meeting** 

<u>BACKGROUND:</u> Staff is requesting a continuation of the Second Reading, Public Hearing and Council Vote on an Ordinance to Consider a Rezone and Density Transfer Application for Lots 126R, 152R per Community Development Code Section 17.4.10. The memo is being provided not to open the public hearing but solely for the purpose of the Town Council providing a motion to continue to the Regular April 20 meeting date.

Council also has the ability to table the item, which would require the applicant to re-notice the project at a time in the future.

**RECOMMENDED MOTION:** I move to continue, Second Reading, Public Hearing and Council Vote on an Ordinance to Consider a Rezone and Density Transfer Application for Lots 126R, 152R per Community Development Code Section 17.4.10 to the Regular Town Council meeting of April 20, 2023.



### PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

455 Mountain Village Blvd. Mountain Village, CO 81435 (970) 369-8250

#### Agenda Item No. 17

**TO:** Town Council

**FROM:** Design Workshop on behalf of the Town of Mountain Village

**FOR:** Meeting of March 16, 2023

**DATE:** March 8, 2023

RE: Second reading of an Ordinance to consider a rezone and density transfer

application to transfer density from lot 638C into the density bank per Community

Development Code Sections 17.4.9 & 17.4.10

Legal Description: Lot 619, Telluride Mountain Village, Replat of Filing 28 and Replat of Lots

615-A & 615-C, Filing 21, according to the plat recorded January 23, 1991 in Plat Book 1 at page 1115, County of San Miguel, State of Colorado. Parcel B: Lot 638-C, Telluride Mountain Village, Replat of Filing 28 and Replat of Lots 615-A & 615-C, Filing 21, according to the plat recorded January 23, 1991 in Plat Book 1 at page 1115, County of San Miguel, State

of Colorado.

Address: 214 Adams Ranch Road

Owner: Harvey Bertram Mogenson Revocable Trust and the Gwen Mary

Mogenson Revocable Trust

**Zoning:** Single Family **Existing Use:** Vacant Land

**Proposed Use:** Replat Lots 619 and 638C into Lot 619-R for a single family residence

Lot Size: Lot 619 0.56 Acres

Lot 638C 0.544 Acres Combined 1.106 Acres

#### **Adjacent Land Uses:**

North: Single-Family and Open Space

South: Open SpaceEast: Single-FamilyWest: Open Space

#### **ATTACHMENTS**

• Exhibit A: Ordinance

• Exhibit C: Applicant's Narrative (no date)

 Exhibit D: Proposed replat document dated 07/26/22

Exhibit E: Existing Conditions plats dated 07/26/22

Exhibit F: Referral Comments



Note: the content of this memo is essentially the same as that presented at the February 16, 2023 hearing

#### **BACKGROUND**

Gwen and Harvey Mogenson, the owners of Lots 619 and 638-C, are proposing a Density Transfer and Rezone which is associated with a concurrent Class 5 Minor Subdivision to replat the two single-family zoned properties into one lot. Both of the lots are under the same ownership and the purpose of the replat is to provide a single lot for the existing single-family home.

Currently, both lots have one (1) unit of Single-Family Density assigned for a total of eight (8) person equivalents between the two (2) lots. If the Town Council determines that the replat of Lots 619 and 638-C is appropriate, the newly created Lot 619-R would at that point have one (1) extra unit of density that would be required per the CDC to be transferred into the Density Bank.

The DRB reviewed the requested Density Transfer and Rezone at their February 2, 2023 meeting and voted unanimously to recommend Town Council approve the request.

The applicants have submitted two concurrent applications 1) Minor Subdivision, and 2) A Density Transfer and Rezone to transfer 1 Unit of Single-Family density into the density bank. Both applications have been received and are being reviewed concurrently.

On February 16, 2023 Town Council approved by Resolution the Minor Subdivision.

Table 1: Lot 619 and 638-C Zoning Designations and Density Table Existing and Proposed

	Existing	Existing	Proposed	Proposed	Person	Total Person
	Zoning	Zoning	Zoning	Zoning	Equivalents	Equivalents
	Designations	Designations	Designations	Designations		
	Built	Platted and	Built	Platted and		
		unbuilt		Unbuilt		
Lot 619	1	0	1	0	4	
Lot 638-C	0	1	0	0	4	
Total						8
Lot 619-R	1	0	1	0	4	4
(638-C)				1	4	4
То						
Density						
Bank						
			Total:			8

Staff Note: The proposal will result in a net decrease of 1 Single Family Unit of Density – or 4 person equivalents on Lot 638-C. The density will be transferred to the density bank and the owners will continue to pay any associated fees for this density.

#### **DENSITY TRANSFER APPLICATION, CRITERIA AND STAFF ANALYSIS**

To transfer density to the Density Bank the rezoning process must be followed, which includes a recommendation by the Design Review Board and final action by the Town Council. The following criteria must be met for the review authority to approve a rezoning application:

- a. The proposed rezoning is in general conformance with the goals, policies and provisions of the Comprehensive Plan;
- b. The proposed rezoning is consistent with the Zoning and Land Use Regulations;

- c. The proposed rezoning meets the Comprehensive Plan project standards;
- d. 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;
- e. 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;
- f. Adequate public facilities and services are available to serve the intended land uses;
- g. The proposed rezoning shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion; and
- h. The proposed rezoning meets all applicable Town regulations and standards.

Staff Finding: Staff finds that the criteria for the Rezone is met. The Comprehensive Plan addresses land uses and includes a focus on the benefits of maintaining the character of single-family neighborhoods in Mountain Village, and its Land Use Map designates Adams Ranch Road as suitable for single-family development. The Comprehensive Plan also speaks to the need to "avoid disturbance to wetland areas to the maximum extent possible."

There is an existing single-family home on the western property (Lot 619); Lot 638-C, to the east, is currently vacant. The proposed replat would create a single-family lot that contains one unit per acre; it can be argued that reducing the density on these lots will support the character of the immediate neighborhood. Additionally, according to the Improvements Exhibit as provided in the application, Lot 638-C contains a large wetlands area in the northeast portion of the site, much of which runs adjacent to Adams Ranch Road and the General Easement. If development were to occur on Lot 638-C, it is assumed that the development would require drawing access from Adams Ranch Road and therefore need to cross a portion of the wetland. By combining these lots into one, the applicant is limiting any potential development that might impact the existing wetland on the now vacant lot.

The proposed rezone and density transfer meets the requirements of the CDC. The Single-Family Zone is intended to provide lower density single-family dwellings; the applicant's request will reduce the overall potential density of the two lots from two units to one. The rezoning will not create vehicular or pedestrian circulation hazards and will arguably reduce the transportation demand in this neighborhood. The application meets all applicable regulations and standards. Criterion e is not applicable to this application.

The following criteria must be met for the Town Council to approve the transfer of density to the density bank:

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

Staff Finding: Staff finds the criteria for a Density Transfer is met. The applicant has met the criteria for the decision for rezoning as provided above. The application meets all applicable density transfer and density bank policies, as well as all applicable regulations. The applicant is proposing to transfer existing density into the density bank.

#### **DRB RECOMMENDATION**

The DRB by a unanimous vote of 7-0 recommended approval to the Town Council regarding the density transfer and rezone application for Lot 619-R with conditions found in the proposed motion at their regular meeting on February 2, 2023.

#### **Town Council First Reading**

The Town Council by a unanimous vote of 7-0 voted to approve the First Reading of an ordinance and setting of a public hearing a rezone and density transfer application pursuant to CDC Sections 17.4.9 & 17.4.10 to transfer one density unit (four-person equivalent density) to the Density Bank for Lot 619-R on February 16, 2023

#### **STAFF RECOMMENDATION**

Staff recommends approval of the second reading of an ordinance. If Town Council approves, please consider the recommended motion listed below.

#### **Proposed Motion:**

I move to approve by second reading of an ordinance a rezone and density transfer application pursuant to CDC Sections 17.4.9 & 17.4.10 to transfer one density unit (four-person equivalent density) to the Density Bank for Lot 619-R with the following conditions:

- 1. The Town Council must separately approve the Subdivision Application.
- 2. All conditions of approval of the Subdivision Application as set forth in Resolution 2023-\_\_\_ ("Subdivision Approval") are incorporated as conditions of this approval.
- 3. The density transfer authorized hereby shall not be effective until the Effective Date of this Ordinance.
- 4. The owner of record of density in the Density Bank 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.
- 5. All representations of the Applicant, whether within Rezoning or Subdivision Applications submittal materials or at the DRB or Town Council public hearings, are conditions of this approval.
- 6. Town staff shall update the density bank and lot list accordingly.

This motion is based on the evidence and testimony provided at a public hearing held on March 16, 2023 with notice of such hearing as required by the Community Development Code.

#### **EXHIBIT A**

#### ORDINANCE NO. 2023-

# AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO CONDITIONALLY APPROVING DENSITY TRANSFER FOR LOTS 619 AND 638-C (TO BE REPLATTED AS LOT 619-R)

WHEREAS, the Harvey Bertram Mogenson Revocable Trust and the Gwen Mary Mogenson Revocable Trust (collectively, the "Owner") are the owners of certain real property described as Lot 619 and Lot 638-C, commonly known as 214 Adams Ranch Road, Mountain Village, Colorado (together, the "Property"); and

WHEREAS, Harvey Mogenson and Gwen Mogenson (together, the "Applicant"), as trustees of the Owner, have submitted a Minor Subdivision application to the Town of Mountain Village (the "Town") to replat the Property into a single parcel known as Lot 619-R ("Subdivision Application"); and

WHEREAS, in connection with its Subdivision Application, the Applicant has applied to transfer the one unit of single-family density resulting from the creation of Lot 619-R into the Mountain Village Density Bank ("Density Application"), which application consists of the materials submitted and itemized on Exhibit A, attached hereto, plus all statements, representations, and additional documents of the Applicant and its representatives made or submitted at the public hearings before the Design Review Board ("DRB") and the Town of Mountain Village Town Council ("Town Council"); and

WHEREAS, the Subdivision Application and the Density Application are being processed and considered concurrently by the DRB and Town Council; and

WHEREAS, the DRB held a public hearing on February 2, 2023, to consider the Density Application and testimony and comments from the Applicant, Town Staff, and members of the public, and voted unanimously to issue a recommendation of approval to Town Council of the Density Application, subject to conditions; and

WHEREAS, the Town Council held a public hearing on February 16, 2023 to consider the Density
Application, the DRB's recommendations, and testimony and comments from the Applicant, Town Staff, and
members of the public, and voted to approve the Density Application, subject to conditions and a second
reading of this Ordinance to be held at a public hearing on, 2023; and
WHEREAS, the Town Council held a public hearing on, 2023 to consider the second reading of this Ordinance and testimony and comments from the Applicant, Town Staff, and members of the public, and voted to approve the Density Application; and
WHEREAS, the public hearings and meetings to consider the Density Application were duly noticed and held in accordance with the Town's Community Development Code ("CDC"); and

WHEREAS, the Town Council has considered the criteria set forth in Section 17.4.9 of the CDC and finds that each of the following has been satisfied or will be satisfied upon compliance with the conditions of this Ordinance set forth below:

- 1. The proposed rezoning is in general conformity with the policies, principles and standards set forth in 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; and
- 8. The proposed rezoning meets all applicable Town regulations and standards.

WHEREAS, the Town Council has considered the criteria set forth in Section 17.4.10 of the CDC and finds that each of the following has been satisfied or will be satisfied upon compliance with the conditions of this Ordinance set forth below:

- 1. The criteria for decision for a rezoning are met, since such density transfer must be processed concurrently with a rezoning development application (except for MPUD development applications);
- 2. The density transfer meets the density transfer and density bank policies; and
- 3. The proposed density transfer meets all applicable Town regulations and standards.

WHEREAS, the Town Council now desires to approve the Density Application, subject to the terms and conditions set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO, as follows:

<u>Section 1. Recitals</u>. The above recitals are hereby incorporated as findings of the Town Council in support of the enactment of this Ordinance.

<u>Section 2. Approvals</u>. The Town Council hereby approves the Density Application, subject to the conditions set forth below. All exhibits to this Ordinance are available for inspection at the Town Clerk's Office. The Town Council specifically approves the following density transfer:

Table 1. Lots 619 and 638-C Zoning Designations and Density – Existing and Proposed

	Existing Zoning Designations Built	Existing Zoning Designations Platted, Unbuilt	Proposed Zoning Designations Built	Proposed Zoning Designations Platted, Unbuilt	Person Equivalents	Total Person Equivalents
Lot 619	1	0	1	0	4	
Lot 638-C	0	1	0	0	4	
			TOTAL:			8

Lot 619-R	1	0	1	0	4	4
To Density Bank (from 6358-C)				1	4	4
			TOTAL:			8

<u>Section 3. Conditions</u>. The approval of the Density Application is subject to the following terms and conditions:

- 3.1. The Town Council must separately approve the Subdivision Application.
- 3.2. All conditions of approval of the Subdivision Application as set forth in Resolution 2023-\_\_ ("Subdivision Approval") are incorporated as conditions of this approval.
- 3.3. The density transfer authorized hereby shall not be effective until the Effective Date of this Ordinance.
- 3.4. The owner of record of density in the Density Bank 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.
- 3.6. All representations of the Applicant, whether within Rezoning or Subdivision Applications submittal materials or at the DRB or Town Council public hearings, are conditions of this approval.
  - 3.7. Town staff shall update the density bank and lot list accordingly.

1	
Section 4. Severability. If any portion of this Ordin severed from this Ordinance and the remaining provis	nance is found to be void or ineffective, it shall be deemed ions shall remain valid and in full force and effect.
	me effective on, 2023 ("Effective Date") and pt for that purpose and shall be authenticated by the signatures
Section 6. Public Hearing. A public hearing on this the Town Council Chambers, Town Hall, 455 Mounta	Ordinance was held on the day of, 2023 in in Village Blvd., Mountain Village, Colorado 81435.
Section 7. Publication. The Town Clerk or Deputy T required by Article V, Section 5.8 of the Charter.	own Clerk shall post and publish notice of this Ordinance as
INTRODUCED, READ, AND REFERRED to Mountain Village, Colorado on the 16 <sup>th</sup> day of F	public hearing before the Town Council of the Town of Jebruary, 2023.
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 this day of, 2023.	he Town Council of the Town of Mountain Village, Colorado
TOWN OF MOUNTAIN VILLAGE:	TOWN OF MOUNTAIN VILLAGE, COLORADO A HOME-RULE MUNICIPALITY
ATTEST:	By:Laila Benitez, Mayor
Susan Johnston, Town Clerk	
Approved as to Form:	
David McConaughy, Town Attorney	

<ol> <li>I, Susan Johnston, the duly qualified and acting To ("Town") do hereby certify that:</li> <li>The attached copy of Ordinance No. 2023 ("On the copy of Ord</li></ol>				
2. The Ordinance was introduced, read by title, apprethe Town Council the Town ("Council") at a regular Blvd., Mountain Village, Colorado, on Town Council as follows:	ılar meetir	ng held at	Town Hall,	455 Mountain Village
Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tem				
Marti Prohaska				
Harvey Mogenson				
Patrick Berry				
Peter Duprey				
Jack Gilbride				
the Town, on, 2023 in accordance Home Rule Charter.		( )		
	the Town Blvd., Mo	Council untain Vil ered, read	at a regular lage, Colora l by title, a	meeting of the Town do, on and approved withou
<ul><li>4. A public hearing on the Ordinance was held by Council held at Town Hall, 455 Mountain Village 2023. At the public hearing, the Ordinance wamendment by the Town Council, by the affirmat</li></ul>	the Town Blvd., Mo as considerate vote of	Council untain Vil ered, read f a quorun	at a regular lage, Colora l by title, a n of the Tow	meeting of the Town  and, on  and approved withou  on Council as follows:
<ul> <li>4. A public hearing on the Ordinance was held by Council held at Town Hall, 455 Mountain Village 2023. At the public hearing, the Ordinance was amendment by the Town Council, by the affirmat Council Member Name</li> </ul>	the Town Blvd., Mo	Council untain Vil ered, read	at a regular lage, Colora l by title, a	meeting of the Town do, on and approved withou
<ul> <li>4. A public hearing on the Ordinance was held by Council held at Town Hall, 455 Mountain Village 2023. At the public hearing, the Ordinance wamendment by the Town Council, by the affirmat Council Member Name</li> <li>Laila Benitez, Mayor</li> </ul>	the Town Blvd., Mo as considerate vote of	Council untain Vil ered, read f a quorun	at a regular lage, Colora l by title, a n of the Tow	meeting of the Town  and, on  and approved withou  on Council as follows:
<ul> <li>4. A public hearing on the Ordinance was held by Council held at Town Hall, 455 Mountain Village 2023. At the public hearing, the Ordinance was amendment by the Town Council, by the affirmat Council Member Name</li> </ul>	the Town Blvd., Mo as considerate vote of	Council untain Vil ered, read f a quorun	at a regular lage, Colora l by title, a n of the Tow	meeting of the Town  and, on  and approved withou  on Council as follows:
<ul> <li>4. A public hearing on the Ordinance was held by Council held at Town Hall, 455 Mountain Village 2023. At the public hearing, the Ordinance wamendment by the Town Council, by the affirmat Council Member Name Laila Benitez, Mayor Dan Caton, Mayor Pro-Tem</li> </ul>	the Town Blvd., Mo as considerate vote of	Council untain Vil ered, read f a quorun	at a regular lage, Colora l by title, a n of the Tow	meeting of the Town  and, on  and approved withou  on Council as follows:
<ul> <li>4. A public hearing on the Ordinance was held by Council held at Town Hall, 455 Mountain Village 2023. At the public hearing, the Ordinance wamendment by the Town Council, by the affirmate Council Member Name Laila Benitez, Mayor Dan Caton, Mayor Pro-Tem Marti Prohaska </li> </ul>	the Town Blvd., Mo as considerate vote of	Council untain Vil ered, read f a quorun	at a regular lage, Colora l by title, a n of the Tow	meeting of the Town  and, on  and approved withou  on Council as follows:
<ul> <li>Home Rule Charter.</li> <li>4. A public hearing on the Ordinance was held by Council held at Town Hall, 455 Mountain Village 2023. At the public hearing, the Ordinance wamendment by the Town Council, by the affirmat Council Member Name Laila Benitez, Mayor Dan Caton, Mayor Pro-Tem Marti Prohaska Harvey Mogenson </li> </ul>	the Town Blvd., Mo as considerate vote of	Council untain Vil ered, read f a quorun	at a regular lage, Colora l by title, a n of the Tow	meeting of the Town  and, on  and approved withou  on Council as follows:
Home Rule Charter.  4. A public hearing on the Ordinance was held by Council held at Town Hall, 455 Mountain Village 2023. At the public hearing, the Ordinance wamendment by the Town Council, by the affirmat Council Member Name  Laila Benitez, Mayor  Dan Caton, Mayor Pro-Tem  Marti Prohaska  Harvey Mogenson  Patrick Berry	the Town Blvd., Mo as considerate vote of	Council untain Vil ered, read f a quorun	at a regular lage, Colora l by title, a n of the Tow	meeting of the Town  and, on  and approved withou  on Council as follows:
<ul> <li>4. A public hearing on the Ordinance was held by Council held at Town Hall, 455 Mountain Village 2023. At the public hearing, the Ordinance w amendment by the Town Council, by the affirmat</li> <li>Council Member Name <ul> <li>Laila Benitez, Mayor</li> <li>Dan Caton, Mayor Pro-Tem</li> <li>Marti Prohaska</li> <li>Harvey Mogenson</li> <li>Patrick Berry</li> <li>Peter Duprey</li> </ul> </li> </ul>	the Town Blvd., Moras considerive vote of "Yes"  alled with the cords of the	Council untain Vilered, read fa quorun "No"	at a regular lage, Colora by title, an of the Tow	meeting of the Town ado, on and approved without on Council as follows:  Abstain  by me as Town Clerk

### Exhibit A

### [LIST OF REZONING APPLICATION MATERIALS]

#### Dear Planning;

The following is information (or narrative) regarding the request to vacate the lot line between Lots 619 and 638-C.

Lots 619 and 638-C are commonly owned by Gwen and Harvey Mogenson (through revocable trusts), the "Applicants". The properties are located at 214 Adams Ranch Road in Mountain Village. The Applicants request that the common lot line between the two lots be vacated to combine the lots into a single residential lot. A residence is sited on Lot 619. Lot 638-C is vacant with no improvements. The Applicants have no current intention to sell or develop Lot 638-C. Therefore, it is appropriate to combine the lots into a single residential lot; which is the current use.

The following are the responses to the criteria in the CDC for a "minor subdivision" and a "density transfer".

**Minor Subdivisions.** The following criteria shall be met for the review authority to approve a lot line vacation, lot line adjustment, easement vacation or similar subdivision:

a. The lots resulting from the adjustment or vacation are in compliance with Town Zoning and Land Use Regulations and Subdivision Regulations;

<u>Applicants:</u> Yes, both lots are single family residential and the resulting single lot would have the same designation. Therefore, this condition is being met.

b. The proposed subdivision is in general conformance with the goals, policies and provisions of the Comprehensive Plan;

Applicants: Yes, this condition is being met.

c. Subdivision access is in compliance with Town standards and codes unless specific variances have been granted in accordance with the variance provisions of this CDC;

Applicants: Yes, access is unchanged, so this condition is being met.

d. Easements are not affected, or have been relocated to the satisfaction of the utility companies and/or the benefited party under the easement or, in the case of vacated easements, the easement is no longer necessary due to changed conditions, and the easement vacation has been consented to by the benefited party under the easement;

Applicants: No easements are affected or changed; therefore, this condition is being met.

and,

e. The proposed subdivision meets all applicable Town regulations and standards.

Applicants: Yes, this condition is being met.

The following criteria shall be met for the Review Authority to approve a **density transfer**:

a. The criteria for decision for a rezoning are met, since such density transfer must be processed concurrently with a rezoning development application (except for MPUD development applications);

Applicants: Yes, this condition is being met.

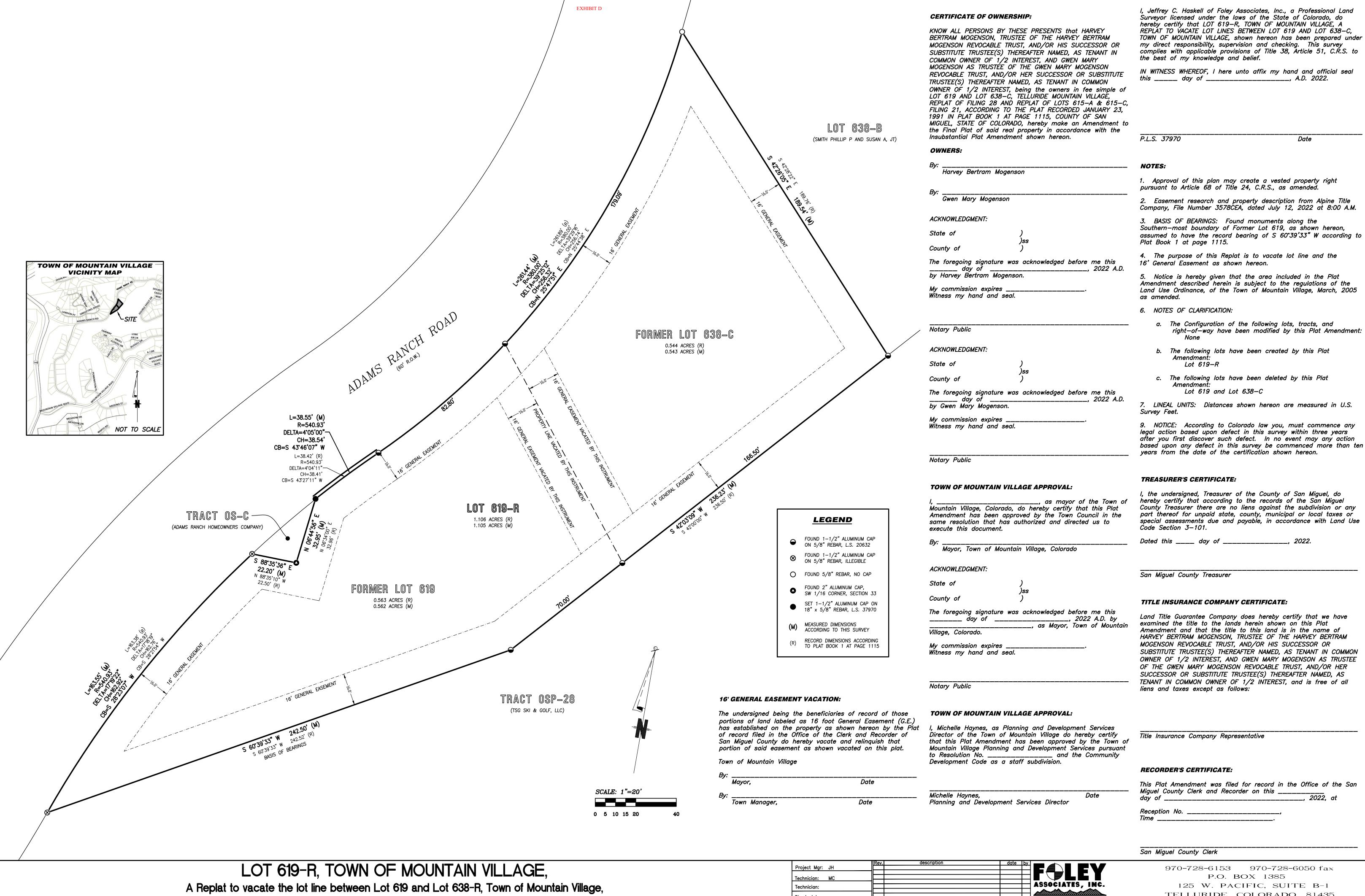
b. The density transfer meets the density transfer and density bank policies;

Applicants: Yes, this condition is being met.

and,

c. The proposed density transfer meets all applicable Town regulations and standards.

Applicants: Yes, this condition is being met.



located within the SW 1/4 of Section 33, T.43N., R.9W., N.M.P.M., County of San Miguel, State of Colorado.

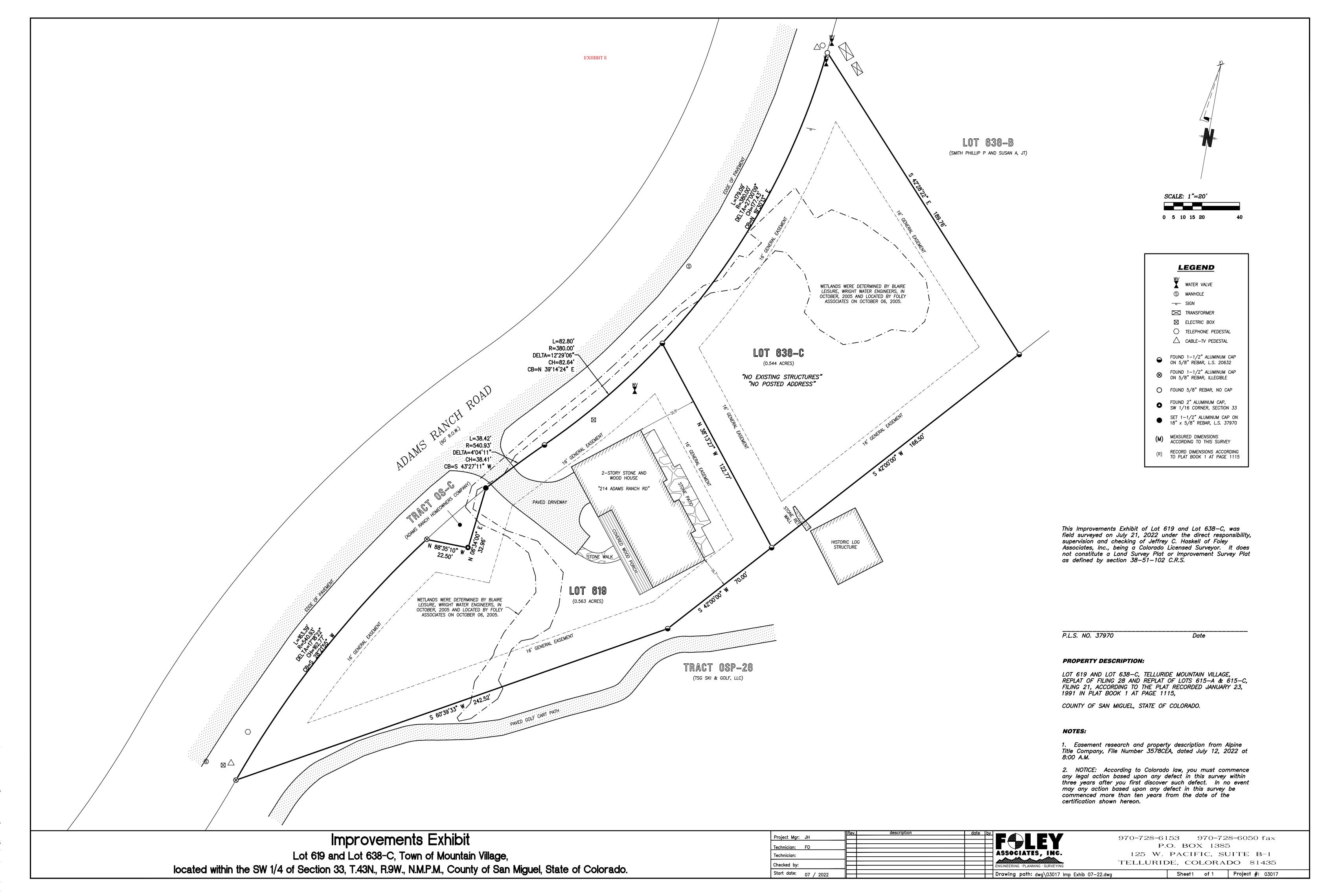
Checked by

Start date: 07 / 2022

TELLURIDE, COLORADO 81435 Sheet1 of 1 Project #: 03017

─ Drawing path: dwg\03017 Replat 07-22 (Vacation).dwg

**SURVEYOR'S CERTIFICATE:** 



F:Jobs/JOBS2003/03017/dwg/03017 Imp Exhib 07-22.dwg, 7/26/2022 4



#### **EXHIBIT F**

#### **DEVELOPMENT REFERRAL FORM**

#### Planning & Development Services Planning Division

455 Mountain Village Blvd. Ste. A Mountain Village, CO 81435 (970) 728-1392

Referral Agency Comments Lot 619 & 638-C, 214 Adams Ranch Road:

Ranch Road:
Hi Claire,
Public Works has no issues with this application.
Finn
Claire,
Approval from TFPD.
Kind regards,



## PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

455 Mountain Village Blvd. Mountain Village, CO 81435 (970) 369-8250

#### Agenda Items No. 21

TO: Town Council

**FROM:** Design Workshop on behalf of the Town of Mountain Village

FOR: Meeting of March 16, 2023

**DATE:** March 6, 2023

**RE:** Consideration of a Resolution Approving a Height Variance at Lot 165 Unit

4, 140 Cortina Drive, pursuant to CDC Section 17.3.11&12 and 17.4.16

**Legal Description:** Unit 4 Cortina Land Condominiums Acc To The Map Of The Cortina Land

Condominiums A Colorado Common Interest Community Lot 165 Town Of Mountain Village Rec Nov 30 2004

PI 1 Pa

3400 Thru 3401 And Also Acc To The Declaration Rec Nov 30 2004 At

Rec Num 370697

Address: 140 Cortina Drive Applicant/Agent: Kristine Perpar,

Shift Architects LLC

Owner: Chalets at Cortina, LLC

Zoning: Multi-Family
Existing Use: Vacant

Proposed Use: Single-Family Condominium

Lot Size: .31 acres

### Adjacent Land Uses:

North: Multi-Family
East: Multi-Family
West: Multi-Family
South: Multi-Family

#### **ATTACHMENTS**

Exhibit A: Architectural Plan Set Exhibit B: Staff/Public Comments

Exhibit C: Resolution

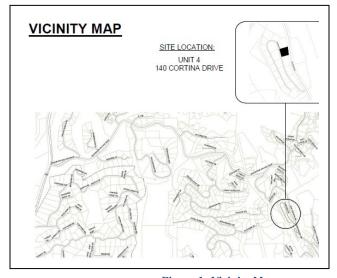


Figure 1: Vicinity Map

#### **BACKGROUND:**

Kristine Perpar of Shift Architects LLC is requesting a Height Variance to develop a new single-family detached condominium on Lot 165 Unit 4, 140 Cortina Drive.

The site is extremely sloped, with a majority of the site having a grade of over 70%. While the structure reads as a single story from Cortina Drive, it is a four-story building that steps down the site towards San Joaquin Road. Due to the slope of the site and the setback requirements, the applicant is requesting a maximum height and average height variance.

The DRB reviewed an initial application at a work session on November 16, 2023 and provided comments to the applicant to change the roof to gable and lower the height of the architecture to decrease the request of the height variances. The applicant revised the proposed structure accordingly, and presented to DRB at the March 2, 2023 meeting. At that meeting the DRB voted unanimously to make a positive recommendation to Town Council for the requested variance. The DRB also voted to approve the requested Initial Architecture and Site Review (IASR) at that meeting, which included a condition that if the Height Variance is not approved by Council, the applicant must return to DRB for an updated IASR review.

**Applicable CDC Requirement Analysis:** The applicable requirements cited may not be exhaustive or all-inclusive. The applicant is required to follow all requirements even if an applicable section of the CDC is not cited. **Please note that Staff comments will be indicated by** Italicized Text.

Table 1: Relevant information from CDC Sections 17.3.11-14; 17.5.6 (materials); 17-5.8 (parking)

CDC Provision	Requirement	Proposed
Maximum Building Height	40' (gabled) Maximum	53.79'
Avg. Building Height	35' Maximum	38.29'
Maximum Lot Coverage	65% (8,703.5 sq ft)	23% (3,091 sq ft)
General Easement Setbacks	No encroachment	GE Encroachment
Roof Pitch		
Primary		2:12
Secondary		1:12
Exterior Material		
Stone	35% minimum	36%
Windows/Door Glazing	40% maximum	14%
Metal	n/a	25%
Wood	n/a	23%
Parking	2 spaces*	2 interior/ 2 exterior**

<sup>\*</sup>Single family detached condominiums have historically followed the single family common interest requirement of the CDC of (2) required spaces

#### **Chapter 17.3: ZONING AND LAND USE REGULATIONS**

#### 17.3.11 and 17.3.12: Building Height and Building Height Limits

Sections 17.3.11 and 17.3.12 of the CDC provide the methods for measuring maximum building height and average building height, along with providing the height allowances for specific types of buildings based on their roof form. The proposed design incorporates

<sup>\*\*</sup> per direction of the DRB the proposed parking is likely to change slightly to accommodate a hammerhead turn-around, however it is expected that the applicant will still be meeting parking requirements

gable roof forms. Single-family, condominium developments are granted a maximum height of 35 feet with an additional 5 feet for gabled roof forms for a total of 40 feet and an average height of 35 feet. The average height is an average of measurements from a point halfway between the roof ridge and eave. The maximum height is measured from the highest point on a roof directly down to the existing grade or finished grade, whichever is more restrictive.

Staff: The primary roof form of the proposed structure is gabled and is therefore granted a maximum height of 40 feet and an average height of 35 feet. The applicant has indicated that the maximum height of the current proposed structure is 53.79 feet and has an average height of 39.29 feet. Due to the extreme slope of the site, with a majority of the site being above a 70 percent grade, the applicant is requesting a variance on both the maximum height and average height of 13.79 feet and 4.29 feet, respectively. The proposed structure reads as a single story off of Cortina Drive and a four-story home from San Joaquin Road. The height variances are desired to provide for additional stories and square footage, as the abnormally steep natural grade of the site limits the size of the building footprint and therefore the size of an individual story. Additionally, since the garage floor level is determined by the elevation of Cortina drive, it would be difficult to provide garage clearances as well as back-out space without exceeding allowable heights.

The applicant has indicated that they feel they are unable to increase the footprint of the home to reduce the overall height due to the untenable amounts of excavation and site disturbance that would otherwise be required to do so.

Figure 2 shows the 40 foot parallel offset to show portions of the structure above the 40-foot threshold.

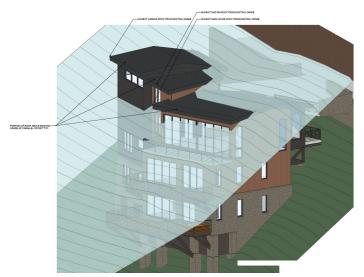


Figure 2: Height Analysis 3D Planar View with 40-foot offset

According to the CDC, the following criteria shall be met for the review authority to approve a variance:

a. The strict development application of the CDC regulations would result in exceptional and undue hardship upon the property owner in the development of property lot because

of special circumstances applicable to the lot such as size, shape, topography or other extraordinary or exceptional physical conditions;

Staff: The entirety of the lot has significant slopes, with a majority of the site having a slope greater than 70%. Additionally, the site is required to have a 30-foot setback off of San Joaquin Road which limits the ability of the home to step further into the site. Both circumstances limit the ability of the lot to adequately site a development within a strict application of the CDC regulation. Staff believes both of these issues could constitute special circumstances.

b. The variance can be granted without substantial detriment to the public health, safety and welfare;

Staff: This excess height poses no threat to public health, safety and welfare.

c. The variance can be granted without substantial impairment of the intent of the CDC;

Staff: Staff does not believe the granting of this variance represents a "substantial impairment of the intent of the CDC" as the proposed structure adheres to a majority of the design regulations if the CDC, as outlined throughout this memo.

d. Granting the variance does not constitute a grant of special privilege in excess of that enjoyed by other property owners in the same zoning district, such as without limitation, allowing for a larger home size or building height than those found in the same zone district:

Staff: The DRB has approved height variances before due to unique site conditions related to the slope of a lot. Council should discuss whether this variance represents the granting of special privilege in excess of that enjoyed by other property owners.

e. Reasonable use of the property is not otherwise available without granting of a variance, and the variance being granted is the minimum necessary to allow for reasonable use;

Staff: The proposed development allows the lot to be used in a manner similar to that of other sites within the Cortina subdivision and throughout Mountain Village. The applicant made changes to the design based on feedback from the November 2022 DRB meeting to lower the requested variance height to the current ask of 13.79 feet for maximum height and 4.29 feet for average height, and DRB recommended approval of the proposed variance at their March 2, 2023 meeting.

Council should discuss whether they believe the current proposal falls within the definition of reasonable use and whether a variation is necessary to achieve reasonable use. If a variation is deemed necessary Council should determine if this variation the minimum required to allow for use.

- f. The lot for which the variance is being granted was not created in violation of Town regulations or Colorado State Statutes in effect at the time the lot was created;
- g. The variance is not solely based on economic hardship alone; and
- h. The proposed variance meets all applicable Town regulations and standards unless a variance is sought for such regulations or standards.

Staff: Staff believes the criteria for f-h are all being met.

Staff Note: It should be noted that reasons for approval or rejection should be stated in the findings of fact and motion.

#### **DRB RECOMMENDATION**

The DRB by a unanimous vote of 7-0recommended approval to the Town Council regarding the height variance application for Lot 165 Unit 4 with conditions found in the proposed motion at their regular meeting on March 2, 2023.

#### **STAFF RECOMMENDATION**

In terms of the Height Variance Recommendation, Staff has provided a motion for both approval and denial depending on the findings of Town Council.

If Council chooses to **approve** of the **variance**, then staff suggests the following motion:

I move to approve a Resolution Approving a Height Variance at Lot 165, Unit 4, 140 Cortina Drive allowing a maximum height of 13.79 feet above the allowable and an average height of 4.29 feet above the allowable, per the height restrictions listed in the CDC for portions of a new single-family detached condominium located at Lot 165 Unit 4, 140 Cortina Drive based on the evidence provided in the staff record of memo dated March 6, 2023 and the findings of this meeting and with the following conditions:

- 1. The approved height variance is valid only with the design presented for Initial DRB review on August 4, 2022 and is valid only for the 18 month period of that design approval. One 6-month extension of the original design review approval is allowable.
- 2. The height variance is specific to the area described in the staff memo in figure 2, and represented in the DRB approved drawings. Should any modifications to the building design occur, including future expansion, that the variance would not cover portions of the building that are not thus described.

If Council choses to **deny** the resolution then staff suggests the following motion:

I move to deny Resolution Approving a Height Variance at Lot 165, Unit 4, 140 Cortina Drive based on the evidence provided in the staff record of memo dated March 6, 2023 and the findings of this meeting.

#### Shift Architects

**Date:** January 10, 2023

By: Kristine Perpar, Architect

**Sent to:** Mountain Village Planning Staff **Re**: Height Variance Application Narrative

Property Address: 140 Cortina Drive, Mountain Village, CO 81435

Dear Mountain Village Town Council and Design Review Board,

This narrative outlines the requested height variance at Lot 165-4, 140 Cortina Drive ("Cortina 4") and addresses the Criteria for Decision provided in the CDC for Variance Requests. Per the Community Development Code, "The purpose and intent of the variance process is to establish policies and procedure for granting a variance to the requirements of the CDC because the strict application of CDC requirements would cause exceptional and undue hardship on the development and use of [the] lot due to special circumstances existing relative to the lot such as size, shape, topography or other extraordinary or exceptional physical conditions".

The Cortina Subdivision, and particularly the lots along the downslope side of Cortina Drive face varying barriers to development related to extremely steep slopes. The CDC contemplates situations such as these and therefore allows for variances to be granted in instances where special circumstances such as topography limit the overall developability of the Lot. As noted on the topographic existing conditions plan, the entirety of the Lot is in areas exceeding 30% slope with the majority of the Lot being an average of 70% slope. We believe that because of the extreme steepness of Cortina 4, the strict implementation of the Maximum Height and Maximum Average Height Requirements of the CDC would in fact cause exceptional and undue hardship as it relates to the development and enjoyment of Cortina 4 in comparison to other homes within the Cortina Subdivision and Mountain Village as a whole. This variance request is necessary for the development of this home and without some relief from the CDC requirements, the Lot will be unable to be constructed to similar standards as other homes.

The Design Review Board (DRB) discussed the initial concept for the home's design at a special meeting on November 16, 2022 where it appeared the DRB sympathized with the difficult site conditions but gave specific direction for design changes to better meet the intent of the CDC. As such, the following modifications were made as part of this resubmittal.

- The roof form has been changed from a shed roof to a gable roof granting a taller maximum and maximum average building height allowance under the CDC height provisions.
- 2. The homes overall height has been reduced with the exception of the garage area due to necessary access and parking grades. This has resulted in a reduced variance request for both maximum and maximum average building height.

Although these changes have reduced the overall variance request, it should be noted that the difficult site conditions still necessitate a variance request for Maximum and Maximum Average Building Height, 53.79' and 39.29' respectively. While the Maximum Building height request is shown at 13.79', the Maximum Average is only 4.29' above the allowed heights in the CDC – which further demonstrate the steepness of the lot given



#### Shift Architects

the variation in heights around the home especially along the Cortina Drive elevation where the design presents as a single level home.

**Slope Analysis:** Steep slopes exist throughout the Mountain Village but in terms of difficulty of development, the lots on the northeast boundary of the Cortina Subdivision face some of the most difficult conditions for slope in our community. The approximate elevations of the site start at a high point of 9820 feet and slope dramatically down to the low point of 9735 feet. This equates to 85 feet of drop over approximately 120 feet of linear distance from high point to the low point of the site which roughly averages a 70% slope for this site. In addition to the slope, the retaining wall location on Cortina Drive provides additional difficulties with slope and access.

Design and Square Footage: At the November 16, 2022 work session with the DRB, an alternative design option was shown that increased livable square footage within the home below the garage area. The DRB expressed general comfort with this modified design and these changes have been incorporated into this revised submittal. The current gross square footage of the home is 5,589.50 sq. ft. which is in line with other homes in the Cortina Neighborhood. Due to the steepness of the site, it is preferable to utilize an elevated pier foundation for portions of the home rather than create large excavations on such a steep slope - which we feel would be much more intensive and impactful to the landscape. Cortina 4 is burdened by typical General Easements (GEs), but it should be noted that on this site, there is an increased 30-foot GE located on the downslope portion of the site adjacent to San Joaquin Road. It's important to contemplate Cortina Drive as it relates to this application (see exhibit A.1) as the drive is elevated from the building site with a retaining wall. This coupled with the Front 16' GE has created a necessity to push the home towards the center of the Lot which in turn results in more extreme grades for the home, that as mentioned above average 70% across the site.

The home is visually similar to other homes in the Mountain Village that have recently received Height Variance approvals, in that from the front lot line, the home appears to have the massing of a single-story home. As aforementioned, the DRB requested all portions of the home with the exception of the garage be pushed down the slope in order to reduce the overall height request, which has been shown within the revised design materials. By stepping the home down the hillside as it traverses from the high point to low point, the overall massing has been attempted to be reduced, but the ability to continue stepping the home down the hillside has been hindered by the increased 30' GE at the rear of the home. Overall, the home is aligned in size to neighboring homes along Cortina Drive, and the lot coverage at approximately half of the allowable coverage for the site (23/40%).

The siting of the home was necessitated by access, parking, and the General Easement locations, but the CDC otherwise specifies that buildings shall be sited based on the consideration of influences such as surrounding development, shade and shadow, views, solar exposure, natural vegetation, and water run-off. The intent of this design was to provide logical site access but more importantly limit disturbances to the extremely steep slopes on the site. If the home's size was increased or if the foundation design for portions of the home was modified, it would directly correlate to increased excavation and site impacts for this project that do not appear to be necessary with this design.



**Variance Request:** The proposed development necessitates a height variance for both Maximum Building Heights and Average Building Heights. These heights are demonstrated on Page A2.2 and A2.3 of the architectural plan set.

**Criteria for Decision:** The following criteria have been addressed and we feel that we are meeting the entirety of the CDC requirements within this application, narrative, and architectural plan set; allowing for the granting of the Variance by Town Council.

- 1. The following criteria shall be met for the review authority to approve a variance:
  - a. The strict development application of the CDC regulations would result in exceptional and undue hardship upon the property owner in the development of property lot because of special circumstances applicable to the lot such as size, shape, topography or other extraordinary or exceptional physical conditions;

Note: As discussed above, there are special circumstances as it relates to Cortina 4 that create exceptional hardship in the strict implementation of the Maximum Building Height and Average Building Height requirements of the CDC. The hardship is not self-created in that it relates entirely to the extreme steepness of this specific Lot. The proposed design of the home has attempted to limit the overall heights and massing without impacting the overall desirability and enjoyment of the home as it compares to other homes in the Mountain Village and Cortina Drive. We feel that by decreasing the home's size further and reducing the proposed heights to meet CDC requirements, the Lot would not be able to be enjoyed to the same extent as other properties in the Mountain Village given its unique topography. Additionally, we feel that we are unable to increase the footprint of the home to reduce the overall height due to the untenable amounts of excavation and site disturbance that would otherwise be required to do so. As noted earlier in this narrative, the home's design was modified to consider feedback from the DRB work session and we now feel that we are meeting the intent of this provision.

b. The variance can be granted without substantial detriment to the public health, safety and welfare;

Note: The public health, safety, and welfare will not be impacted from this proposal. Approval of the variance itself will not create any additional traffic, solar impacts, or stormwater impacts to neighboring properties above what would otherwise occur with construction of a single-family home in this location. The limited site coverage will minimize disturbance during construction and the stepped nature of the home paired with existing mature landscaping will limit view impacts associated with the home. The height increase alone will not trigger any detrimental effects to these standards and it would be assumed that less site disturbance would provide a benefit to these neighboring properties and the Town.



c. The variance can be granted without substantial impairment of the intent of the CDC:

Note: The CDC expressly allows for the granting of a variance under certain circumstances and hardships such as extreme topography which this site is subject. With this variance request, we believe that application is meeting the Intent of both the Zoning and Land Use Regulations along with the Design Regulations of the CDC.

d. Granting the variance does not constitute a grant of special privilege in excess of that enjoyed by other property owners in the same zoning district, such as without limitation, allowing for a larger home size or building height than those found in the same zone district;

Note: As discussed above, the proposed home design is aligned both in livable square footage and site coverage as compared to other homes within the Mountain Village and along Cortina Drive. The Town has approved residential height variance requests within the Cortina Subdivision and for other difficult lots facing topographic issues (IE. Steep Home Sites), and we feel that this request is in line with this past precedent.

e. Reasonable use of the property is not otherwise available without granting of a variance, and the variance being granted is the minimum necessary to allow for reasonable use;

Note: Reasonable use of this property is one that allows for the use of this Lot in a similar manner or alignment with other homes and Lots within the general vicinity of the proposal. Due to the steepness of the site in comparison to other sites within Mountain Village and Cortina Subdivision, we are requesting the variance to maximum building heights and maximum average building heights, but otherwise this project is in alignment with previous development seen within this area and throughout the Mountain Village. We feel that after incorporating the requested revisions from DRB, this is the minimum necessary to afford relief given the Lot's steep slopes.

f. The lot for which the variance is being granted was not created in violation of Town regulations or Colorado State Statutes in effect at the time the lot was created:

Note: Lot 165-4 is a legally created condominium land unit. At the time of its platting, it received approval from the Town and met Colorado State Statutes in effect.

g. The variance is not solely based on economic hardship alone; and

Note: This request is not based on economic hardship but rather feasibility of building a home on this Lot given the access and slope constraints.

h. The proposed variance meets all applicable Town regulations and standards unless a variance is sought for such regulations or standards.

Note: As outlined within this narrative, we believe that this application is meeting all requirements and criteria necessary for the approval of this variance request to allow for



#### **Shift** Architects

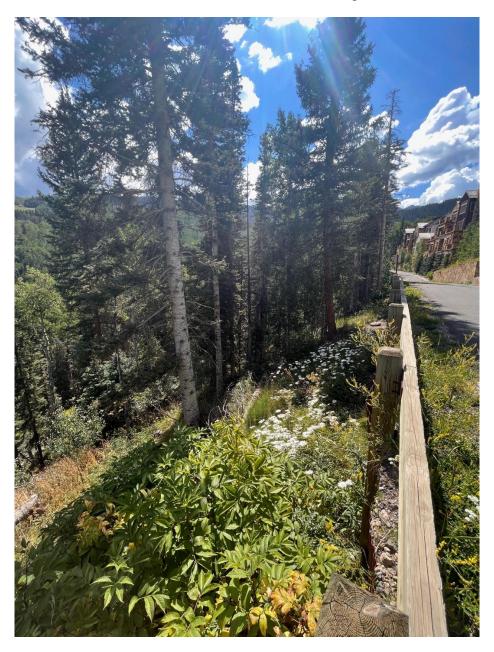
increased Maximum Building Heights and Maximum Average Building Heights by Town Council. The application is otherwise meeting all requirements of the CDC.

Please let us know if you need any additional information or have any further comments Sincerely,

Kristine Perpar

Exhibit A: Cortina 4 - Site Photos

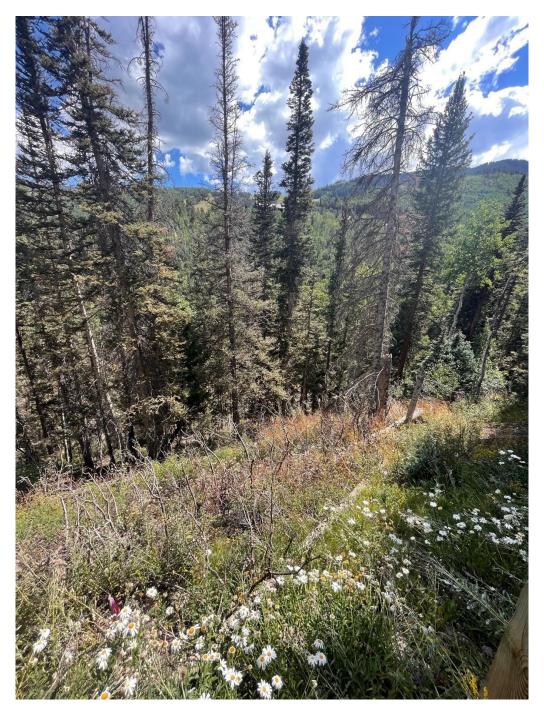




EXHIIT A.1: Site Photo from Cortina Drive facing South

Exhibit A.1 was taken from Cortina Drive and demonstrates the location of the necessary access from the drive contrasting with the building site to the left of the photo. Although difficult to visualize here, Cortina Drive is elevated above the site with a retaining wall that further complicates the ability to access the site and maintain heights required by the CDC. Note the dramatic drop in elevation as the site slopes downward.





EXHIIT A.2: Site Photo from Cortina Drive facing Southeast

Exhibit A.2 demonstrates the steepness of the site looking downward toward San Joaquin Drive. From this viewpoint, many mature trees are eye level with Cortina Drive which further demonstrates the steepness of the Lot and the necessity of the variance request.





EXHIIT A.3: Site Photo from San Joaquin Drive facing Northwest

Exhibit A.3 shows a portion of Road ROW and a large are of mature trees located within the rear 30-foot GE of Cortina 4. Given the elevation differences of the building site along with the treed nature of the bottom portion of Lot, there should be minimal impacts to views from the granting of this variance to adjacent properties.



## **GENERAL NOTES:**

CONTRACT DOCUMENTS CONSIST OF THE AGREEMENT, GENERAL CONDITIONS, SPECIFICATIONS, DETAIL BOOK AND DRAWINGS, WHICH ARE COOPERATIVE AND CONTINUOUS. WORK INDICATED OR REASONABLY IMPLIED IN ANY ONE OF THE DOCUMENTS SHALL BE SUPPLIED AS THOUGH FULLY COVERED IN ALL. ANY DISCREPANCIES BETWEEN THE PARTS SHALL BE REPORTED TO THE ARCHITECT PRIOR TO THE COMMENCEMENT OF WORK. THESE DRAWINGS ARE PART OF THE CONTRACT DOCUMENTS FOR THIS PROJECT. THESE DRAWINGS ARE THE GRAPHIC ILLUSTRATION OF THE WORK TO BE ACCOMPLISHED. ALL DIMENSIONS NOTED TAKE PRECEDENCE OVER SCALED DIMENSIONS. DIMENSIONS NOTES WITH "N.T.S." DENOTES NOT TO SCALE

THE DRAWINGS FOLLOW A LOGICAL, INTERDISCIPLINARY FORMAT: ARCHITECTURAL DRAWINGS (A SHEETS), CIVIL DRAWINGS (C SHEETS), STRUCTURAL (S SHEETS), MECHANICAL AND PLUMBING (M SHEETS), ELECTRICAL (E SHEETS) AND LIGHTING (LTG SHEETS).

### **CODE COMPLIANCE:**

ALL WORK, MATERIALS AND ASSEMBLIES SHALL COMPLY WITH APPLICABLE STATE AND LOCAL CODES, ORDINANCES AND REGULATIONS. THE CONTRACTOR, SUBCONTRACTORS AND JOURNEYMEN OF THE APPROPRIATE TRADES SHALL PERFORM WORK TO THE HIGHEST STANDARDS OF CRAFTSMANSHIP AND IN ACCORDANCE WITH AIA DOCUMENT A201-SECTION 3. THE BUILDING INSPECTOR SHALL BE NOTIFIED BY THE CONTRACTOR WHEN THERE IS NEED OF INSPECTION AS REQUIRED BY THE INTERNATIONAL BUILDING CODE OR ANY LOCAL CODE OR ORDINANCE.

THESE DOCUMENTS ARE INTENDED TO INCLUDE ALL LABOR, MATERIALS, EQUIPMENT AND SERVICES REQUIRED TO COMPLETE THE WORK DESCRIBED HEREIN.

#### **COORDINATION:**

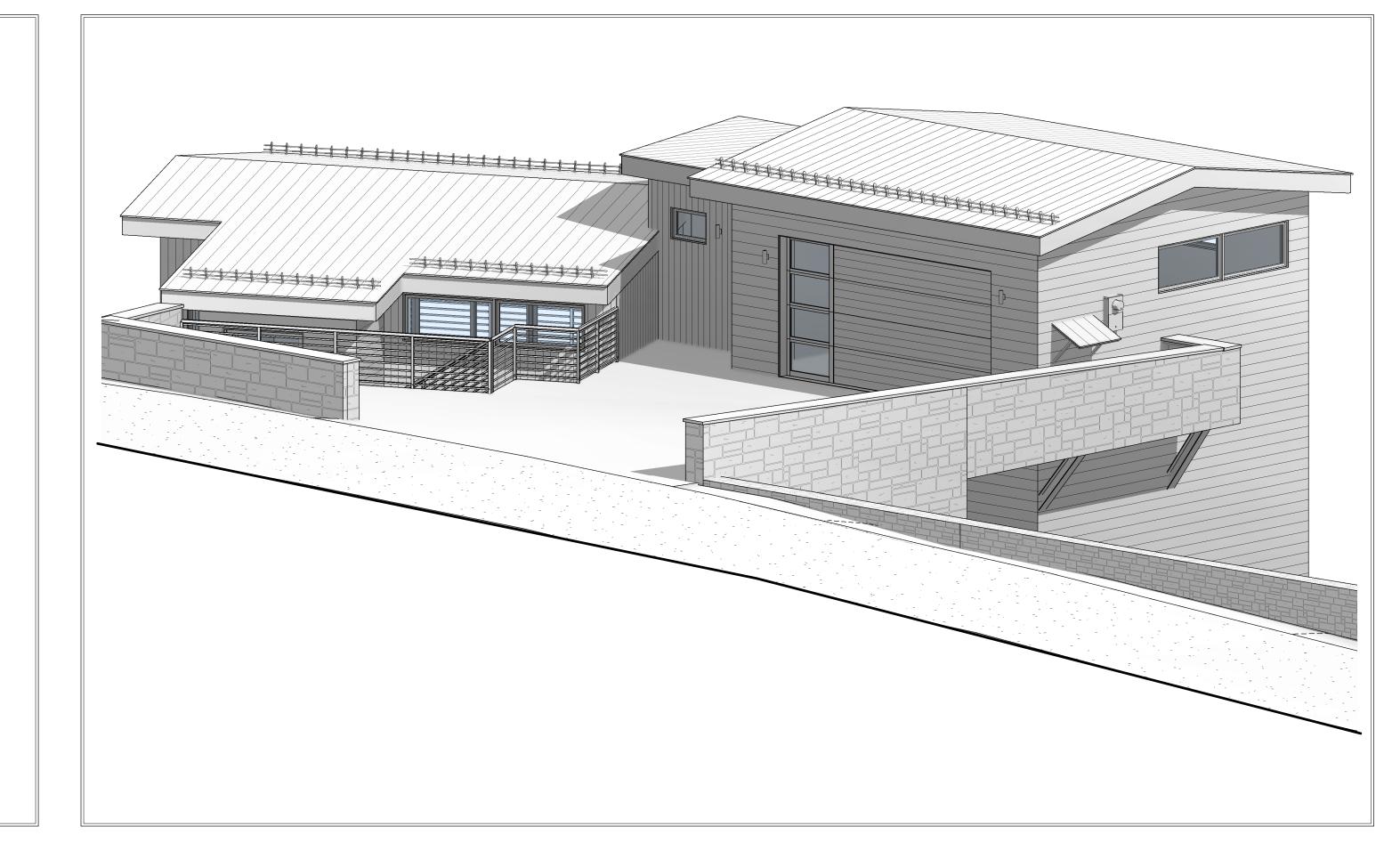
THE CONTRACTOR SHALL CAREFULLY STUDY AND COMPARE THE DOCUMENTS, VERIFY ACTUAL CONDITIONS AND REPORT ANY DISCREPANCIES, ERRORS OR OMISSIONS TO THE ARCHITECT IN A TIMELY MANNER. THE ARCHITECT SHALL CLARIFY OR PROVIDE REASONABLE ADDITIONAL INFORMATION REQUIRED FOR SUCCESSFUL EXECUTION. THE CONTRACTOR SHALL VERIFY AND COORDINATE ALL OPENINGS THROUGH FLOORS, CEILINGS AND WALLS WITH ALL ARCHITECTURAL, INTERIOR, STRUCTURAL, MECHANICAL AND PLUMBING, ELECTRICAL AND LIGHTING DRAWINGS. CONTRACTOR WILL ASSUME RESPONSIBILITY OF ITEMS REQUIRING COORDINATION AND RESOLUTION DURING THE BIDDING PROCESS

ANY MATERIALS PROPOSED FOR SUBSTITUTION OF THOSE SPECIFIED OR THE CALLED-OUT-BY-TRADE-NAME IN THESE DOCUMENTS SHALL BE PRESENTED TO THE ARCHITECT FOR REVIEW. THE CONTRACTOR SHALL SUBMIT SAMPLES WHEN REQUIRED BY THE ARCHITECT AND SUCH SAMPLES SHALL BE REVIEWED BY THE ARCHITECT BEFORE THE WORK IS PERFORMED. WORK MUST CONFORM TO THE REVIEWED SAMPLES. ANY WORK WHICH DOES NOT CONFORM SHALL BE REMOVED AND REPLACED WITH WORK WHICH CONFORMS AT THE CONTRACTOR'S EXPENSE. SUBCONTRACTORS SHALL SUBMIT REQUESTS FOR REVIEW THROUGH THE GENERAL CONTRACTOR WHEN WORK IS LET THROUGH HIM OR HER. REQUIRED VERIFICATION AND SUBMITTALS TO BE MADE IN ADEQUATE TIME AS NOT TO DELAY WORK IN PROGRESS.

SHOP DRAWINGS SHALL BE SUBMITTED TO THE ARCHITECT FOR HIS OR HER REVIEW WHERE CALLED FOR ANYWHERE IN THESE DOCUMENTS. REVIEW SHALL BE MADE BY THE ARCHITECT BEFORE WORK IS BEGUN, AND WORK SHALL CONFORM TO THE REVIEWED SHOP DRAWINGS, SUBJECT TO REPLACEMENT AS REQUIRED IN PARAGRAPH "SUBSTITUTIONS" ABOVE.

### **SAFETY & PROTECTION OF WORK**

THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY AND CARE OF ADJACENT PROPERTIES DURING CONSTRUCTION FOR COMPLIANCE WITH FEDERAL AND STATE O.S.H.A. REGULATIONS, AND FOR THE PROTECTION OF ALL WORK UNTIL IT IS DELIVERED COMPLETED TO THE OWNER.



# PROJECT CODE INFORMATION

ZONING: MULTI-FAMILY

**BUILDING CODE:** IRC 2018 AND ALL APPLICABLE CODES AS

REQUIRED BY THE TOWN OF MOUNTAIN

VILLAGE

**DESCRIPTION:** SINGLE FAMILY RESIENCE

OCCUPANCY CLASSIFICATION R-3

**AUTOMATIC FIRE SPRINKLER:** MONITORED NFPA 13D SPRINKLER SYSTEM

REQUIRED (OVER 3600 SF)

MECHANICAL - 1 HR

MONITORED NFPA 72 ALARM SYSTEM NATIONAL FIRE ALARM & SIGNALING CODE: **REQUIRED** 

FIRE RESISTIVE RATING: GARAGE - 1 HR

## PROJECT INFORMATION

PROPOSED FLOOR AREA: WALKOUT LEVEL

GARAGE

1,981.24 SF LOWER LEVEL 1,486.99 SF 1,256.65 SF **GROUND LEVEL** MUD ROOM LEVEL

236.65 SF **TOTAL FLOOR AREA:** 627.97 SF

SEE SHEET A2.2 / A2.3 FOR MAXIMUM BUILDING HEIGHT CALCULATIONS

5,589.50 SF TOTAL:

LOT AREA: .3074 ACRES (13,390 SF)

LOT COVERAGE: **ALLOWABLE** (40% MAX) 5,356 SF **PROPOSED** (23%) 3,091 SF

**SEE SHEET A2.1 FOR 40' PARALLEL OFFSET** 

CDC TABLE 3-3 FOOTNOTE 1) PROPOSED 53.79' (GARAGE)

MAX AVERAGE HEIGHT: ALLOWABLE 35'-0" PROPOSED

PARKING REQUIRED:

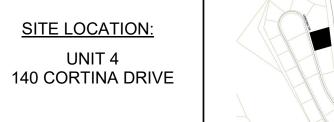
MAX BUILDING HEIGHT

38.29'

4 SPACES PROVIDED (4 REQUIRED) (2 ENCLOSED IN GARAGE) (2 SURFACE SPACES)

40'-0" (35'-0" + 5'-0" GABLE RIDGE,

# **VICINITY MAP**







## **PROJECT TEAM**

### OWNER:

CHALETS AT CORTINA LLC A CO LLC 3521 N 32ND TER HOLLYWOOD, FL 330212618

ARCHITECT:

SHIFT ARCHITECTS, LLC KRISTINE PERPAR - ARCHITECT 100 WEST COLORADO STE. 211 TELLURIDE, CO 81435 P. 970.275.0263 kristine@shift-architects.com

### **GENERAL CONTRACTOR**

HOINS CONSTRUCTION BILL HOINS 137 SOCIETY DRIVE TELLURIDE, CO 81435 P. 970.728.9371 hoinsoffice@gmail.com

### **SURVEYOR**:

FOLEY ASSOCIATES, INC. 125 W. PACIFIC, SUITE B-1 P.O. BOX 1385 TELLURIDE, CO 81435 P. 970.728.6153

F. 970.728.6050

## <u>CIVIL</u>:

UNCOMPAHGRE ENGINEERING LLC DAVID BALLODE P.E. PO BOX 3945 TELLURIDE, CO 81435 P. 970.729.0683 dballode@msn.com

## STRUCTURAL:

**TELLURIDE ENGINEERING** JACK GARDNER, P.E. PO BOX 4045 TELLURIDE, CO 81435 P. 970.728.5440 jgardner.pe@gmail.com

### **MECHANICAL:**

HUGHES CONSULTING ENGINEERING, PA DIMITRI MERRILL. P.E. TELLURIDE, CO 81435 P. 970.239.1949 F. 785.842.2492 dimitri@hce-pa.com

### **LANDSCAPING**:

SHIFT ARCHITECTS, LLC KRISTINE PERPAR - ARCHITECT 100 WEST COLORADO STE. 211 TELLURIDE, CO 81435 P. 970.275.0263 kristine@shift-architects.com

# SHEET INDEX

### **GENERAL**

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REVISIONS

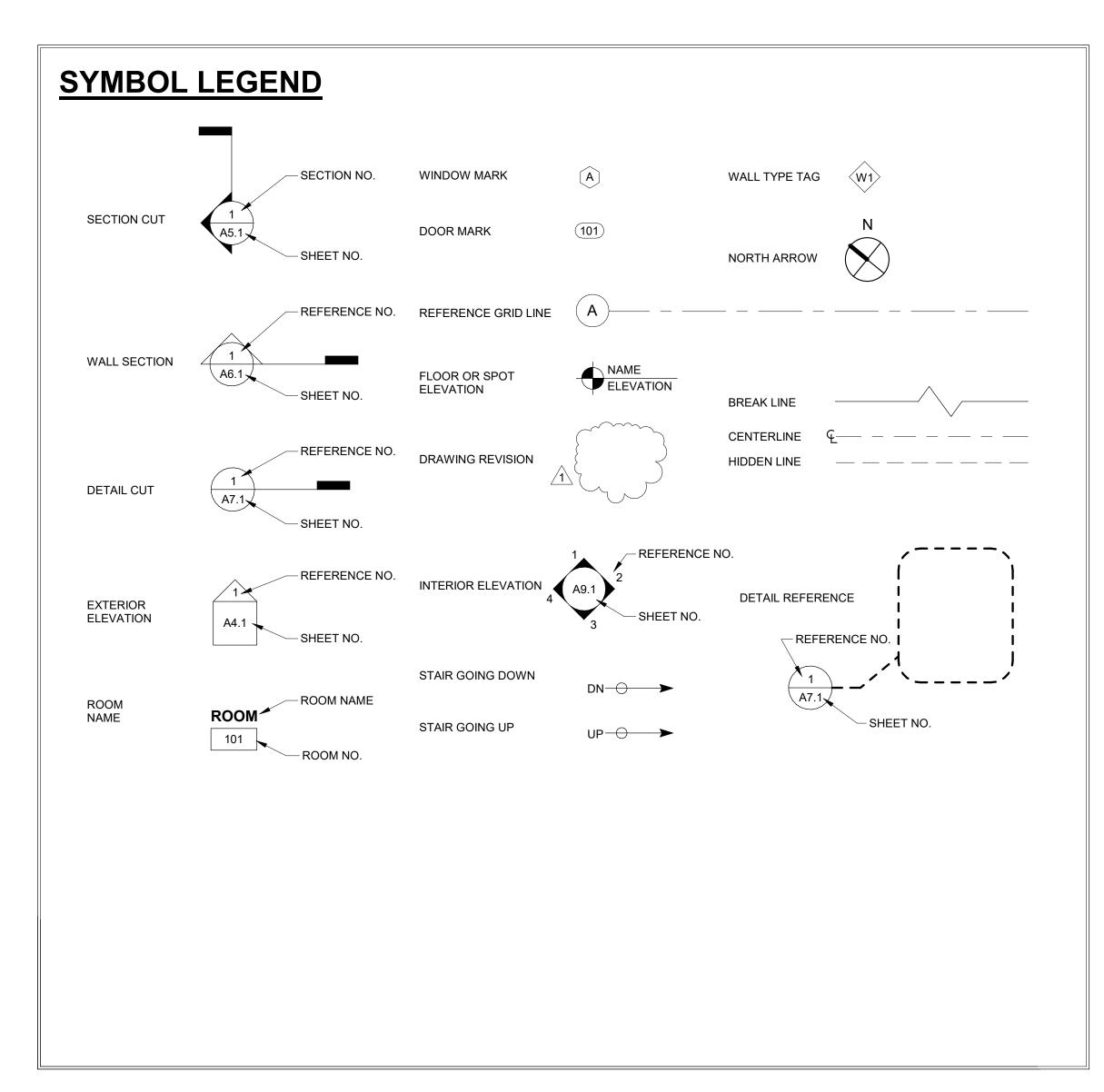
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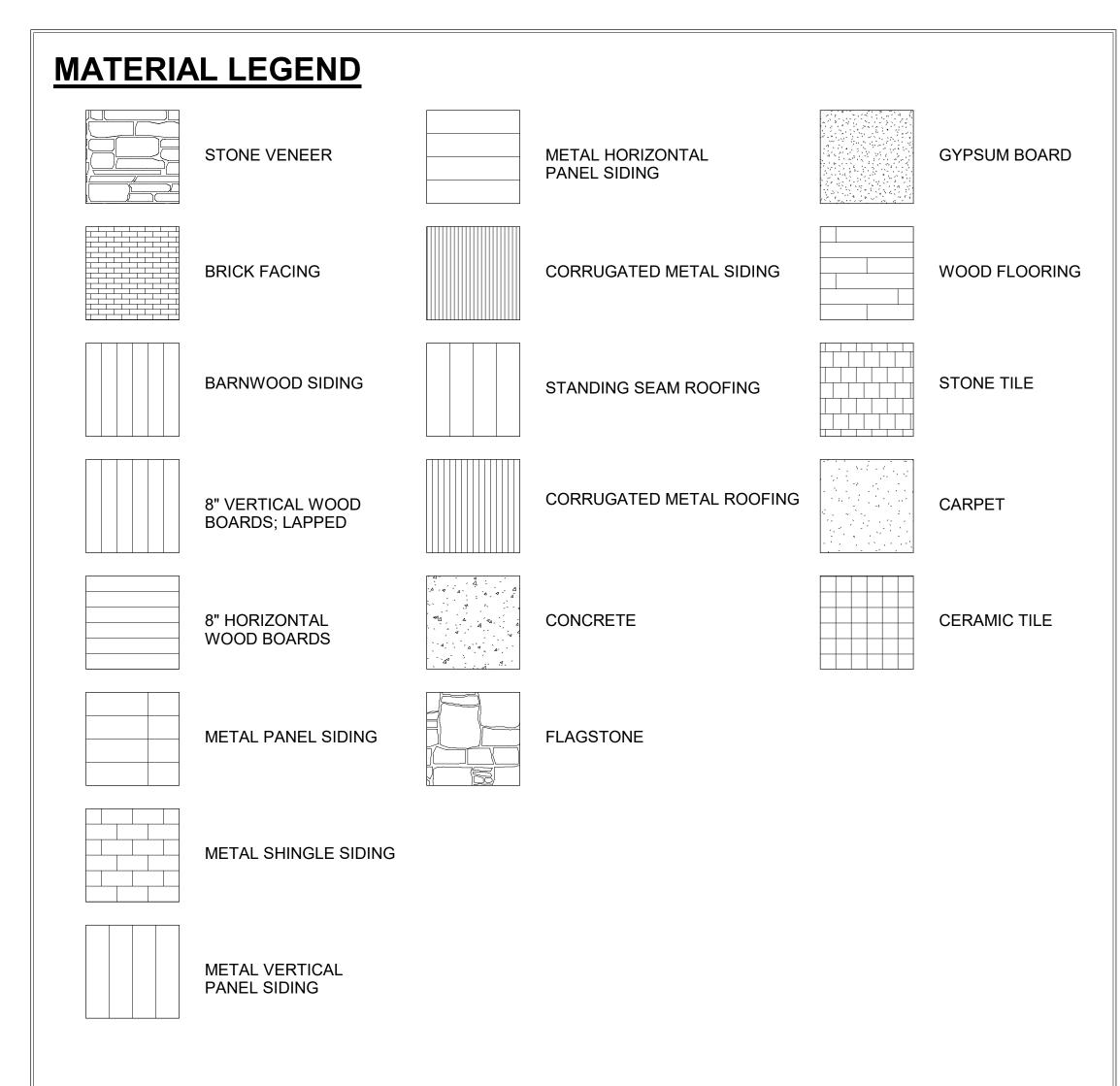
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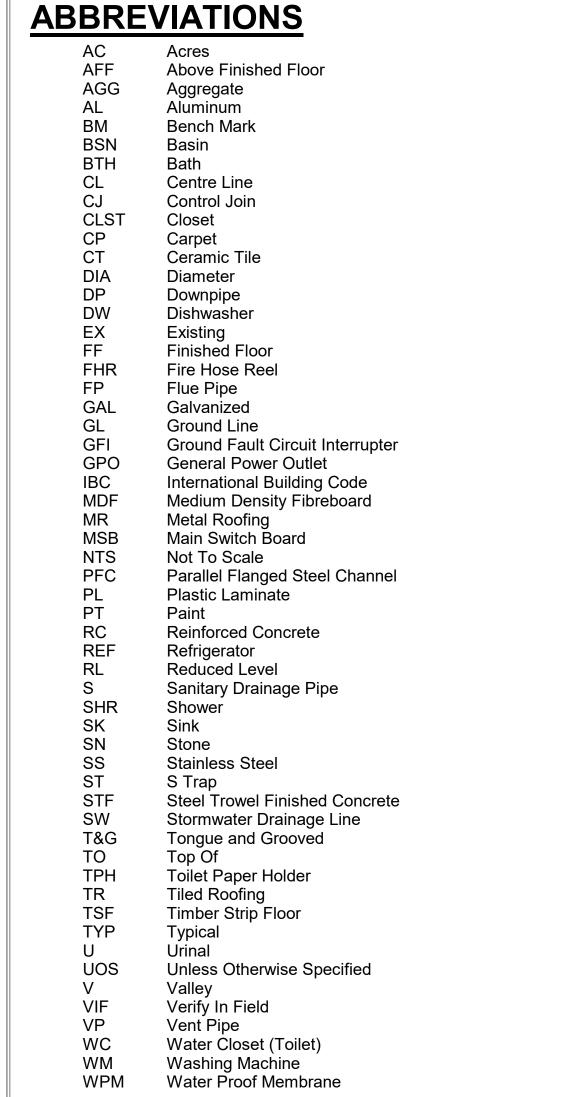
**COVER SHEET** 

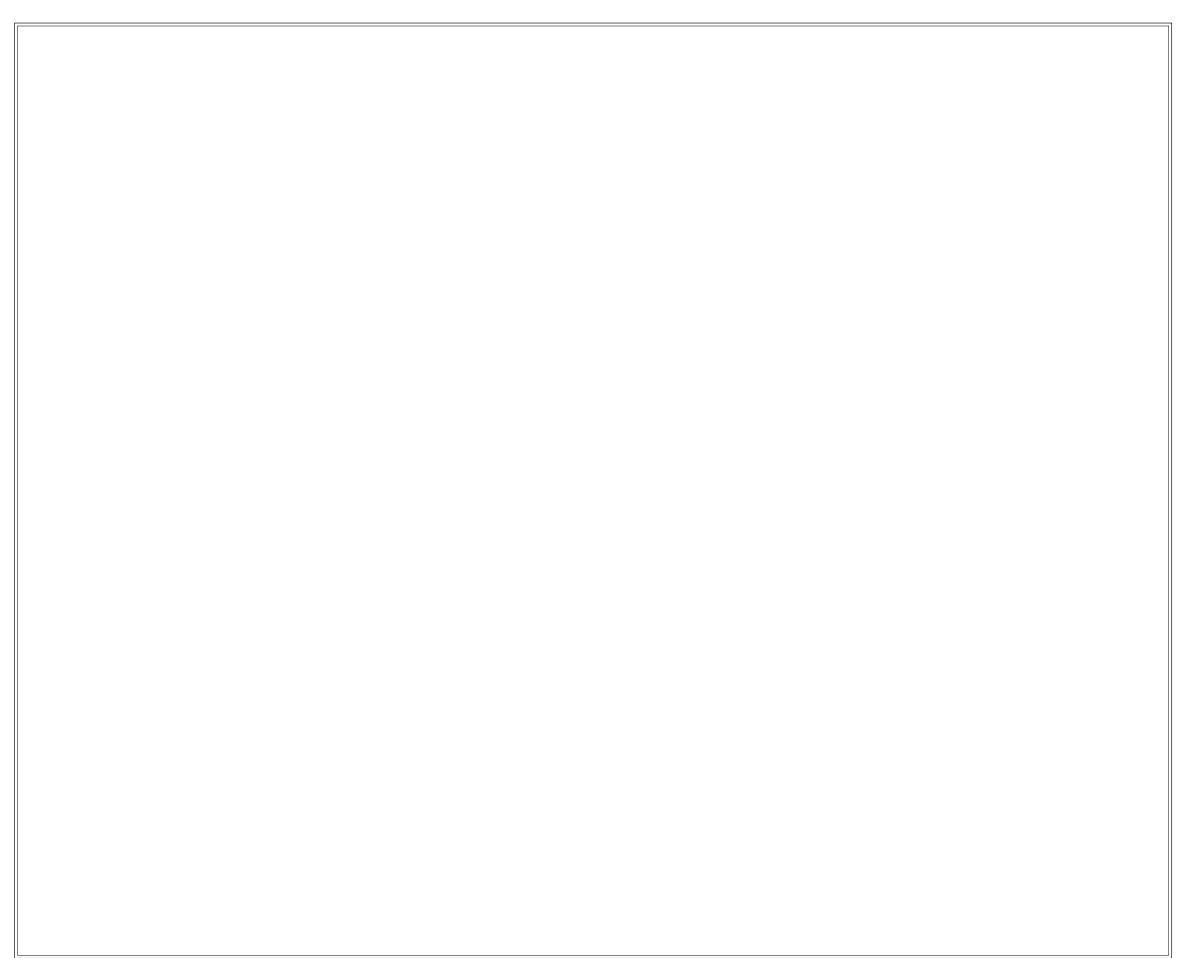
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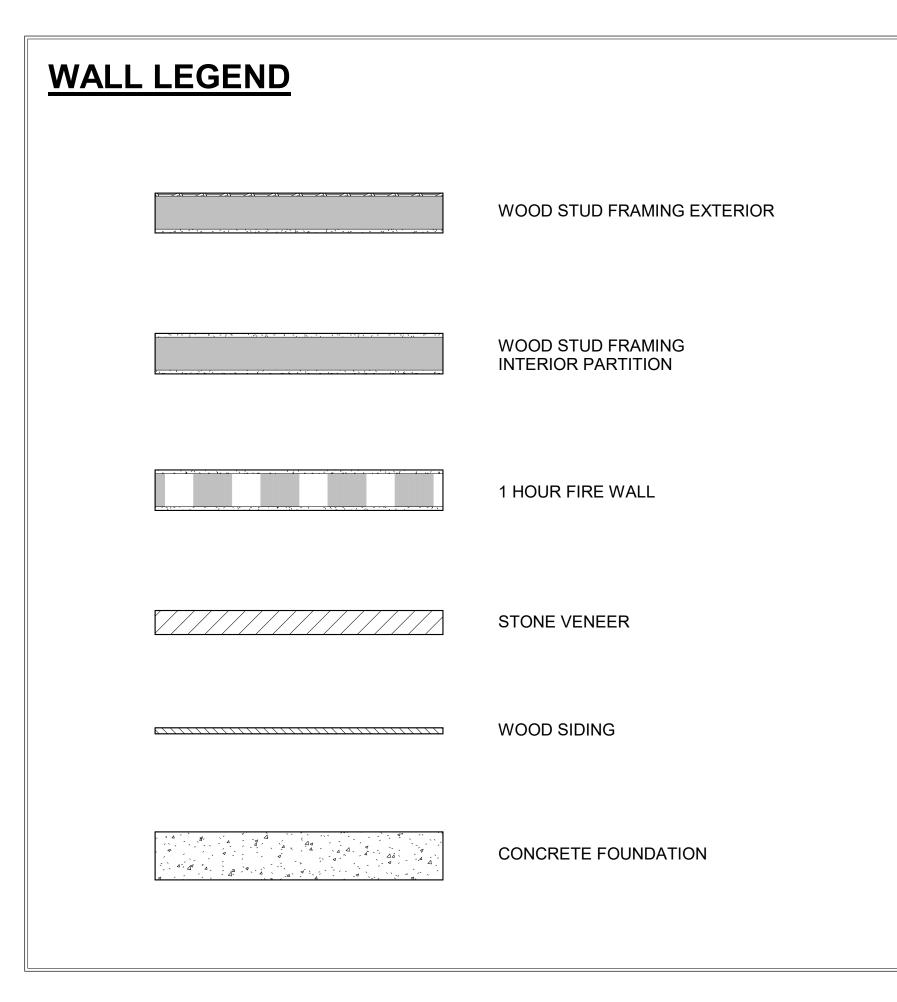
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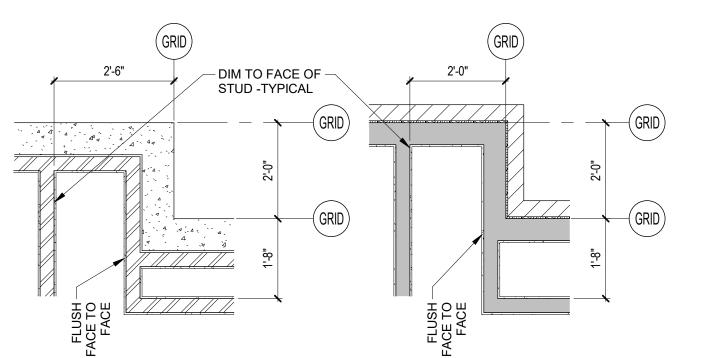








- 1. GRIDS ALIGN WITH OUTSIDE FACE OF FOUNDATION WALL AND OUTSIDE
- 2. WALLS AND PARTITIONS SHOWN IN PLAN INCLUDE FINISH MATERIALS.
- 3. DIMENSIONS ARE SHOWN FROM GRID TO GRID, GRID TO FACE OF STUD, AND FACE OF STUD TO FACE OF STUD AT INTERIOR PARTITIONS, TYPICAL.
- 4. INTERIOR PARTITIONS FLUSH FACE TO FACE WITH THEIR EXTERIOR COUNTERPARTS, TYPICAL.



# PROJECT DATUM LEGEND

ACTUAL ELEVATION ABOVE SEA LEVEL = PROJECT 0'-0"

T.O. Slab Ground Lvl T.O. Ply Ground Lvl T.O. Gyp Ground Lvl

XXXX.X' USGS
0'-0" PROJECT ELEV

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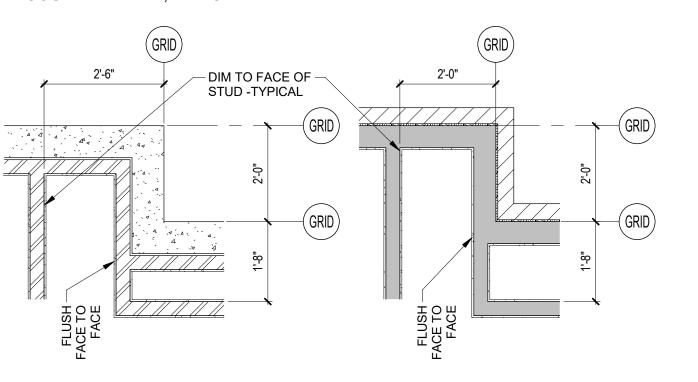
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**SMININIMS** 

ONDO

AND

- FACE OF STUD AT EXTERIOR STRUCTURAL FRAME WALL.



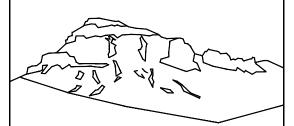
ABBREVIATIONS AND LEGENDS

SHEET NUMBER

**G1.**1

### GENERAL CIVIL ENGINEERING NOTES:

- 1. THE EXISTING UTILITY LINES SHOWN ON THE PLANS ARE APPROXIMATE. AT LEAST TWO (2) FULL WORKING DAYS PRIOR TO TO COMMENCING CONSTRUCTION, THE CONTRACTOR SHALL CONTACT THE UTILITY NOTIFICATION CENTER OF COLORADO @ 1-800-922-1987 OR 811 TO GET ALL UTILITIES LOCATED. IF ANY OF THESE UNDERGROUND UTILITIES ARE IN CONFLICT WITH THE CONSTRUCTION PLANS, THE CONTRACTOR SHALL NOTIFY THE ENGINEER AND WORK WITH THE ENGINEER TO FIND A SOLUTION BEFORE THE START OF CONSTRUCTION.
- INSTALLATION AND SEPARATION REQUIREMENTS SHALL BE COORDINATED WITH THE INDIVIDUAL UTILITY PROVIDERS.
- THE UTILITY PROVIDERS ARE:
- SEWER, WATER, CABLE TV AND FIBEROPTIC: TOWN OF MOUNTAIN VILLAGE
- NATURAL GAS: BLACK HILLS ENERGY
- POWER: SAN MIGUEL POWER TELEPHONE: CENTURY LINK
- 2. PRIOR TO BEGINNING ANY CONSTRUCTION ACTIVITIES, ALL NECESSARY PERMITS SHALL BE OBTAINED BY THE OWNER OR CONTRACTOR.
- 3. IT IS THE CONTRACTOR'S RESPONSIBILITY TO INSURE THAT EXCAVATED SLOPES ARE SAFE AND COMPLY WITH OSHA REQUIRIEMENTS. REFER TO THE SITE—SPECIFIC REPORT FOR THIS PROJECT FOR ADDITIONAL INFORMATION..
- 4. ALL TRENCHES SHALL BE ADEQUATELY SUPPORTED OR LAID BACK PER OSHA REGULATIONS.
- 5. ALL MATERIALS AND CONSTRUCTION SHALL BE IN CONFORMANCE WITH THE TOWN OF MOUNTAIN VILLAGE DESIGN STANDARDS LATEST EDITION. ALL CONSTRUCTION WITHIN EXISTING STREET OR ALLEY RIGHT—OF—WAY SHALL BE SUBJECT TO TOWN OF MOUNTAIN VILLAGE INSPECTION.
- 6. THE CONTRACTOR SHALL HAVE ONE COPY OF THE STAMPED PLANS ON THE JOB SITE AT ALL TIMES.
- 7. THE CONTRACTOR SHALL NOTIFY THE TOWN 48 HOURS PRIOR TO THE START OF CONSTRUCTION.
- 8. THE CONTRACTOR IS RESPONSIBLE FOR IMPLEMENTING AND MAINTAINING EROSION AND SEDIMENT CONTROL MEASURES AT ALL TIMES DURING CONSTRUCTION. THE ADJOINING ROADWAYS SHALL BE FREE OF DEBRIS AT THE END OF CONSTRUCTION ACTIVITIES EACH DAY.
- 9. THE CONTRACTOR SHALL PROVIDE, ERECT AND MAINTAIN PROPER TRAFFIC CONTROL DEVICES UNTIL THE SITE IS OPEN TO TRAFFIC. ANY TRAFFIC CLOSURES MUST BE COORDINATED WITH THE TOWN OF MOUNTAIN VILLAGE.
- 10. ALL DAMAGE TO PUBLIC STREETS AND ROADS, INCLUDING HAUL ROUTES, TRAILS, OR STREET IMPROVEMENTS, OR TO PRIVATE PROPERTY, SHALL BE REPAIRED AT THE SOLE EXPENSE OF THE CONTRACTOR TO THE ORIGINAL CONDITIONS.
- 11. WHEN AN EXISTING ASPHALT STREET IS CUT, THE STREET MUST BE RESTORED TO A CONDITION EQUAL TO OR BETTER THAN ITS ORIGINAL CONDITION. THE FINISHED PATCH SHALL BLEND SMOOTHLY INTO THE EXISTING SURFACE. ALL LARGE PATCHES SHALL BE PAVED WITH AN ASPHALT LAY—DOWN MACHINE.
- 12. IF DEWATERING IS REQUIRED, THE CONTRACTOR SHALL NOTIFY THE ENGINEER. ANY DISCHARGE REQUIREMENTS SHALL BE COORDINATED WITH THE TOWN OF MOUNTAIN VILLAGE.
- 13. CONTRACTOR SHALL NOTIFY ALL RESIDENTS IN WRITING 24 HOURS PRIOR TO ANY SHUT—OFF IN SERVICE.
  THE NOTICES MUST HAVE CONTRACTOR'S PHONE NUMBER AND NAME OF CONTACT PERSON, AND EMERGENCY
  PHONE NUMBER FOR AFTER HOURS CALLS. ALL SHUT—OFF'S MUST BE APPROVED BY THE TOWN AND TOWN
  VALVES AND APPURTENANCES SHALL BE OPERATED BY TOWN PERSONNEL.
- 14. CONTRACTOR SHALL KEEP SITE CLEAN AND LITTER FREE (INCLUDING CIGARETTE BUTTS) BY PROVIDING A CONSTRUCTION DEBRIS TRASH CONTAINER AND A BEAR-PROOF POLY-CART TRASH CONTAINER, WHICH IS TO BE LOCKED AT ALL TIMES.
- 15. CONTRACTOR MUST BE AWARE OF ALL TREES TO REMAIN PER THE DESIGN AND APPROVAL PROCESS AND PROTECT THEM ACCORDINGLY.
- 16. THE CONTRACTOR SHALL PROVIDE UNDERGROUND UTILITY AS-BUILTS TO THE TOWN.
- 17. ALL STRUCTURAL FILL UNDER HARDSCAPE OR ROADS MUST BE COMPACTED TO 95% MODIFIED PROCTOR (MIN.) AT PLUS OR MINUS 2% OF THE OPTIMUM MOISTURE CONTENT. NON—STRUCTURAL FILL SHALL BE PLACED AT 90% (MIN.) MODIFIED PROCTOR.
- 18. UNSUITABLE MATERIAL SHALL BE REMOVED AS REQUIRED BY THE SOILS ENGINEER. ALL MATERIALS SUCH AS LUMBER, LOGS, BRUSH, TOPSOIL OR ORGANIC MATERIALS OR RUBBISH SHALL BE REMOVED FROM ALL AREAS TO RECEIVE COMPACTED FILL.
- 19. NO MATERIAL SHALL BE COMPACTED WHEN FROZEN.
- 20. NATIVE TOPSOIL SHALL BE STOCKPILED TO THE EXTENT FEASIBLE ON THE SITE FOR USE ON AREAS TO BE REVEGETATED.
- 21. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DUST ABATEMENT AND EROSION CONTROL MEASURES DEEMED NECESSARY BY THE TOWN, IF CONDITIONS WARRANT THEM.
- 22. ALL DISTURBED GROUND SHALL BE RE—SEEDED WITH A TOWN—APPROVED SEED MIX. REFER TO THE LANDSCAPE PLAN.
- 23. THE CONTRACTOR IS REQUIRED TO PROTECT ALL EXISTING SURVEY MONUMENTS AND PROPERTY CORNERS DURING GRADING AND CONSTRUCTION.
- 24. ALL UNDERGROUND PIPE SHALL BE PROTECTED WITH BEDDING TO PROTECT THE PIPE FROM BEING DAMAGED.
- 25. HOT TUBS SHALL DRAIN TO THE SANITARY SEWER (OR PUMPED TO AA CLEAN-OUT).
- 26. THE UTILITY PLAN DEPICTS FINAL UTILITY LOCATIONS BUT HAS BEEN COMPLETED AT A PRELIMINARY STAGE. CONTRACTOR SHALL VERIFY ALIGNMENTS WITH THE ARCHITECT PRIOR TO CONSTRUCTION.



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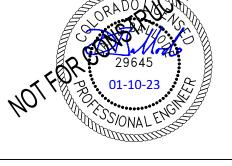
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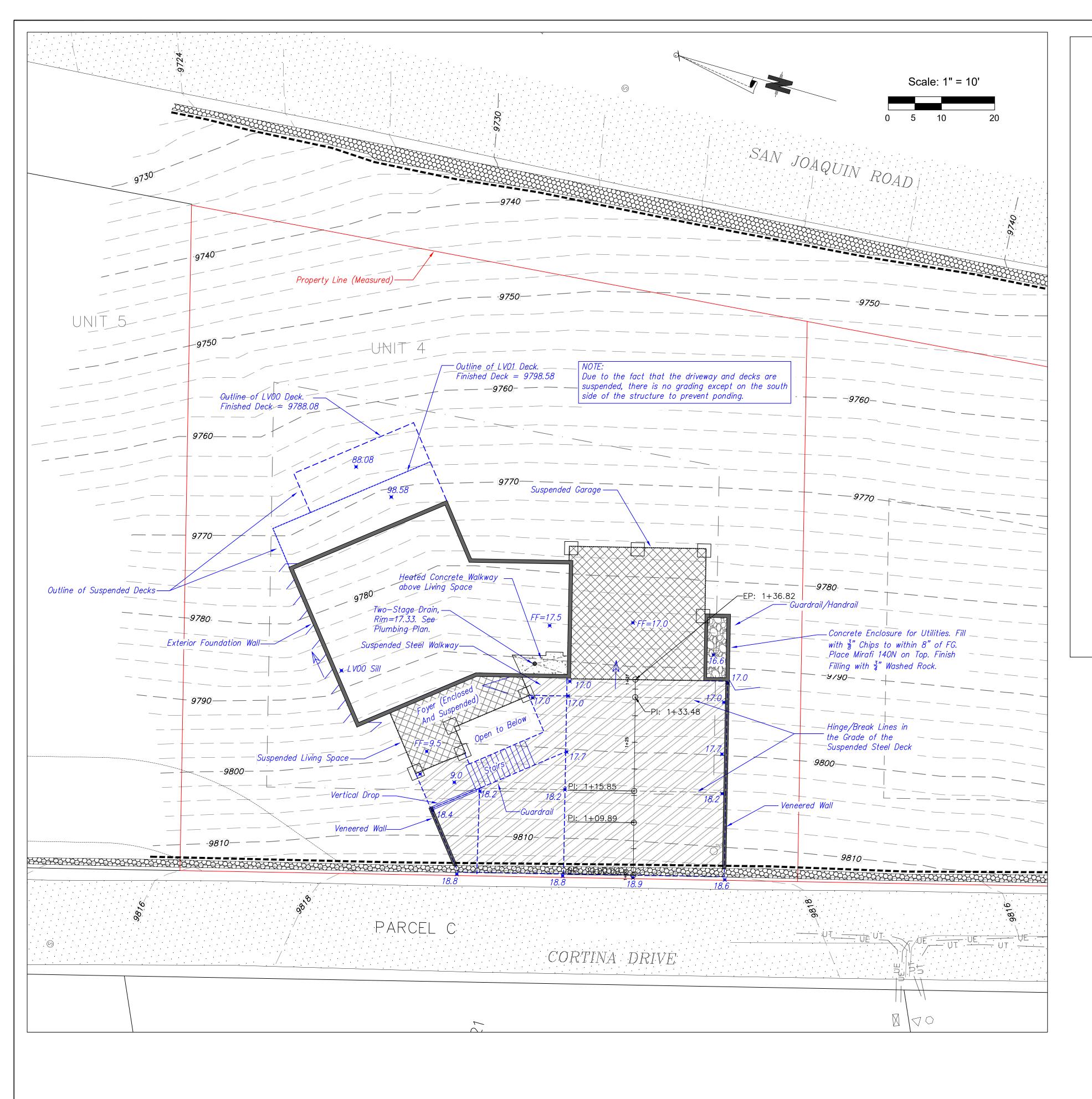
Lot 4, Cortina Mtn. Village, CO

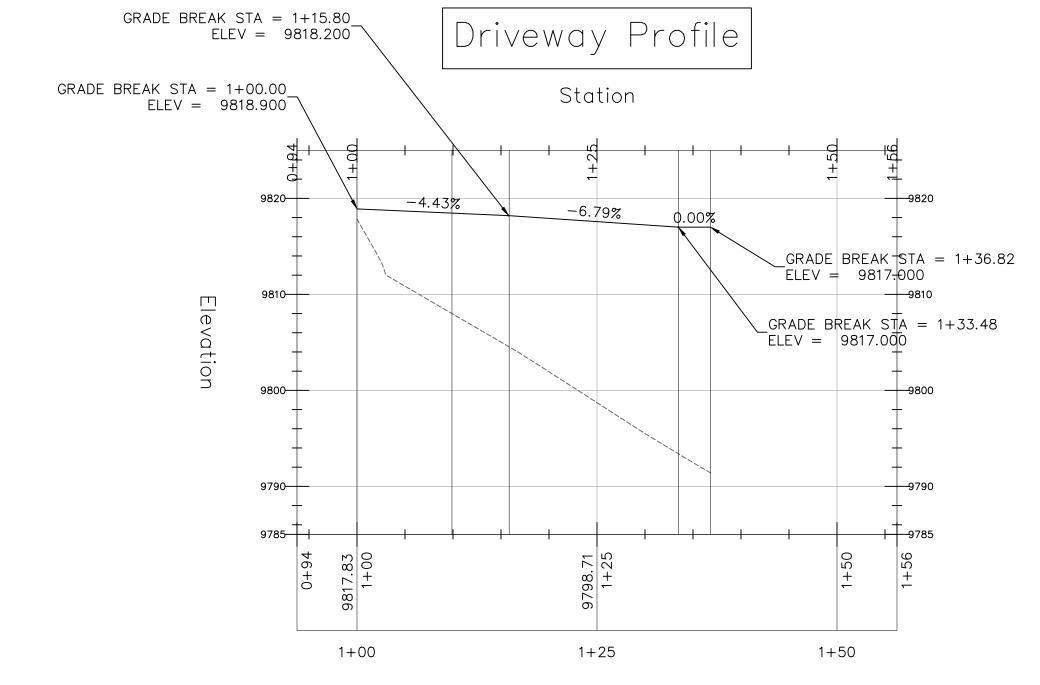


CONTRACTOR TO REVIEW AND COMPARE ALL CHAPTERS AND INTERDISCIPLINARY DRAWINGS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT PRIOR TO ANY FIELD WORK BEING DONE IN ACCORDANCE WITH AIA DOCUMENT A201

Notes

C







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SUBMISSIONS:

Scale: 1" = 10'

2022-10-05 DRB SUBMITTAL 2023-01-10

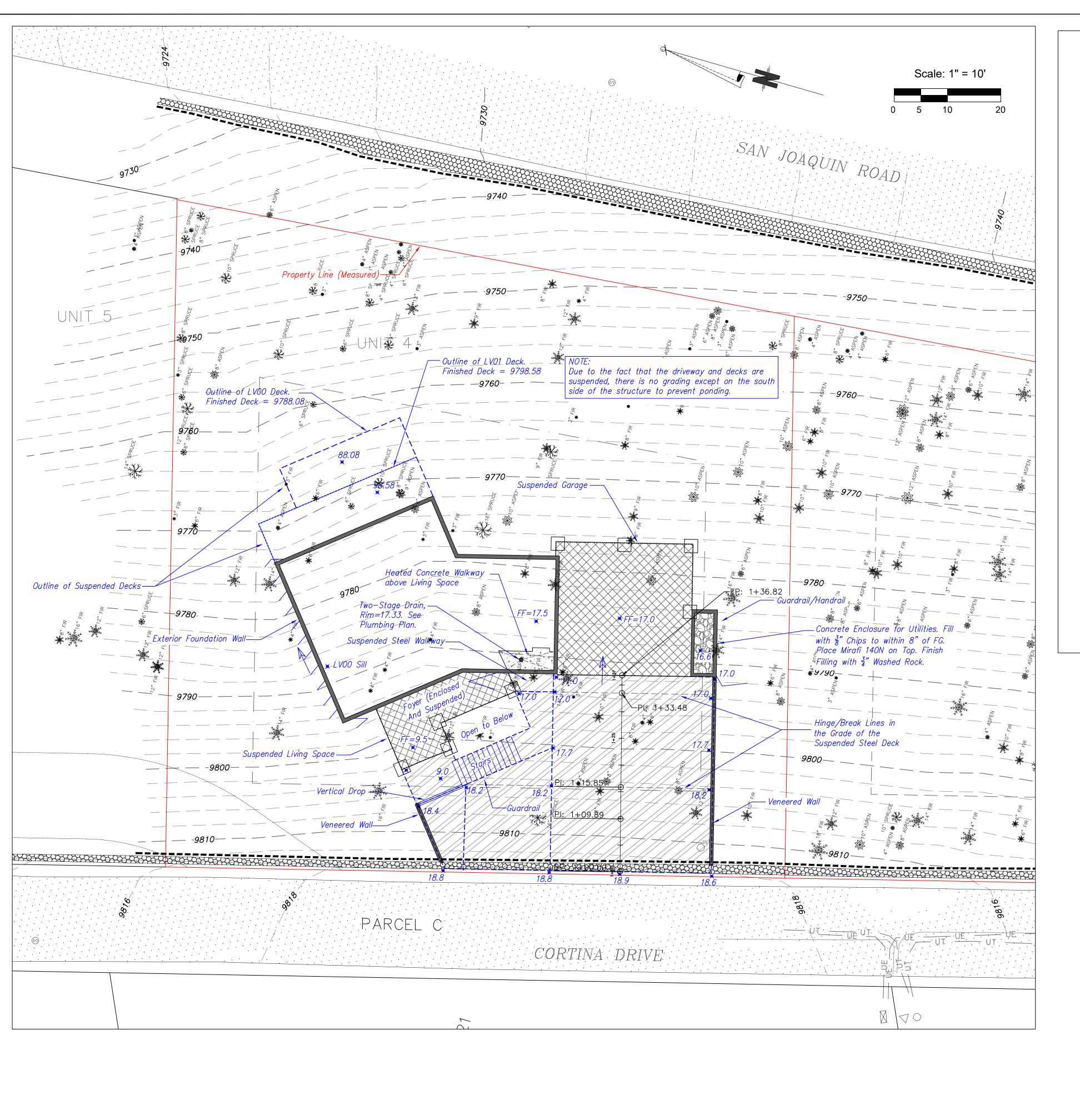
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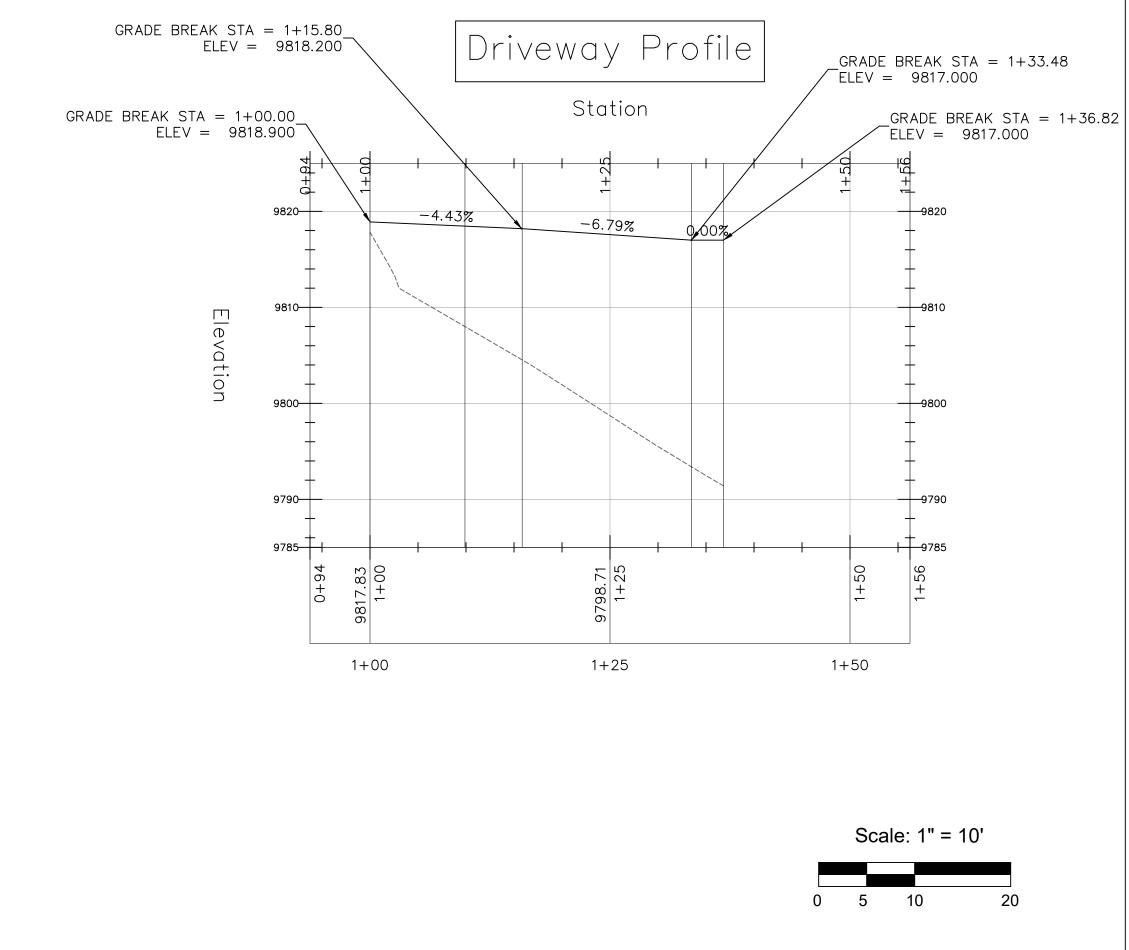


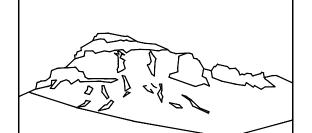
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Grading and Drainage

without Trees Displayed







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> Lot 4, Cortina Mtn. Village, CO

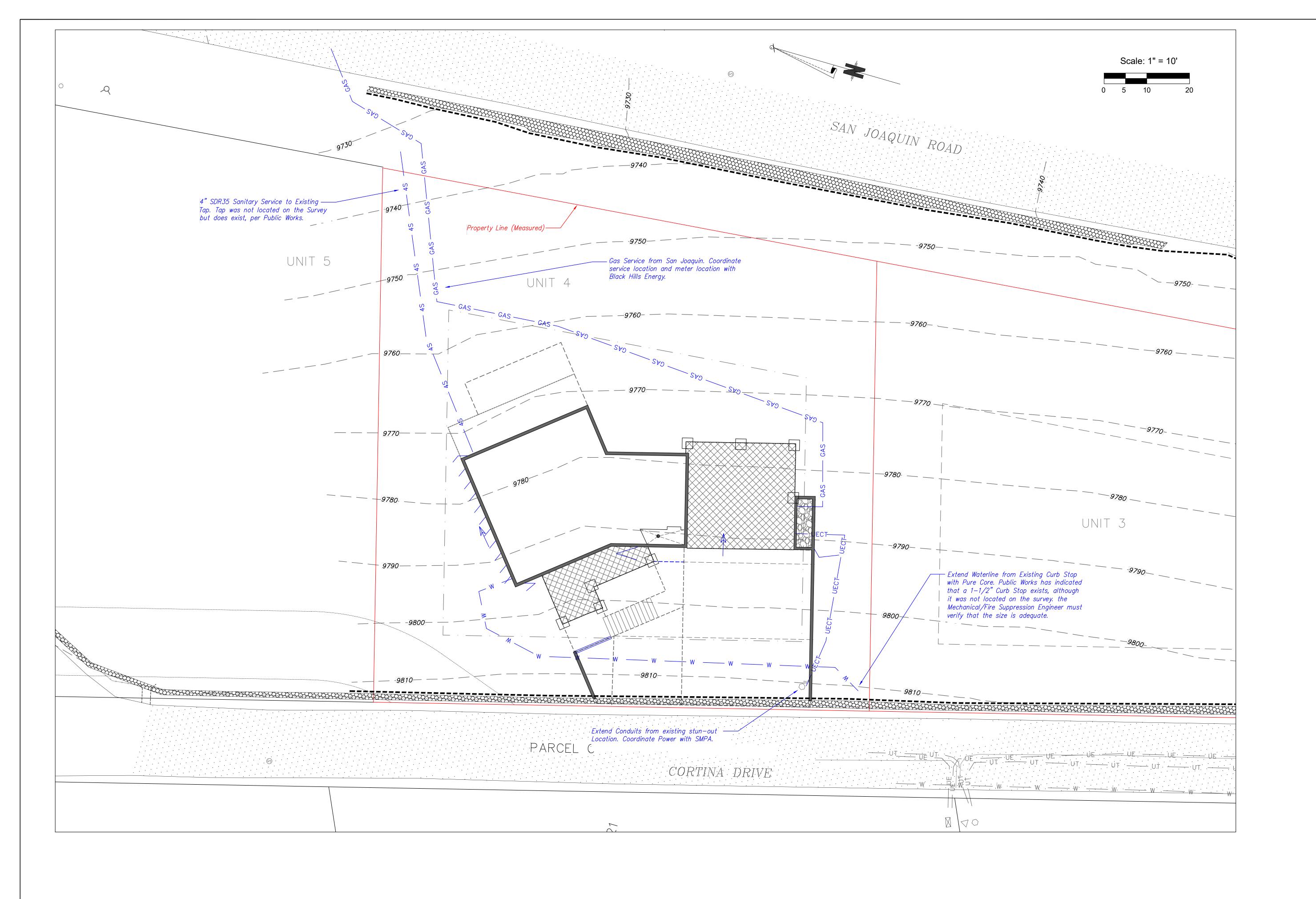


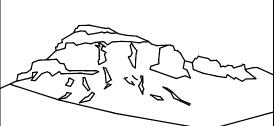
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> Grading and Drainage

with Trees Displayed

C2.2





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Lot 4, Cortina Mtn. Village, CO



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Utilities

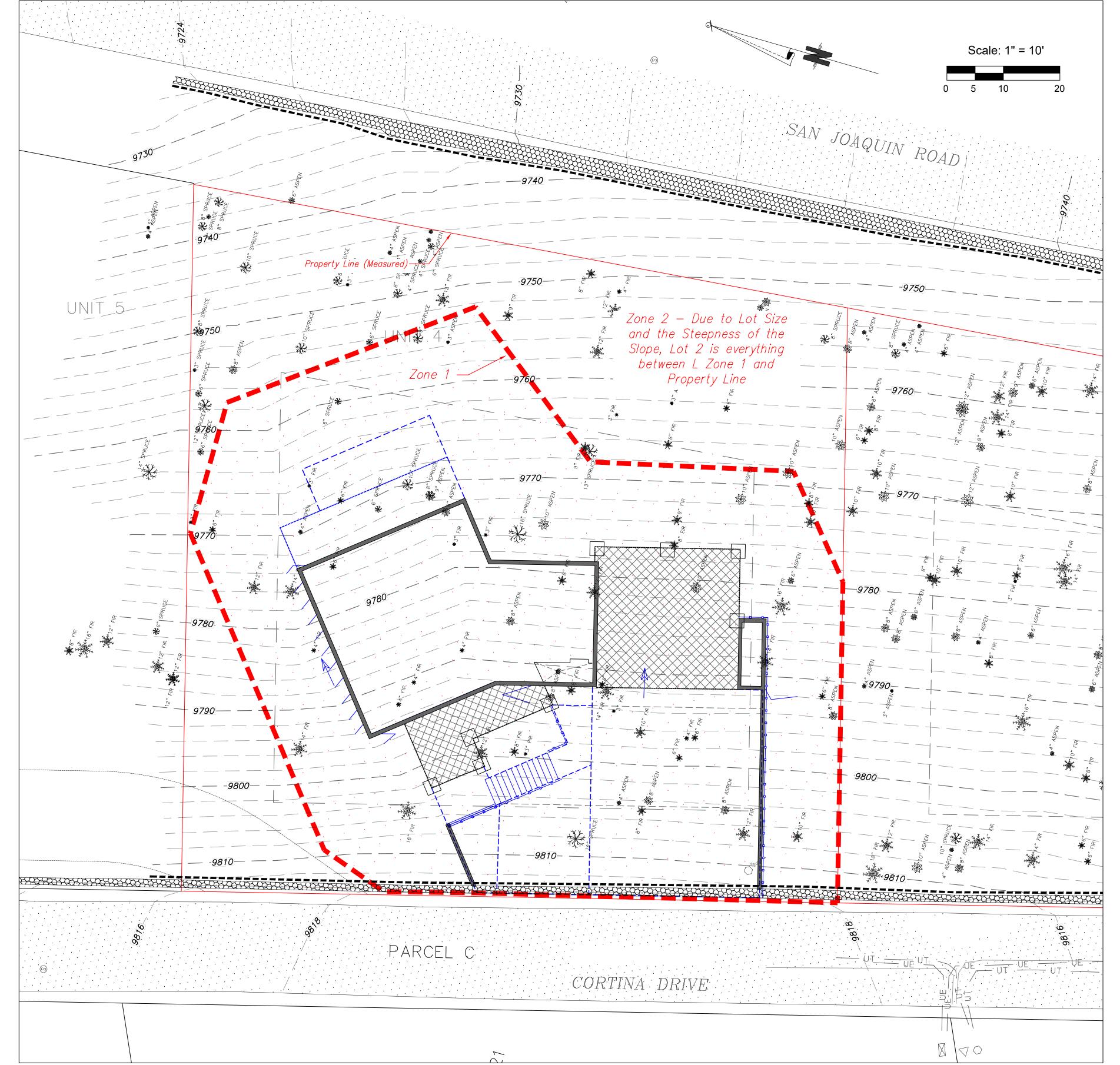
### Wildfire Mitigation Notes:

Wildfire Mitigation will be performed according to the Town of Mountain Village requirements, CDC Chapter 17.6. Zones 1, 2, and 3 are identified on the plan.

- D. The following requirements shall be followed in creating the required wildfire mitigation plan:
- i. Zone 1 is the area that consists of fifteen feet (15") around the building as measured from the outside edge of the building's dripline, including decks, planters or patios attached to the building. The following provisions shall apply in Zone 1:
- 1. (a) All slash and flammable vegetation as identified by staff shall be removed from Zone 1.
- 2. (b) All trees and shrubs located within Zone 1 shall be removed.
- 3. (c) The following exceptions apply to Zone 1:
- 1. (i.) A tree or shrub may remain within Zone 1 provided the defensible space distance is measured commencing from the vegetation's drip edge rather than from the building plane (so the tree is considered part of or an extension of the structure), and provided the distance is not limited by a lot
- 2. (ii.) Flammable vegetation shall be allowed in planters attached to the building so long as the planter is within ten feet (10') of a building, and vegetation is not planted directly beneath windows or next to foundation vents.
- 4. (d) In the event Zone 1 encroaches upon the general easement, the review authority shall allow the creation of defensible space as required by this section.
- ii. Zone 2 is the area that extends from the outer edge of Zone 1 for the distance specified in Figure 6-1 (Sec. 17.6.1 of the CDC), Fire Mitigation Zones, based on slope, to the lot line, whichever is less.
- The following provisions shall apply in Zone 2:
  - (iii.) Dominant and co-dominant live trees with a dbh of four inches (4") or greater shall be spaced with a ten foot (10') crown-to- crown separation. All ladder fuels and slash shall be removed from the ten foot (10') crown-to-crown separation area.
  - 4. (iv.) All stressed, diseased, dead or dying trees and shrubs, as identified by staff, shall be removed except for standing dead trees that staff indicates need to be maintained since standing dead trees provide important wildlife habitat.
  - 5. (v.) Shrubs over five feet (5') tall shall have an average spacing of ten feet (10') from shrub-to-shrub.
- (A) The following exceptions apply to Zone 2:
  - 2. (i.) Groupings of trees or shrubs may be allowed provided that all of the crowns in such group of trees or the edge of the shrubs are spaced ten feet (10') from crown—to— crown or from edge of shrub to any trees or shrubs outside of such grouping.
  - 3. (ii.) Aspens, narrowleaf cottonwoods, willows and other trees and shrubs listed in CSU Cooperative Extension Publication 6.305, Firewise Plant Materials as amended from time to time, may be spaced closer than the ten foot (10') crown—to—crown separation as approved by staff.
  - 4. (iii.) Closer spacing of any trees may be allowed by staff upon a determination that the required ten foot (10') crown—to—crown spacing would put the remaining trees at undue risk of wind—throw or snow breakage.
  - 5. (iv.) Tree removal for the creation of defensible space, if such tree removal is determined to be impractical by the Town due to steep slopes, wetland or other environmental constraints, and other mitigation is provided.
  - 3. (c) Trees remaining within Zone 2 shall have branches pruned to a height of ten feet (10'), but notwithstanding said height requirement, branches need not be pruned to more than one—third (1/3) of the tree height with the following exceptions:
  - 1. (i.) Aspen trees; and
  - 2. (ii.) Isolated spruce and fir trees.
  - 4. (d) In the event that Zone 1 or 2 extends upon the general easement, the review authority shall allow the removal of trees to implement the wildfire mitigation plan.
  - 5. (e) Chipped wood and small timber may be spread throughout either Zone 2 or Zone 3 provided the wood chips have a maximum depth of two to three inches (2" 3") and small timber has a diameter of three inches (3") or less and is cut up into lengths that are three feet (3') or less.
- iii. Zone 3 is the area extending beyond Zone 2 to the edge of the lot subject to development. In Zone 3, all diseased, beetle infested, dead or dying trees, as identified by staff, shall be removed except for standing dead trees (aka tree snags) that staff indicates need to be maintained since standing dead trees provide important wildlife habitat.
- (a) For lots greater than five (5) acres in size, the Town shall only require that Zone 3 be implemented for a distance of 500 feet from the outside edge of Zone 2. A lot owner may propose to implement Zone 3 for all of the lot.
- E. Firewood may only be stored on a lot that has a solid fuel burning device permit issued by the Town that meets the following limitations:
- i. Indoor storage can only occur within an enclosed room that is a part of the primary structure on the lot. ii. Outdoor storage shall only occur in the rear yard.
- iii. Up to ten (10) cubic feet of outdoor firewood storage may be located in Zone 1 or Zone 2.
- iv. Outdoor firewood storage larger than ten (10) cubic feet shall have a minimum thirty foot (30') distance from the structure.
- v. Outdoor firewood storage shall be screened from view from surrounding lots
- F. Prior to the issuance of any certificate of occupancy or certificated of completion, staff shall inspect the lot affected by the fire mitigation plan to ensure that such plan has been implemented in accordance with the approved wildfire mitigation plan.
- G. The wildfire mitigation plan shall be maintained by the lot owner as required by this section.

Limits of Disturbance:

In addition to the Fire Mitigation Zones, all trees within the Limits of Disturbance shall be removed.





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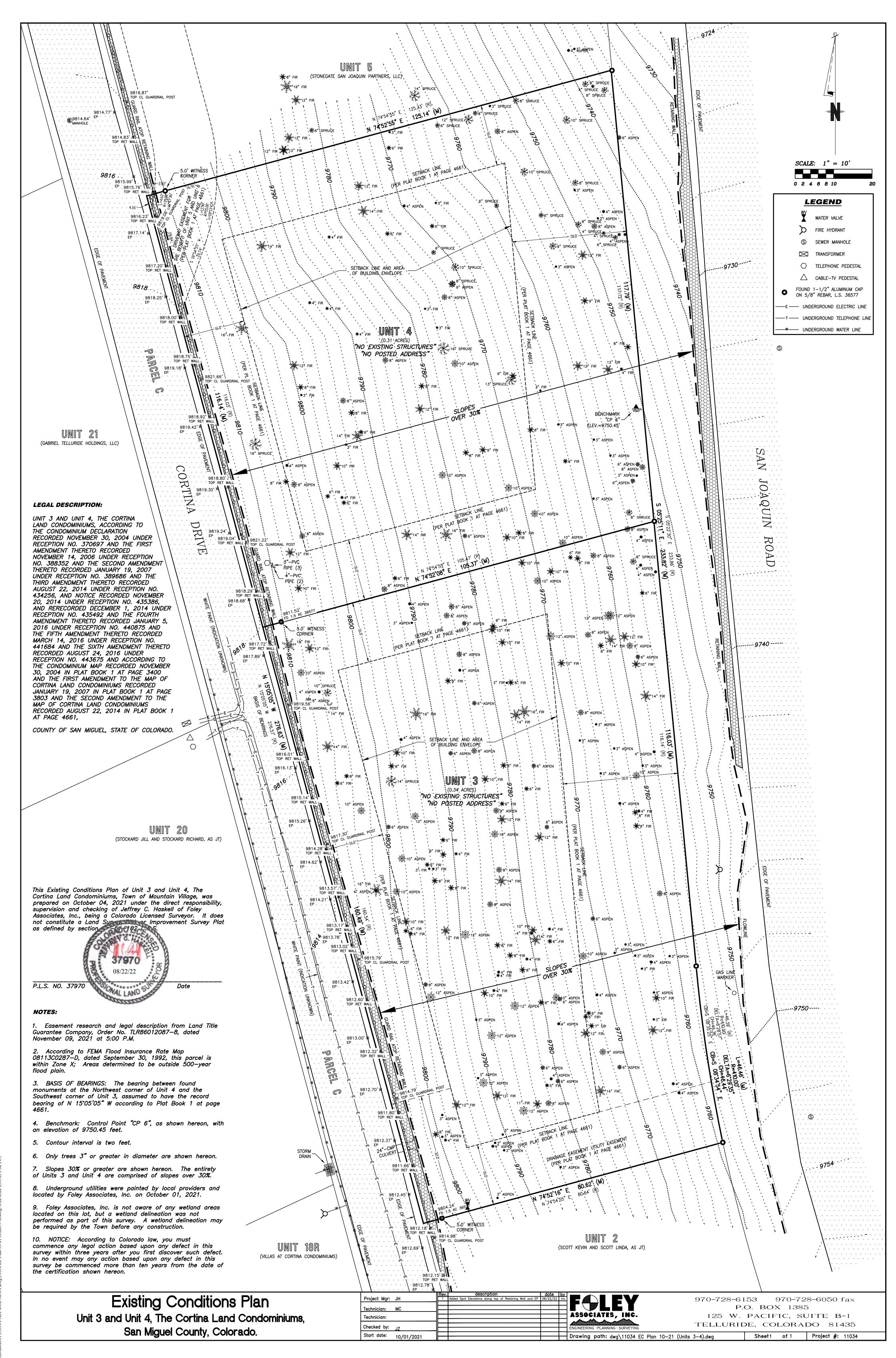
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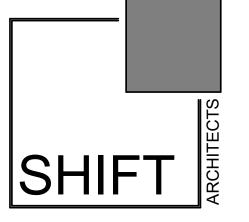
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Fire Mitigation

**C5** 



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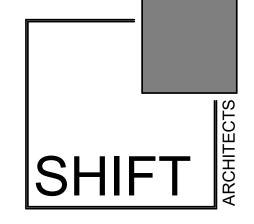
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CONDOMINIUMS

ARCHITECTURAL SITE PLAN



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CONDOMINIUMS

### FLOOR ELEVATIONS:

T.O. GYP @ WALKOUT LEVEL = 9788'-6" T.O. GYP @ LOWER LEVEL = 9799'-0" T.O. GYP @ GROUND LEVEL = 9809'-6" T.O. GYP @ MUD LEVEL = 9817'-6"

MOTOR COURT @ GARAGE DOOR = 9817'-0"

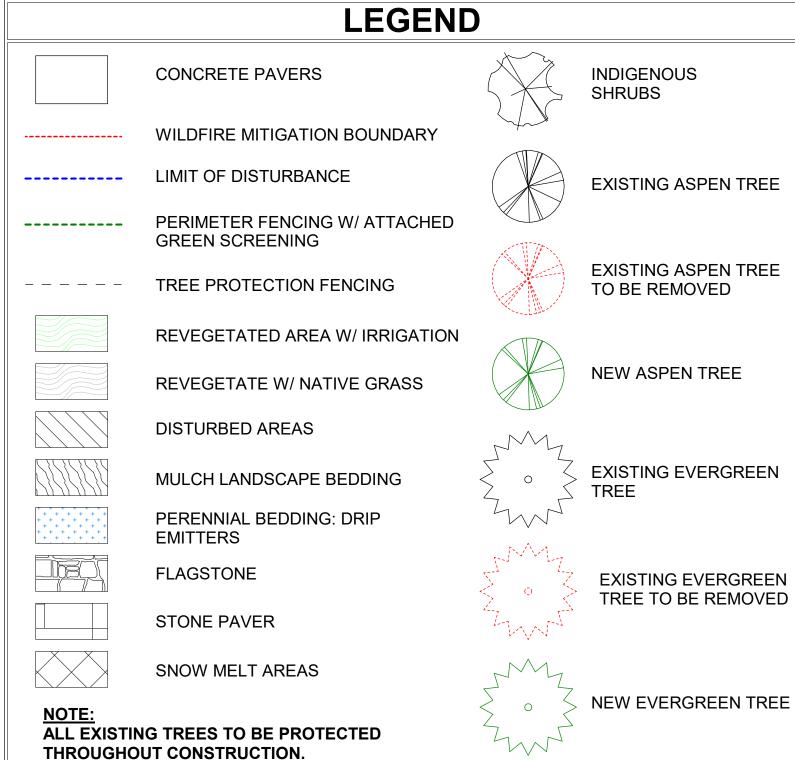
### SNOWMELT CALCULATION NOTE:

ZONE 1: GROUND LEVEL CONC DECK = 245 SF ZONE 2: T.B.D. PROPOSED AREA = 245 SF

BUILDING SITE PLAN







### **GENERAL NOTES:**

- 1. ALL TREES AND SHRUBS TO BE LOCATED BY PROJECT ARCHITECT / OWNER. 2. ALL TREES AND SHRUBS SHALL BE BACKED FILLED WITH A TOPSOIL / ORGANIC FERTILIZER MIXTURE AT A 2:1 RATIO.
- 3. NECESSARY TREES SHALL BE STAKED WITH 4' METAL POSTS. TREES SHALL BE GUYED WITH 12 GAUGE GALVANIZED WIRE AND POLYPROPYLENE TREE RACE
- 4. PERENNIAL PLANTING BEDS SHALL BE TILLED 6" DEPTH AND AMENDED WITH TOPSOIL AND ORGANIC FERTILIZER AT A 2:1 RATIO.
- SEE PLANTING DETAILS FOR ALL DECIDUOUS AND EVERGREEN TREES. 6. MULCH ALL PERENNIAL BEDS WITH A PINE BARK SOIL CONDITIONER BY SOUTHWEST IMPORTERS: SHREDDED CEDAR BARK.
- 7. ALL PLANT MATERIAL TO MEET THE AMERICAN STANDARD FOR NURSERY STOCK 8. LANDSCAPING AND TREE REMOVAL SHALL BE IN ACCORDANCE WITH CDC 17.5.9 LANDSCAPING REGULATIONS AND CDC 17.6.1 ENVIRONMENTAL REGULATIONS.
- **NOXIOUS WEEDS:** 1. ALL PLANTED MATERIALS INCLUDING SEEDS, SHALL BE NON NOXIOUS SPECIES AS SPECIFIED IN THE NOXIOUS WEED CDC TABLE 5-5 OR SUBSEQUENTLY

DESIGNATED AS A NOXIOUS WEED BY THE STATE OF COLORADO, OR THE TOWN. **LANDSCAPE MAINTENANCE NOTES:** 

- 1. TURF SHALL BE AERATED 2 TO 3 TIMES PER YEAR TO INCREASE THE WATER ABSORPTION RATE. NECESSARY ORGANIC FERTILIZATION AND AMENDMENT SHALL BE INCORPORATED AT THE SAME TIME.
- 2. NECESSARY ORGANIC FERTILIZERS AND AMENDMENT SHALL BE ADDED TO PERENNIAL BEDS SEASONALLY ALONG WITH MULCH.
- 3. ALL SHRUBS IN SNOW SHED AREAS TO BE CUT BACK IN FALL TO 12"-18" IN HEIGHT. 4. IRRIGATION SYSTEM TO BE BLOWN OUT BY OCTOBER 31ST EACH FALL AND TURNED ON BY JUNE 1ST EACH SPRING.

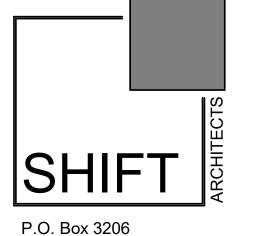
### **REVEGETATION NOTES:**

- . SUBSOIL SURFACE SHALL BE TILLED TO A 4" DEPTH ON NON FILL AREAS. 2. TOPSOIL SHALL BE SPREAD AT A MINIMUM DEPTH OF 4" OVER ALL AREAS TO BE REEMITTED (EXCEPT ON SLOPES GREATER THAN 3:1) AND AMENDMENTS ROTOTILLED AT A RATE OF THREE CUBIC YARDS PER THOUSAND SQUARE FEET.
- APPLIED (WITHIN 10 DAYS) TO MINIMIZE EROSION AND WEEDS.
- 4. AREAS WHICH HAVE BEEN COMPACTED OR ARE RELATIVELY UNDISTURBED NEEDING SEEDING, SHALL BE SCARIFIED BEFORE BROADCASTING OF SEED.
- BROADCASTING WITH SPECIFIED SEED MIX AND FOLLOW WITH DRY MULCHING, STRAW OR HAY SHALL BE UNIFORMLY APPLIED OVER SEEDED AREA AT A RATE OF 1.5 TONS PER ACRE FOR HAY OR 2 TONS PER ACRE FOR STRAW, CRIMP IN.

3. BROADCASTING OF SEED SHALL BE DONE IMMEDIATELY AFTER TOPSOIL IS

- 6. ON SLOPES GREATER THAN 3:1 EROSION CONTROL BLANKET SHALL BE APPLIED IN PLACE OF STRAW MULCH AND PINNED. 7. ALL UTILITY CUTS SHALL BE REVEGETATED WITHIN TWO WEEKS AFTER
- INSTALLATION OF UTILITIES TO PREVENT WEED INFESTATION.
- 8. SEED ALL AREAS LABELED NATIVE GRASS SEED WITH THE FOLLOWING MIXTURE AT A RATE OF 12 LBS. PER ACRE.

SPECIES	PURE LIVE SEED PER ACRE
WESTERN YARROW	5%
TALL FESCUE	10%
ARIZONA FESCUE	5%
HARD FESCUE	5%
CREEPING RED FESCUE	10%
ALPINE BLUEGRASS	15%
CANADA BLUEGRASS	10%
PERENNIAL RYEGRASS	15%
SLENDER WHEATGRASS	10%
MOUNTAIN BROME	15%



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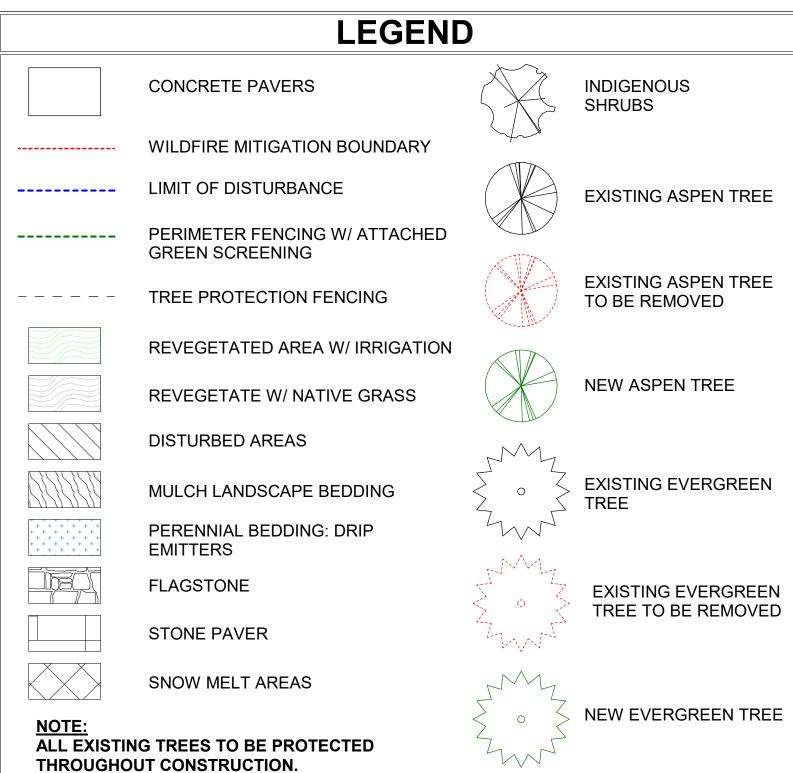
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LANDSCAPE PLAN

PLANT SCHEDULE					
BOTANICAL NAME	COMMON NAME	SIZE	<u>QTY</u>		
POPULUS TREMULOIDES	QUAKING ASPEN	3" CAL. DBH	N/A		
PICEA PUNGENS	COLORADO BLUE SPRUCE	8-10 FT IN HT W/ 30% 10 FT OR LARGER	10		
PINUS ARISTATA	BRISTLECONE PINE		N/A		
SHRUBS	5 GAL.		N/A		
PERENNIALS - BED A			N/A		
PERENNIALS - BED B			N/A		





# **IRRIGATION NOTES**

- 1. PROVIDE IRRIGATION SYSTEM IN ACCORDANCE WITH CDC REQUIREMENTS (17.5.9 LANDSCAPING REGULATIONS, TABLE 5-3 IRRIGATION SYSTEM DESIGN) AND THE TOWN OF MOUNTAIN VILLAGE WATER AND SEWER REGULATIONS.
- 2. IRRIGATION CONTROL EQUIPMENT SHALL INCLUDE AN AUTOMATIC IRRIGATION CONTROLLER HAVING PROGRAM FLEXIBILITY SUCH AS REPEAT CYCLES AND MULTIPLE PROGRAM CAPABILITIES. AUTOMATIC IRRIGATION CONTROLLERS SHALL HAVE BATTERY BACKUP TO RETAIN THE IRRIGATION PROGRAMS. 3. TREES AND SHRUBS SHALL BE DRIP IRRIGATION.
- 4. PERENNIAL BEDS SHALL BE SPRAY HEADS. USE SOAKER HOSE, LOW VOLUME MIST AND/OR EMITTERS EQUIPPED WITH ADJUSTABLE NOZZLES TO LIMIT OVER/UNDER WATERINNG WITHIN A SPECIFIC ZONE. 5. TURF GRASS SHALL BE SPRAY HEADS.
- 6. ALL AREAS TO BE REVEGETATED WITH NATIVE GRASS SEED MIX MAY BE IRRIGATED UNTIL THE GRASS IS ESTABLISHED, BUT NO MORE THAN ONE (1) FULL GROWING SEASON WITH ANY SUCH EXTRA IRRIGATION INSTALLED ON A SEPARATE ZONE THAT WILL BE PERMANENTLY SHUT OFF AFTER SUCCESSFUL REVEGETATION.

# **IRRIGATION LEGEND**

T	TAP WITH RAINBIRD PVB-075 BACKFLOW PREVENTER
(C)	RAINBIRD RCM-12 ELECTROMECHANICAL CONTROLLER
$\bowtie$	1.5" WILKINS MODEL 500 PRESSURE REGULATOR
0	RAINBIRD 150-PEB 1.5" ELECTRIC REMOTE CONTROL VALV
	CLASS 200 PVC MAINLINE 1 1/2"
	1:80 NSF POLYLATERAL LINE

# **IRRIGATION SCHEDULE**

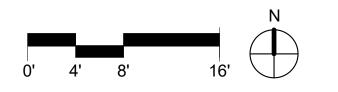
	<u>ZONE</u>	<u>LOCATION</u>	<u>HEAD</u>	<u>GPM</u>
	1	ASPEN TREES	DRIP EMITTERS	-
	1	EVERGREEN TREES	DRIP EMITTERS	-
	2	SHRUBS	DRIP EMITTERS	-
	3	PERENNIALS SOUTH	1806 POP UPS	-
	4	REVEGETATION AREAS	ROTORS	24
L				

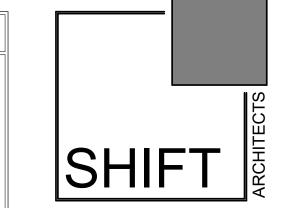
WATER SENSOR BY RAINBIRD

WATER	USAGE	CHART
VVAILIX	USAGL	CHAIL

\		CACE OI	
<u>TYPE</u>	MONTHLY USE	TOTAL#	TOTAL MONTHLY USAGE
REVEGETATION	2 GAL / S.F.	N/A	N/A (FIRST SEASON)
PERENNIALS	2.5 GAL / S.F.	N/A	N/A
ASPENS	10 GAL / EA	N/A	N/A
SPRUCE	10 GAL / EA	10	100
BRISTLECONE PINE	10 GAL / EA	N/A	N/A
NATIVE SHRUBS	2 GAL / EA	N/A	N/A
COMPLETE MONTHLY	USAGE (FOR ES	STABLISHMENT)	X GAL
	(POST E	ESTABLISHMENT)	X GAL

**IRRIGATION PLAN** 





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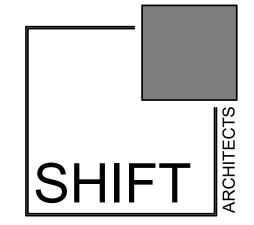
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**(**) MINIOM CONDO

**IRRIGATION PLAN** 

PORTION OF ROOF ABOVE EXISTING - GRADE 40' PARALLEL OFFSET TYP.



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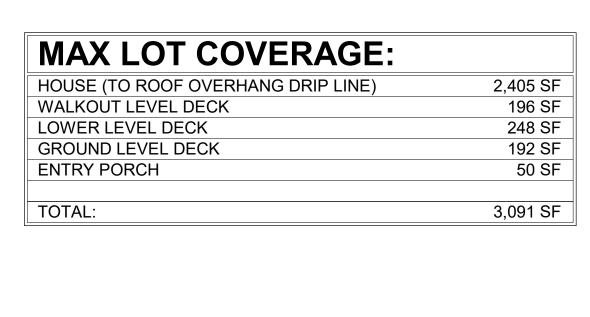
CONDOMINIUMS

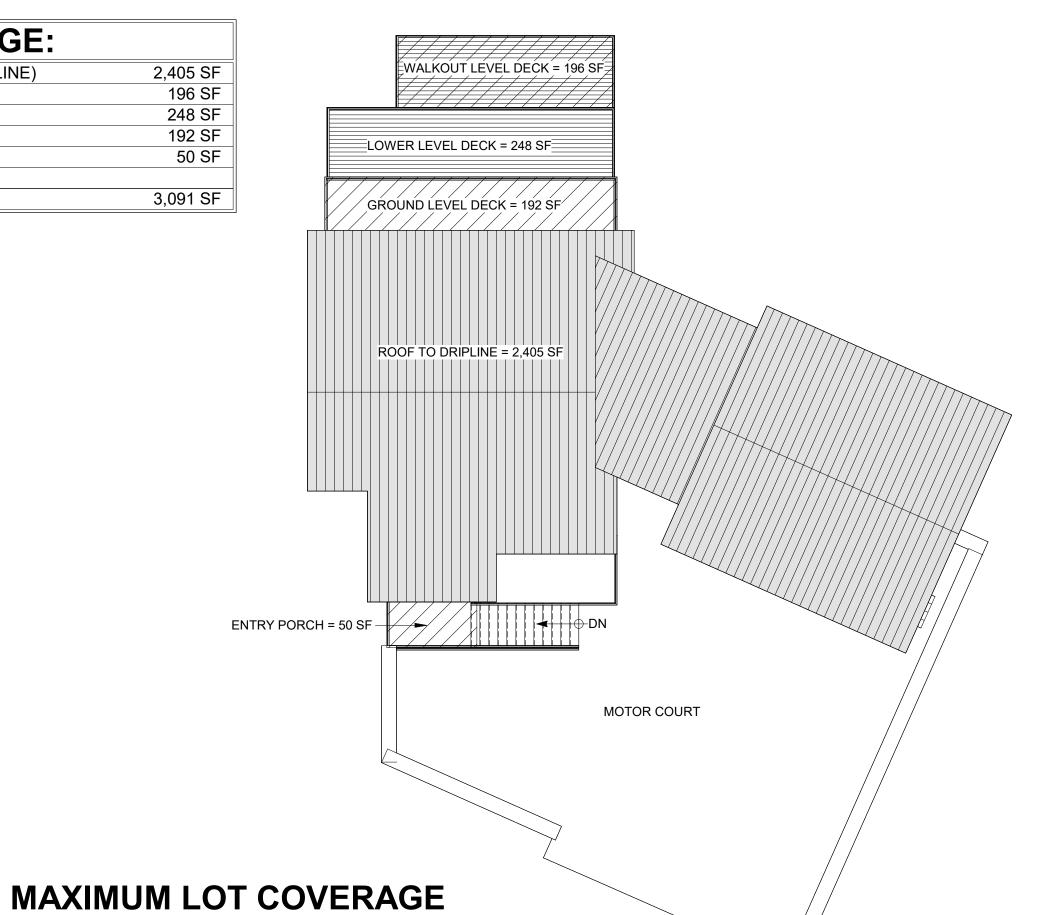
SITE 40' PARALLEL OFFSET

SHEET NUMBER

**EXISTING GRADE 40' PARALLEL OFFSET** 

**A2.1** 





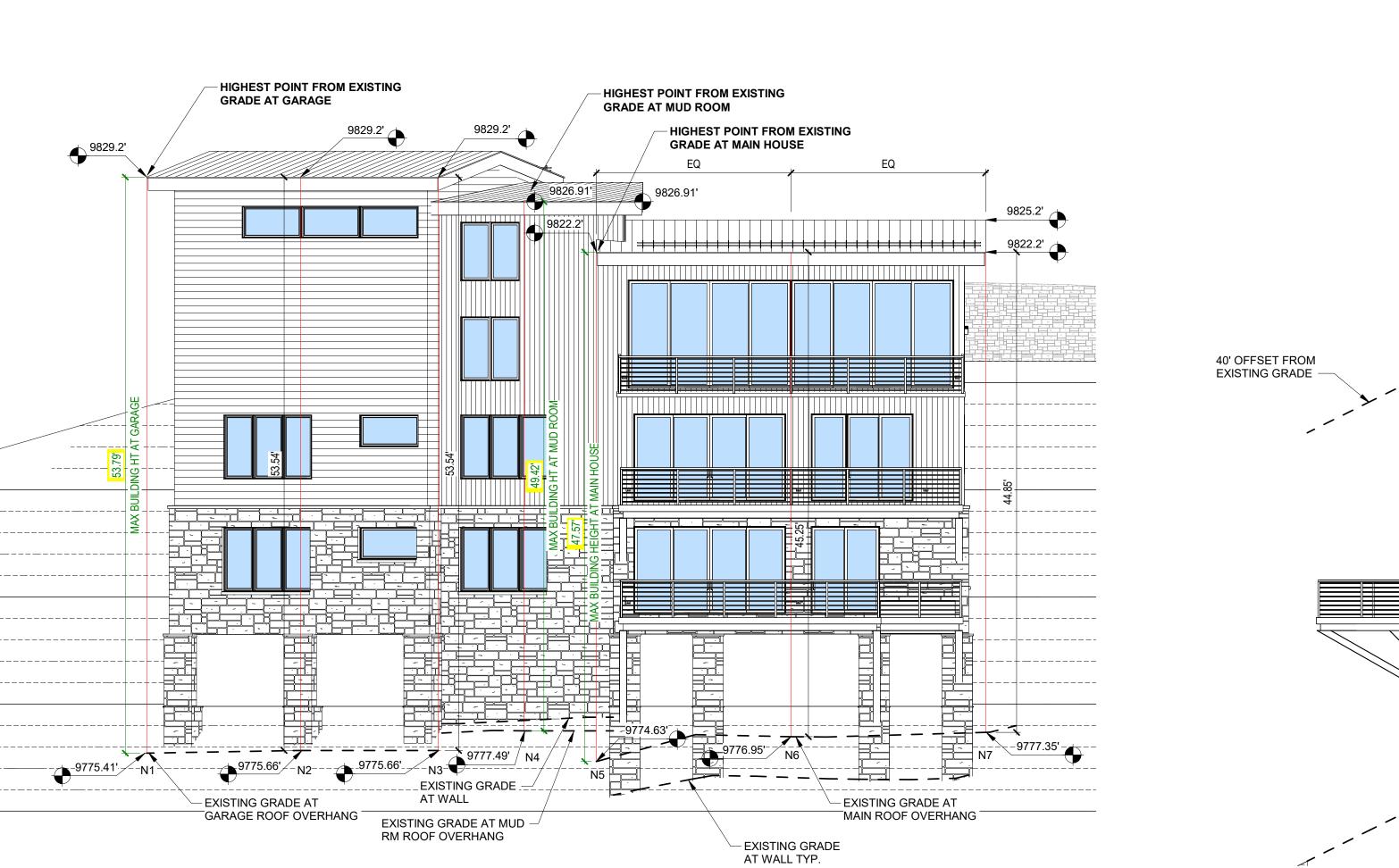
<b>MAX BUILDING HT:</b>	
HIGHEST POINT RELATIVE TO GRADE (GAR.	AGE):
LOCATION: N1, E3	53.79'
MAX BUILDING HT ALLOWABLE	40.00'
ROOF HEIGHT	9829.2'
MOST RESTRICTIVE GRADE BELOW	9775.41'
2ND HIGHEST POINT RELATIVE TO GRADE (	(MUD RM):
LOCATION: N4	49.92'
MAX BUILDING HT ALLOWABLE	40.00'
ROOF HEIGHT	9826.91'
MOST RESTRICTIVE GRADE BELOW	9777.49'
3RD HIGHEST POINT RELATIVE TO GRADE (	(MAIN HOUSE):
LOCATION: N5	47.57'
MAX BUILDING HT ALLOWABLE	40.00'
ROOF HEIGHT	9822.2'
MOST RESTRICTIVE GRADE BELOW	9774.63'

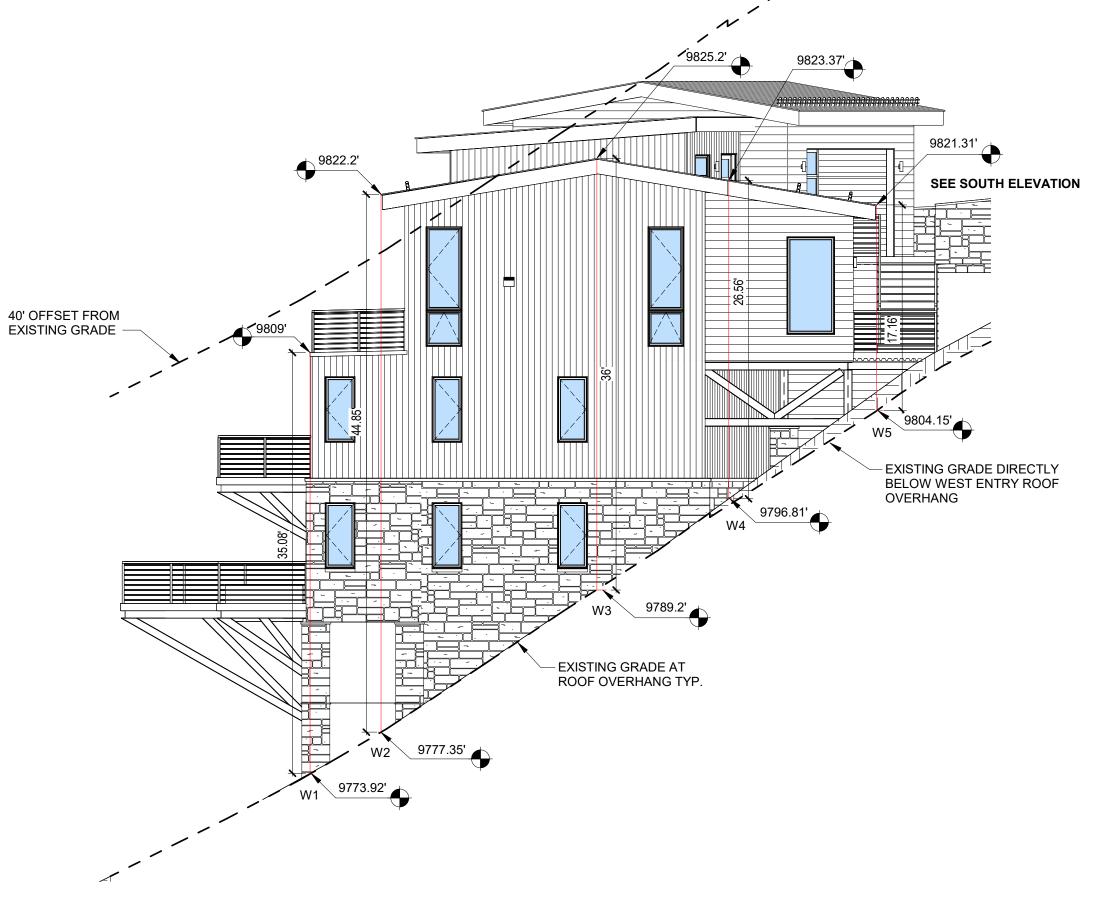
<b>AVG ROOF</b>	<u>H</u> T :
NORTH ELEVATION	
N1	53.79
N2	53.54
N3	53.54
N4	49.92
N5	47.57
N6	45.25
N7	44.85
SUB-TOTAL:	348.46
# OF LOCATIONS:	7
AVERAGE:	49.78
7(VLIVIOL.	70.70
SOUTH ELEVATION	
S1	26.56
S2	17.16
S3	19.82
S4	35.24
S5	27.64
S6	36.08
S7	
	36.59
S8	36.53
SUB-TOTAL:	235.62
# OF LOCATIONS:	8
AVERAGE:	29.45
EAST ELEVATION	
E1	36.53
E2	47.71
E3	53.79
E4	37.42
SUB-TOTAL:	175.45
# OF LOCATIONS:	4
AVERAGE:	43.86
WEST ELEVATION	
W1	35.08
W2	44.85
W3	36.0
W4	26.56
W5	26.56 17.16
SUB-TOTAL:	159.65
# OF LOCATIONS:	24.00
AVERAGE:	31.93

TOTAL:

AVERAGE:

NUMBER OF LOCATIONS:





**SMININIMS** 

919.18'

24 38.29'

P.O. Box 3206

p 970-728-8145

SUBMITTAL

NO. DATE DESC.

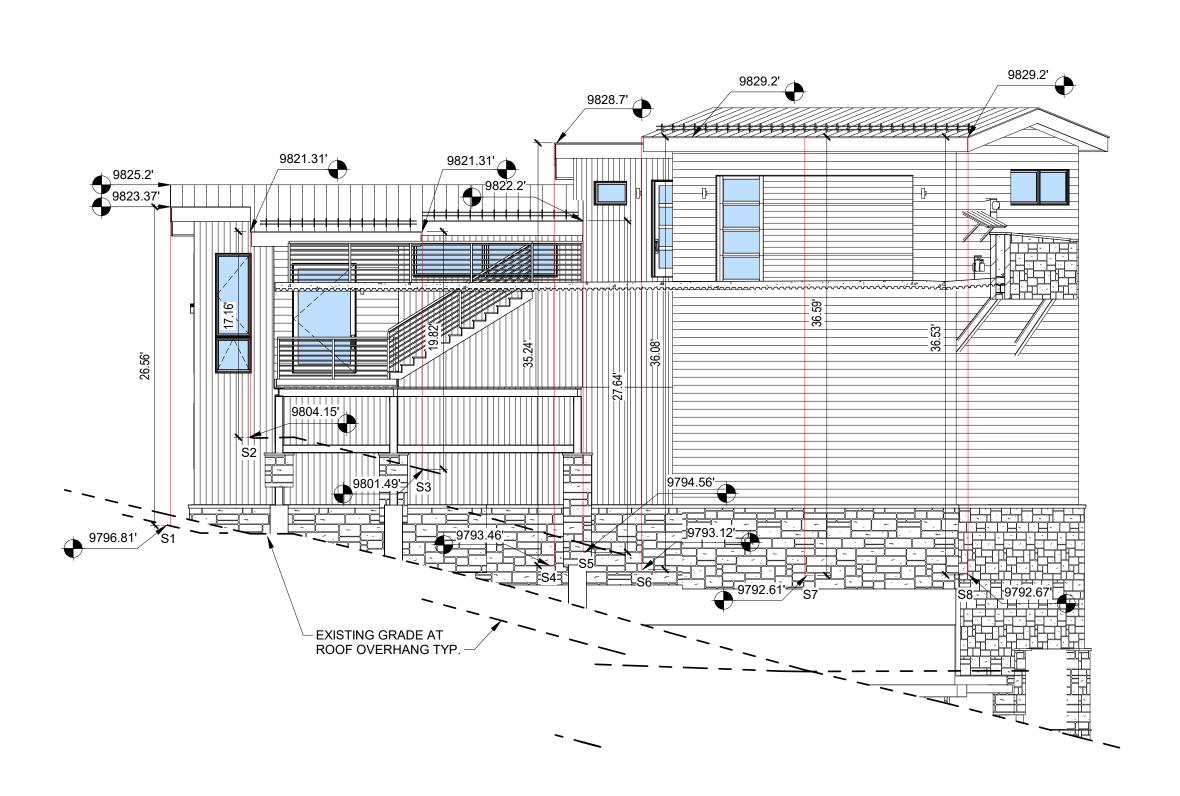
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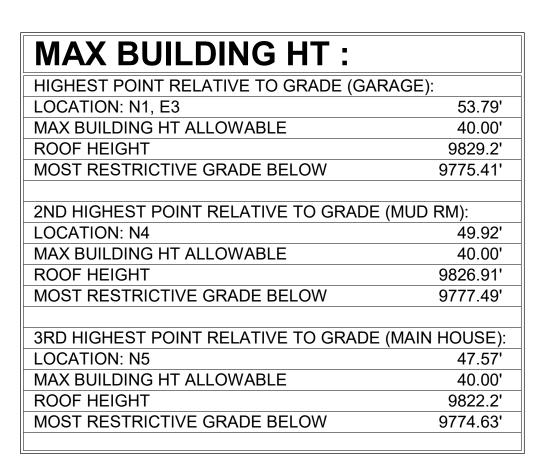
kristine@shift-architects.com www.shift-architects.com

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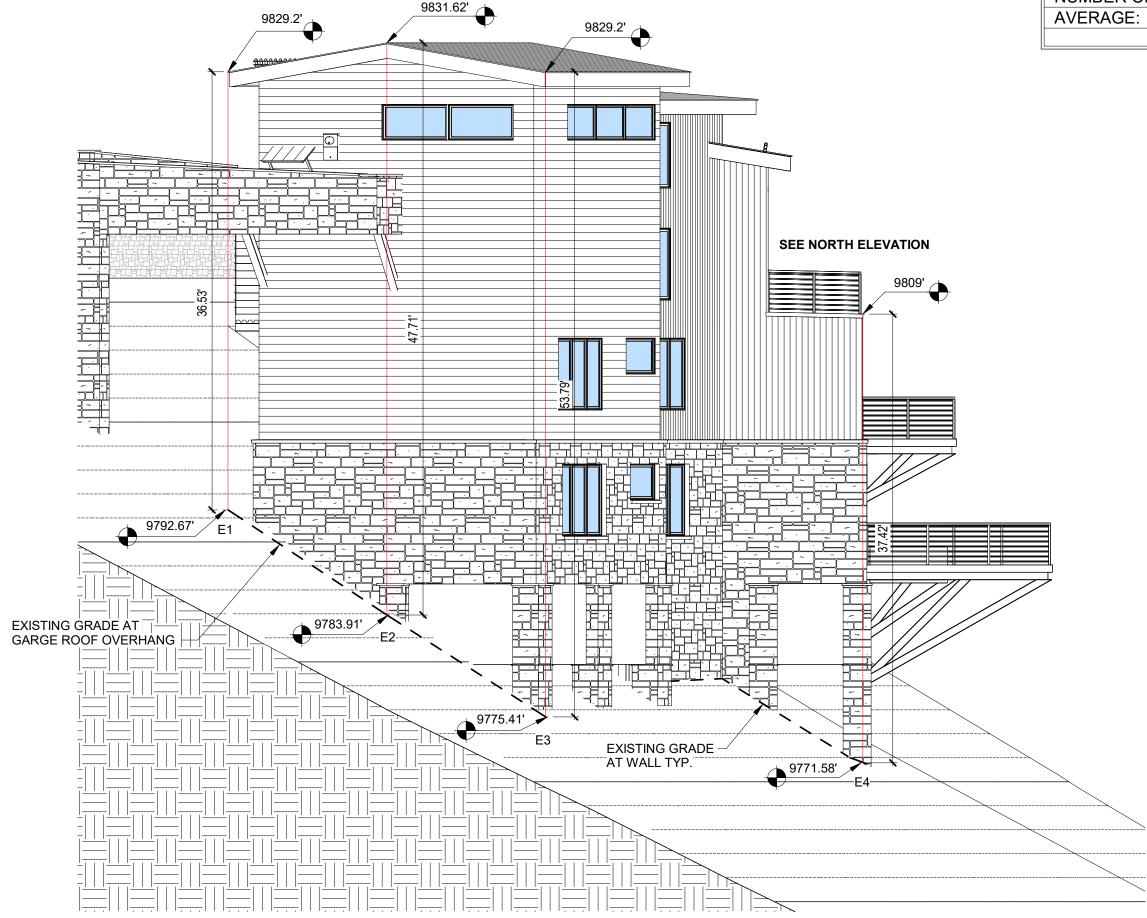
MAX BUILDING HEIGHT / MAX LOT COVERAGE CALC







<b>AVG ROOF H</b>	IT	•
NORTH ELEVATION		
N1	53	3.79'
N2	53	3.54'
N3	53	3.54'
N4	49	9.92'
N5	47	'.57'
N6	45	5.25
N7	44	.85'
SUB-TOTAL:	348	3.46'
# OF LOCATIONS:		7
AVERAGE:	49	).78'
SOUTH ELEVATION		
S1		5.56'
S2		'.16'
S3		9.82'
S4		5.24'
S5		'.64'
S6		3.08'
S7		5.59'
S8		5.53'
SUB-TOTAL:	235	5.62'
# OF LOCATIONS:		8
AVERAGE:	29	9.45'
EAST ELEVATION		
E1	36	5.53'
E2	47	7.71'
E3	53	3.79'
E4	37	'.42 <b>'</b>
SUB-TOTAL:	175	5.45'
# OF LOCATIONS:		4
AVERAGE:	43	3.86'
WEST ELEVATION		
W1	35	5.08'
W2	44	.85'
W3	3	86.0'
W4	26	5.56'
W5	17	'.16'
SUB-TOTAL:	159	9.65'
# OF LOCATIONS:		5
AVERAGE:	31	.93'
TOTAL:	919	).18'
NUMBER OF LOCATIONS		24
AVERAGE:	38	3.29'







CONDOMINIUMS A COLORADO COMMON INTEREST (EC NOV 30 2004 PL 1 PG 3400 THRU 3401 AND ALSO ACC TO THE DECLARATION)

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> 140 CORTINA DRIVE, MOUNTAIN VILLAGE, CO 81435 UNIT 4 CORTINA LAND CONDOMINIUMS ACC TO THE N COMMUNITY LOT 165 TOWN OF MOUNTAIN VILLAGE R REC NOV 30 2004 AT REC NUM 370697

MAX BUILDING HEIGHT

SHEET NUMBER

**A2.3 A2.3** 

NORTH			WEST			TOTALS		
STONE	807 SF	25%	STONE	344 SF	25%	STONE	1,910 SF	
WOOD SIDING	632 SF	20%	WOOD SIDING	634 SF	46%	STONE AT RETAINING / COLUMNS	1,749 SF	
WINDOW/DOOR GLAZING	1,021 SF	32%	WINDOW/DOOR GLAZING	175.5 SF	13%	WOOD SIDING	2,353 SF	
METAL SIDING	761 SF	23%	METAL SIDING	218 SF	16%	WINDOW/DOOR GLAZING	1,373.5 SF	
SUBTOTAL:	3,221 SF	100%	SUBTOTAL:	1,371.5 SF	100%	METAL SIDING	2,468 SF	
						GARAGE DOOR	162 SF	
						TOTAL:	10,015.5 SF	
SOUTH			EAST AT GARAGE			PERCENTAGES		
STONE	305 SF	15%	STONE	290 SF	23%	STONE	19 %	00.0/
WOOD SIDING	801 SF	38%	WOOD SIDING	112 SF	9%	STONE AT RETAINING / COLUMNS	17 %	36 %
WINDOW/DOOR GLAZING	141 SF	7%	WINDOW/DOOR GLAZING	36 SF	3%	WOOD SIDING	23 %	
METAL SIDING	687 SF	33%	METAL SIDING	802 SF	65%	WINDOW/DOOR GLAZING	14 %	
GARAGE DOOR	162 SF	7%	SUBTOTAL:	1,240 SF	100%	METAL SIDING	25 %	
SUBTOTAL:	2,096 SF	100%				GARAGE DOOR	2 %	
						TOTAL:	100 %	

1,000 SF

540 SF

209 SF

1,749 SF

RETAINING WALL / COLUMNS

51% RETAINING WALL AT EAST ELEV DRIVEWAY

N/A RETAINING WALL AT WEST ELEV DRIVEWAY

49% STONE COLUMNS

N/A SUBTOTAL:

100%

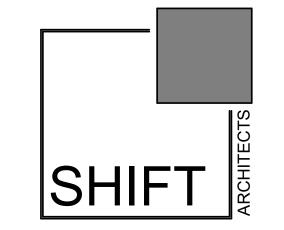
164 SF

174 SF

N/A

N/A

338 SF



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57% NOTE:
31% STONE ON RETAINING WALLS / COLUMNS THAT ARE ATTACHED TO HOUSE ARE INCLUDED IN MATERIAL CALCULATION TYP.

100% STONE VENEER CALCULATIONS ARE IN ACCORDANCE WITH TITLE 17 OF THE TOWN OF MOUNTAIN VILLAGE MUNICIPAL CODE CDC 17.5.6.E.1

NO. DATE DESC.

|--|

EAST

STONE

WOOD SIDING

METAL SIDING

SUBTOTAL:

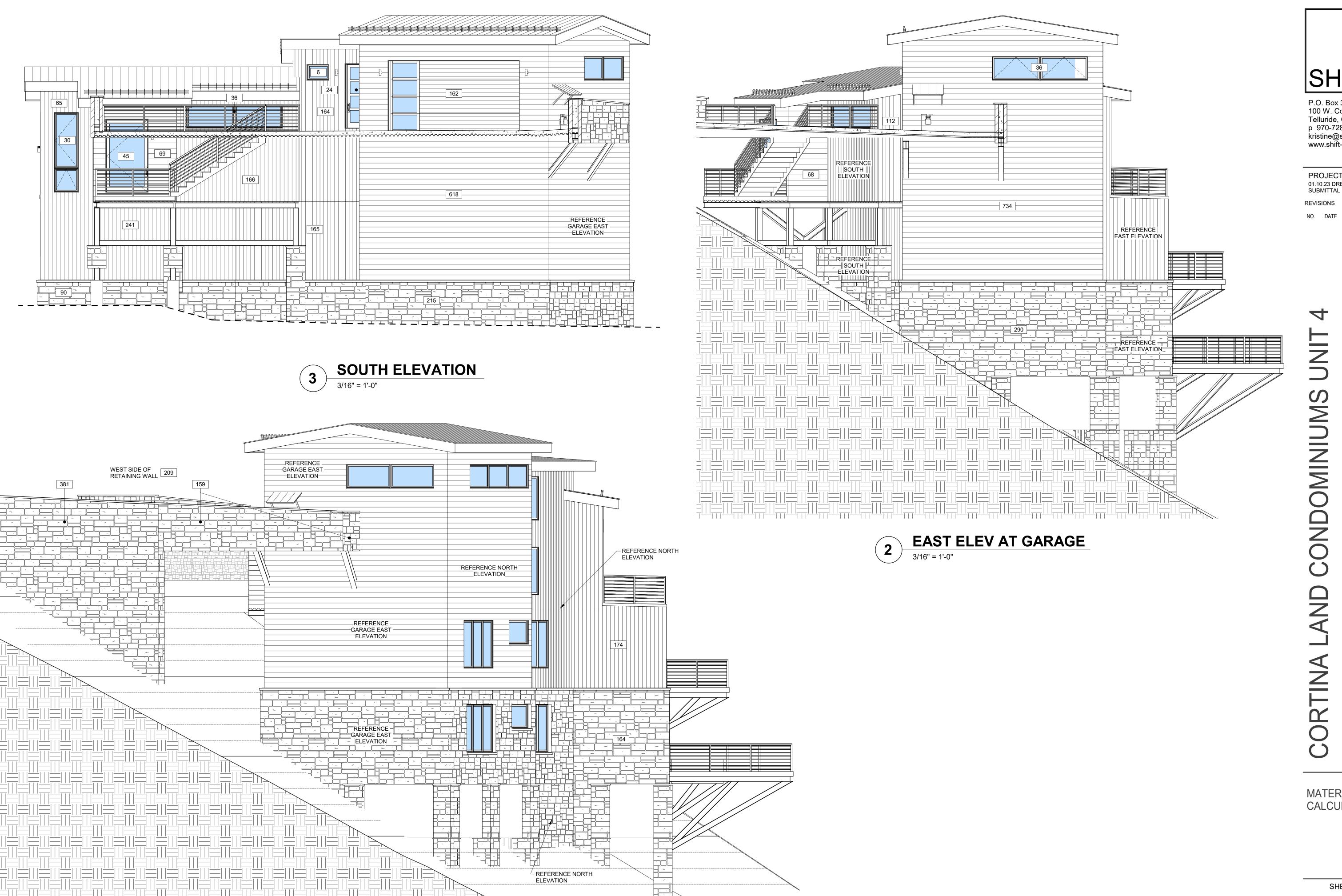
WINDOW/DOOR GLAZING

TINA LAND CONDOMINIUMS UNIT 2

MATERIAL CALCULATIONS

SHEET NUMBER

A2.4



**EAST ELEVATION**3/16" = 1'-0"

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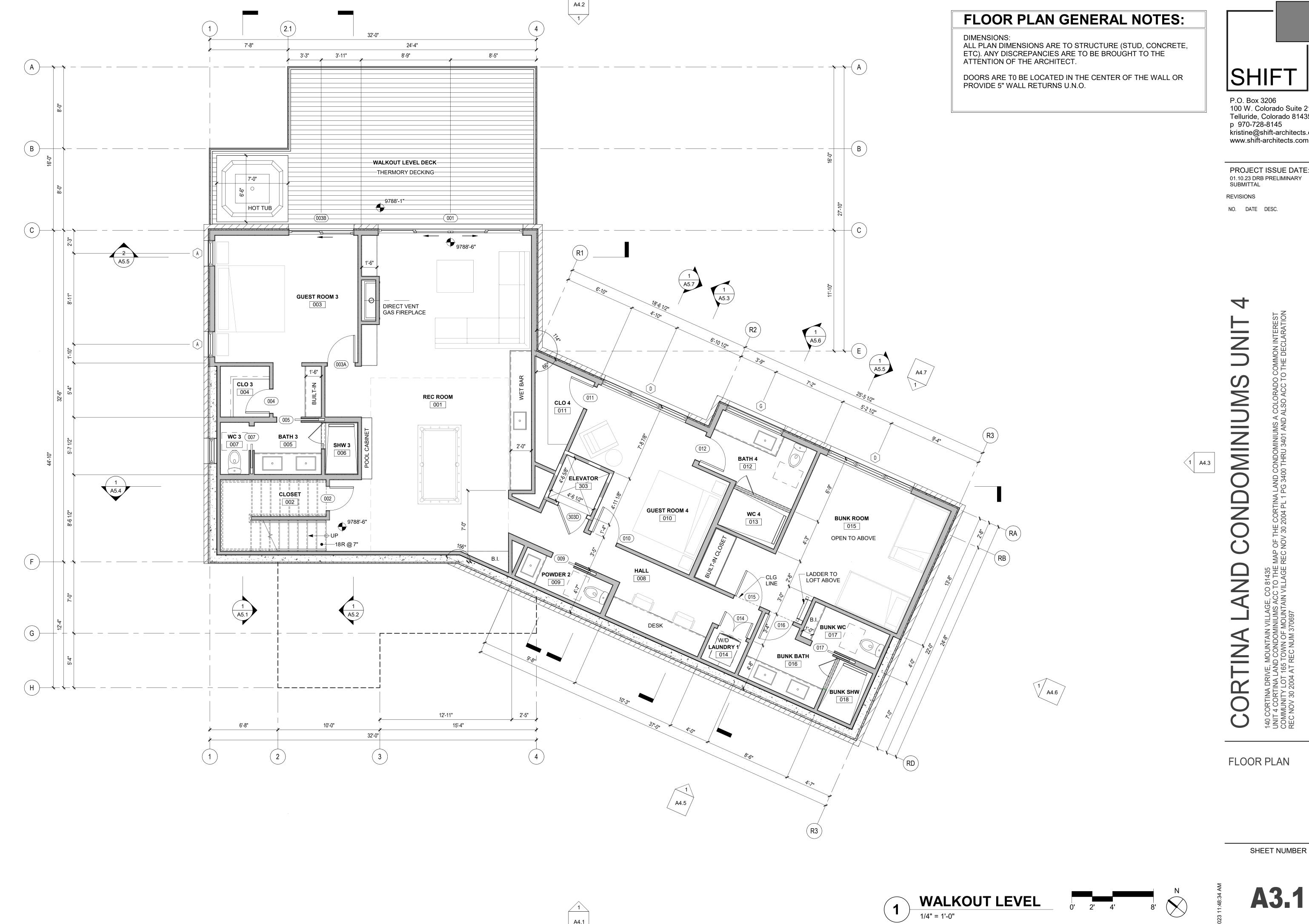
REVISIONS

NO. DATE DESC.

MATERIAL CALCULATIONS

SHEET NUMBER

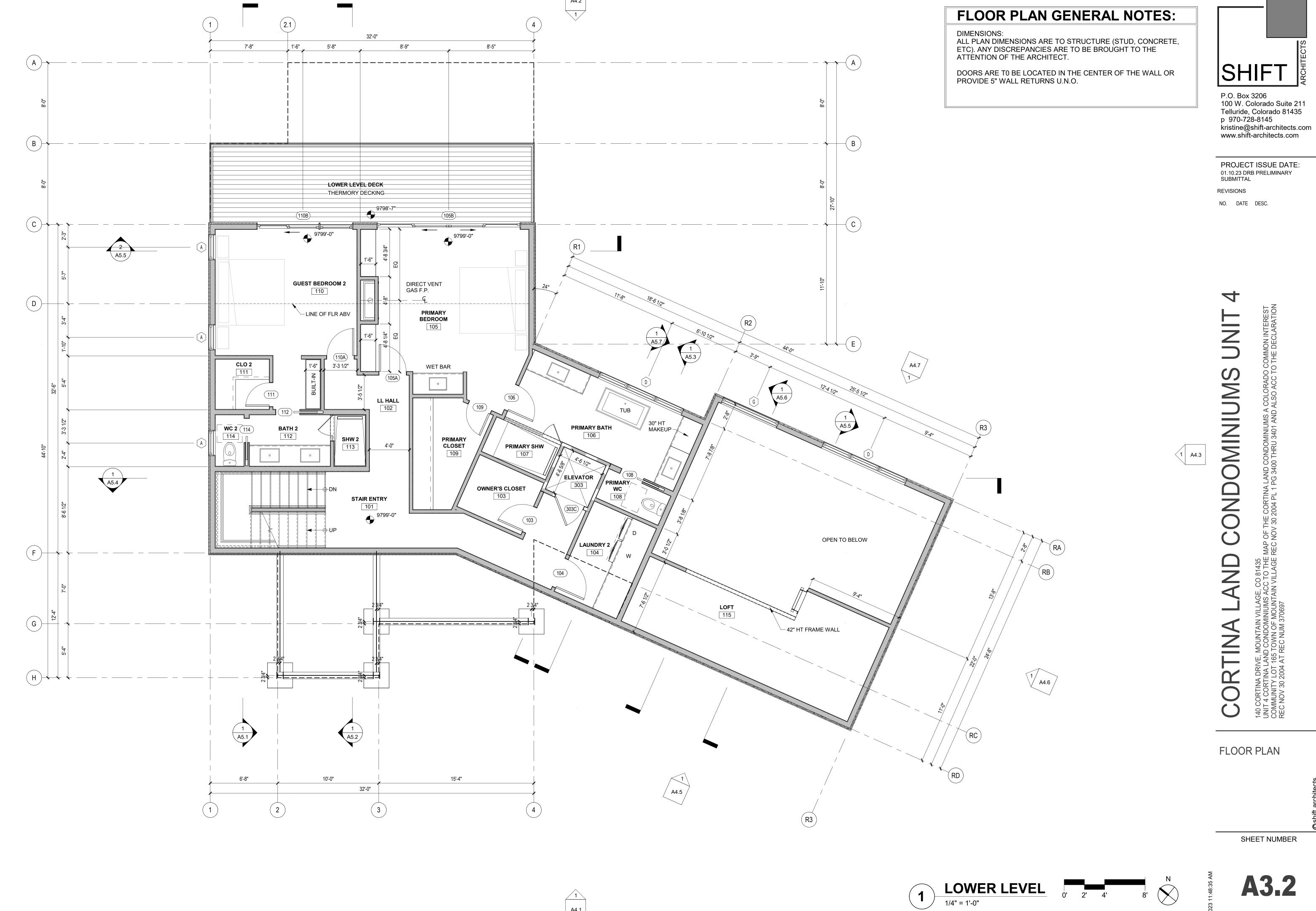
A2.5

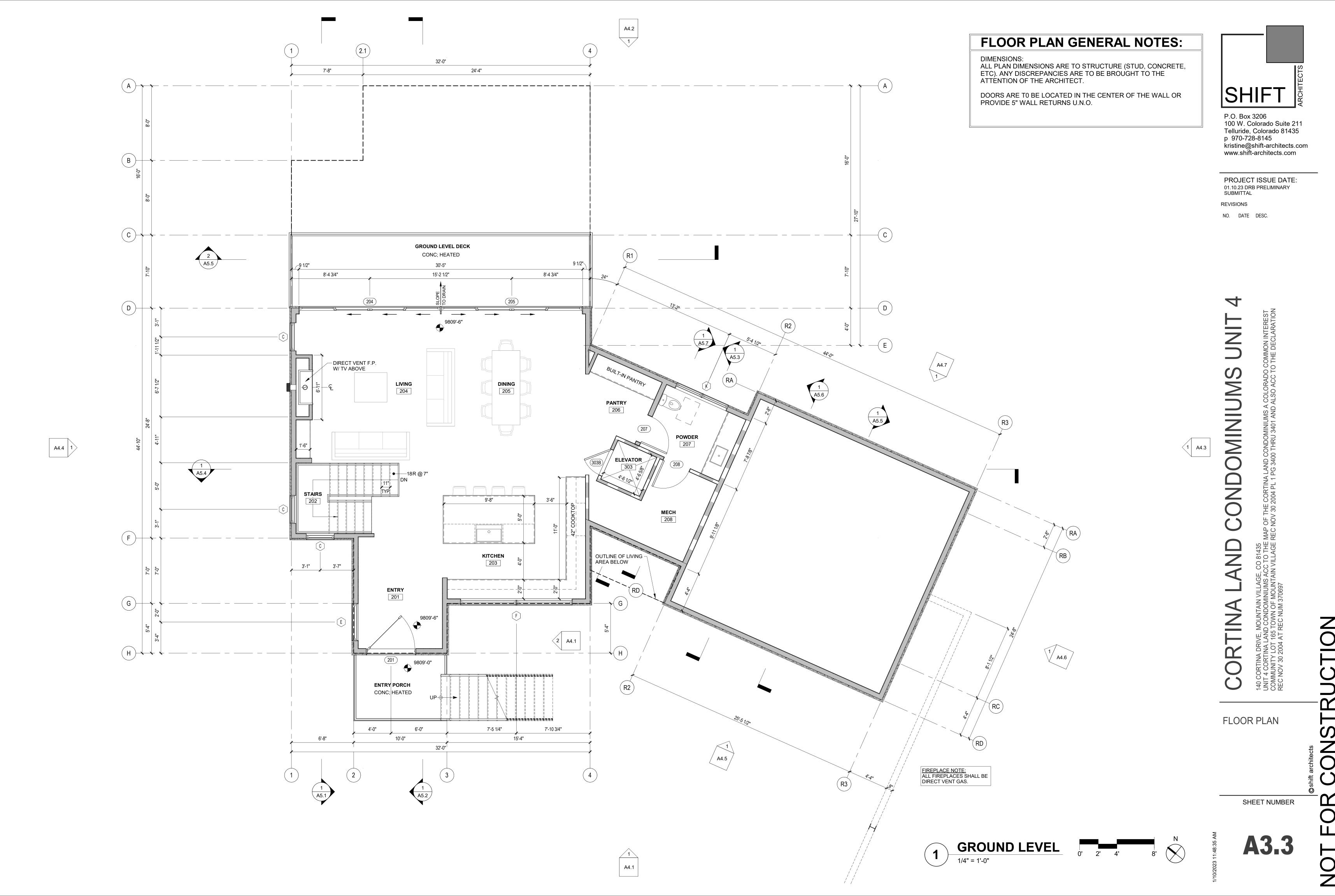


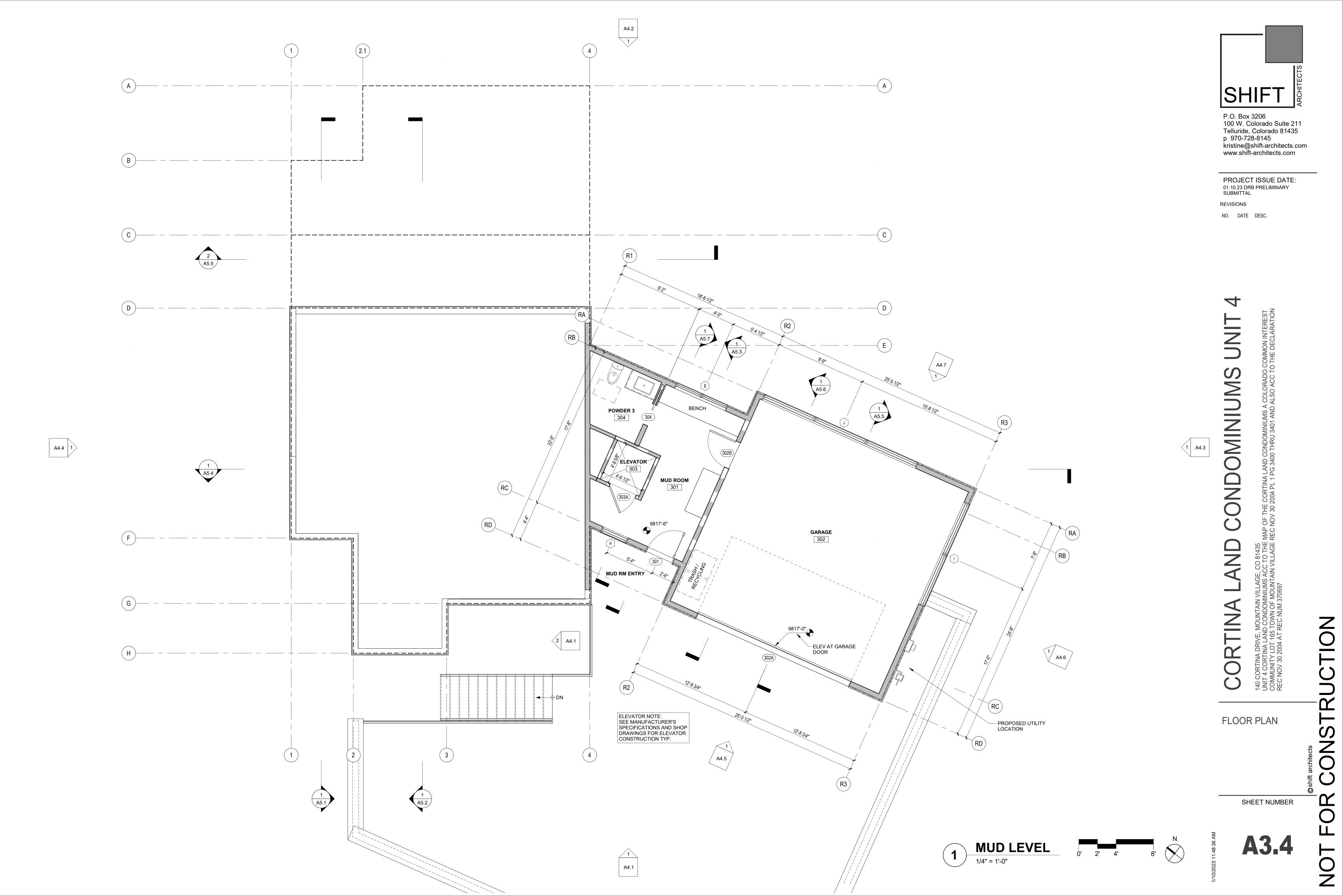
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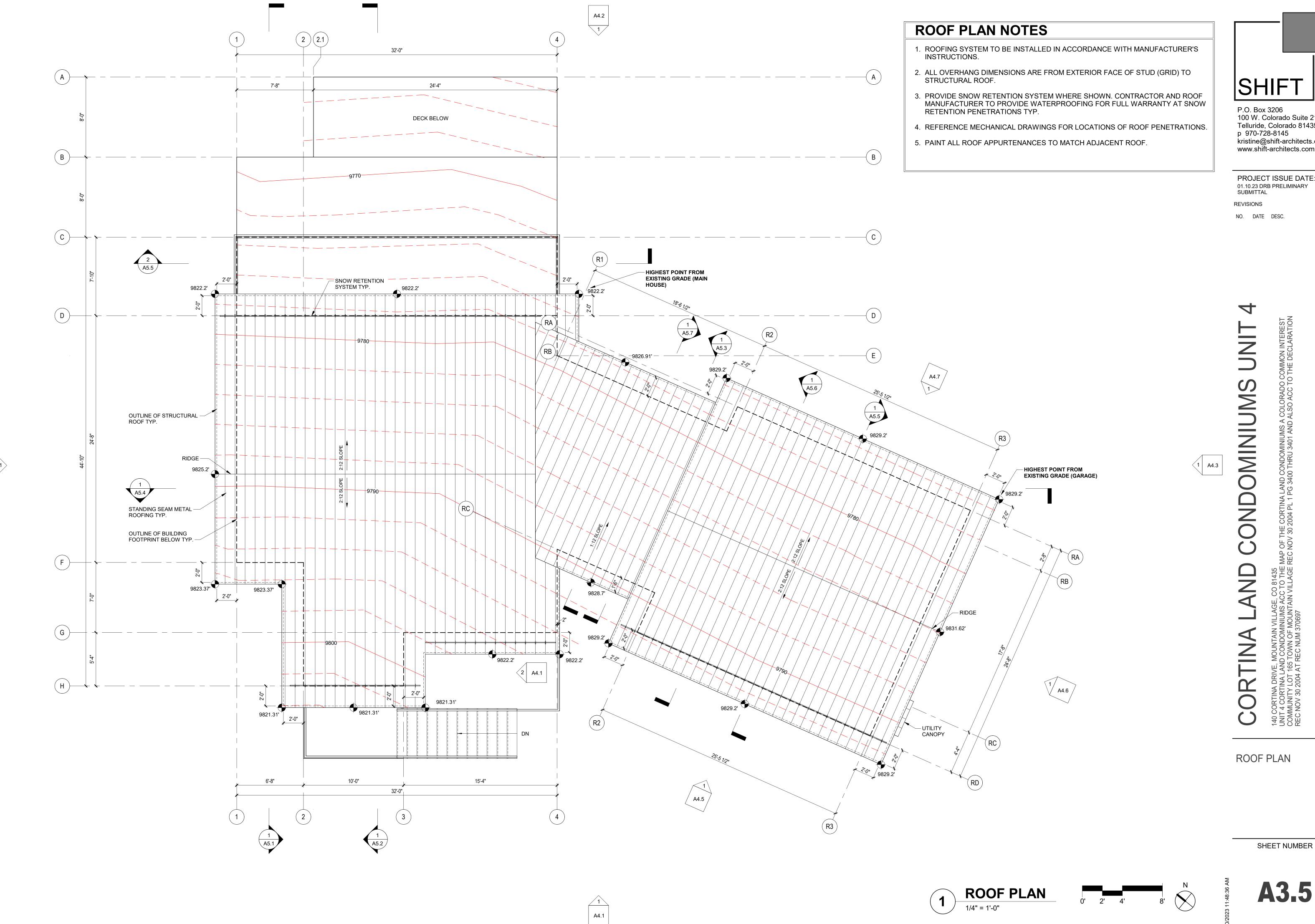
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PROJECT ISSUE DATE:

TELLURIDE STONE HERITAGE SERIES **PILATUS FULL STONE VENEER** 



VERTICAL WOOD SIDING: 6" PINE VERT SIDING W/ MITERED CORNERS FINISH: STAINED; TYPICAL



STEEL HORIZ SIDING: EDCO PRODUCTS 8" TRADITIONAL STEEL LAP SIDING FINISH: CHARCOAL GRAY



TYPICAL STAIN: NATURAL

STEEL BEAMS / COLUMNS / BRACING: FINISH: PAINTED BLACK

DECK BAND:

DOUG FIR WRAPPED W/ METAL: PAINTED BLACK

FASCIA:
DOUG FIR FASCIA WRAPPED W/ METAL FLAT SHEETS FINISH: MATCH ROOFING

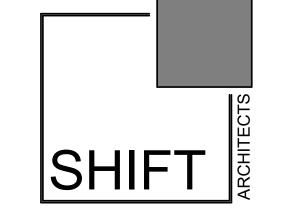
SOFFIT: 1X4 T&G PINE FINISH: STAINED; NATURAL

PI Ht Ground Lvl 9826'-0" VERTICAL WOOD SIDING W/ MITERED CORNERS TYP. T.O. Gyp Mud Lvl 9817'-6" - HORIZ STEEL SIDING TYP. T.O. Gyp Ground Lvl 9809'-6"

G

# **EXTERIOR ELEVATION NOTES**

. CONSISTANT WITH TOWN BUILDING CODES: UNENCLOSED ACCESSORY STRUCTURES ATTACHED TO BUILDINGS WITH HABITABLE SPACES AND PROJECTIONS, SUCH AS DECKS, SHALL BE CONSTRUCTED AS EITHER NON-COMBUSTIBLE, HEAVY TIMBER OR EXTERIOR GRADE IGNITITION RESISTANT MATERIALS SUCH AS THOSE LISTED AS WUIC (WILDLAND URBAN INTERFACE CODE) APPROVED PRODUCTS.



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Pl Ht Garage Lvl 9828'-6"

T.O.Stl Garage Lvl 9808'-7" T.O.Stl Ground Lvl 9808'-2 3/8"

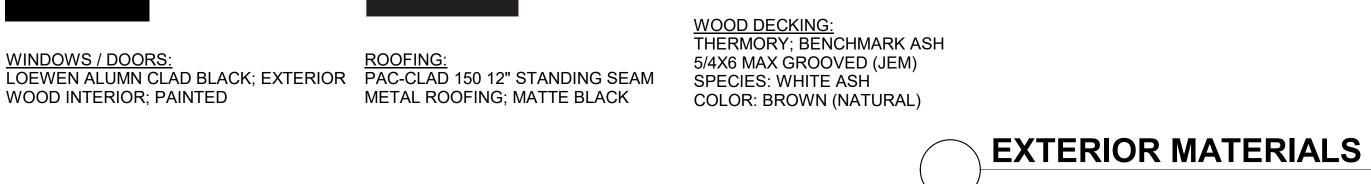
T.O.Pier Ground Lvl 9798'-6"

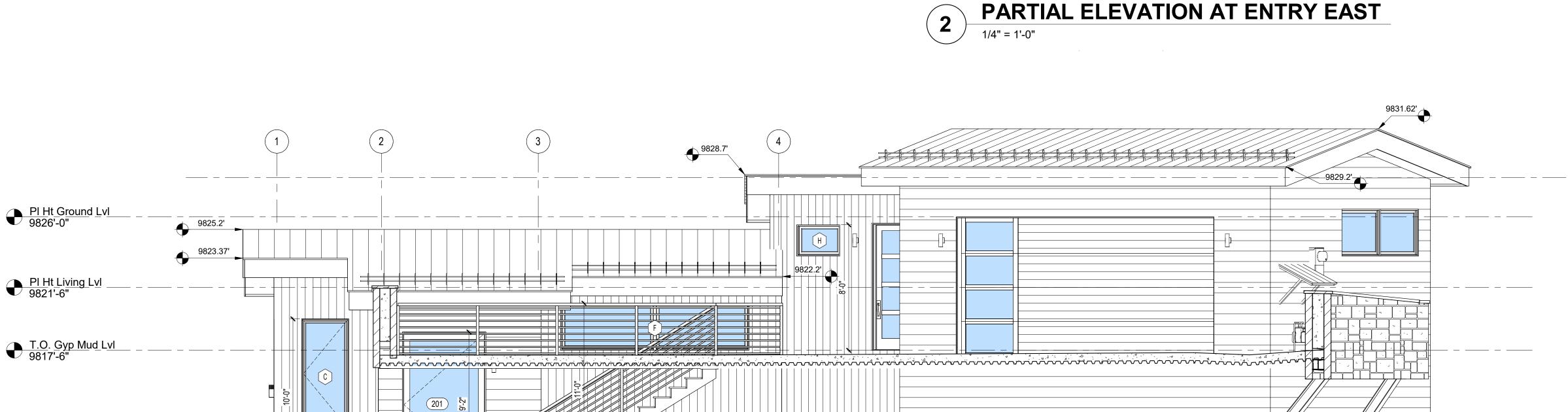
# SMININIMS

**EXTERIOR ELEVATIONS** 

SHEET NUMBER

SOUTH ELEVATION
1/4" = 1'-0"





T.O. Gyp Ground Lvl 9809'-6" PI Ht Lower Lvl 9808'-3 7/8"

T.O. Gyp Lower Lvl 9799'-0" PI Ht Walkout Lvl 9797'-9 7/8"

T.O. Gyp Walkout Lvl 9788'-6"

NORTH ELEVATION

1/4" = 1'-0"

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Telluride, Colorado 81435

EXTERIOR ELEVATIONS

SHEET NUMBER

Δ4.2



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REVISIONS

NO. DATE DESC.

CONDOMINUMS A COLORADO COMMON INTEREST

140 CORTINA DRIVE, MOUNTAIN VILLAGE, CO 81435 UNIT 4 CORTINA LAND CONDOMINIUMS ACC TO THE MAP OF THE CORTINA LA COMMUNITY LOT 165 TOWN OF MOUNTAIN VILLAGE REC NOV 30 2004 PL 1 PG REC NOV 30 2004 AT REC NUM 370697

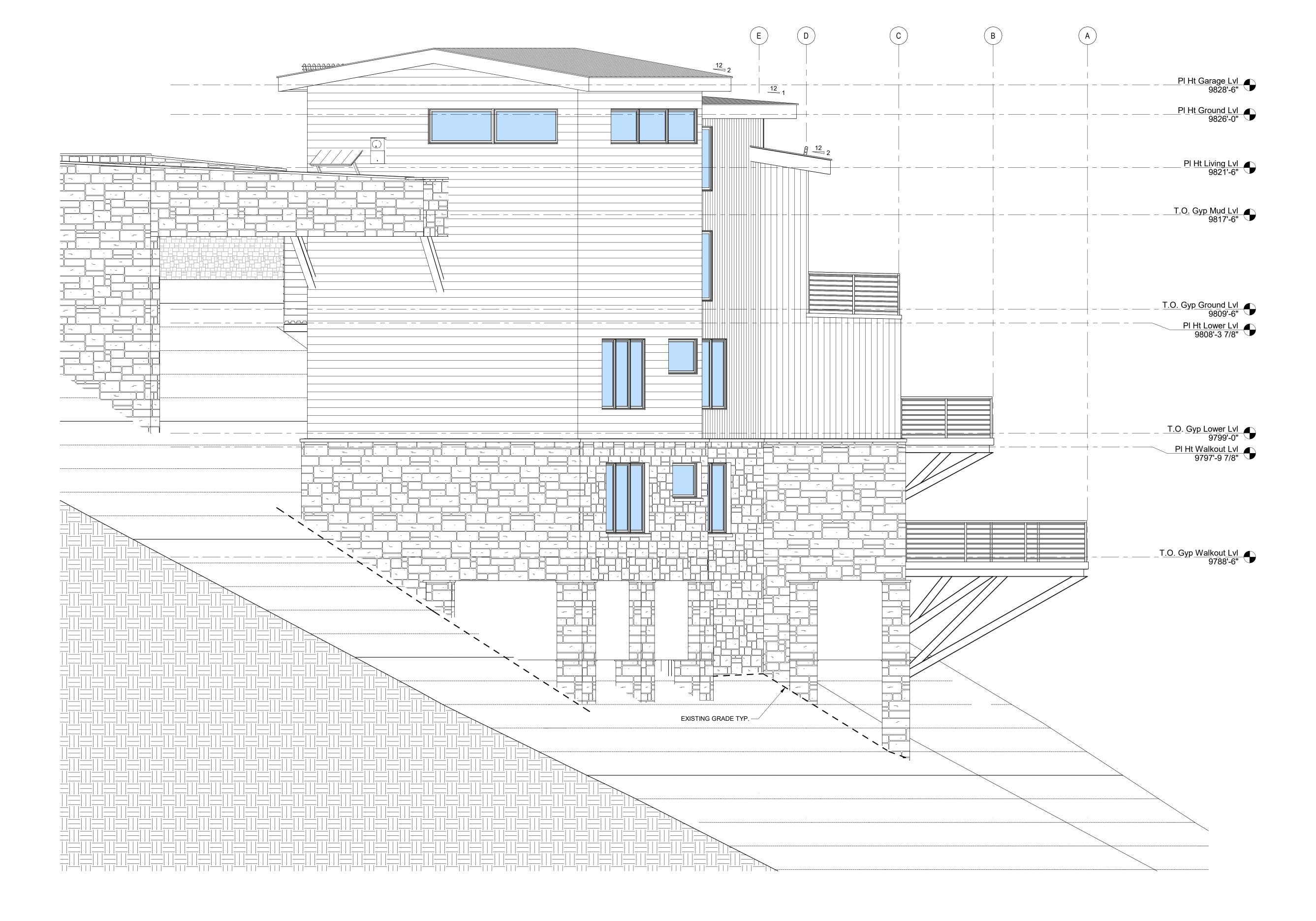
EXTERIOR ELEVATIONS

SHEET NUMBER

**A4.**3

**EAST ELEVATION** 

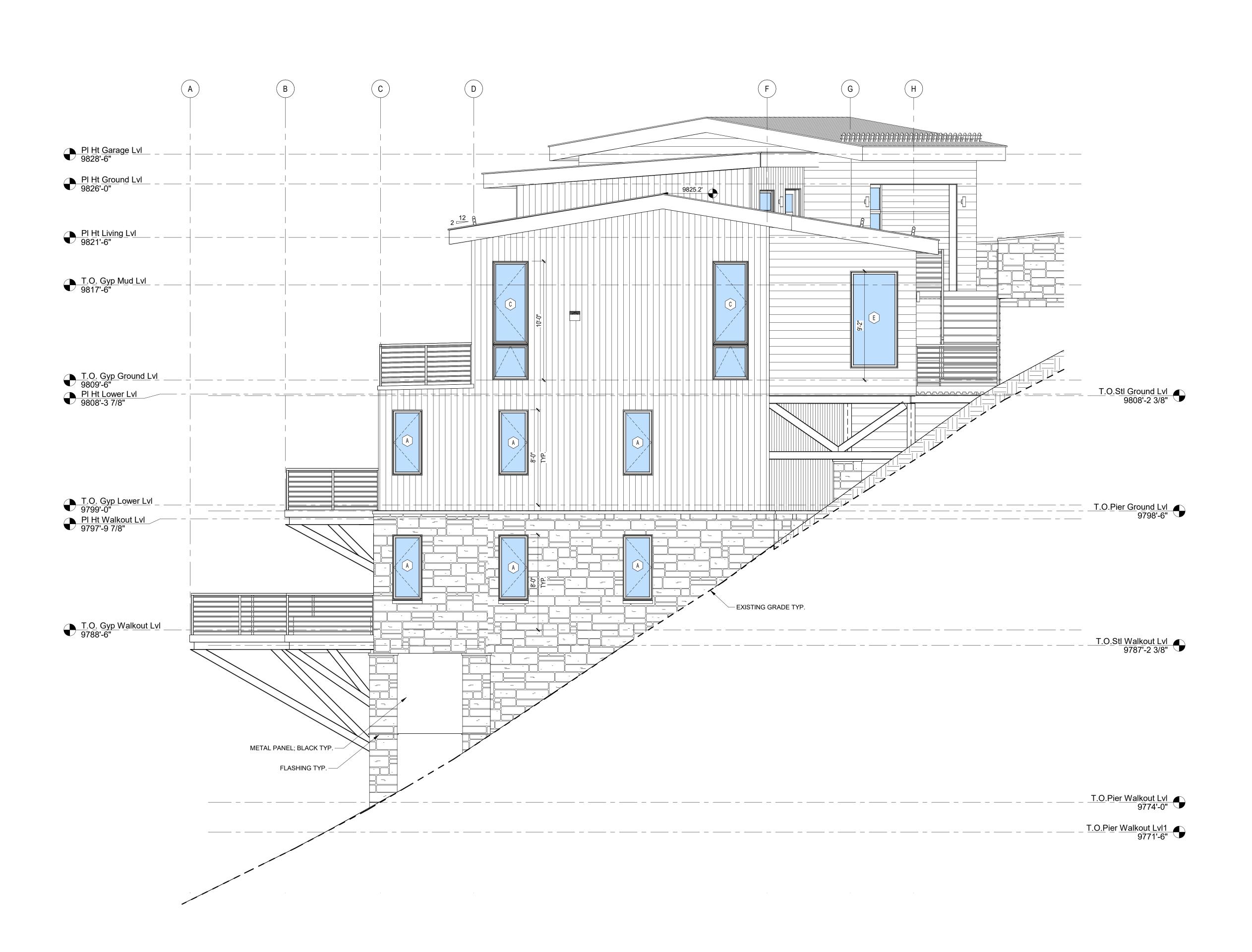
1/4" = 1'-0"



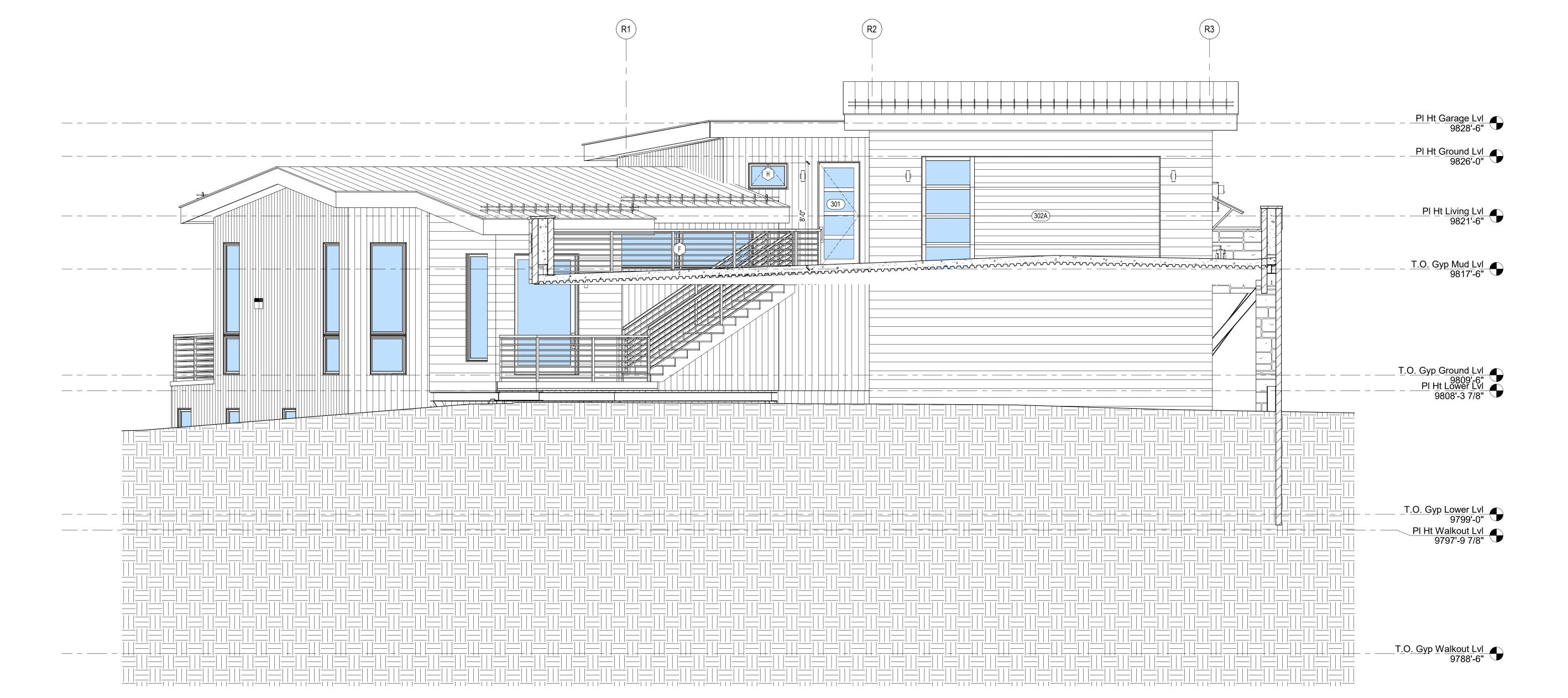
EXTERIOR ELEVATIONS

SHEET NUMBER

WEST ELEVATION
1/4" = 1'-0"



A4.5



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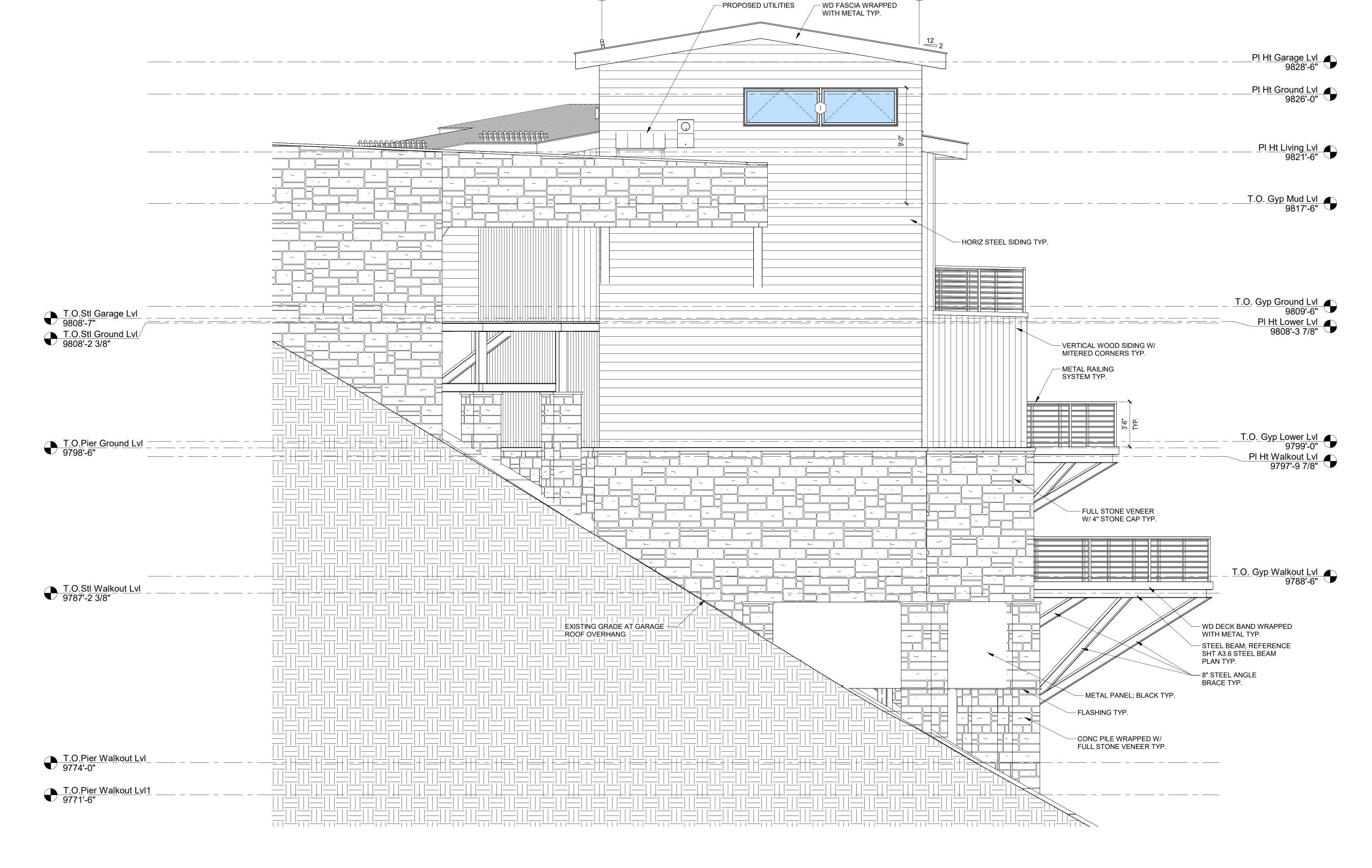
REVISIONS

NO. DATE DESC.

SMININIMS VILLAGE, CO 81435 INIUMS ACC TO THE MAP OF THE CORTINA LA MOUNTAIN VILLAGE REC NOV 30 2004 PL 1 PG 70697

EXTERIOR **ELEVATIONS** 

SHEET NUMBER



RD

NO. DATE DESC.

**SMININIMS** 

**EXTERIOR ELEVATIONS** 









EAST ELEVATION
1/8" = 1'-0"







**GARAGE EAST** 







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AND CONDOMINIUMS UNIT

PRESENTATION ELEVATIONS

SHEET NUMBER

**A4.8** 

# **DOOR NOTES:**

- DOOR INSTALLATION: INSTALL DOORS IN ACCORDANCE WITH MANUFACTURER'S INSTALLATION INSTRUCTIONS.
- 2. PROVIDE TEMPERED GLASS AS REQUIRED BY CODE.
- 3. DOOR HARDWARE TO BE BRUSHED NICKEL OR BRUSHED STEEL. 4. DOOR MANUFACTURER: LOEWEN ALUMN CLAD EXTERIOR / WOOD INTERIOR, PAINTED.
- 5. VERIFY ROUGH OPENINGS WITH MANUFACTURER PRIOR TO FRAMING.

SLIDING (2 PANEL) TYPE F

- 6. WINDOW MANUFACTURER TO PROVIDE SHOP DRAWINGS.
- 7. PROVIDE SCREENS FOR ALL DOORS.
- 8. DOORS SHALL BE IN ACCORDANCE WITH THE TOWN OF MOUNTAIN VILLAGE COMMUNITY DEVELOPMENT CODE CHAPTER 17.5 DESIGN REGULATIONS (17.5.6.H DOORS AND ENTRY WAYS).

DOOR SCHEDULE EXTERIOR PANEL							
MARK	ROOM NAME	TYPE MARK	PANEL WIDTH	PANEL HEIGHT	TYPE	MANUFACTURER	COMMENTS
201	ENTRY	В	5'-1 1/2"	9'-0 3/4"	PIVOT		
301	MUD ROOM	Α	3'-0"	8'-0"	SWING	LOEWEN ALUM CLAD; BLACK / WOOD INTERIOR; PAINTED BLACK	(4) LITE
302A	GARAGE	G	18'-0"	9'-0"	OVERHEAD DOOR		6" HORIZ PINE (MATCH SIDING AT HOUSE); (3) LITE, FROSTED GLASS

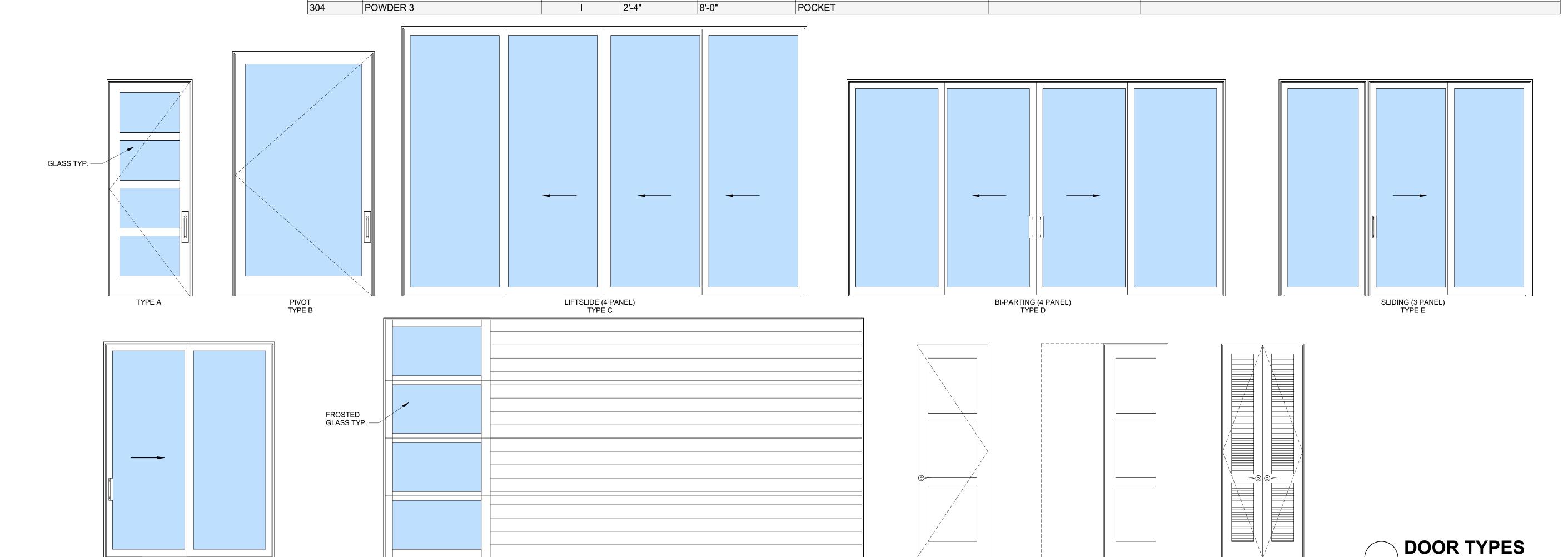
	DOOR SCHEDULE EXTERIOR FRAME							
MARK	ROOM NAME	TYPE MARK	UNIT WIDTH	UNIT WIDTH	TYPE	MANUFACTURER	COMMENTS	
001	REC ROOM	D	14'-2 1/2"	8'-1 1/4"	BI-PARTING (4 PANEL)	LOEWEN ALUM CLAD; BLACK / WOOD INTERIOR; PAINTED BLACK		
003B	GUEST ROOM 3	F	6'-5"	8'-1 1/4"	SLIDING PATIO (2 PANEL)	LOEWEN ALUM CLAD; BLACK / WOOD INTERIOR; PAINTED BLACK		
105B	PRIMARY BEDROOM	D	14'-2 1/2"	8'-1 1/4"	BI-PARTING (4 PANEL)	LOEWEN ALUM CLAD; BLACK / WOOD INTERIOR; PAINTED BLACK		
110B	GUEST BEDROOM 2	Е	9'-5"	8'-1 1/4"	SLIDING PATIO (3 PANEL)	LOEWEN ALUM CLAD; BLACK / WOOD INTERIOR; PAINTED BLACK		
204	LIVING	С	15'-2 1/2"	10'-1 1/4"	LIFTSLIDE (4 PANEL)	LOEWEN ALUM CLAD; BLACK / WOOD INTERIOR; PAINTED BLACK		
205	DINING	С	15'-2 1/2"	10'-1 1/4"	LIFTSLIDE (4 PANEL)	LOEWEN ALUM CLAD; BLACK / WOOD INTERIOR; PAINTED BLACK		

DOOR SCHEDULE - INTERIOR PANEL							
MARK	ROOM NAME	TYPE MARK	PANEL WIDTH	PANEL HEIGHT	TYPE	MANUFACTURER	COMMENTS
002	CLOSET	Н	2'-4"	8'-0"	SWING		
003A	GUEST ROOM 3	Н	2'-8"	8'-0"	SWING		
004	CLO 3	Н	2'-4"	8'-0"	SWING		
005	BATH 3	I	2'-4"	8'-0"	POCKET		
007	WC 3	I	2'-4"	8'-0"	POCKET		
009	POWDER 2	I	2'-4"	8'-0"	POCKET		
010	GUEST ROOM 4	Н	2'-8"	8'-0"	SWING		
011	CLO 4	Н	2'-4"	8'-0"	SWING		
012	BATH 4	Н	2'-6"	8'-0"	SWING		
014	LAUNDRY 1	J	3'-0"	8'-0"	DOUBLE SWING (LOUVERED)		
015	BUNK ROOM	Н	2'-8"	8'-0"	SWING		
016	BUNK BATH	Н	2'-6"	8'-0"	SWING		
)17	BUNK WC	I	2'-4"	8'-0"	POCKET		
103	OWNER'S CLOSET	Н	2'-8"	8'-0"	SWING		
104	LAUNDRY 2	Н	3'-0"	8'-0"	SWING		
105A	PRIMARY BEDROOM	Н	2'-8"	8'-0"	SWING		
106	PRIMARY BATH	Н	2'-8"	8'-0"	SWING		
108	PRIMARY WC	1	2'-4"	8'-0"	POCKET		
109	PRIMARY BEDROOM	Н	2'-4"	8'-0"	SWING		
110A	GUEST BEDROOM 2	Н	2'-8"	8'-0"	SWING		
111	CLO 2	Н	2'-4"	8'-0"	SWING		
112	BATH 2	1	2'-4"	8'-0"	POCKET		
114	WC 2	1	2'-4"	8'-0"	POCKET		
207	POWDER	Н	3'-0"	6'-8"	SWING		
208	MECH	Н	3'-0"	6'-8"	SWING	20	MIN FIRE RATED
302B	GARAGE	Н	3'-0"	8'-0"	SWING	20	MIN FIRE RATED
303A	ELEVATOR	Н	3'-0"	6'-8"	SWING	ELE	EVATOR DOOR IN ACCORDANCE W/ MANUFACTURER'S SPECIFICATIONS
303B	ELEVATOR	Н	3'-0"	6'-8"	SWING	ELE	EVATOR DOOR IN ACCORDANCE W/ MANUFACTURER'S SPECIFICATIONS
303C	ELEVATOR	Н	3'-0"	6'-8"	SWING	ELE	EVATOR DOOR IN ACCORDANCE W/ MANUFACTURER'S SPECIFICATIONS
303D	ELEVATOR	Н	3'-0"	6'-8"	SWING	ELE	EVATOR DOOR IN ACCORDANCE W/ MANUFACTURER'S SPECIFICATIONS
						T T	

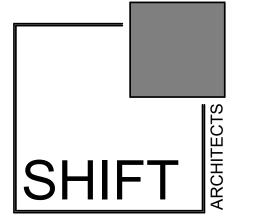
INTERIOR POCKET TYPE I

INTERIOR DBL SWING TYPE J

INTERIOR SWING TYPE H



OVERHEAD TYPE G



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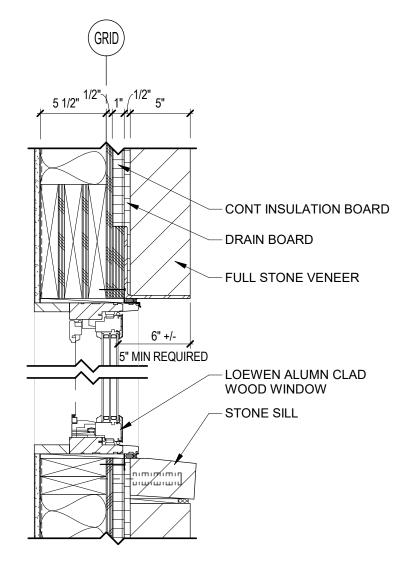
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**SMININIMS** CONDC

DOOR SCHEDULE

# **WINDOW NOTES:**

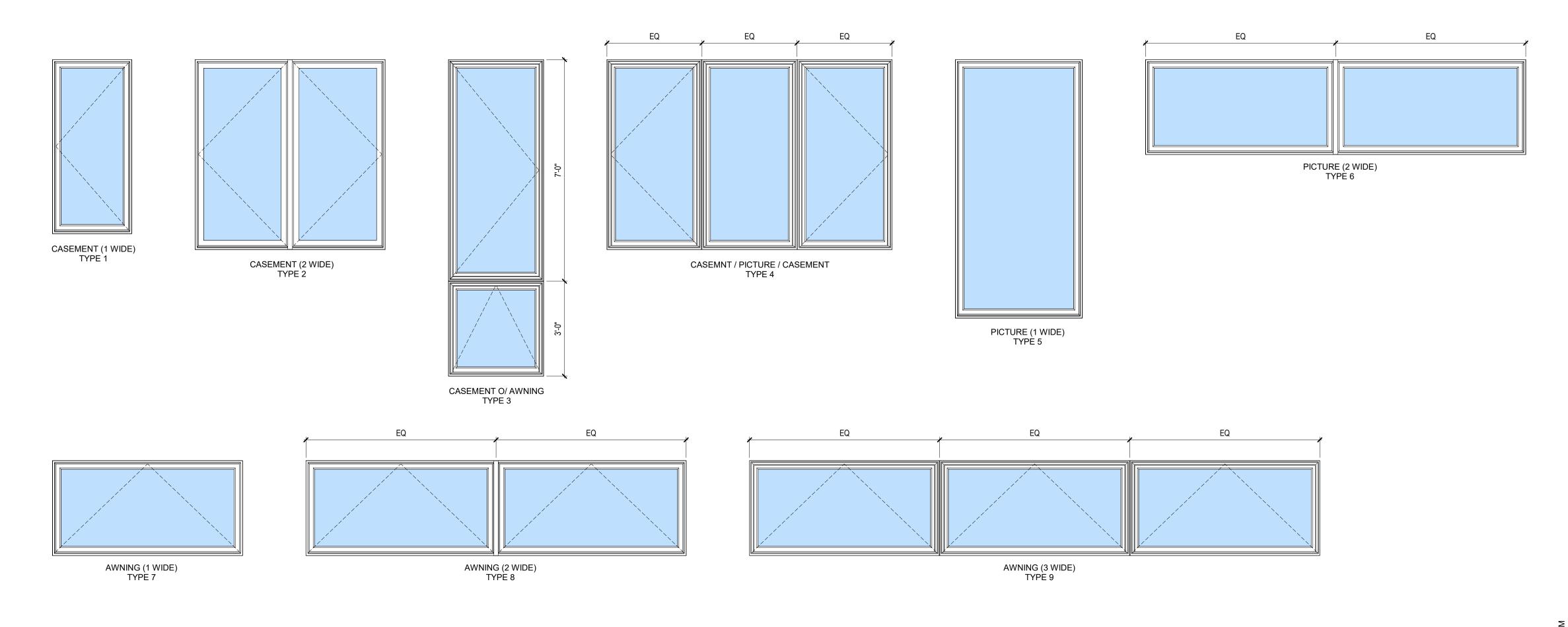
- 1. WINDOW INSTALLATION: INSTALL WINDOWS IN ACCORDANCE WITH
- MANUFACTURER'S INSTALLATION INSTRUCTIONS. 2. PROVIDE TEMPERED GLASS AS REQUIRED BY CODE.
- 3. SEE ELEVATIONS FOR WINDOW MULLION PATTERN.
- 4. WINDOW MANUFACTURER: LOEWEN ALUMN CLAD EXTERIOR / WOOD INTERIOR, PAINTED.
- 5. WINDOW HARDWARE TO BE BRUSHED NICKEL OR BRUSHED STEEL.
- 6. VERIFY ROUGH OPENINGS WITH MANUFACTURER PRIOR TO FRAMING. 7. WINDOW MANUFACTURER TO VERIFY WINDOW SWINGS.
- 8. WINDOW MANUFACTURER TO PROVIDE SHOP DRAWINGS.
- 9. PROVIDE SCREENS FOR ALL OPERABLE WINDOWS. 10. WINDOWS SHALL BE IN ACCORDANCE WITH THE TOWN OF MOUNTAIN
- VILLAGE COMMUNITY DEVELOPMENT CODE CHAPTER 17.5 DESIGN REGULATIONS (17.5.6.G GLAZING).
- 11. PROVIDE SAFEGARD 2R CASEMENT WINDOW OPENING CONTROL
- DEVICE ON ALL OPERABLE WINDOWS.



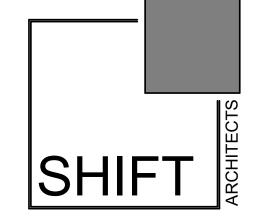
WINDOW SCHEDULE								
ROOM NUMBER	ROOM NAME	MARK	UNIT WIDTH	UNIT HEIGHT TYPE MAR	TYPE	MANUFACTURER COMMENTS		
		G	6'-0"	3'-0" 7	AWNING (1 WIDE)	LOEWEN ALUM CLAD; BLACK / WOOD INTERIOR; PAINTED BLACK		
003	GUEST ROOM 3 GUEST ROOM 3	A		5'-6" 1 5'-6" 1	CASEMENT (1 WIDE) CASEMENT (1 WIDE)	LOEWEN ALUM CLAD; BLACK / WOOD INTERIOR; PAINTED BLACK LOEWEN ALUM CLAD; BLACK / WOOD INTERIOR; PAINTED BLACK		
007	WC 3	A		5'-6" 1	CASEMENT (1 WIDE)	LOEWEN ALUM CLAD; BLACK / WOOD INTERIOR; PAINTED BLACK		
010	GUEST ROOM 4	D		6'-0" 4	CASEMENT / PICTURE / CASEMENT (3 WIDE)	LOEWEN ALUM CLAD; BLACK / WOOD INTERIOR; PAINTED BLACK		
012	BATH 4	G		3'-0" 7	AWNING (1 WIDE)	LOEWEN ALUM CLAD; BLACK / WOOD INTERIOR; PAINTED BLACK		
015 015	BUNK ROOM BUNK ROOM	D D		6'-0" 4 6'-0" 4	CASEMENT / PICTURE / CASEMENT (3 WIDE) CASEMENT / PICTURE / CASEMENT (3 WIDE)	LOEWEN ALUM CLAD; BLACK / WOOD INTERIOR; PAINTED BLACK LOEWEN ALUM CLAD; BLACK / WOOD INTERIOR; PAINTED BLACK		
106	PRIMARY BATH	D	9'-0"	6'-0" 4	CASEMENT / PICTURE / CASEMENT (3 WIDE)	LOEWEN ALUM CLAD; BLACK / WOOD INTERIOR; PAINTED BLACK		
110 110	GUEST BEDROOM 2 GUEST BEDROOM 2	A	2'-6" 2'-6"	5'-6" 1 5'-6" 1	CASEMENT (1 WIDE) CASEMENT (1 WIDE)	LOEWEN ALUM CLAD; BLACK / WOOD INTERIOR; PAINTED BLACK LOEWEN ALUM CLAD; BLACK / WOOD INTERIOR; PAINTED BLACK		
114	WC 2	Α		5'-6" 1	CASEMENT (1 WIDE)	LOEWEN ALUM CLAD; BLACK / WOOD INTERIOR; PAINTED BLACK		
201	ENTRY	Е	4'-0"	8'-2" 5	PICTURE (1 WIDE)	LOEWEN ALUM CLAD; BLACK / WOOD INTERIOR; PAINTED BLACK		
202 202	STAIRS STAIRS	C	3'-0" 3'-0"	10'-0" 3 10'-0" 3	CASEMENT / AWNING (1 WIDE) CASEMENT / AWNING (1 WIDE)	LOEWEN ALUM CLAD; BLACK / WOOD INTERIOR; PAINTED BLACK   3'-0'X7'-0' CASEMENT / 3'-0'X3'-0" AWNING LOEWEN ALUM CLAD; BLACK / WOOD INTERIOR; PAINTED BLACK   3'-0'X7'-0' CASEMENT / 3'-0'X3'-0" AWNING		
203	KITCHEN	F	12'-0"	3'-0" 6	PICTURE (2 WIDE)	LOEWEN ALUM CLAD; BLACK / WOOD INTERIOR; PAINTED BLACK		
204	LIVING	С	3'-0"	10'-0" 3	CASEMENT / AWNING (1 WIDE)	LOEWEN ALUM CLAD; BLACK / WOOD INTERIOR; PAINTED BLACK 3'-0'X7'-0' CASEMENT / 3'-0'X3'-0" AWNING		
207	POWDER	K	6'-0"	6'-0" 2	CASEMENT (2 WIDE)	LOEWEN ALUM CLAD; BLACK / WOOD INTERIOR; PAINTED BLACK		
301 301	MUD ROOM MUD ROOM	B H	6'-0" 3'-0"	5'-6" 2 2'-0" 7	CASEMENT (2 WIDE) AWNING (1 WIDE)	LOEWEN ALUM CLAD; BLACK / WOOD INTERIOR; PAINTED BLACK LOEWEN ALUM CLAD; BLACK / WOOD INTERIOR; PAINTED BLACK		
302	GARAGE	I	12'-0"	3'-0" 8	AWNING (2 WIDE)	LOEWEN ALUM CLAD; BLACK / WOOD INTERIOR; PAINTED BLACK		
302	GARAGE	J	18'-0"	3'-0" 9	AWNING (3 WIDE)	LOEWEN ALUM CLAD; BLACK / WOOD INTERIOR; PAINTED BLACK		

# WINDOW HEAD/SILL STONE VENEER

1 1/2" = 1'-0"







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**SMININIMS** CONDO

WINDOW SCHEDULE



### EXTERIOR LED WALL LIGHT (4 TOTAL)

EXTERIOR LED WALL LIGHT (4 TOTAL)							
SLANT LED INDOOR & OUTDOOR WALL LIGHT							
FINISH: BLACK							
MANUFACTURER	dweLED BY WAC LIGHTING						
ITEM	WS-W14911-BK						
MATERIAL	ALUMINUM						
GLASS	ETCHED OPAL GLASS LENS						
WIDTH	5"						
HEIGHT	10 5/8"						
DEPTH	3 1/4"						
LUMENS (TOTAL)	440						
WATTS (TOTAL)	7.0						
CRI	90						
COLOR TEMP	3000K (SOFT WHITE)						
LAMP TYPE	LED BUILT-IN						
RATED LIFE	50,000 HOURS						
DIMMABLE	ELV DIMMING: 10% - 100%						
VOLTAGE	120V						
DARK SKY COMPLIANT	YES						
CERTIFICATION	ETL LISTED WET LOCATIONS						

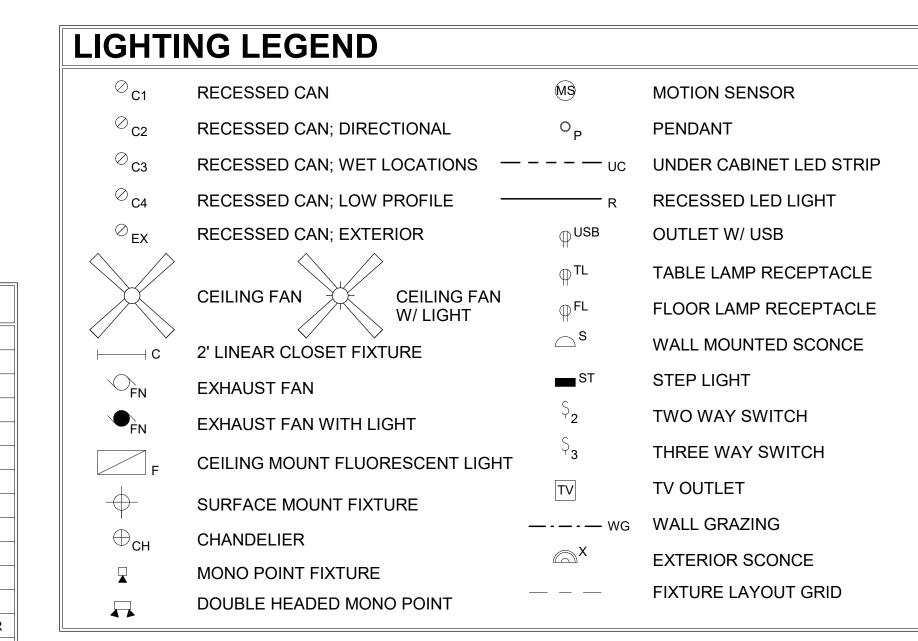
# **EXTERIOR FIXTURE B:**



### EXTERIOR WALL LIGHT (7 TOTAL)

WL-LED 100

FINISH: BLACK	
MANUFACTURER	WAC LIGHTING
ITEM	WL-LED100-C-BK
MATERIAL	DIE-CAST ALUMINUM
GLASS	3000K
WIDTH	5"
HEIGHT	3"
LUMENS	68
EFFICACY (Im/W)	8
CRI	90
RATED LIFE	50,000 HOURS
WATTAGE	3.9W
DIMMABLE	WITH ELECTRONIC LOW VOLTAGE (ELV) DIMM
CERTIFICATION	IP66, UL & cUL LISTED FOR WET LOCATIONS
LIGHT SOURCE	PRIMARY BULB: X 3.90 WATTS INTEGRATED LED MODULE
VOLTAGE	120V, DIRECT WIRING



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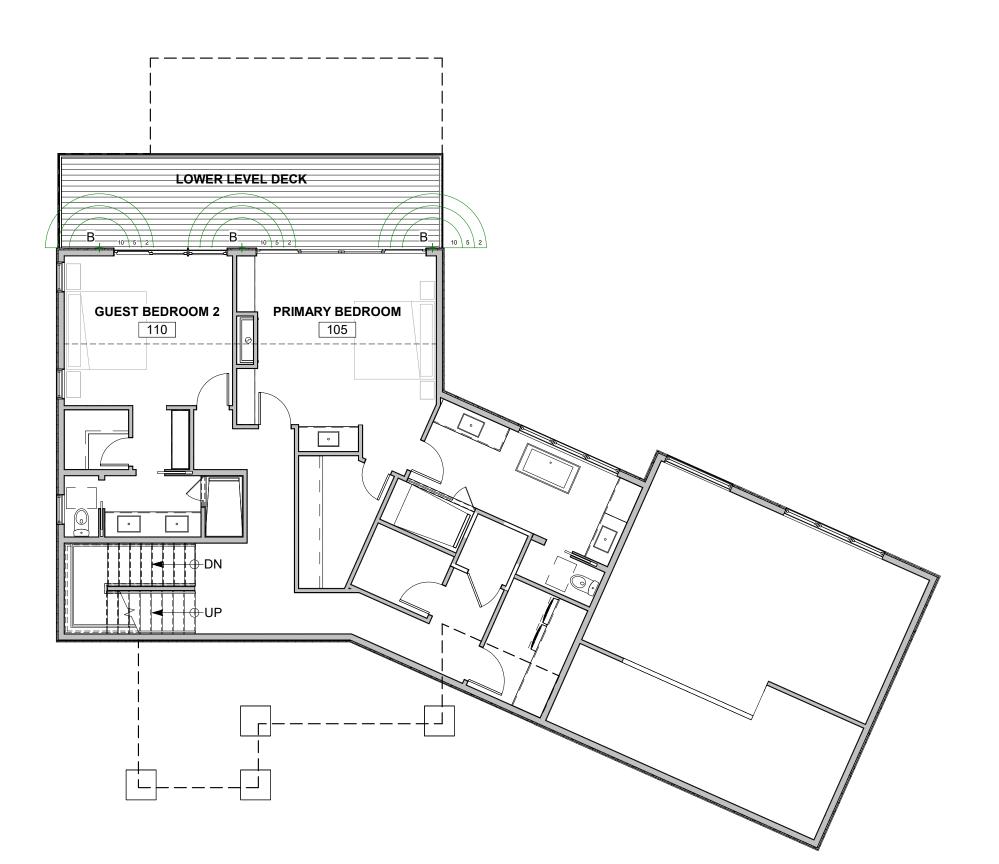
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CONDC

## **LIGHTING NOTES:**

- 1. FIELD VERIFY ALL LIGHTING LOCATIONS.
- 2. TYPICAL LIGHTING LOCATION AT STAIRS: (1 EA) PER LANDING (3 EA) PER RUN
- 3. CONTRACTOR SHALL TAKE CARE IN PLANNING ROUGH FRAMING LAYOUT AS IT RELATES TO THE NEED TO CENTER FIXTURES IN HALLWAYS, RECESSES AND OTHER AREAS WHERE RELATIONSHIPS DON'T OFFER ANY LATITUDE OR FIELD ADJUSTMENTS.
- 4. ALL RECESSED FIXTURES AT INSULATED CEILINGS TO BE IC RATED AND CERTIFIED AIR TIGHT CONSTRUCTION. ALL EXTERIOR FIXTURES, SHOWER FIXTURES AND FIXTURES OVER TUBS TO BE MARKED "SUITABLE FOR DAMP LOCATIONS".
- 5. LIGHTING SHALL BE IN ACCORDANCE WITH TOWN OF MOUNTAIN VILLAGE COMMUNITY DEVELOPMENT CODE 17.5.12 LIGHTING REGULATIONS
- 6. PROVIDE FULL CUT OFF FIXTURES WITH LED 10W 2500K-2700K BULBS PER CDC REQUIREMENTS.
- 7. MOUNT FIXTURES AT 7'-0" AFF MAX PER CDC REQUIREMENTS.
- 8. EXTERIOR LIGHTING ON SECOND AND UPPER FLOORS SHALL REQUIRE EITHER A TIMER OR SENSOR TO REDUCE USAGE AND ENERGY LOSS DURING TIMES OF INACTIVITY.

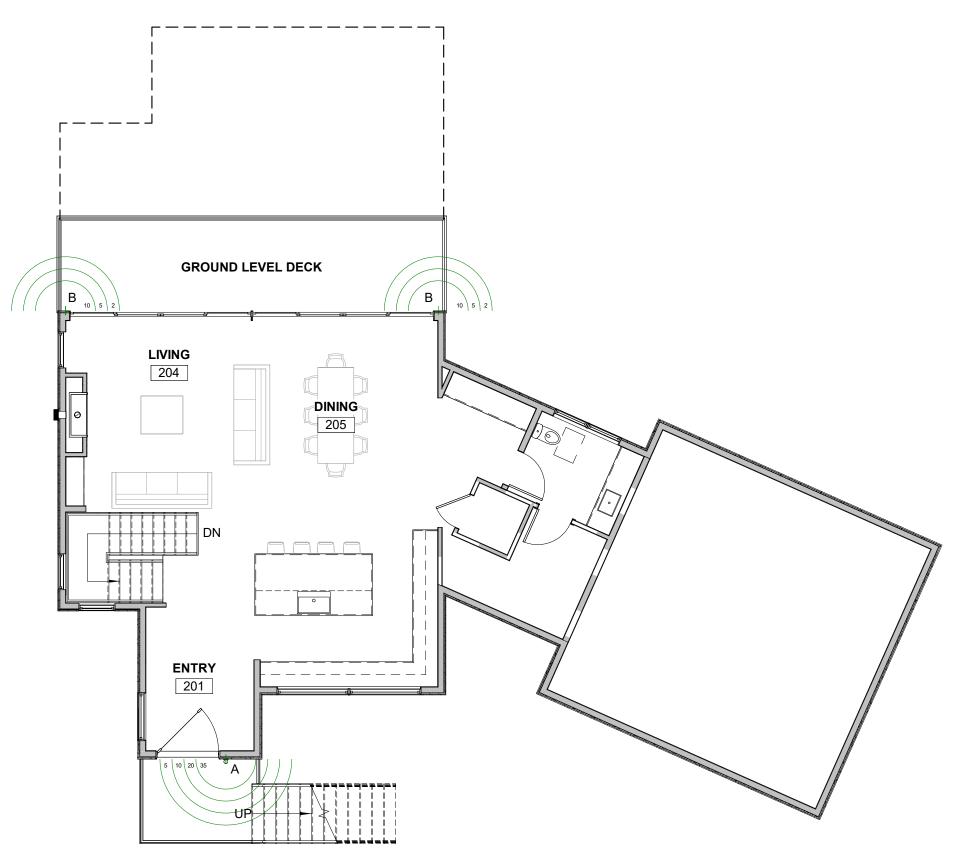


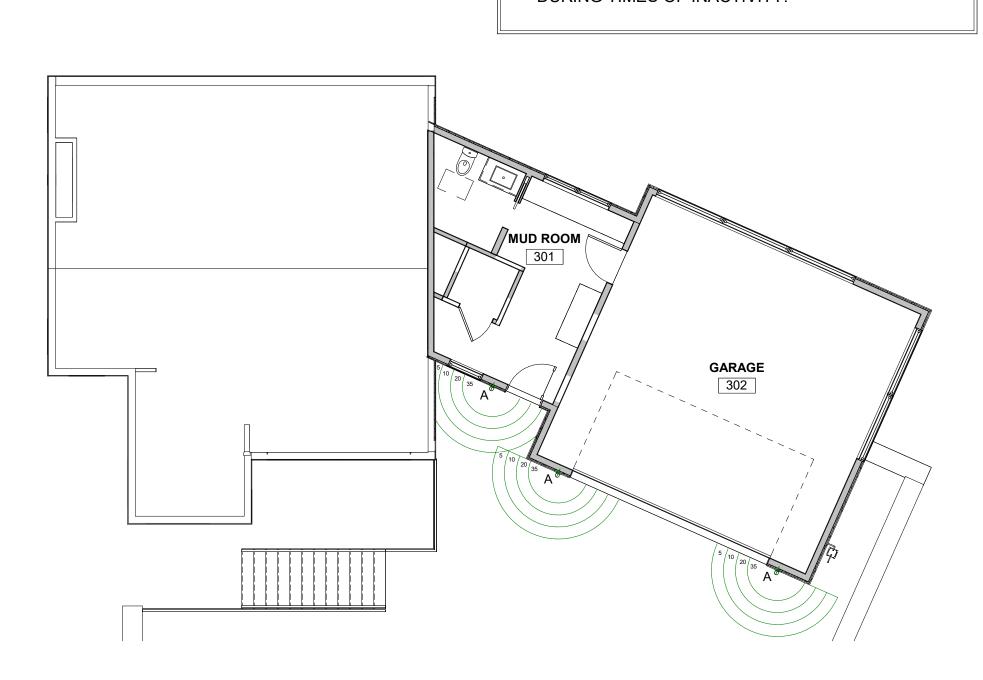
-WALKOUT LEVEL DECK-

**REC ROOM** 

**WALKOUT LEVEL** 

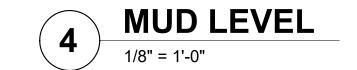
**GUEST ROOM 3** 003

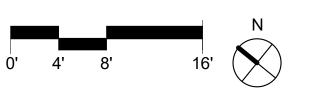












SHEET NUMBER

EXTERIOR LIGHTING

PLAN

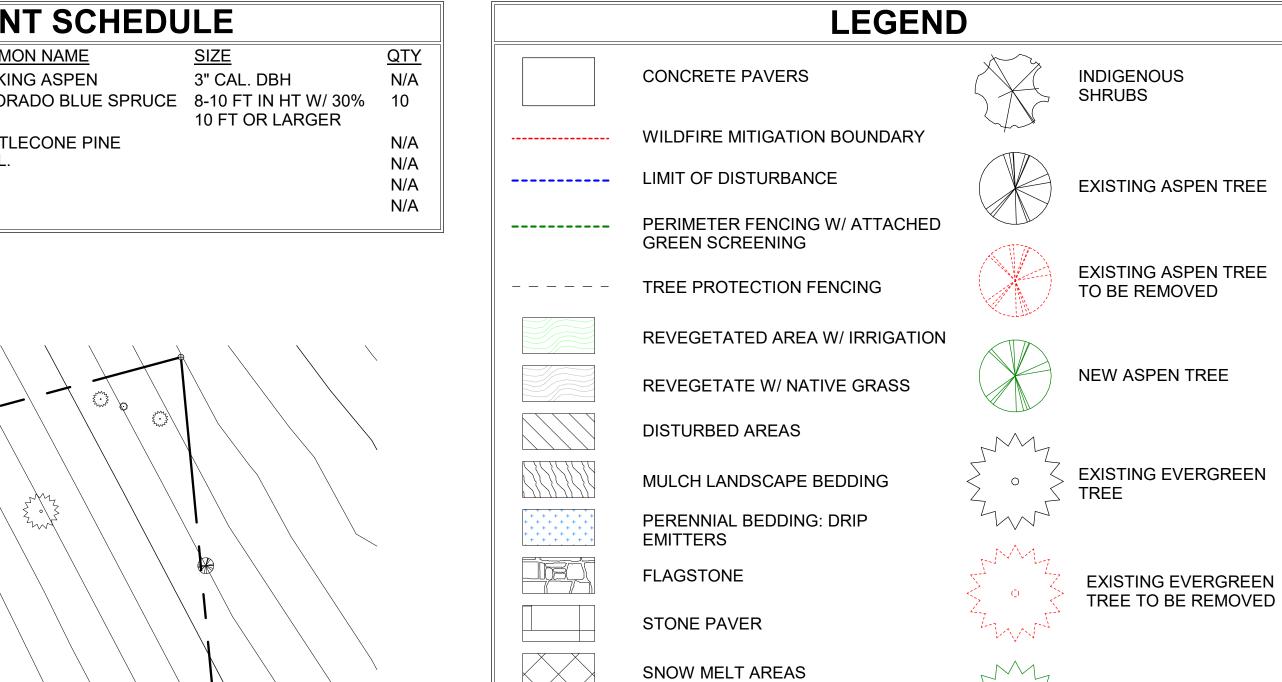
15" FIRE MITIGATION LINE TYP.

NOTE: NATURAL REVEGETATION REQUIRED FOR ALL DISTURBED AREAS TYP.

OUTLINE OF ROOF TYP.

CORTINA DRIVE

MOTOR COURT



NOTE:
ALL EXISTING TREES TO BE PROTECTED

THROUGHOUT CONSTRUCTION.

# **IRRIGATION NOTES**

HALL BE DRIP IRRIGATION.

NNG WITHIN A SPECIFIC ZONE.

1. PROVIDE IRRIGATION SYSTEM IN ACCORDANCE WITH CDC REQUIREMENTS (17.5.9 LANDSCAPING REGULATIONS, TABLE 5-3 IRRIGATION SYSTEM DESIGN) AND THE TOWN OF MOUNTAIN VILLAGE WATER AND SEWER REGULATIONS.

Plans must exclude all the trees from one of these groupings to be in compliance with CDC.

Also, plan must state that all Zone 2 trees (all trees outside of Zone 1) must have a minimum spacing of 10 feet between crowns. All shrubs taller than 10 feet WILKINS MODEL 500 PRESSURE REGULATOR must have a minimum spacing of 10 feet between ASS 200 PVC MAINLINE 1 1/2" crowns.

Zwir D

E SPRAY HEADS. EGETATED WITH NATIVE GRASS SEED MIX MAY BE GRASS IS ESTABLISHED, BUT NO MORE THAN ONE (1) FULL

TH ANY SUCH EXTRA IRRIGATION INSTALLED ON A WILL BE PERMANENTLY SHUT OFF AFTER SUCCESSFUL

EQUIPMENT SHALL INCLUDE AN AUTOMATIC IRRIGATION PROGRAM FLEXIBILITY SUCH AS REPEAT CYCLES AND

CAPABILITIES. AUTOMATIC IRRIGATION CONTROLLERS BACKUP TO RETAIN THE IRRIGATION PROGRAMS.

LL BE SPRAY HEADS. USE SOAKER HOSE, LOW VOLUME RS EQUIPPED WITH ADJUSTABLE NOZZLES TO LIMIT

NEW EVERGREEN TREE

# **IRRIGATION LEGEND**

P WITH RAINBIRD PVB-075 BACKFLOW PREVENTER

AINBIRD RCM-12 ELECTROMECHANICAL CONTROLLER

AINBIRD 150-PEB 1.5" ELECTRIC REMOTE CONTROL VALVE

WATER SENSOR BY RAINBIRD

30 NSF POLYLATERAL LINE

# **IRRIGATION SCHEDULE**

<u>ZONE</u>	<u>LOCATION</u>	<u>HEAD</u>	<u>GPM</u>
1	ASPEN TREES	DRIP EMITTERS	-
1	EVERGREEN TREES	DRIP EMITTERS	-
2	SHRUBS	DRIP EMITTERS	-
3	PERENNIALS SOUTH	1806 POP UPS	-
4	REVEGETATION AREAS	ROTORS	24

WATER USAGE CHART						
TYPE	MONTHLY USE	TOTAL#	TOTAL MONTHLY USA			
REVEGETATION	2 GAL / S.F.	N/A	N/A (FIRST SEASON)			
PERENNIALS	2.5 GAL / S.F.	N/A	N/A			
ASPENS	10 GAL / EA	N/A	N/A			

COMPLETE MONTHLY USAGE (FOR ESTABLISHMENT) X GAL (POST ESTABLISHMENT) X GAL

**IRRIGATION PLAN** 

BRISTLECONE PINE

NATIVE SHRUBS



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MININMS CONDC CORTINA

IRRIGATION PLAN

PORTION OF ROOF ABOVE EXISTING - GRADE 40' PARALLEL OFFSET TYP.

SHIFT

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CORTINA LAND CONDOMINIUMS UNIT 4

140 CORTINA DRIVE, MOUNTAI UNIT 4 CORTINA LAND CONDO COMMUNITY LOT 165 TOWN OF REC NOV 30 2004 AT REC NUM

SITE 40' PARALLEL OFFSET

SHEET NUMBER

**A2.1** 



### **DEVELOPMENT REFERRAL FORM**

### Planning & Development Services Planning Division

455 Mountain Village Blvd. Ste. A Mountain Village, CO 81435 (970) 728-1392

Referral Agency Comments Lot 165, Unit 4, 140 Cortina Drive:

After examining the site and comparing the design plan, there are some changes that will be required to bring the plan into compliance with the Community Development Code.

On Sheet A1.3 (Landscape Plan) and A1.4 (irrigation plan), 3 evergreen trees are indicated to be planted in within the Zone 1 fire mitigation area. The only way new evergreen trees are be permitted in Zone 1 is to consider the plants to be a part of the building envelope and extend the boundaries of Zone 1 out 15 feet past the drip edge of the tree to be planted in Zone 1. This would require 4 of the trees marked for retention to be removed and 3 evergreen trees that are proposed to be planted in Zone 1 to not be planted (see Forester Comments Sheets A1.3 & A1.4).

Also, due the steepness of the slope the entire lot falls within the Zone 1 or Zone 2 fire mitigation areas, the plan must state that all Zone 2 trees must have a minimum crown separation of 10 feet in between crowns and all shrubs over 10 feet tall must have a minimum crown spacing of 10 feet (see forester comments, Sheet sA1.3 & A1.4).

Additionally, Colorado State best management recommendations for home hardening and defensive space include the use of tempered glass, non-flammable materials for decks, and non-flammable materials for the soffit and facia. The steepness of the slope at this site makes adherence to the CDC critical. It is strongly recommended the home be built using firewise construction methods and building materials (See Forester comments Sheet A2.1 – Image showing grade).



### **DEVELOPMENT REFERRAL FORM**

### Planning & Development Services Planning Division

455 Mountain Village Blvd. Ste. A Mountain Village, CO 81435 (970) 728-1392

# Referral Agency Comments Lot 165, Unit 4, 140 Cortina Drive:

Hi Claire,

I do not see a construction mitigation plan. This is a tough site the staging plan is critical. I'm not sure we need this for design review, however the applicant will need to provide engineering on how the driveway attaches to the existing Hilfiker retaining wall.

Finn

TFPD approval with the following conditions:

- 1) A monitored automatic sprinkler system in accordance with NFPA 13D, 2018 IFC, and TFPD amended codes shall be installed.
- 2) A monitored fire alarm system in accordance with NFPA 72, 2018 IFC, and TFPD amended codes for a group R-3 occupancy shall be installed.
- 3) Monitored carbon monoxide detection shall be installed in accordance with 2018 IFC 915.2.1.
- 4) Address numbers shall be a minimum of 4 feet 6 inches from grade to the bottom of 6 inch numbers/letters with a reflective coating or outlined with a reflective coating.
- 5) TFPD recommends the installation of a Knoxbox for emergency access.

Scott Heidergott

# A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO APPROVING A VARIANCE OF THE MAXIMUM HEIGHT LIMITATIONS OF THE MOUNTAIN VILLAGE MUNICIPAL CODE TO UNIT 4, LOT 165

### **RESOLUTION NO. 2023-\_\_**

WHEREAS, Chalets at Cortina, LLC (the "Owner") is the owner of certain real property described as Unit 4, Lot 165, Mountain Village, Colorado, Assessor Parcel No. 477903405006, and commonly known as 140 Cortina Drive (the "Property"); and

WHEREAS, Kristine Perpar of Shift Architects, LLC (the "Applicant"), with the Owner's consent, has submitted a request to the Town of Mountain Village (the "Town") for a variance to the maximum height limitations (the "Variance Request") found in the Town's Community Development Code ("CDC") for the purpose of developing a single-family detached condominium on the Property; and

WHEREAS, the Variance Request consists of the materials submitted to the Town, plus all statements, representations, and additional documents of the Applicant and its representatives made or submitted at the public hearings before the DRB and Town Council; and

WHEREAS, the DRB held a public hearing on March 2, 2023, to consider the Variance Request and testimony and comments from the Applicant, Town Staff, and members of the public, and voted \_\_\_\_\_ to issue a recommendation of approval to Town Council of the Variance Request; and

WHEREAS, the Town Council held a public hearing on March 16, 2023 to consider the Variance Request, the DRB's recommendations, and testimony and comments from the Applicant, Town Staff, and members of the public, and voted to approve this Resolution ("Variance Approval"); and

WHEREAS, the public hearings and meetings to consider the Variance Request were duly noticed and held in accordance with the CDC; and

WHEREAS, the Town Council has considered the criteria set forth in Section 17.4.16 of the CDC and finds that each of the following have been satisfied or will be satisfied upon compliance with the conditions of this Resolution set forth below:

- 1. The strict development application of the CDC regulations would result in exceptional and undue hardship upon the property owner in the development of property lot because of special circumstances applicable to the lot such as size, shape, topography or other extraordinary or exceptional physical conditions;
- 2. The variance can be granted without substantial detriment to the public health, safety and welfare;
- 3. The variance can be granted without substantial impairment of the intent of the CDC;
- 4. Granting the variance does not constitute a grant of special privilege in excess of that enjoyed by other property owners in the same zoning district, such as without limitation, allowing for a larger home size or building height than those found in the same zone district;
- 5. Reasonable use of the property is not otherwise available without granting of a variance, and the variance being granted is the minimum necessary to allow for reasonable use;
- 6. The lot for which the variance is being granted was not created in violation of Town regulations or Colorado State Statutes in effect at the time the lot was created;
- 7. The variance is not solely based on economic hardship alone; and
- 8. The proposed variance meets all applicable Town regulations and standards unless a variance is sought for such regulations or standards.

WHEREAS, the Town Council now desires to approve the Variance Request, subject to the terms and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Mountain Village, Colorado, that:

<u>Section 1. Recitals</u>. The above recitals are hereby incorporated as findings of the Town Council in support of the enactment of this Resolution.

<u>Section 2. Approval</u>. The Town Council hereby approves a variance of 13.79 feet above the allowable maximum height and a variance of 4.29 feet above the allowable average height as outlined in the CDC for portions of a new single-family detached condominium to be constructed on the Property, as described in the Variance Request.

<u>Section 3. Conditions</u>. The Variance Approval is subject to the following terms and conditions:

- 3.1. The approved height variance is valid only with the design presented for Initial DRB review on August 4, 2022 and is valid only for the 18 month period of that design approval. One 6-month extension of the original design review approval is allowable.
- 3.2 The height variance is specific to the area described in the staff memo in figure 2, and represented in the DRB approved drawings. Should any modifications to the building design occur, including future expansion, that the variance would not cover portions of the building that are not thus described.

Section 4. Effective Date. This Resolution shall be in full force and effect upon its passage and adoption.

ADOPTED AND APPROVED by the Town of Mountain Village Town Council at a regular public meeting held on March 16, 2023.

TOWN OF MOUNTAIN VILLAGE, COLORADO

ATTEST:	By: Laila Benitez, Mayor	_
ATTEST.		
Susan Johnston, Town Clerk		
APPROVED AS TO FORM:		
David McConaughy, Town Attorney		



# AGENDA ITEM # 23 TOWN MANAGER

455 Mountain Village Blvd. Mountain Village, CO 81435 (970) 729-2654

**TO:** Mountain Village Town Council

FROM: Paul Wisor, Town Manager; Michelle Haynes, Assistant Town Manager

**DATE:** March 16, 2023

**RE:** Consideration of a Resolution to approve the form of the Lot 644 unit deed restriction,

a. discussion of lottery timeline

b. discussion of amendments to the housing guidelines which will include lottery

or point system and associated priority.

**Executive Summary:** In November 2022, the Town of Mountain Village, along with its development partner, Triumph Development West, received final DRB approval for the development of deed restricted housing on Town-owned Lot 644. Council is continuing the discussion regarding the Lot 644 deed restriction and lottery/points system which was formerly discussed in January and February. Town Council has established the Lot 644 units will be for sale and priority of sale will be established through the lottery/points system process. More details regarding the lottery/points system process will be provided as part of this memo. Construction timelines have been established necessitating other development triggers such as a final form of deed restriction and lottery or point system timeline in order to secure financing.

# **Attachments**

- A. Resolution
- B. Draft Lot 644 unit deed restriction
- C. Lottery or point system application check list
- D. Example lottery administrative process outline, provided for illustrative purposes

# **OVERVIEW OF THE DEED RESTRICTION**

The Town of Mountain Village is rapidly approaching breaking ground for the Lot 644 project. Matters like finalizing the form of deed restriction is important in order for Triumph to secure construction financing, finalize associated deed restriction documents related to the sale process of units and establishing the lottery/point system timeline. Staff has been working through details with the development team and is prepared to propose a draft deed restriction for approval by resolution along with providing additional details and questions regarding the process leading up to the selection of buyers for these units.

# 644 Deed Restriction.

Staff has aligned the deed restriction with Section 16.01,1997 Employee Deed Restriction in the Municipal Code because staff is recommending that there be no price cap associated with these units. Pursuant to previous Town Council worksessions, the current draft of the Lot 644 deed restriction varies from the 1997 Employee Deed Restriction:

- The deed restriction does not sunset in 50 years.
- There is no price cap.

- The Town has a first right of refusal, at appraised market value
- The deed restriction will not be lost in foreclosure
- The MVHA receives a 1% fee for administering the sale and gives some latitude to the MVHA to waive or reduce this fee. (This is a standard requirement regionally)
- No income limitations
- Only one person of a couple need qualify (not both)
- A qualified owner can only own one Lot 644 unit
- It must be the Principal Place of Residence for the qualified owner or tenant
- A qualified owner can only rent to one non-related person and those leases are required to be 13 months.
- A qualified tenant or owner is required to work a minimum hours of employment of 32 hours or more per week. 64 hours for half the year is incorporated.
- A qualified owner can retire and maintain ownership when 60 years or older.

Staff recommends the units not be priced capped. The logic in part is because Coyote Court, for example, received significant HUD funding assistance and was required to be restricted due to the funding obligations. The funding also lowered the initial sales price and established affordability from the beginning. These units are a different type of housing inventory and imposing restrictions does not seem like the right course of action, given the necessary investment driven by the current economic conditions.

Pricing will be established before the late April, early May Community Forum. Staff will structure the application packet/information packet accordingly at that time. A draft of the 644 deed restriction can be found at attachment B.

### MOUNTAIN VILLAGE HOUSING GUIDELINES

Associated rules and regulations regarding resale and priority as it relates to future sale process for Lot 644 units will be outlined in the companion Mountain Village Housing Guidelines amendment. This will provide the MVHA and Town Council the ability to amend the guidelines from time to time as needed to adjust to future changes of circumstance or conditions. Staff will bring the amended guidelines to Council for approval as it relates to Lot 644 at a subsequent Council meeting. The guidelines will reflect the chosen resale processes outlined below as well as embody associated administrative guidance for Lot 644 for the MVHA and the future owners. This also allows Town Council, as needed, the flexibility to re-prioritize lottery/points system priority or preference on a case by case basis. This is a standard practice for the Town and within the region.

# <u>LOTTERY/POINTS SYSTEM AND COMMUNITY ENGAGEMENT TIMELINE – RECOMMENDED</u>

In conferring with Triumph Development, the following series of dates and milestones are recommended for the lottery and sale process.

- Between April 18-27 TBD Community Forum regarding the lottery or point process.
- April 27 Application Opens
- **Between May 1-8 TBD** Second Community Forum regarding the lottery or point process
- May 25, Thursday, Application Closes
- June 8, Thursday Lottery evening

The lottery/points system process will qualify individuals and secure reservation agreements for the units until they are constructed and ready for move in and the associated financing and closing requirements that would occur when the units are ready to be occupied.

# LOTTERY, WEIGHTED LOTTERY OR POINT SELECTIONPROCESS

Staff has researched the Town's past lottery processes with Coyote Court, those provided by the San Miguel County Regional Housing Authority (like MV Castellina and Cassidy Ridge lotteries) and those provided by the Vail Housing Authority. We propose the following options to Council.

### **ESTABLISHING A PRIORITY**

Town Staff understands Town Council desires to establish the following waterfall of priority:

- 1. Mountain Village Employees
- 2. Essential Workers
- 3. Those that work within the boundaries of Mountain Village
- 4. Those that work within the **R-1 School District boundary**
- Businesses within Mountain Village whose owners may choose to live in the unit as their primary residence or rent to qualified renters who work for their Mountain Village business.

**Mountain Village Employees.** Pursuant to some discussion by Council, it appears Council may want to give preference to Town of Mountain Village Employees in selecting units. The Town sent an employee communication last week to determine the level of interest of town employees to purchase units at Lot 644 and received responses from 17 employees who indicated they would be interested in purchasing a Lot 644 unit, recognizing this number may decrease as more details about the development become available..

# **REMAINING PRIORITY CATEGORIES**

- Essential Workers
- Those that work within the boundaries of Mountain Village
- Those that work within the R-1 School District boundary
- Businesses within Mountain Village whose owners may choose to live in the unit as their primary residence or rent to qualified renters who work for their Mountain Village business.

**Essential workers** are currently defined as any person who conducts essential services within the Telluride R-1 School District, which includes healthcare, schools, fire and police protection, basic sanitation and maintenance of utilities, and any other worker deemed essential to the Mountain Village Community by the MVHA Director.

### **TYPE OF LOTTERY PROCESS**

Lottery, weighted lottery or point system.

We can organize qualified buyers by a weighted lottery system like this:

Criteria	Weight by Years	Points	Total
Essential Workers within the R-1	1-5 years = 1 point		
School District	6-10 years = 2 points		
	>10 years = 3 points		
100% of Income and # of Years	1-5 years = 1 point		
working in Mountain Village 100%	6-10 years = 2 points		
of the time	>10 years = 3 points		
Number of Years Working in the R-1	1-5 years = 1 point		
School District Boundary	6-10 years = 2 points		
	>10 years = 3 points		
Businesses Number of Years in	1-5 years = 1 point		
Business in Mountain Village	6-10 years = 2 points		
	>10 years = 3 points		

#### TRADITIONAL LOTTERY

If we want to maintain a traditional lottery, then an element of chance is the primary difference. Qualified buyers will have an attributable number of points. Points will equate to the same number of tickets in a lottery drawing. Someone who has one point/ticket versus someone who has five points/tickets still have the opportunity to be selected under this lottery scenario.

### PRIORITY/TIERED LOTTERY PROCESS OPTION

What we have implemented in the past are separate lotteries by priority category in the same evening. If for example, we hold x units aside for Mountain Village employees, then our first lottery category will be qualified essential workers. After those individuals select their units, the next priority category will select their units and so on.

# **POINT SYSTEM**

Finally, a point system could look like the point system outlined above; however, we would simply publish a list based upon the points for each qualified individual or family and they can choose their preferred unit in order.

#### **DECISION**

Would Council prefer a weighted lottery, a tiered lottery (which can still have a weighted lottery element) or a point system?

# LOTTERY REQUIREMENTS

Attachment C is a sample checklist of required materials associated with the application process.

The MVHA will require, by way of example:

- an application and application contents
  - A \$100 fee for the application
- A certificate from a first time homebuyers course (This is an online class and costs \$75 to be payable to the specific organization)
- A pre-qualification letter from a lender.
- A sample reservation agreement will be provided
  - A reservation agreement will require a \$5,000 deposit
- A copy of the deed restriction will be provided for reference

Attachment D is a lottery process example, provided by the Vail Housing Authority that illustrates how the lottery is scripted for those that administer it. We would similarly integrate a thorough and seamless process document, modified per Council direction as needed.

# PROPOSED MOTION

I move to approve by Resolution the form of deed restriction for Lot 644, a Town of Mountain Village Housing Authority development as attached as attachment A, and direct staff to update the MVHA housing guidelines and finalize the lottery process to be a [weighted lottery], [a weighted tiered lottery system] [a point system].

I further direct staff to refine the definition of essential worker in advance of the April 27th community forum meeting and application opening.

# A RESOLUTION OF THE TOWN OF MOUNTAIN VILLAGE HOUSING AUTHORITY ADOPTING AN EMPLOYEE HOUSING DEED RESTRICTION FOR LOT 644

# RESOLUTION NO. 2023-\_\_

WHEREAS, the Town of Mountain Village Housing Authority (the "Housing Authority") owns certain real property in the Town of Mountain Village (the "Town"), San Miguel County, Colorado known as Lot 644, Mountain Village, according to the plat recorded as Reception No. 261214 ("Lot 644"); and

WHEREAS, the Housing Authority is developing Lot 644 as an employee housing project and, therefore, desires to restrict use and occupancy of each unit therein pursuant to Chapter 16.01 of the Mountain Village Municipal Code; and

WHEREAS, at the duly noticed meeting of March 16, 2023 of the Housing Authority, after public discussion, the Housing Authority voted to adopt a deed restriction for Lot 644 as follows.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Mountain Village, Colorado, that:

<u>Section 1. Recitals</u>. The above recitals are hereby incorporated as findings of the Housing Authority in support of the enactment of this Resolution.

<u>Section 2. Adoption of Deed Restriction</u>. The Housing Authority hereby adopts the deed restriction for Lot 644 attached hereto as Exhibit A.

Section 3. Effective Date. This Resolution shall be in full force and effect upon its passage and adoption.

ADOPTED AND APPROVED by the Town of Mountain Village Housing Authority at a regular public meeting held on March 16, 2023.

	HOUSING AUTHORITY
	By: Laila Benitez, President
ATTEST:	
Susan Johnston, Housing Authority Clerk	
APPROVED AS TO FORM:	
David McConaughy, Town Attorney	

# $\frac{\text{Exhibit A}}{\text{[DEED RESTRICTION]}}$

# EMPLOYEE HOUSING DEED RESTRICTION RESIDENTIAL DWELLING UNITS, LOT 644, MOUNTAIN VILLAGE

MOUNTAIN VILLAGE HOUSING AUTHORITY, a C.R.S. §§ 29-4-201, et seq., with an address of	ctive Date") by and between TOWN OF a Colorado corporate body organized under, Mountain Village,
Colorado 81435 (the "MVHA"), and	, an individual with an address of
	ally a "Party" and collectively the "Parties").
WHEREAS, the MVHA owns certain real prop "Town"), San Miguel County, Colorado known as I Reception No. 261214, and has developed Lot 644 as	Lot 644, according to the plat recorded as
WHEREAS, the MVHA is selling Unit desires to restrict the occupancy, use and resale of the Pherein.	`

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, the sufficiency of which is mutually acknowledged, the Parties agree as follows:

### **COVENANTS**

- 1. <u>Property</u>. The Property is hereby burdened with the covenants and restrictions specified in this Deed Restriction, which the Buyer shall record against the Property at its expense.
- 2. <u>Deed Restriction</u>. The Parties agree that the Property shall be subject to Chapter 16.01 of the Mountain Village Municipal Code (the "Code"), also known as the 1997 Employee Housing Restriction, as well as the Guidelines adopted by the MVHA (defined below), except as otherwise modified herein. In the event of a conflict between Chapter 16.01 of the Code or the Guidelines and this Deed Restriction, the recorded version of this Deed Restriction shall control. This Deed Restriction constitutes a covenant that runs with the title to the Property as a burden thereon and shall be binding on the Owner, and its heirs, successors, representatives, assigns, lessees, licensees and any transferee, in perpetuity.
- 3. <u>Definitions</u>. All terms in this Deed Restriction shall have the same meanings as those used in Chapter 16.01 of the Code, unless otherwise indicated below.
- a. *Guidelines* means the current version of the Employee Housing Guidelines adopted by the MVHA, as amended from time to time.
- b. *Non-Qualified Owner* means any person or entity who acquires an ownership interest in the Property who is not a Qualified Owner.
- c. *Owner* means any person or entity who acquires an ownership interest in the Property, including without limitation Qualified Owners and Non-Qualified Owners.
- d. *Principal Place of Residence* means the home or place in which one's habitation is fixed and to which one has a present intention of returning after a departure or absence there from.

In determining what is a Principal Place of Residence, the MVHA shall consider the following: business pursuits; employment; income sources; residence for income or other tax purposes; age; marital status; residence of parents, spouse and children if any; location of personal and real property; and motor vehicle registration.

- e. *Qualified Buyer* means a person or entity who, upon purchase of the Property, will be a Qualified Owner. To become a Qualified Buyer, a person or entity must submit an application to the MVHA, on a form provided by the MVHA, along with a \$100 application fee.
- Qualified Owner means an Owner who does not already own a Unit on Lot 644 and who is either (i) an individual who works an average of thirty-two (32) hours or more per week at a business with a physical presence within the Telluride R-1 School District boundary in San Miguel County, Colorado that holds a valid and current business license, pays sales taxes or is otherwise generally recognized as a legitimate business, or (ii) a business with a physical presence within the Telluride R-1 School District boundary that holds a valid and current business license, pays sales taxes or is otherwise generally recognized as a legitimate business. For example, if an individual worked sixty-four (64) hours per week for one half of the year at such a business within the Telluride R-1 School District and worked elsewhere for the other half of the year, such person would constitute a Qualified Owner. In the event that two (2) or more individuals become joint Owners of the same Property, only one (1) must be a Qualified Owner. A Qualified Owner also includes an individual who was a Qualified Owner when the individual purchased the Property, but then retires while owning the Property and is sixty (60) years of age or older at the time of retirement, and who, for the five (5) years immediately prior to retirement, worked an average of thirty-two (32) hours or more per week at a business within the Telluride R-1 School District that holds a valid and current business license, pays sales taxes or is otherwise generally recognized as a legitimate business. A Qualified Owner does not include an individual who works remotely for a business outside the Telluride R-1 School District.
- g. Qualified Tenant means an individual who works an average of thirty-two (32) hours or more per week at a business within the Telluride R-1 School District that holds a valid and current business license, or pays sales taxes, or is otherwise generally recognized as a legitimate business. For example, if an individual worked sixty-four (64) hours per week for one half of the year at such a business within the Telluride R-1 School District and worked elsewhere for the other half of the year, such person would constitute a Qualified Tenant.
- h. *Transfer* means any conveyance of the ownership of a title to real property and that which is evidenced by any deed or instrument or writing wherein or whereby title to real property situated in the city is granted or conveyed. *Transfer* excludes conveyances involving governmental entities, the lease of a room or rooms within the Property to a Qualified Tenant in accordance with this Deed Restriction, or the termination of a joint tenancy.

# 4. Occupancy Restrictions.

- a. The Property shall be continuously occupied by at least one (1) Qualified Owner or one (1) Qualified Tenant as their Principal Place of Residence.
- b. The Qualified Owner may lease the Property, or part thereof, to one (1) or more Qualified Tenants, provided that such lease is for a term of thirteen (13) months or more.
- c. No business activity shall occur on or in the Property, other than as permitted within the zone district applicable to the Property.
- d. If a Qualified Owner or a Qualified Tenant ceases to occupy the Property as their Principal Place of Residence, the Property shall be transferred pursuant to Section 5. An Owner shall be deemed to have changed their Principal Place of Residence by becoming a resident elsewhere or accepting permanent employment outside of the Telluride R-1 School District.
- e. A Qualified Owner must verify compliance with this Deed Restriction upon purchase of the Property. A Qualified Tenant must verify compliance with this Deed Restriction upon entering into a lease for the Property and thereafter bi-annually.

# 5. Transfer.

- a. Every Transfer shall be made in accordance with this Section.
- b. The Owner shall first notify the MVHA that the Owner wishes to Transfer the Property.
- c. The MVHA shall have a right of first offer to acquire the Property. Upon receipt of notice that the Owner wishes to Transfer the Property, the MVHA may send a written offer to the Owner stating a specific price not to exceed the appraised value and all Terms and Conditions of the proposed Transfer. If the Owner desires to accept said offer, the Owner shall, within ten (10) days' from receipt thereof, send its acceptance in writing to the MVHA. Should the MVHA determine not to make an offer, or should the Owner reject the MVHA's offer, the MVHA shall list the Property for sale in accordance with the Guidelines, as amended from time to time.
- d. The Property shall be transferred only to the MVHA or a Qualified Buyer. The date of closing shall be determined by the MVHA in consultation with the Owner and the Qualified Buyer.
- e. Prior to or at closing, the Owner shall pay the MVHA a nonrefundable administrative fee equal to 1% of the sale price or as set forth in the Guidelines, whichever is greater. The MVHA may instruct the title company to pay said fee to the MVHA out of the funds held for the Owner at the closing.
- d. At closing, the Qualified Buyer shall execute, in a form satisfactory to the MVHA and for recording with the San Miguel County Clerk and Recorder, a document acknowledging this Deed Restriction and expressly agreeing to be bound by it.

# 6. Effect of Transfer to a Non-Qualified Owner.

- a. If for any reason the Property is transferred to a Non-Qualified Owner, the Non-Qualified Owner shall immediately contact the MVHA to Transfer the Property pursuant to Section 5 hereof.
- b. The Non-Qualified Owner shall execute any and all documents necessary for the Transfer.
- c. A Non-Qualified Owner shall not: occupy the Property; rent any part of the Property; engage in any business activity in the Property; or Transfer the Property except in accordance with this Deed Restriction.
- d. Buyer acknowledges and agrees that the Property is conveyed to Buyer in fee simple defeasible subject to the condition that any subsequent Transfer shall be to a Qualified Owner. The MVHA shall have the right of reentry if the Property is transferred to a Non-Qualified Owner. If the MVHA exercises its right of reentry, the MVHA shall purchase the Property for an amount equal to fair market value as determined by a neutral appraiser. Otherwise, Buyer shall cooperate with the MVHA to list the Property in accordance with the Guidelines, as amended from time to time.

# 7. Breach.

- a. It shall be a breach of this Deed Restriction for an Owner, Qualified Buyer or Qualified Tenant to violate any provision of this Deed Restriction, or to default in payment or other obligations due to be performed under a promissory note secured by a first deed of trust encumbering the Property.
- b. If the MVHA has reasonable cause to believe that an Owner, Qualified Buyer or Qualified Tenant is violating this Deed Restriction, the MVHA may inspect the Property between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, after providing the Owner with twenty-four (24) hours' written notice. This Deed Restriction shall constitute permission to enter the Property during such times upon such notice.
- c. If the MVHA discovers a violation of this Deed Restriction, the MVHA shall notify the Owner, Qualified Buyer or Qualified Tenant of the violation and allow fifteen (15) days to cure.

# 8. Remedies.

- a. Any Transfer in violation of this Deed Restriction shall be wholly null and void and shall confer no title whatsoever upon the purported buyer. Each and every Transfer, for all purposes, shall be deemed to include and incorporate by this reference the covenants contained in this Deed Restriction, even if the Transfer documents fail to reference this Deed Restriction.
- b. This Deed Restriction shall be administered by the MVHA, or its designee, and shall be enforceable by any appropriate legal or equitable action including but not limited to: specific performance; injunction requiring a Transfer of the Property, with the costs of such Transfer to be paid out of the proceeds of the sale; abatement or eviction of non-complying owners,

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users or occupants; and/or such other remedies and penalties as may be provided by Colorado law or the ordinances of the Town.

- c. Upon request by the MVHA, each Owner authorizes the holder of any mortgage or deed of trust against the Property to disclose to the Town if any payments due are delinquent and the duration and amount of such delinquency.
- d. In addition to the specific remedies set forth herein, the MVHA shall have all other remedies available at law or equity, and the exercise of one remedy shall not preclude the exercise of any other remedy.

# 9. Foreclosure.

- a. An Owner shall notify the MVHA, in writing, of any notification received from a lender of past due payments or defaults in payments or other obligations within five (5) days of receipt of such notification.
- b. An Owner shall immediately notify the MVHA, in writing, of any notice of foreclosure under the first deed of trust or any other subordinate security interest in the Property, or when any payment on any indebtedness encumbering the Property is required to avoid foreclosure of the first deed of trust or other subordinate security interest in the Property.
- c. Within sixty (60) days after receipt of any notice described herein, the MVHA may (but shall not be obligated to) proceed to make any payment required to avoid foreclosure. Upon making any such payment, the MVHA shall have a lien on the Property in the amount paid to cure the default and avoid foreclosure, including all fees and costs resulting from such foreclosure, which lien shall be subordinate to the foreclosing lender's interest.
- d. Notwithstanding any other provision of this Deed Restriction, in the event of a foreclosure, acceptance of a deed-in-lieu of foreclosure, or assignment, this Deed Restriction shall remain in full force and effect.
- e. The MVHA shall have a right of redemption in the event of foreclosure in accordance with C.R.S. §§ 38-38-301, et seq., as now in effect or hereafter amended.

# 10. Miscellaneous.

- a. <u>Modification</u>. This Deed Restriction may only be modified by subsequent written agreement of the Parties. Notwithstanding the foregoing, the MVHA reserves the right to promulgate and amend, from time to time, the Guidelines, so long as such regulations are consistent with this Deed Restriction.
- b. <u>Integration</u>. This Deed Restriction and any attached exhibits constitute the entire agreement between Buyer and the MVHA, superseding all prior oral or written communications.
- c. <u>Binding Effect</u>. This Deed Restriction shall be binding upon and inure to the benefit of the Parties and their respective heirs, successors and assigns.

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- d. <u>Severability</u>. If any provision of this Deed Restriction is determined to be void by a court of competent jurisdiction, such determination shall not affect any other provision hereof, and all of the other provisions shall remain in full force and effect.
- e. <u>Governing Law and Venue</u>. This Deed Restriction shall be governed by the laws of the State of Colorado, and any legal action concerning the provisions hereof shall be brought in San Miguel County, Colorado.
- f. <u>Assignment</u>. There shall be no transfer or assignment of any of the rights or obligations of Buyer under this Deed Restriction without the prior written approval of the MVHA.
- g. <u>Third Parties</u>. There are no intended third-party beneficiaries to this Deed Restriction.
- h. <u>No Joint Venture</u>. Notwithstanding any provision hereof, the MVHA shall never be a joint venture in any private entity or activity which participates in this Deed Restriction, and the MVHA shall never be liable or responsible for any debt or obligation of any participant in this Deed Restriction.
- i. <u>Notice</u>. Any notice under this Deed Restriction shall be in writing and shall be deemed sufficient when directly presented or sent pre-paid, first-class United States Mail to the Party at the address set forth on the first page of this Deed Restriction.
- j. <u>Recording</u>. This Deed Restriction shall be recorded with the San Miguel County Clerk and Recorder. The benefits and obligations of the Parties under this Deed Restriction shall run with the land and shall be binding on any subsequent holder of an interest in the Property.
- k. <u>Savings Clause</u>. If any of the terms, covenants, conditions, restrictions, uses, limitations, obligations or options created by this Deed Restriction are held to be unlawful or void for violation of: the rule against perpetuities or some analogous statutory provision; the rule restricting restraints on alienation; or any other statutory or common law rules imposing like or similar time limits, then such provision shall continue only for the period of the lives of the current duly elected and seated members of the Mountain Village Town Council, their now living descendants, if any, and the survivor of them, plus twenty-one (21) years.

[Signature page to follow]

IN WITNESS WHEREOF, the Parties have executed this Deed Restriction as of the Effective Date.

# TOWN OF MOUNTAIN VILLAGE **HOUSING AUTHORITY** By: \_\_\_\_\_ Name: Title: ATTEST: Town Clerk **BUYER** By: \_\_\_\_\_ STATE OF COLORADO ) ss. COUNTY OF SAN MIGUEL The foregoing instrument was subscribed, sworn to and acknowledged before me this \_\_\_\_ day of \_\_\_\_\_\_, 202\_, by \_\_\_\_\_, as the owner of the Property. Witness my hand and official seal. Notary Public

My commission expires:

(S E A L)

# **SAMPLE LOTTERY APPLICATION CHECKLIST**

	ALL INFORMATION	I DUE BY 5PM	
Name (both names if joint ownership): <sub>_</sub>			
	Last	First	Middle
-	Last	First	Middle
Home Street Address (including	Town):		
NumberStreet	City,	State	Zip
NumberStreet	City,	State	Zip
Phone Numbers: Daytime		Evening	
Email Address(s):			
Checklist:			
□ Sign up to receive inform	nation – [insert hype	rlink here]	
□ Complete Home Buyer C	∖uestionnaire – [inse	ert hyperlink here]	
□ Complete the full applica	tion found here [ins	ert link]	
o Associated \$100	application fee		
Homebuyer Education Class Ce	rtificate of Attendan	ce	
Option #1. Western Colora	do to register and cor	mplete online \$75 https://www	v.ehomeamerica.org/hrwco
·	•	80 pm for San Miguel Region spe 142a-95f9-b24187925995/regPr	•
□ Loan Prequalification Let	ter		
Maximum Home	Purchase Price \$		
□ Attend lottery at <b>6:00 PM</b>	l on June 8, 2023 a	t Town Hall	
□ Home Preference:			
Building A - Multifamily B	Building		
4 (1 Bed	1 Bath) 740 square	e feet	
•	1 Bath) 955 square		
6 (2 Bed	2 Bath) 1015 squar	re feet	

Building B - To	wnhomes
	2 (2 Bed 2 Bath (+ office) 1 Car Garage)1,620 square feet
	3 (3 Bed 3 Bath 1 Car Garage)1,885 square feet
Building C - To	wnhomes
	2 (2 Bed 2 Bath) carport parking 1,075 square feet
	4 (3 Bed 3 Bath) carport parking 1,485 square feet
Building D - To	wnhomes
	2 (2 Bed 2 Bath) carport parking 1,075 square feet
	4 (3 Bed 3 Bath) carport parking 1,485 square feet





# Chamonix Vail Lottery Drawing 6:00 pm, Wednesday, May 3, 2017 Donovan Pavilion 1600 South Frontage Road Vail, CO. 81658

The doors to the Donovan Pavilion open at 5:00 pm.

All Lottery Participants MUST register and sign-in the evening of the drawing.

Registration and sign-in concludes at 6:00 pm. Please do not be late. To be fair, there can be no exceptions for persons arriving after the 6:00 pm deadline.

The lottery drawing begins at 6:15 pm.

As a Lottery Participant, you will be asked to make one of three choices the evening of the drawing:

- 1) Selected a home that you intend to reserve and purchase, or
- 2) Indicate on the homebuyer waiting list the type of home, or homes, you would reserve and purchase should one become available in the future, or
- 3) State your desire to be removed from the lottery drawing process.

All Lottery Participants will receive a color-coded name tag and one color-coded lottery ticket along with a packet of informational materials, including a colored site plan and a home buyer waiting list selection sheet, at sign in.

Tickets and name tags are color-coded as follows:

•	2 bedroom, 2 bath, one car garage	Red
•	2 bedroom, 2 bath, two car garage	Blue
•	3 bedroom, 3 bath, one car garage	Green
•	3 bedroom, 3 bath, two car garage	Purple
•	3 bedroom, 2 ½ bath, two car garage	Orange

The color-coding of one's lottery ticket corresponds to the maximum home purchase amount approved by the pre-qualification letter.

One lottery ticket per Lottery Participant

Spouses or partners may participate separately based upon each person's individual ability to qualify for the home of their choosing.

Lottery tickets will be placed into the lottery tumbler by a Lottery Representative at sign-in.

Proxy will be accepted for Lottery Participants that are not able to attend in person.

All proxies must be received and verified prior to the conclusion of the registration and sign-in at 6:00 pm, Wednesday, May 3<sup>rd</sup>.

Proxies will not be accepted the night of the lottery drawing after 6:00 pm.

The Vail Town Clerk will verify and attest the registration, sign-in sheet and any proxies received prior to the start of the lottery drawing. The drawing begins at 6:15 pm.

The lottery drawing process includes the following visual aids to help participants make decisions over the course of the drawing process:

- Interactive color-coded site plan displayed on the tv screen.
- Chamonix Vail Drawing Order and Home Buyer Wait List displayed on the projector screen

All lottery tickets are placed in the tumbler.

The tumbler will be fully rotated at least three times prior to each draw.

Lottery tickets are selected at random and one at a time from the tumbler.

Lottery tickets will be numbered in the order in which they are drawn.

All of the lottery tickets will be drawn from the tumbler and an order of drawing list will be completed.

A list of the Chamonix Vail Drawing Order will be created. Home selection and placement of names on to the Home Buyer Wait List will be completed in the order drawn.

A color-coded site plan with the homes labeled #1 through #32 will be displayed on the tv screen

Once a home has been selected, the home number will be **BLACKED OUT** on the tv screen. Once a home number is **BLACKED OUT** it is no longer available for selection.

Selected Lottery Participants have up to three minutes to make a home selection once their ticket is drawn and name is announced. Please come prepared with a list of preferred home types and locations you will select, reserve and purchase.

Selected Lottery Participants may select a home type for which they are financially qualified to purchase and intend to sign a reservation agreement to purchase from any of the homes not yet selected.

Once a selection is made, the selection shall become final.

If a Lottery Participant's name is drawn and they either choose not to select a home, or the home type(s) for which they are financially qualified to purchase is no longer available, they may chose to

either have their name placed on the Chamonix Vail Homebuyer Wait List or have their name removed from the lottery drawing process.

If a selected Lottery Participant chooses to have their name placed on the Homebuyer Wait List, their name will be placed on the next open and available slot on the Wait List. The participant shall also indicate by placing an "X" in the box for the home type(s) they will reserve and purchase should one become available in the future. We strongly recommend that you only place an "X" in the box of the home type(s) you intend to purchase. For example, if you only intend to purchase a three bedroom home should one become available, do not place an "X" in the boxes of a two bedroom homes even though you financially qualify to purchase the lesser priced two bedroom home as you may lose your position on the Wait List if a two bedroom becomes available and you pass on the option to purchase the home.

If a Lottery Participant is no longer in attendance when their lottery ticket is drawn their name will be removed from the lottery selection process.

Lottery Participants (Proxy) must be present to win.

Lottery Participants who successfully select a home for reservation and purchase will receive a Chamonix Vail Home Purchaser's Packet the evening of the lottery.

The home purchaser's packet will contain the following:

- Home Type and Home Number
- Floor plans and exterior building elevations
- Draft Purchase and Sale Agreement
- Draft Deed Restriction
- Draft Chamonix Vail Home Owners Association Documents
- Reservation Agreement

Lottery Participants who selected a home the night of the drawing shall have five business days to execute a reservation agreement. Reservation agreements from the May 3<sup>rd</sup> lottery drawing winners will not be accepted after 5:00 pm, Wednesday, May 10, 2017. The terms of the reservation agreement are non-negotiable and fees paid are non-refundable.

If a Chamonix Vail home becomes available after the lottery drawing on May 3<sup>rd</sup> the names on the Chamonix Vail Wait List will be used to reassign the home.

Lottery Participant's names will be selected from the Wait List in the order which they were drawn. For example, if a 3-1 home becomes available, we will go down the List in order to the first person that has indicated a desire to reserve and purchase a 3-1 home.

When a Lottery Participant's name is selected from the Wait List, the participant will be contacted by both telephone <u>and</u> email and given two business days to decide if they wish to purchase the home and execute a reservation agreement.

If a Lottery Participant on the Wait List is offered a chance to reserve and purchase a Chamonix Vail Home but declines option, their name will be moved to the end of the Wait List. "If you pass you become last."

This process will repeat until all homes are reserved and purchase agreements are executed.

In the unlikely event that a purchaser can not be found from the Wait List, the Town reserves the right to sell the home on a first come, first served basis.

A three person panel of Lottery Judges will be present to address any issues of conflict or concern. Any decision rendered by the Lottery Judges shall be final.

# Helpful Tips:

- Avoid the stress. Arrive early. Doors open at 5:00 pm.
- Be patient and plan on spending a couple of hours at the drawing. We have 88 families
  participating in the lottery. It's going to take some time to get through the drawing and home
  selection process.
- Come prepared. Know which home or homes you are willing to reserve and purchase if you
  name is selected. Some people may only be interested in purchasing a certain home type.
  Others may be more flexible and willing to reserve and purchase several of the home types if
  selected. We recommend that you come to the drawing with a list of options prepared in
  advance in the event your name is drawn and your first choice is no longer available.
- Review the legal documents in advance and be an informed purchaser. We recommend you get legal advice before signing any of the legal documents.
- Use the worksheet provided to keep track of the homes still available for reservation and purchase. In an effort to keep the drawing moving, you'll have 3 minutes to make your selection.
- Remain positive. Everyone has an equal chance at being selected. Even if you are not able to
  select a home the night of the drawing, we are going to be creating a wait list should any homes
  become available for purchase in the future.



455 Mountain Village Blvd. Mountain Village, CO 81435 (970) 369-8236

TO: Mountain Village Town Council

FROM: Kathrine Warren, Public Information Officer

DATE: Thursday March 9, 2023

RE: Naming Lot 644 Community Housing Development Project

# **Executive Summary**

The Town continues to pursue the development of community housing on town-owner parcel known as Lot 644. As the Town and its development partner, Triumph Development West, break ground on the project, it is clear Lot 644 needs to be renamed. Town Council will discuss and officially select a name for the Lot 644 Community Housing Development Project.

# Background

On Friday, February 3, the Town of Mountain Village officially launched a name contest for an official name for the Lot 644 Community Housing Development Project. In its communication of the name contest the Town asked community members to submit name ideas that embody the spirit of community and home. The contest was open through Monday February 20 and communicated various methods throughout those two weeks including eblasts and social media posts. In total, the Town received 39 submissions.

Mayor Laila Benitez and Town Council Member Marti Prohaska served on the naming committee and their top choice for the neighborhood is Meadowlark. Other top ranked names submitted through the contest included:

- 1. Meadowlark
- 2. Village Steppes
- 4. Jurassic Landing
- 5. Aspen View
- 6. The Nest
- 7. Jurassic Park

A complete list of the proposed names are attached as Exhibit A.

The individual who submits the winning name will be officially announced the week of March 20 when the Town announces lottery details. They will win a free Farm to Community CSA share for summer 2023.

# Staff Recommendation

Staff recommends that Council discuss and select the name recommended by the naming committee.

# **Proposed Motion**

I move to name the Lot 644 community housing development Meadowlark.

<b>Name (First</b> ) Taylor Jeff	Name (Last) Landry Roberts	Address (City) Telluride Wheat Ridge	Name Idea Not a Little Jeff Roberts	Please share some more information about this name? Is it historically significant to the area? We'd love to hear why you're submitting it. It's a lot Meadowlands
				Playing with the ""Meadows"" theme.     The buoyant, flutelike melody of the Western Meadowlark ringing out across a field can brighten anyone's day. Meadowlarks are often more easily heard than seen, unless you spot a male singing from a fence post. This colorful member of the blackbird family flashes a vibrant yellow breast crossed by a distinctive, black, V-shaped band. Look and listen for these stout ground feeders in grasslands, meadows, pastures, and along marsh edges throughout the West and
nathan	frerichs	telluride	Meadowlark	Midwest, where flocks strut and feed on seeds and insects.
Jimbo	Lyman	Durango	Meadows View Apartments	Seems fitting that some views will be of the Meadows! Some views will of the mountains in all directions! All are beautiful and all should be acknowledged and respected!
john	mcintyre	montain village	KAIB or KAHN	KAIB is a Ute Indian word for ""mountain""and KAHN is the Ute Indian word for ""house"" or ""home"".
Luke	Weidner	TELLURIDE	""not enough""	It's a shame this lot is being developed for anything less than the maximum possible density, because a small handful of meadows residents were opposed to the approved density.   This project is another example of a band-aid that will fail to address the severity of the crisis as it currently exists and another example of town council putting their heads in the sand when it comes to housing.
Mary	Wodehouse	Telluride,CO 81435	Mountain Meadows	The name is simple but incorporates Mountain Village names. It's simple and signifies the area and the feeling of the words.
Beverly Dean	Cunningham Cunningham	Cortez Cortez	Dine' Esquiar	To honor our Navajo neighbors and their four sacred mountains, I feel the new development should be named DINE'. Their Navajo name.  Spanish for Ski
Dan	Jansen	Mountain Village	SkiView	You can watch people ski from your unit
Austin	Williams	Mountain Village	Horton lane	I thought the rendering of the building layout looked similar to an elephant trunk, hence the name Horton from the old dr. Seuss book ""Horton hears a who"".
Mike	Shimkonis	TELLURIDE	Mike Shimkonis	1. The Powder Houses - it's a play on words - the name reflects the snow on the slopes, the eternal quest for powder, a mining term ""Powder House"" and the idea of a ""house"" for the workforce. And it's simple and not playing too hard on finding a historical name.     2. Snowdrifters - again, a play on words - the name reflects the realities of living in the mountains and the movement of newer locals looking for lodging.     3. The Powder Pads - being so close to the slopes this totally makes sense!   4. Powder Town - can you tell I'm addicted to powder?! Who wouldn't want to answer ""I live in Powder Town" when asked where they live!     5. JNJ's - In honor of Joe and Jeb Zoline - the founders of the ski resort. Nothing else around here has ever been named after them, saldy.     Mike Shimkonis
WIKE	SIIIIIKOIIIS	TELLORIDE	MIKE SHITIKUHS	
Samantha	Peterson	Mountain village, CO	Wildcat	There are mountain lions who comes through the meadows area and they are quite elusive. Maybe they see people and are rarely ever seen. As this housing development sits atop the ridge, looking across the meadowsWildcat development seems fitting.
Courtney	Dios	Ridgway	Rio Grande	Name it after the first railroad. It is what crated the first boom in Telluride.     ""The cheaper and consistent transportation for passengers and freight allowed miners and goods to flow into the San Miguel town and ore to flow out to the mills and foundries elsewhere. This brought a brief but unprecedented boom to Telluride.""
Robert	Allen	TELLURIDE	Vita Nova	A Latin expression meaning ""a new beginning""
pam	pettee	Mountain Village	the Village Steppes	It's my play on words. A steppe is the name of the Central Asian grassy plains. A meadow is a grassy plain. The word subtly acknowledges the development's terrain and locale.  Looking at the rendering, the lot is shaped like a shoe. This should be thoroughly fact-checked, but I believe the word ""Tattooh"" means ""put on shoes!" in the Ute Indian
Dan	McGavock	Telluride CO 81435	Tattooh Terrace	language (Shoshoni language). The Ute Indians were the first people to put on their shoes/mocassins in Telluride!    Jurassiccause the trail goes through it.   Vista Viewbecause there are some nice
patrick	latcham	telluride	Jurassic   Vista View   The Adams Family   Adam's Ridge	views.   The Adams Familybecause Wednesday Adams is trending and its on Adams
Buck	Smith	Mountain village	Jurassic Park	Proximity to Jurassic trail.

Kayla	Hanson	Telluride	Silver Sluice	Telluride was rich in many different materials, but silver was the metal that gave the town the biggest mining boom. And a sluice is one of the most important tools used in the mining process. What better way to give a nod to the history of the area. It also rolls off of the tongue pretty nicely
William	Colby	TELLURIDE	Abbott's Lodge	I would love a tribute to our Abbott Smith.
Jaime	Holmes	Mountain Village	Trailside	It's a combo from the soon to be historic original Jurassic trail and the hillside the new homes are encompassing.  Looking forward to having our new neighbors!
Larry	Forsythe	Mountain Village	Jurassic View	Jurassic trail runs right behind the complex and has one of the best views in the neighborhood.
Wil	Crossland	Telluride	Liberty Bell Landing	It's an iconic basin in terms of history of the early settlers and is one of the best scenic areas in the region.     My second vote is Bigger Billies
Katie	Cox	Telluride	Jurassic Landing	Jurassic trail. There isn't a good J-word to describe housing.
			-	There is a big elk that has taken up residency on the sidewalk by the pond and the elk
sarah	landeryou	Mountain Village	Elk CrossingBeaver Flats	come through the Meadows;   Beavers are a big part of the aesthetic of living in the Meadows - honor them with a name
Lance	Medeck	Telluride	The Nest	Seems appropriate for where located
Darren	Miller	Mountain Village	Elk Run in the Meadows	Being a resident down here since 2015, I've seen herds of elk pass through
Lee	Zeller	Tellruide	The Meadow Larks	It would be a Lark, as in ""an amusing adventure"" to be able to buy a property in Mountain Village.
Carla	Bouthillier	Placerville, co 81430	PINE GATE	of food and the wood may provide housing. I chose GATE to enclose the family or families that live with the village. Also ""PINE GATE"" is easy to say, use and it sounds like a place to be proud of. Good for a child to say, ""I live at Pine Gate"".
Jolana	Vanek	Mountain Village	Aspen Views and also Aspen Surprise	While going over various names already in existence, it was pretty clear to me not to create confusion with those.  The area behind Parker Ridge is a lovely Aspen Grove. It is quiet, unless a bike coming down makes someone scream (LOL!) with surprise.   So ""Aspen Surprise "" came to find.   And also ""Aspen View(s)"" might be the second choice.   Why? The current Parker Ridge resident had aspen views. And the new 644 project still will have Aspen views, as the developer is working with us to keep some Aspens for Parker Ridge residents as well.
Harvey	Mogenson	Mountain Village	Paul's Place	We need a classy name.
Harvey	Mogenson	Mountain Village	Meadows View	Looking out over the Meadows neighborhood.
Harvey	Mogenson	Mountain Village	Sunny Ridge	On the ridge on the sunny side of the Meadows.
Andrew	Molloy	Ophir	Silverline, or the Silverline Condominiums or Townhomes whatever the case may be	Not historically significant, but we see the ""silverline"" in the winters lighting up the outline of the peaks in the area, especially the Wilsons, that white silvery glow between the peak and the horizon at dusk in the winters.   Or: The Silverlines It's going to be the tallest thing in the neighborhood and one of the most expensive
Joe	Johnson	Denver	Prominence Place	""affordable"" housing projects to date. Let's name it appropriately.     Or how about Legacy Lodge since this seems to be driven by outgoing Councillors.  With its close proximity to the Jurassic Trail and the destiny of being 'homes' to locals, it's
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Agenda Item #25

Staff: Lindsay Niehaus, HR Coordinator & Jaime Holmes, HR Director

#### **NEWS:**

o Based on current COVID-19 trends, the Department of Health and Human Services (HHS) is planning for the federal Public Health Emergency (PHE) for COVID-19, declared under Section 319 of the Public Health Service (PHS) Act, to expire at the end of the day on May 11, 2023.

#### Other Trending HR News:

Taken from **NeoGov's 2023 Top 5 HR Trends for Public Employers** report (conducted in 12/2022 and surveying 725 HR professionals across all forms of government with 40% respondents from city/towns – NeoGov is an HR **software and management solution for public entities)** 

# Top 5 trends are:

#### 1. Recruiting

- a. Why? According to US Labor Stats, in next 10 years more people are aging out and leaving workforce than entering it, resulting in increased labor shortages for foreseeable future. What do candidates care most about for recruitment marketing?
  - Top 4 candidate wants: competitive salaries, work-life balance, better benefits and fulfillment in work.
  - With competition for top talent increasing, employers need to start promoting work life balance, which is the 2<sup>nd</sup> most important concern for candidates when choosing a job (!).
- b. What is TMV doing? Keeping salaries and benefits competitive by conducting biennial market surveys while also keeping an eye on annual changes in our market wages/benefits. Marketing 4-day work weeks, when job applicable. HR is working with marketing to create a short recruitment video of our Town employees conducting various fulfilling jobs that keep our Town running.

#### 2. Retention

- a. Why? Each employee departure can cost about 1/3 of that employee's annual salary. Providing raises will impact but in lieu of pay increases, improving culture is a practical and reliable way to reduce turnover. Top 3 reasons why employees leave: higher paying job opportunities, retirement, and poor management.
- b. What is TMV doing? This year we are focusing on the power and impact a development culture can bring. We are working with a leadership, development and performance management HR consultant to help bring a program together supporting employee skills, knowledge and abilities, as well as, developing upon our leadership skills and improving our performance management process.

# 3. Operational Efficiency

- a. Why? People and money are the scarcest resources in the public sector, therefore, we need to do more with less. Streamlining operations helps free up money for wages, benefits, trainings, etc. which may help positively impact retention.
- b. What is TMV doing? Implementation of a new and improved HR software has begun with a projected full implementation end of 2023. This will help streamline a variety of processes and routine tasks and improve performance management, employee development, policy management, and etc.

#### 4. Succession Planning

- a. Why? A significant number of employees are expected to retire in the next 5-10 years leaving employers filling vital roles.
- b. What is TMV doing? We are beginning to focus more on employee development and training, as well as automation. HR is helping with automation with a Policy module within our new HR software that will aide in departmental collaboration, content sharing, and distribution. End goal will not have paper policies/procedures/SOP's that disappear with a retiring leader.

#### 5. Employee Development

a. Why? Providing development opportunities can foster deeper learning for all staff.
 Top 3 areas of improvement: people management, coaching/development, and communication.

Staff: Lindsay Niehaus, HR Coordinator & Jaime Holmes, HR Director

- b. What is TMV doing? With the help of our learning, development and performance management consultant, we will be establishing organizational and departmental systems to which the learning development programs can be aligned.
- 1. **DOCUMENT MANAGEMENT:** Maintain accurate personnel files in compliance with the Colorado Municipalities Retention Schedule.
  - Employee personnel documentation is retained according to the Colorado Municipalities Record
    Retention schedule dates. Drug and alcohol reports are maintained in compliance with FTA Record
    Retention schedule dates.
  - HR schedules an annual clean-up day in the fall to begin process of cleaning up records throughout computer drives and paper files to continue compliance.
- BENEFITS & COMPENSATION: Administer benefits, compensation and recognition programs to attract and retain high-performing, well-qualified employees.
   Compensation
  - The Town completed a compensation study in fall of 2021. The results of the study were too
    significant to fully implement at that time, however, increases were approved to offer more
    competitive wages. The tight labor market and historic inflation have impacted wages since market
    adjustments were implemented. Therefore, HR conducted another market analysis survey midyear 2022.
  - HR performed an analysis of comparable communities to ensure the Town's pay scale is competitive. This information was obtained through direct contact with regional and resort communities as well as review of the Colorado Municipal League & Public Employers Surveys released in the spring of 2022 and was shared with the finance committee in August during a budget planning meeting. Our current wages fall behind comparable communities, many of whom have implemented cost of living adjustments and market adjustments in early 2022. The most obvious disparity identified is with the Town's starting wage of \$18 per hour. The Town is losing candidates to other resort communities and local businesses with starting wages of \$20 per hour. Staff proposed, and Council approved, a \$2/hour increase for all Town positions as a Town wide salary structure adjustment.

#### **Benefits**

- New for 2023! The Town implemented a 457 deferred compensation retirement savings plan through PERA for all employees. There is no Town match offered. Employees are participating. The Town implemented an Ambulance Coverage supplemental benefit through MASA with employee participation.
- CEBT: Due to a healthy financial position, the CEBT Trust employers received a dividend in the amount of \$565/enrolled employee as a result of a pandemic surplus held by the Trust that was not used. This dividend will help offset the cost of our Wellness Reimbursement program.
- 2023 CEBT changes to our plan:
  - United Healthcare is now our network.
  - The family deductible will go from 3x the single deductible to 2x (meaning only 2 members need to meet the deductible instead of 3).
  - Bereavement counseling will now fall under mental health benefits (previously under Hospice benefits)
  - Age limits for mammograms have been removed
  - Omada Health, a digital disease management program, and Cancer Resource Services
     Program have been implemented as additional free services to members

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#### **HR Metric Data**

- Average age for Senior Management: 50, Average age for Middle Management: 46,
   Average age for Professional/Technical (includes Officers, IT, Gondola Maintenance): 40
   Average age for Operations/Support (not including seasonal staff): 38
- Turnover: from 1/1/2022 to 12/31/2022 = with seasonal employees = 40%, without seasonal employees (FT/PT) = 19%
- Terminations (FT/PT year round): from 1/1/2022 to 12/31/2022 = 23 FT/PT (includes voluntary/involuntary, not retires), 45 seasonal employees
  - Separation reasons cited: took another job in/out of the area, higher wages, moved out of the area, terminated, retired, not a good fit
- New Hires: from 1/1/2022 to 12/31/2022 = 28 FT/PT, 56 seasonal employees
- As of 2/28/2023, we have 130 FT/PT year round employees and 23 seasonal employees
- 3. FISCAL RESPONSIBILITY: Prepare and stay within the HR department's approved budget.
  - HR remains in compliance with the Town's fiscal responsibilities.
- **4. POLICY ADMINISTRATION & ENFORCEMENT:** Administer and enforce town policies in compliance with state/federal laws and towngoals.
  - Ongoing communication/training with EC, CML, CIRSA, and Pinnacol regarding state and federal laws, employment regulations and Town goals.
  - Utilizing our new Policy DMS module, all Town policies are being uploaded for all staff. New policies are being discussed and written where written policies were not in place previously.
- **5. RECRUITMENT/ ONBOARDING:** Assist management with timely and lawful recruitment processes to maintain proper staffing levels and reduce turnover.
  - To continue processes to become and remain an Employer of Choice through recruitment and retention. An Employer of Choice is an employer whom workers choose to work for when presented with other employment choices. This decision is also made when choosing to stay with that organization. An Employer of Choice results in better productivity, healthier workplace culture, and an ability to attract and retain top talent. Tactics include: defining the ideal employee, determining what will attract and retain employees, keeping an eye on competition, employee development, employee recognition, organization stability (includes transparency), and positive work experiences. These strategies are long- and short-term goals that continue to be developed and implemented.
  - HR is currently involved in all hiring, onboarding and orientation. HR will work with departments to continue that positive employee experience.
    - New ideas: add in a monthly one-day full Town overview orientation course with several department Directors participating, meeting with the Town Manager, driving tour of area and Town facilities and lunch with supervisors, managers, directors. Quarterly one hour Town informational sessions with the Town Manager open and encouraged for all employees to attend.
  - Creating a new onboarding guide for all departments to effectively and efficiently manage a new employee's first day, week and month and to streamline the time prior to arrival.

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- **6. SAFETY:** Continue to provide a safe workplace and minimize workplace injuries
  - The Safety Committee continues to evaluate and implement best practices to help create and maintain a proactive safety culture throughout the organization. We have re-stocked all first aid kits throughout the Town and will be working on implementing CPR/AED trainings for departments.
  - CIRSA property & casualty audit took place in October 2022 and we are in compliance.
  - Our Workman's Compensation E-Mod rating is the lowest it's been in 5 years at .75. This will help decrease our premium and increase our dividends. A low E-Mod rating means our organization has a lower claims ratio than other organizations of our size and similarity.
- **7. TRAINING & PROFESSIONAL DEVELOPMENT:** Combine performance management with staff training & development.
  - Annual performance reviews were completed and the average staff rating was 3.6 (out of 5).
  - After researching and communicating with 3 HR consulting firms, one has been hired: Katherine Fry
    with Marble Peak Consulting. Katherine currently resides in Aspen and was the HR Director for the
    Town of Snowmass Village and has been in HR Professional positions for past 25 years before
    consulting.
    - Exciting News: Marble Peak Consulting will enhance our leadership, development and performance management training for directors, managers and staff.
    - HR has been working with Katherine and conducted an initial assessment survey of our directors with performance management and leadership training needs questions.
  - Town needs summary and agenda items to tackle are:
  - 1. Developing Strategic Town-wide Goals Roadmap with a Mission, Vision and Values Statement creation
    - a. Integrate strategic goals into departmental goals for performance management roadmap
  - 2. Change Management
  - 3. Customer Service Trainings
  - 4. Power Skills Trainings
  - 5. Work/Life Balance
  - 6. Communication Strategies and Trainings
  - 7. Teambuilding
  - 8. Coaching Skills
  - 9. Management 1011 (first time managers)
  - 10. Management Refresher
  - 11. Performance Management Training
  - 12. Performance Management Process Feedback

# Town OF MOUNTAIN VILLAGE Town Council Meeting March 16, 2023 2:00 p.m.

During Mountain Village government meetings and forums, there will be an opportunity for the public to speak. If you would like to address the board(s), we ask that you approach the podium, state your name and affiliation, and speak into the microphone. Meetings are filmed and archived and the audio is recorded, so it is necessary to speak loud and clear for the listening audience. If you provide your email address below, we will add you to our distribution list ensuring you will receive timely and important news and information about the Town of Mountain Village. Thank you for your cooperation.

, , ,		
NAME: (PLEASE PRINT!!)		
Joe Coleman	EMAIL:	JOECQLAWFIRM, NET
DAVID FOSTER		and a fost of grahm. com
TUCKEN MAGIO		tbmag,d@gmail.com
RANDY PODOLSKY	EMAIL:	grandy 1640 @ gmail - com
Winston Kelly	EMAIL:	
MARIN OSTRUMECKI	EMAIL:	MARCINE GOTTELLVRIDE. con
LIKE STOCK	EMAIL:	Be Vista. commatchnet work, ora
Steven Ruletz	EMAIL:	Be Vista commatch net work, org
John Bensell	EMAIL:	
Tami Richardson	EMAIL:	Recruird son, tarnis grand. com.
CHRUS KNIGHT	EMAIL:	cknight a comming-group com
MATITAZE SUMM	EMAIL:	mathe Q varthone cullips
ANKUR PATEL	EMAIL:	onker @ varlthome collection
Charl Herry	EMAIL:	Charle Tulki, an
Chris Hawking	EMAIL:	
Nikoleter Angelaa	EMAIL:	Nikoleta@vaurthameorlectrona
Galina Ivanova	EMAIL:	
ALAN KADIN	EMAIL:	KADINALAN@GINAIL.com
Rob Comor	EMAIL:	reconnor 1 a grail con
JON DUERR	EMAIL:	JOURNOZE aolicon
Mathes themister	EMAIL:	tell wide broker agol com
Mickey Skillowny	EMAIL:	Wick Ski And GIE / e GMAILICAN
Chase Hornis	EMAIL:	hony nemitt @ yabac. 'cm
Janell Crabbree	EMAIL:	Janul Crabbee @ yahoo com
Dan Jansen	EMAIL:	

# Town OF MOUNTAIN VILLAGE Town Council Meeting March 16, 2023 2:00 p.m.

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NAME: (PLEASE, PRINT!!)		$\Omega$
MEORAFK. HARYEN DV	EMAIL:	eagelother ARVENTERAL, HET
Willawith Howard	EMAIL:	V Mowarda Whail, con
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maria meridith	EMAIL:	markemarkamerid Ha.com
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From: Lorrie Denesik
To: council
Subject: Six Senses

**Date:** Monday, March 13, 2023 9:16:32 PM

Lorrie Denesik

P.O. Box 3352 (10 Stonegate,)

Telluride, CO81435

3/13/23

**Town Council** 

Town Of Mountain Village

455 Mountain Village Blvd., Suite A

Mountain Village, CO 81435

Dear Town Council:

As a property owner currently and over many years and a small business owner in Mountain Village and now an active real estate agent, I firmly support the approval of the Six Senses project. Never before could we have imagined a hotelier and/or developer of this quality, level and contribution entering into our local and micro communities of both Telluride and Mountain Village. This brand alone will support and contribute unprecedented and intangible benefits to our communities such as quality of experience to Mountain Village, reputation and environmental improvements as well as provide very tangible and specific additions to bed base, job force and highend name recognition. Along with all the other aforementioned benefits, this lot was always designed for a hotel/condo project and the fact that we are able to capitalize with an extremely beneficial product and project on this property such as this as a Town and community, it should not be rebuked or rejected. Please take the initiative to realize the future that has been anticipated and hoped for in the Mountain Village Core and the Mountain Village as a whole.

Regards,

Lorrie Denesik | Broker Associate LIV Sotheby's International Realty Idenesik@livsothebysrealty.com direct +1 970-729-1783



From: Steve Gumble
To: council

Subject: Please Support Six Sense Hotel

Date: Monday, March 13, 2023 2:51:03 PM

Importance: High

# Dear Mountain Village Town Council,

I would like to express my support of the pending PUD amendment from Tiara Telluride. I understand decisions of this magnitude do not come easy nor without consequences. It is my belief, that based on the application, the "consequences" only stand to enhance Mountain Village and continue its trajectory as of one the most successful mountain towns in America. I cannot imagine five-star projects come along every day, and the fact that Six Sense has chosen Mountain Village is a testament to how the town has managed growth over the years while understanding the need to present itself as a world-class destination. Six Sense is world class!

I will be the first to admit that PUD's are not my forte but as a 36 year resident of Telluride and successful business person I know when something is beneficial to the region and when something is not. In my opinion Tiara's plan is well thought out and truly will benefit our community as a whole.

I think workforce housing may top my list of importance as it tops many people's list. 14,000 sq feet of housing which will house 56 employees is above the current requirements for housing. This is extremely important when considering this amendment. I have seen so many projects go to the wayside because the developer does not want to meet the minimum requirements for housing. This wildly exceeds development minimums in the Village and should not be taken lightly. This to me is a testament to Six Senses commitment to the community and the folks that work here.

There are numerous reasons to support this amendment, in fact too many to list here. But there are a few that strike a note with me above and beyond workforce housing. I have been a supporter of local non-profits for as long as I have been financially able to do so. It is refreshing to see that Six Senses recognizes the important of supporting our local non-profits and have committed ½ percent of gross revenue to non-profits. Again non-profits are very important to this community and their willingness to support community non-profits should be taken into consideration. Six Sense seems to have a concern about the community as a whole, which is not something you see every day from developers and their partners.

Providing necessary public parking, walking infrastructure and, selfishly important to me, increased event spaces all serve to enhance Mountain Villages strengths as a destination and tourist driven town. Event space is painfully limited in both Mountain Village and Telluride. I just personally witnessed this during Telluride Gay Ski Week, so anytime a project presents a plan for event space I would urge you to support it.

As I said previously, there are so many additional benefits that this project intends to bring to the area. The variances being requested only work to improve the project as a whole. The increase in public benefits and improvements should not be discounted nor jeopardized by a few individuals. I strongly urge Town Council to approve this project – it only makes (Six) sense!

Sincerely,

**Steve Gumble** (he/him/his) *President SBG Productions, Inc* 

<u>Telluride Blues & Brews Festival</u> | <u>Telluride Jazz Festival</u> | <u>Durango Blues Train</u> | <u>Telluride Gay Ski</u> <u>Week</u>

PO Box 2966 | Telluride CO 81435 O 970.728.8037 x100 From: <u>Lara Knoerr</u>
To: <u>council</u>

Subject: Support for Six Senses Hotel Mountain Village Date: Monday, March 13, 2023 7:25:13 PM

Lara Knoerr 35 Pilot Knob Ln Telluride, CO 81435

3-13-23

Town Council
Town Of Mountain Village
455 Mountain Village Blvd., Suite A
Mountain Village, CO 81435

Dear Town Council:

The development team of Tiara Telluride has been laboring for more than a year to provide the best use for the property located at Lot 109R aka the Mountain Village Hotel. They have designed within their approved height limits and created a beautiful and location-appropriate five-star project. They are accomplishing the following to truly help the community in contrast to the approved PUD:

- Reduced density, which helps alleviate traffic in the village core
- Approximately 14,000 sq ft of Workforce Housing onsite, which, while costing them additional funds, is unique to the project and much needed by whole area. <u>This space will house up to 56 employees.</u>
- Proposing the first <u>commercial LEED-certified</u> building in Mountain Village.
- A commitment from Six Sense to <u>donate ½% of gross revenue annually</u> to local non-profits.
- Collaborating with Six Senses one of the world's top hotel flags, which follows the ethos of what Mountain Village strives to be. With the Six Senses Brand, they envision an environmentally forward and community inclusive operation.
- Redeveloping the area around the Trash facility including the facility itself. The plans presented significantly alleviate the current and any future challenges of that area.
- Building extensive new sidewalks to help residents & guests move around the core safely and <u>improve the pedestrian-oriented design of the Core</u>.
- Replacing all public parking on the site today with new, garage parking spaces.

There are numerous additional benefits that this project intends to bring to the area. The variances being requested only work to improve the project as a whole. The increase in public benefits and improvements completely justifies the ask and are above and beyond those offered by comparable projects in the area. I implore the

Council to approve this project. Thank you for your time.

Best regards, Lara Knoerr From: <u>Anne-Britt Ostlund</u>

To: <u>council</u>

**Subject:** Writing in SUPPORT of the Six Sense Hotel **Date:** Monday, March 13, 2023 7:13:01 PM

Anne-Britt Ostlund

203 E. Serapio

Telluride, CO 81435

3/13/2023

**Town Council** 

Town Of Mountain Village

455 Mountain Village Blvd., Suite A

Mountain Village, CO 81435

Dear Town Council:

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Sincerely,

Anne-Britt Ostlund



Anne-Britt Ostlund | Luxury Real Estate Advisor & Broker/Owner | Mountain Rose Realty | text/voice. 970-759-4886

Committed to giving back, founding member of 1% to the Community! (learn more)

Stay on top of Telluride Events & the Market

Follow me on your favorite channel



 From:
 CC Rocque

 To:
 council

 Subject:
 Lot 109-R

**Date:** Monday, March 13, 2023 5:15:15 PM

#### For the Mountain Village Town Council~

Firstly, thank you for your time and attention to your governmental position, in support of our community. I am writing to you today, regarding the proposed Hotel project for Lot 109-R. As a homeowner in the town of Mountain Village for the past 17 years (after being a resident in the Town of Telluride for 8 years prior), I would love to see more vitality and amenities brought into the Core area, to offer diversions, dining options, and more opportunity to socially interact right in my own neighborhood... vs always taking the gondola or driving to/ from Telluride. I believe that the proposed Hotel project for Lot 109-R will do just that.

Thank you again for your time, and for your thoughtful consideration of the positive impacts that this project could impart to our community - economically, socially, and in supply of workforce housing.

Best,

cc rocque principal & partner

**ZINQUE** 

the 'element' of design custom interiors post office box 3800 373 east colorado ave telluride, colorado 81435 zinquedesign.com m 970.729.0530 o 970.728.3033 @zinquedesign

I am writing this letter in support of the proposed 109R hotel project.

The lot in question has been referred to as the Mtn. Village hotel lot and it has been the plan from its initial development to put a large hotel on that lot. I have seen nothing from the council/DRB meetings that has stated that the town no longer wants a large scale hotel on that lot so I'm not sure why the development plan is now being pushed to start over after several years of work by the town of Mtn. Village staff as well as the development team and their staff.

Hot beds in the Telluride area has been an issue for years, and with the town, and the area in general only getting busier every year the time to move forward with these types of projects is now. It also appears that the development team for this projects has included an above required amount of employee housing on site which is of course an extremely important thing for the area. The development team also provided more parking per towns request. From everything I have read and seen regarding this process it seems like the development team for this project has addressed all of the concerns to date from DRB and town council and that they have been receptive, and open to the input they have received. I would think the town of Mtn. Village would want to keep a project moving forward and working with a development team that has been on board with the towns vision from the beginning.

In short it would appear that a large scale hotel project is inevitable and needed on this site, and that as a town it would make more sense to continue on the path that you started over two years ago rather than starting this process over and delaying a much needed addition to the Mtn. Village hot bed pool even longer.

Regards, Cody Abbott 
 From:
 Morgan Ballou

 To:
 mvclerk

 Subject:
 Sixth Sense

**Date:** Tuesday, March 14, 2023 4:55:24 PM

I am writing this email in support of approving this project. As a long time local with ties to the community and an employee for Telski, I feel this a big picture play of YES.

Development is a necessary move to protect out future and Six Sense is the team to help make this a reality.

They are truly committed to keeping Telluride what it truly is, and that is a high end destination resort that supports the local community through proper employment opportunities at a high level. Please do the right thing and approve this as recommended.

Thanks so much and BEST as always, Morgan Ballou

# **COLEMAN & QUIGLEY, LLC**

Attorneys at Law

Joseph Coleman Isaiah Quigley Timothy E. Foster Stuart R. Foster 2454 Patterson Road, Suite 200 Grand Junction, CO 81505 Telephone: (970) 242-3311

March 14, 2023

Via Email: Council@Mtnvillage.org

Town Council Members, Town of Mountain Village

Re: Lot 109R March 16, 2023 Council Hearing

Dear Mayor and Council Members:

This letter is being sent on behalf of my clients, Cloud 9 Holdings, LLC and SCYTHIAN LTD, and at request of owners of Westermere and See Forever condominiums.

#### I. Introduction.

At the January 19, 2023 hearing, the Council fully discussed and was on the verge of dismissing the developer's request for approval of a massive number of alleged "Amendments" to a 2010 Plan for Lot 109R. The Council recognized that the current 2023 Plan was materially different and not a mere amendment of the 2010 Plan. Council felt the Amendment request should be denied. This Letter supports Council's decision to Deny the application for a PUD Amendment.

## II. Council Meeting on January 19, 2023.

Developer presents its plan is a mere "amendment" of the 2010 Plan, thereby seeking to avoid complying with current CDC provisions. The Mayor and a majority of the Council expressed opposition to this matter proceeding under the guise of an "amendment" to a 2010 Plan.

On January 19, 2023, the Mayor expressed strong misgivings about "pretending the changes were mere amendments". She correctly recognized that the many changes were so great that the current application, if honestly labeled, was a NEW PLAN.

The Staff had not provided the Council with a resolution for dismissal of the Amendment. The City Manager then interjected the idea of not dismissing the Amendment until the Staff drafted appropriate resolutions. Council now has appropriate resolutions and should deny the application to amend the 2010 plan. Dismissal of the Amendment will allow the Developer to move forward with a 2023 Plan in accordance with current CDC provisions.

Applicant should follow the exact process all developers must follow; no greater or lesser of a task than what Staff, DRB, Council and residents expect of every proponent of a new

project. Treating people openly, fairly and without favoritism engenders respect from the community and developers.

# III. Relevant Facts Regarding the "Amendment" of the 2010 Plan.

To buttress the Council's own thought process, Chris Hawkins, of Alpine Planning, LLC, (a former Town Community Development Director and lead planner in the creation of the Mountain Village Hotel PUD), submitted a letter to Council. His letter supports the Council's observation that trying to "pretend" that the current Lot 109R Plan is a mere "amendment" of the 2010 Plan is disingenuous.

Mr. Hawkins has direct knowledge of the 2010 Plan for Lot 109R. Mr. Hawkins' letter allows you to see the actual 2010 Plan, confirming that it is far different than the new project being advocated as a mere "Amendment." The Council warned Developer in the past that use of the "amendment process", to actually promote a new development, was a suspect course of action. At the last hearing, the Mayor stated the obvious; the Amendment process needs to stop; Developer and the Town will both be better served by a direct dismissal of the Amendment process. Developer, Staff, DRB and Council can all do a better job evaluating a new application that complies with the current CDC rules. This correct course of action will not move forward until the Council formally denies the current "Amendment and Application."

Mr. Hawkins makes the following comments that my clients support.

"... the highest roof peaks on the west side of the hotel site ... were specifically focused away from Westermere and the primary east faced windows at Shirana." [page 2 of Hawkins letter]

"The pending PUD amendment plans for the Six Senses Hotel has significantly bigger building mass with significantly less stepping toward Westermere . . . ". [page 2 of Hawkins letter] and 1

"Thus the proposed hotel is significantly taller across most of Lot 109R than the Original PUD hotel." [page 2 of Hawkins letter]

The original 2010 Plan considered concerns of Westermere and Shirana; the current "Amendment" has been criticized by Staff, DRB, Council and neighbors. Neighboring owners have even advocated a citizen initiative to limit height to the CDC height limits. While an initiative remains an avenue of recourse, the better solution is to deny the "Amendment" and apply the CDC as written in considering a New Plan.

Mr. Hawkins next quotes CDC provision Section 17.3.11C 1-2 which states:

<sup>&</sup>lt;sup>1</sup> One cannot honestly identify this project as a "Six Senses Hotel" project. The Town's file contains an April 12, 2022 letter from "Head of Development Americas" that is merely a "Letter of Intent." If a binding agreement was to be negotiated and signed, the binding agreement was to be executed within 45 days, i.e., by early June of 2022. No binding agreement exists in the Town's file. Six Sense apparently has made no binding commitment to Developer.

"This definition [of Average Building Height] does not intend to allow strategies to circumvent the intention of the maximum average height limitation through such relationships as high-rise structures surrounded by low secondary roofs."

Any objective observer will conclude that Applicant "Amendment" seeks to "circumvent the intention of the average height limitation" by inserting low secondary roofs in an attempt to circumvent the intent of the average height limitation.

Residents in single family area adjacent to Lot 109R (separated only by the Town ROW) and the condominium owners who are directly adjacent, are faced with a 100 foot structure, with their view 100% blocked by the highest wall Developer proposes. The secondary roofs seek to manipulate the average height calculation and should not be approved.

### IV. Amendment.

The truth is apparent. The 2010 Plan is not desired by the Developer; the Developer wants a completely different project. Council was and remains correct that the current Lot 109R Plan is a new plan, not an "amendment" and must be the subject of a new application, if Developer wants to obtain Council's approval. Thus, dismissing the misnomer of an "Amendment", and judging a new 2023 Project in the context of the current CDC, is what the DRB and Council have urged in the past.

Lot 109R can and should be developed; provided the Developer starts designing the project to comply with the CDC. Requiring an out-of-state developer to comply with the same, current CDC requirements that other developers must follow is not an undue burden. The Comp Plan and the CDC have resulted in a Town that the Council and its residents can be and are proud of. (As a collateral observation, fortunes have been made by developers who abided by the CDC so history proves that careful planning does benefit everyone).

# V. Developer's Rights are Preserved even with Dismissal of its "Amendment".

The Developer may submit a 2023 plan for approval which will be governed by current CDC rules and regulations. The Town and its residents can review, and the Council will ultimately decide if the Plan complies with the CDC rules. This process respects the rights of the Applicant, the Town and its residents.

Council should urge the Developer to use the existing (invaluable) Town SketchUp model of the Village Center. This model allows the Developer, Staff, DRB, Council and Town residents (particularly neighbors) to visualize and understand the impact of the proposed development, as to size, mass, heights, open spaces and plazas. Such information is essential to a correct understanding of any large development on Lot 109R.

The fact that Developer seeks to place "development required gas and electrical structures" off site (i.e., utilities that are needed to serve the development itself) off site strongly

suggests the mass and scale of the development is too large for the small site. Significant time and money will be saved by all, if the Developer uses (or Council requires use of) the Town SketchUp model.

## VI. Conclusion.

Thank you for your hours of attention and patience in reviewing and recognizing that Developer is not "amending" an existing Plan; Developer wants approval of a new Plan. The Mayor articulated the situation best when she said, I cannot in good conscience approve the application as an "Amendment" to a 2010 Plan. The changes to the 2010 Plan (see Exhibit A, pages 16-25 and Exhibit B, pages 29-45 of 1/19/2023 Council Packet part 1 of 3 for list of all changes) are so many and significant that being honest with the citizens of the Mountain Village requires the dismissal of the proposed "Amendment". Now that a formal resolution to that effect is available, the Council should and can complete the dismissal, as they wanted at the January 13, 2023 Council hearing.

Sincerely, COLEMAN & QUIGLEY, LLC

/s/ Joseph Coleman

Joseph Coleman joe@cqlawfirm.net

xc: Clients

# Alpine Planning, LLC

P.O. Box 654 | Ridgway, CO 81432 | 970.964.7927 | chris@alpineplanningllc.com



March 14, 2023

Town of Mountain Village Town Council

Sent via email to: mvclerk@mtnvillage.org

RE: Lot 109R PUD Amendment

Dear Council Members,

My firm consults with Winston Kelly ("Client") on land use planning consulting on Lots 104, 89-2C and 89-2B ("Kelly Properties") as highlighted in Figure 1. The Kelly properties are located across from the Sixth Senses Hotel project site that proposes a Major PUD Amendment to reconfigure the Mountain Village Hotel PUD currently pending before the Town Council.

I was the Town of Mountain Village Community Development Director and the lead planner in the creation and adoption of the Mountain Village Hotel PUD and associated Lot 109R replat ("Original PUD"). This provides me with unique insights on the proposed PUD amendment that may be helpful for the Town Council to consider in taking action on the proposed PUD Amendment as outlined in the following sections.



# Maximum Building Height

The maximum building height for the Original PUD at 88′- 9″ was only for the highest roof peaks on the west side of the hotel site that were specifically focused away from Westermere and the primary eastern facade windows at Shirana. It was not a blanket building height across all of the Property. The Original PUD design was negotiated with the DRB, Council and public comments through a worksession, Conceptual PUD and Final PUD approvals that shaped the final approved building massing that had the tallest building elements focused western side of Lot 109R and stepping down to Westermere Condos to the east as shown in Figures 2-6. The highest roof ridge of the Mountain Village Hotel is located on the western side of the building with a USGS elevation of 9611′ - 9″ that steps down to the south with a USGS elevation of 9601′ - 9″. The east elevation shown in Figure 2 has seven (7) major stepping elements with two to four stories next to Westermere on the east elevation.

The pending PUD amendment plans for the Sixth Senses Hotel has significantly bigger building mass with substantially less stepping towards Westermere as shown in the comparison presented in Figure 7 and Figure 8. The proposed hotel plans have significantly less stepping and rise to seven stories very quickly, with the flat roof form clearly having more mass on the east side of the building than the Original PUD plans. The main roof for the sixth level has a USGS elevation of 9614.5' that is 2.75 feet taller than the tallest roof ridge of the Original PUD. The upper roof in the center of the proposed building has a USGS elevation of 9617.5' that is 5.75 feet taller than the highest ridge of the Mountain Village Hotel. Thus, the proposed hotel is significantly taller across most of Lot 109R than the Original PUD hotel.

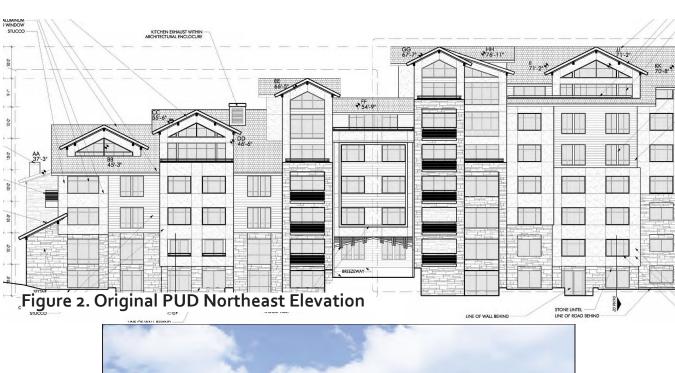
The Original PUD allowed a maximum building height of 88' - 9", and the applicants are requesting to allow for a height of 96' - 8". This added height is clearly not just located on the western side of the property like the Original PUD, and results in a significant increase in mass, scale and visual impacts to surrounding properties.

# Maximum Average Height

The Mountain Village Community Development Code's ("CDC") average height requirement in Section 17.3.11.C.1 - 2 states:

- 1. The Average Building Height shall be measured from the natural grade or the finished grade, whichever is more restrictive, to the point on the roof plane midway between the eave and the highest point on the rooftop, roof ridge, parapet or topmost portion of the structure. An average building height calculation is produced for each of the four (4) architectural elevations. The four (4) height calculations are then averaged to derive the Average Building Height.
- 2. On complex buildings with multiple heights and/or buildings with multiple heights on sloping sites, the average building height calculation shall be determined by taking the average of heights at equal intervals around the perimeter of a building. Those intervals shall be no more than twenty (20) feet. When multiple roofs occur within any interval, the height for that interval shall be measured from the finished grade or natural grade (whichever is most restrictive) to the highest point on the rooftop, roof ridge, parapet or topmost portion of the structure. For purposes of determining the maximum average height on complex buildings, a roof shall have a horizontal projection of at least ten (10) feet. This definition does not intend to allow strategies to circumvent the intention of the maximum average height limitation through such relationships as high-rise structures surrounded by low secondary roofs [emphasis added].

Page 1 Page 2







01 NORTH ELEVATION

Figure 3. Original PUD North Elevation

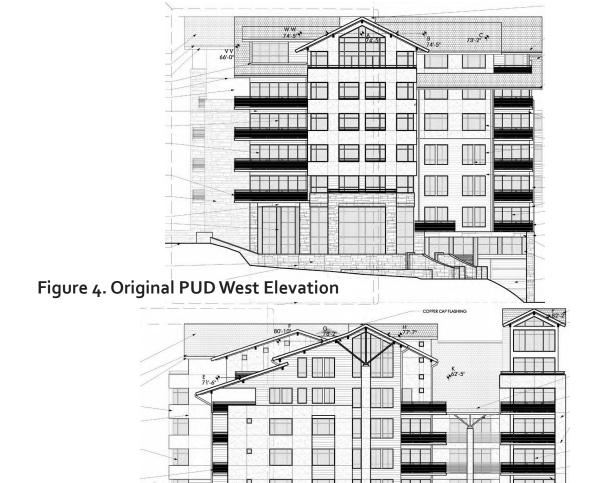
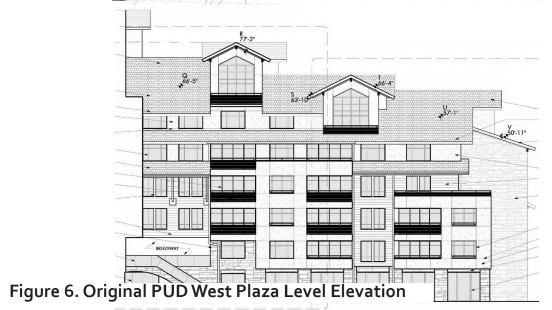


Figure 5. Original PUD South Plaza Level Elevation



Average height was originally adopted in Mountain Village to ensure roof articulation for the required gable roof forms and has not been revisited in light of the Town now permitting flat roof forms. The intent of the average height regulation is to ensure every project has some roof and building articulation. We would note that the applicant's architect picked the starting point of the average height calculations, Point A, on a Level 2 deck railing top which is a low secondary railing and not a roof and instantly skews the average height with a height of only 14.2' above existing grade. We would also note that several of the average height measurement points (NN - BBB) are only to the top of the Level 7 guard rail and not to the highest roof above that appears to be the Level 7 roof. We would like some clarity on why the project architect picked several height measurement points to the top of guardrails and not roofs and why more measurement points are not to the Level 7 roof that is the topmost highest point of the structure above such points. Changing any of these points will change the presented average height.

# **Proposed Massing Model Evaluation**

The Town paid for and has a great SketchUp model of the Village Center buildings that shows the as built massing, heights, open spaces and plazas. The Applicant should be required to include their proposed building massing into this model so that adjacent property owners and the Council can understand the proposed massing in relationship to surrounding development. This model will allow any neighbor and Council members to understand the true visual impacts of the project along with its mass and scale relative to surrounding developments and properties.

# Gas Regulator Station + Electric Transformer

Black Hills Energy appears to have a random plan for gas regulator stations in the Village Center with them scattered all around the area. There are regulator stations by Tramontana, Hotel Madeline parking garage entry, on Lot 126R, and on the side of Hotel Madeline. Each new project appears to bring a new request for a gas regulator station that has visual, noise and potential odors that all adversely affect property value. The proposed location of the gas regulator station on the Kelly Properties is not compatible and negatively impacts property values. More importantly, required utility infrastructure should be required to be located on a development site and not off-site. Better yet, Black Hills Energy could develop a plan for where a common regulator station for the Village Center should be located or expanded so they do not continue to proliferate around the Village Center impacting more properties over time.

The proposed landscaping plan or site plan do not identify the location of the required electric transformer(s). We would encourage the Council to ensure that the required large electric transformer(s) be located on the proposed development site and it be screened from view so it is also not proposed on an adjoining property.

# **Right-of-Way Construction Impacts**

The proposed hotel building is designed wrapped around the Mountain Village Blvd. horseshoe bend with exterior walls right next to the property line without any setbacks and one-to-two below grade levels in certain locations and the parking garage wall flush with the property line. How can this occur and still keep the building's foundation footers from encroaching into the right-of-way? How much of





Figure 9. Proposed Hotel Massing - Flattened

Page 5 Page 6

the right-of-way will be used for construction and will building construction extend into the roadway? The Council should understand these and other right-of-way impacts as a part of the PUD amendment process in our opinion.

We sincerely appreciate the Council's time and consideration of all comments in the PUD amendment process.

Respectfully,

Chris Hawkins, AICP Alpine Planning, LLC





fostergraham.com

March 14, 2023

## Via Electronic Mail:

mvclerk@mtnvillage.org mhaynes@mtnvillage.org

Town Council Town of Mountain Village 455 Mountain Village Blvd. Mountain Village, CO

Re: Opposition to Major PUD Amendment to the Lot 109R PUD and Rezoning

Dear Honorable Members of Town Council:

Foster Graham Milstein & Calisher, LLP ("FGMC") represents Winston Kelly regarding his properties and home on Mountain Village Boulevard that are directly across from Lot 109R, the property under consideration for: (1) the proposed Major Amendment to the Lot 109R Planned Unit Development ("PUD Amendment"), (2) the proposed rezone of portions of Town-owned and applicant-owned property ("Rezone"), and (3) the Major Subdivision to replat portions of property between 109R and OS-3-BR-2 ("Subdivision")(collectively, "Applications"). Because the Applications do not meet, and in fact, cannot meet, the Town's approval criteria in the Community Development Code ("CDC"), denial is required. FGMC reiterates and incorporates all arguments made in its letter on behalf of Mr. Kelly to Town Council dated January 18, 2023, in opposition to the Applications ("January Letter"), since none of the issues raised have been resolved by the applicant.

The following additional procedural and substantive points are made in support of the approval of the Resolution of the Town Council of the Town of Mountain Village, Colorado Denying a Major Planned Unit Development for Lot 109R and denial of the concurrent Rezone and Subdivision applications.

## Procedural Deficiencies:

• The vested rights for the 2010 Mountain Village Hotel PUD ("2010 PUD") were not properly extended and are expired.

- Town-owned open space included in the PUD Amendment does not have the 2010 vested rights associated with it. The legal description for the land, subject to the 2010 vested rights, is different from the land in this application. Therefore, attempting to rezone Townowned open space via a major PUD amendment is procedurally improper and cannot, by law, have the same vested rights. While an amendment to the PUD is possible and an extension of the vested rights is possible, an amendment to the vested rights that includes new property is not legally permissible.
- If the 2010 PUD is amended and restated as the applicant proposes, it constitutes a new PUD, whereby the Town allows the applicant to bypass current more restrictive regulations under the guise of an amendment.
- The entirety of the Subdivision application cannot accurately be described as a "subdivision" under the CDC, defined as any division or re-division of a lot, tract, or parcel into two or more parts. Rather, there are several "lot line adjustments," a class 5 application. The significance of this distinction is that class 5 applications have different requirements including mandatory referrals to San Miguel County and the Colorado Geologic Survey, and Class 4 subdivision applications do not.

#### Substantive Deficiencies:

• In addition to the deficiencies raised in the January Letter, written testimony of Chris Hawkins, AICP, of Alpine Planning, LLC and the former Town Community Development Director and lead planner on the 2010 PUD, provides definitive guidance on the intent of the 2010 PUD and affirms that the proposed PUD Amendment is of a mass and scale not consistent with the 2010 PUD, in conflict with the criteria in CDC Section 17.4.12.E. It also sheds light on the flawed manner in which height is being measured by the applicant.

Despite the time and energy put into its review, the procedural and substantive flaws in the PUD Amendment continue to be too numerous for it to be approved.

## I. PROCEDURAL DEFCIENCIES IN OPEN SPACE REZONING

A major PUD amendment cannot be applied to Town-owned open space which was not within the legal description boundaries of the 2010 PUD. The CDC states all PUD applications require a concurrent rezoning process to convert the original zoning designation to the newly created PUD district.<sup>2</sup> The PUD development review process is a rezoning process in itself. Therefore, a PUD amendment, in effect, is a rezoning process applicable to the specific area of the originally defined PUD. Areas outside of the originally defined 2010 PUD cannot be rezoned by the PUD amendment process. The Town-owned open space does not carry with it the

2

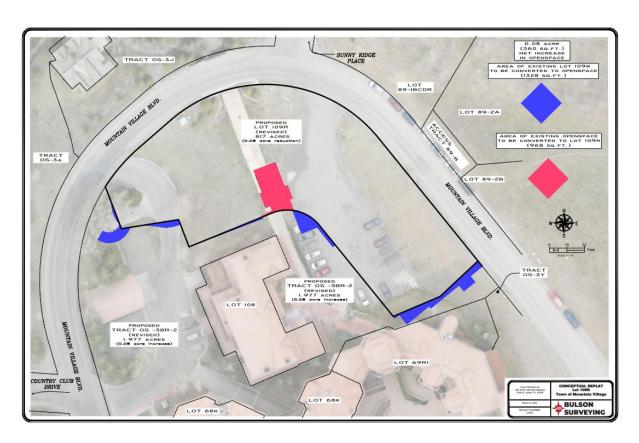
<sup>&</sup>lt;sup>1</sup> As discussed above, such vested rights have expired. However, in the event the District Court were to determine that the vested rights have not expired, this argument remains.

<sup>&</sup>lt;sup>2</sup> Community Development Code Section 17.4.12 (5).

development rights of the original 2010 PUD, and the PUD Amendment cannot supplement or amend non-existent development rights.

Land outside of the 2010 PUD is subject to a separate rezoning process laid out in Section 17.4.9 of the CDC—the standard rezoning process. Land adjacent to the PUD, in this scenario, open space, does not have the same vested development rights as the 2010 PUD. In fact, open space has no development rights at all; therefore, it cannot be "amended" to comply with a newly proposed PUD amendment.

Adding parcels of land to a lot zoned as PUD does not extend the rights of the PUD to the supplemental land acquisitions. The land represented in pink does not have any vested property rights or development rights. Incorporating this land into the PUD does not confer upon it the 2010 vested property rights. Those vested rights are reserved only to the legal description of property outlined in the 2010 PUD. The applicant is attempting to acquire land zoned as open space, and use the vested rights established under the existing 2010 PUD as a baseline for a rezoning application. Rezoning town open space in 2023 should be evaluated against the criteria set forth in the current CDC.



Although the area above, represented in pink, will be incorporated into the 2010 PUD parcel, that area will still be zoned as open space resulting in the applicant's use being

impermissible. Subdividing property does not impact the zoning of the property.<sup>3</sup> The underlying zoning and property use regulations attached to such lot, tract or parcel remain. Any rezoning accomplished by the PUD Amendment will only result in rezoning the legally described parcel of the 2010 PUD.

The only procedurally proper way to rezone town open space is to follow the standard provisions laid out in Section 17.4.9 or create an entirely new PUD subject to the current provision of the CDC and comprehensive plan. The applicant cannot rely on the development rights of an adjacent lot, in this case the 2010 PUD, to provide the basis to rezone Town-owned open space.

#### II. MISCLASSIFICATION OF LOT LINE ADJUSTMENT

The proposed action contemplated by the major subdivision application cannot accurately be described as only a "subdivision" under the CDC. The CDC defines a subdivision as "[a]ny division or re-division of a lot, tract or parcel of property into two (2) or more parts, or the alteration of an existing lot's easements or other platted subdivision elements by means of platting in accordance with the procedures and standards set forth in the Subdivision Regulations of this CDC".<sup>4</sup> The proposed action is not a division or redivision of a lot, tract or parcel into two or more parts. The proposed action requires boundary adjustments made on both parcels, and no additional parcels are created.

The CDC defines a lot line adjustment as, "[t]he minor adjustment of common property line(s) between adjacent lots, tracts or parcels for the purpose of accommodating the transfer of property, rectifying a disputed lot-line location and similar purposes. The resulting adjustment shall not create additional lots, parcels or tracts." 5

The proposed action is a minor adjustment of common property lines for the purpose of transferring property, the resulting adjustment does not create any additional lots, parcels, or tracts. This action fits squarely within the definition of a lot line adjustment but does not constitute a subdivision. In fact, the applicant has submitted materials requesting a lot line adjustment. See EXHIBIT A. The applicant submitted a major subdivision application which is a class 4 application. However, their presentation is requesting a lot line adjustment, a class 5 application. Approving the applicant's request for a lot line adjustment would allow for a circumvention the procedural requirements of the CDC.

The proper application to propose a lot line adjustment is a minor subdivision application. Minor subdivision applications must be processed as class 5 applications<sup>6</sup> as opposed to major subdivision applications which are processed as class 4.<sup>7</sup> The applicant submitted a major

<sup>&</sup>lt;sup>3</sup> Community Development Code Section 17.8.1.

<sup>&</sup>lt;sup>4</sup> Community Development Code Section 17.8.1.

<sup>&</sup>lt;sup>5</sup> Community Development Code Section 17.8.1.

<sup>&</sup>lt;sup>6</sup> Community Development Code Section 17.4.13(d)(2).

<sup>&</sup>lt;sup>7</sup> Community Development Code Section 17.4.13(d)(1).

subdivision application. The primary difference between a class 4 and class 5 application for a minor subdivision is which referral agencies are notified for comment at the beginning of the process. Class 5 applications require a referral to San Miguel County and the Colorado Geologic Survey.<sup>8</sup>

Without the proper application for the proposed action, San Miguel County and the Colorado Geologic Survey were not properly notified of the action and were not provided adequate opportunity to submit referral comments for the record. As such, to rectify this procedural deficiency the referral agencies must receive proper notice and time to submit comments as is required by the CDC.

## III. CONCLUSION

A significant and fatal error in this PUD Amendment, rezoning, and subdivision process is the failure to understand that the vested rights from the 2010 PUD cannot subsequently infer a benefit on property not initially within the legally described property boundary at the time of approval of such right. The proposed PUD Amendment and concurrent subdivision application are insufficient both procedurally and substantively. The PUD Amendment can only amend the zoning within the original 2010 PUD parcel. Allowing the applicant to rezone Town-owned open space via a PUD amendment, improperly allows the applicant to rely on nonexistent development rights. Additionally, the concurrent subdivision application is not a subdivision, but a lot line adjustment with different procedures in the CDC. This misclassification of an application resulted in omitting mandatory referral agencies from the process. For all the reasons stated herein, Mr. Kelly requests that Town Council deny the request for the PUD Amendment and concurrent major subdivision application.

Sincerely,

X LL

FOSTER, GRAHAM, MILSTEIN & CALISHER LLP

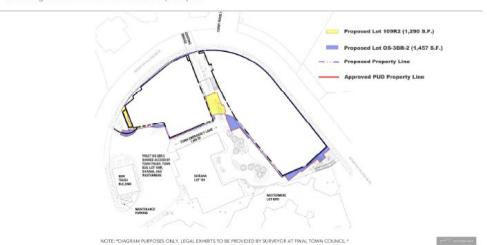
<sup>8</sup> Community Development Code Section 17.4.3 Table 4-2 Referral Agency Table.

# **EXHIBIT A**

March 16, 2023, Town of Mountain Village Town Council Pack: MAJOR PUD AMENDMENT APPLICATION MATERIALS (pg. 78).

#### LOT LINE ADJUSTMENTS PER SECTION 17.3:

Net area gain back to Town of 167 S.F. of Open Space



# LOT LINE ADJUSTMENTS PER SECTION 17.3:

Net area gain back to Town of 167 S.F. of Open Space

6B

6A

#### WHAT THIS IS:

A request for an adjustment to the lot line.

#### TIMELINE:

DRB Conditions #28 - Prior to FTC 12.01.2022 DRB Conditions #29 - Prior to FTC 12.01.2022 Town Memo #4 01.19.2023 - Overview Town Memo #8 01.19.2023 - Overview Town Memo #2 - First Reading 01.19.2023 01.19.2023 - G. Staff Concerns

### REQUEST:

For a Lot Line adjustment

#### CODE:

ZONING & LAND USE CODE PER SECTION 17.3 ZONING AND LAND USE H. LOT LINE
ADJUSTMENTS. LOT LINE ADJUSTMENTS THAT AFFECT OPEN SPACE ARE PERMITTED,
SUBJECT TO THE APPROVAL OF THE TOWN, BUT ONLY TO THE EXTENT THAT THERE IS
NO NET LOSS OF OPEN SPACE AS REQUIRED HEREIN.

7

From: Nicole Major
To: council
Cc: Amy Ward

**Subject:** Six Senses YES PLEASE

**Date:** Tuesday, March 14, 2023 4:26:04 PM

# Hello,

My husband and I are residents of the town of Telluride and we are very much in favor of the Six Senses project proposal in Mointain Village.

Thank you, Nicole Major 657 W Colorado Ave From: grandy1640@gmail.com

To: <u>council</u>

Subject: REPLY AND PUBLIC COMMENT TO: Council to consider resolution to deny pending application for Lot 109R hotel

project PUD amendment

**Date:** Tuesday, March 14, 2023 11:54:53 AM

Attachments: image002.png

Mayor Benitez and esteemed Town Council,

While I have every intention of attending Thursday's town council meeting to provide public comment on the subject Lot 109A project, I am submitting these comments in advance to assure they are included in the public record, given the predicted impending weather.

I am specifically writing to comment on the upcoming town council meeting agenda item to vote on denying the application for Lot 109A concerning the project to include a hotel operated by Six Senses. As a Realtor® and five-decade commercial real estate developer, I feel that I bring significant experience in planning, entitling, and executing development projects in myriad municipalities to this conversation. As such, I may have a unique perspective as to the process compared to other non-developers. I am also a property owner in Mountain Village, and speak from that local perspective as well.

That said, I was very surprised (if not shocked) to hear that Town Council is considering denying the pending application after such a long and arduous process. It simply does not seem right under the circumstances. Extensive resources and time have been expended by DRB, staff, Town Council, members of the community, other agencies and interested entities and, last but not least, the developer, to follow the process as set forth by the town. To start over serves no one any good purpose, and does not appear to be in the best interests of the community or the project. Times are tough enough, I am concerned that town council puts the development itself in jeopardy by requiring a complete restart. And to what end?

More specifically, the project is good for the community. It is been well-received by the vast majority, is overall aesthetically pleasing, serves many stated needs, and does not adversely impact the community based upon the Lot's existing zoning and other approvals. No height variance is being sought in the current iteration, which I understand is DRB approved. Parking potentially lost by the development has been saved and at least as many parking spaces as exist today will be provided with the completed project. I also understand that the net land to the Town, after the previously approved sub-division process, is a positive result (to the town).

Moreover, the project appears to desired by TMVOA, Telski, the public with little exception, and, presumably the Town as well. Otherwise the project would not be in the phase of development and approvals that it already is - that being a vote (technically two if it was first reading) away from final approval! As I understand it, voting to deny the application on file would require a new application, whose requirements are virtually the same as the requirements of this amendment process.

Why deny at this late juncture causing *everyone* to start over? The developer has been working on this project, hand in hand with, and the support of, the town since October 2021, when it acquired the property. As I have seen the approximate timeline thereafter included: the development team

completed the required workshop to review the town's needs and applied for the PD amendment in March 2022, as it was told it would need to do in the forementioned workshop. In May 2022 DRB met and was supportive about the project moving forward. A month later, the town commented on their concerns regarding the height variance being sought and the loss of existing parking. In August, after making revisions to the plans the developer based upon the town's stated concerns, the developer resubmitted their plans fully complying (by removing any height variation request and providing all of the existing parking that might have been lost). Town council seemed more than receptive to these positive, and responsive, changes at the time. In December 2022, DRB provided its final approval.

Then to everyone's surprise, and the dismay of many, council sought to deny the project in January for its stated reasons of "too many variances." Again, the process for a PUD or a PUD Amendment are virtually the same, especially as to the criteria and requirements. It makes absolutely no sense for this project, one that is generally desired by the town, to start over! There may be questions by council as to the "conditions" DRB stated in its approval, but please make no mistake about it, conditions are not variances. Council may have questions about those conditions, which could warrant further discussion with the developer, so more time and meetings may be necessary. But this does NOT need to result in denying the application! Conditions must be met throughout the rest of the development process, and in particular most requiring compliance for building permits to be issued. Stay the course, let the process work.

In closing, I remind us all that projects like the one brought before you for Lot 109A do not come often, and there is a sincere risk of losing it should the developer be forced to start over. They might ask themselves if it is worth it. That is not a risk we (the community through its council) should take at this juncture, in my opinion. I encourage calm heads to prevail and for council to take the time necessary to address any lingering questions or concerns it may have, and then to proceed to approve the project when it has done so.

Voting to deny the application now would be a travesty, and hardship on not only the developer, but on staff, DRB and the community at large.

I thank you for your time in considering my comments and for your hard work in promulgating the best interests of our community.

Very Respectfully, Randy

Randy D. Podolsky As an owner of property in TMV and local since 1990

**From:** Town of Mountain Village <a href="mailto:kwarren@mtnvillage.org">kwarren@mtnvillage.org</a>

**Sent:** Monday, March 13, 2023 3:01 PM **To:** Randy <grandy1640@gmail.com>

**Subject:** Council to consider resolution to deny pending application for Lot 109R hotel project PUD

amendment

# Town Council to consider a resolution to deny the pending application for Lot 109R hotel project PUD amendment Thursday, March 16

At its <u>regularly scheduled meeting</u> on Thursday, March 16, the Mountain Village Town Council is scheduled to consider a resolution to deny the pending application for a Major Planned Unit Development (PUD) Amendment to the existing Lot 109R PUD.

At its January 19 meeting, Town Council voted 6-1 (with Council Member Patrick Berry dissenting) to direct staff to draft a resolution of denial after that citing that the project is more appropriate for a new PUD application process versus a PUD amendment process.

The consideration of the proposed resolution is scheduled to begin at 3:15 p.m. on Thursday, March 16. The applicants will present to Town Council before the resolution is considered.

"Town staff has been working with the applicant on this project since 2021, and the applicant has requested time to further discuss their proposed amendments to the PUD as it relates to both variation requests and public benefits as well as to clarify issues raised at the last hearing," said Mountain Village Community Development Director Amy Ward. "Given all of the time and resources that have gone into the process thus far, The Town determined it's only appropriate to give them some additional time to speak before the Resolution for Denial is considered."

The project applicant is Tiara Telluride, LLC which owns the Mountain Village Hotel site, located where North Village Center Parking lot currently sits. The 109R PUD (also known as Mountain Village Hotel PUD) was first approved in 2010 and has received three PUD amendments that extended its vesting period, now set to expire in September 2023.

The luxury hotel brand Six Senses has provided a letter of intent to operate the proposed hotel. The project proposes 50 hotbeds, 20 condominiums, 31 lodge units, 18 employee dorms, 2 employee apartments, restaurants, conference space, hotel amenity spaces and improvements to Village Center plazas.

To view the application material, please visit the Town's current planning webpage at **townofmountainvillage.com/current-planning**.

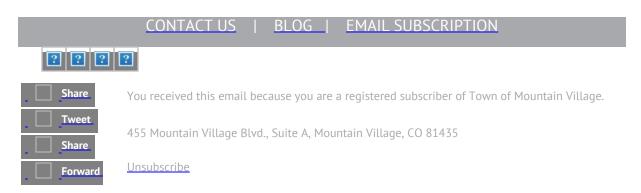
Written public comments on the proposal may be addressed to Town Council and sent to **council@mtnvillage.org**.

Town Council is scheduled to begin discussing this at 3:15 p.m. on Thursday, March 16. Please note that agenda times are subject to change, and the latest agenda is available on the Town's **website**.

The public is invited to attend all hearings meetings virtually or in person.

Meeting info and Zoom log-in information are available on the Town Council **webpage** as well.

LEARN MORE



From: <u>JOLANA VANKOVA</u>

To: mvclerk
Cc: Kathrine Warren

**Subject:** Application pending on Lot 109R Public Comment

**Date:** Tuesday, March 14, 2023 5:57:45 PM

Dear Town Council members,

I am reading with great interest that Council is preparing to deny this application for Lot 109R.

Thank you, yes please, DO DENY.

It is the only correct decision. The developer has attempted to bully first the DRB, and then

exhibited a milder version of that behavior toward council.

Owners a visitors alike are wondering why would anyone allow a "space ship" like structure

in midst of carefully curated mountain resort.

European resorts know how to keep that certain 'something' a particular flair. That is a big

part of why our visitors return, and buy properties here. Let us keep that something special!

Visitors and owners alike comment negatively on the flat roof homes on golf course, also

promoted by the same builder. He likely understands well how beach resorts work, but his

design, and the entire process of twisting the PUD he purchased, are watched with great

disagreement by so many who own and visit in TMV. Nothing wrong with hotels, but not this one.

Taking away all lot D is another problem with this project, as parking is scarce already.

Thank you for preparing to deny application,
Jolana Vanek
Resident
Thank you
Jolana
On Tuesday, March 14, 2023 at 02:47:03 PM MDT, mvclerk <mvclerk@mtnvillage.org> wrote:</mvclerk@mtnvillage.org>
Jolana,
Thank for reaching out to the Town with your comments for the Lot 109R Hotel Project. Unfortunately, we are not able to cut and paste the corrected paragraph into the original comment. Please email <a href="myclerk@mtnvillage.com">myclerk@mtnvillage.com</a> or reply to this email with the full corrected comment and we will forward it to Council prior to the meeting and ensure the corrected version is a part of the packet after the meeting.
Regards,
Kim Schooley Deputy Town Clerk Town of Mountain Village

Town of Mountain Village 455 Mountain Village Blvd. Suite A

Mountain Village, CO 81435

O:: 970.369.6404 M:: 970.729.9373

Website | Facebook | Twitter | Instagram | Email Signup

From: Mick Varner
To: council
Subject: Six Senses

**Date:** Tuesday, March 14, 2023 4:16:47 PM

#### Dear Town Council:

The development team of Tiara Telluride has been laboring for more than a year to provide the best use for the property located at Lot 109R aka the Mountain Village Hotel. They have designed within their approved height limits and created a beautiful and location-appropriate five-star project. They are accomplishing the following to truly help the community in contrast to the approved PUD:

- Reduced density, which helps alleviate traffic in the village core
- Approximately 14,000 sq ft of Workforce Housing onsite, which, while costing them additional funds, is unique to the project and much needed by whole area. <u>This space will house up to 56 employees.</u>
- Proposing the first <u>commercial LEED-certified</u> building in Mountain Village.
- A commitment from Six Sense to <u>donate ½% of gross revenue annually</u> to local non-profits.
- Collaborating with Six Senses one of the world's top hotel flags, which follows the ethos of what Mountain Village strives to be. With the Six Senses Brand, they envision an <u>environmentally forward and community inclusive operation</u>.
- Redeveloping the area around the Trash facility including the facility itself. The plans presented significantly alleviate the current and any future challenges of that area.
- Building extensive new sidewalks to help residents & guests move around the core safely and <u>improve the pedestrian-oriented design of the Core</u>.
- Replacing all public parking on the site today with new, garage parking spaces.

There are numerous additional benefits that this project intends to bring to the area. The variances being requested only work to improve the project as a whole. The increase in public benefits and improvements completely justifies the ask and are above and beyond those offered by comparable projects in the area. I implore the Council to approve this project. Thank you for your time.

Sincerely,

Mick Varner

From: Becky Harvey
To: council

**Subject:** Letter of Support for Six Senses Hotel Mountain Village

**Date:** Wednesday, March 15, 2023 2:44:09 PM

#### 3/15/2023

Town Council Town of Mountain Village 455 Mountain Village Blvd., Suite A Mountain Village, CO 81435

## Dear Town Council:

The development team of Tiara Telluride has been laboring for more than a year to provide the best use for the property located at Lot 109R aka the Mountain Village Hotel. They have designed within their approved height limits and created a beautiful and location-appropriate five-star project. They are accomplishing the following to truly help the community in contrast to the approved PUD:

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- Collaborating with Six Senses one of the world's top hotel flags, which follows the ethos of what Mountain Village strives to be. With the Six Senses Brand, they envision an environmentally forward and community inclusive operation.
- Redeveloping the area around the Trash facility including the facility itself. The plans presented significantly alleviate the current and any future challenges of that area.
- Building extensive new sidewalks to help residents & guests move around the core safely and <u>improve the pedestrian-oriented design of the Core</u>.
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There are numerous additional benefits that this project intends to bring to the area. The variances being requested only work to improve the project as a whole. The increase in public benefits and improvements completely justifies the ask and are above and beyond those offered by comparable projects in the area. I implore the Council to approve this project. Thank you for your time.

Sincerely,

**Becky Harvey** 

From: George Harvey
To: council

**Subject:** Letter of Support for Six Senses Hotel Mountain Village

**Date:** Wednesday, March 15, 2023 10:13:55 AM

Importance: High

March 15, 2023

Town Council Town of Mountain Village 455 Mountain Village Blvd., Suite A Mountain Village, CO 81435

#### Dear Town Council:

The development team of Tiara Telluride has been laboring for more than a year to provide the best use for the property located at Lot 109R aka the Mountain Village Hotel. They have designed within their approved height limits and created a beautiful and location-appropriate five-star project. They are accomplishing the following to truly help the community in contrast to the approved PUD:

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There are numerous additional benefits that this project intends to bring to the area. The variances being requested only work to improve the project as a whole. The increase in public benefits and improvements completely justifies the ask and are above and beyond those offered by comparable projects in the area. I implore the Council to approve this project. Thank you for your time.

Sincerely,

George Harvey

From: Amy Ward
To: mvclerk

Subject: FW: Regarding the Hearing 16 March Lot 109R Date: Wednesday, March 15, 2023 4:47:18 PM

Amy Ward

Community Development Director Town of Mountain Village

O:: 970.369.8248 M:: 970.729.2985

We are experiencing high volumes of development review and have limited staffing. Please be patient regarding our response time.

Website | Facebook | Twitter | Instagram | Email Signup | Careers We make Mountain Village a great place to live, work & visit.

From: W Hill <wesleymhill@gmail.com>
Sent: Wednesday, March 15, 2023 4:01 PM

To: Patrick Berry <PBerry@mtnvillage.org>; W Hill <wesleymhill@gmail.com>

Cc: Amy Ward <award@mtnvillage.org>

**Subject:** Regarding the Hearing 16 March Lot 109R

Dear Mr. Berry,

Our family owns property in Mountain Village and I am writing in regard to the upcoming hearing for Lot 109R. I am writing to ask for you to consider making a motion OTHER than what is in the town's memo.

The town memo has a request for denial, but this is a <u>direct contradiction</u> to the previous memo. I believe the staff has submitted this because they were directed to do so by the Mayor. In my opinion, her actions at the last hearing were egregious. Did staff continue to work with the design team as was required in the last hearing or did staff just follow the Mayor's direction to make the motion for denial?

Many council members expressed appreciation for the level of work completed by the design team. Why were they allowed to continue working on a project that had received such praise at the final design review board only to have one council member demand a denial a month later?

At the last hearing, you stated it was staff that was supposed to make the recommendation. The staff's recommendation was for a continuance, and they expressed there were continued efforts made to resolve any concerns. This project is now at risk because of the Mayor's actions. Please consider following the original suggestion; and if open items continue to be addressed consider an approval so the project can continue to proceed. I want this hotel in Telluride, it would be an asset to have a new updated plaza area for families and amenities for us to use. From what I have seen, this team will do what is required to address the staff's concerns. Please

# make the appropriate motion.

Sincerely,

Wesley Massey Hill Lot 220B Mountain Village From: <u>Julie Joraanstad</u>
To: <u>council</u>

**Subject:** Six Senses Project

**Date:** Wednesday, March 15, 2023 9:54:10 AM

## Dear Council

As a resident of Mountain Village since 2007 I would like to add my thoughts on the proposed Six Senses Hotel.

It would be a shame to have come this far with plans for a wonderful addition to the whole area to not approve such an upscale experience for residents and visitors .

Please vote to approve the project

Julie Joraanstad 224 Country Club Drive

Sent from my iPhone

# Brian & Ingrid Poulin 110 Singletree Ridge Mountain Village, CO 81435

March 15, 2023

Dear Mountain Village Town Council;

I am writing you in support of the proposed hotel development on lot 109-R. My wife Ingrid and I are familiar with Six Senses and we are excited about the prospect of one of the world's finest hoteliers operating here in our community. The brand will attract a desirable clientele from all over the world, many of whom will come just because of the Six Senses brand. Selfishly we are most excited about the proposed new restaurants, spa, and other amenities that the developer and the hotelier are planning; this project alone will elevate Mountain Village's dining experience by leaps and bounds.

I'd like to thank the developer for incorporating far more workforce housing than is required as such housing is so desperately needed!

Regarding the building's design, I find the mountain-contemporary style to be refreshing, while incorporating the appropriate materials and glass as to meet the town's guidelines. Overall, I believe this hotel will be an asset to our town and the region as a whole.

Thank you for your consideration.

Sincerely,

Brian Poulin

Mountain Village Homeowner

 From:
 Richard Thorpe

 To:
 council

 Subject:
 Lot 109

**Date:** Wednesday, March 15, 2023 7:30:17 AM

I would like to commend Council for denying the 109 application. I've attended several meetings regarding this project and strongly feel that this project and developer do not reflect the best interests of Mountain Village.

I support reasonable hotel projects, but not this one.

Thanks

Richard Thorpe MV Homeowner

From: Brian Gavin
To: council

**Subject:** Letter to Council - Six Senses

**Date:** Thursday, March 16, 2023 9:26:01 AM

Brian Gavin

568 Mountain Village Blvd #136

Telluride Mtn. Village, CO 81435

3/16/23

Town Council

Town Of Mountain Village

455 Mountain Village Blvd., Suite A

Mountain Village, CO 81435

## Dear Town Council:

I am a business owner who operates Telluride Brewing Co. & Kitchen in the MV Core. I have stayed at Six Senses properties and truly feel this hotel project this will elevate our tourist based economy for the better. The guest experience we had was very unique and truly one of the best!

In addition, the extensive amount of employee housing they are proposing to build will also provide much needed local housing. There are numerous other benefits this project will offer.

I implore the Council to approve this project. Thank you!

Sincerely,

Brian Gavin

From: <u>Lars Carlson</u>
To: <u>council</u>

**Subject:** Sixth Sense Approval

**Date:** Thursday, March 16, 2023 2:56:13 PM

#### Dear MV Town Council:

The development team of Tiara Telluride has worked for more than a year to provide the best use for the property located at Lot 109-R aka the Mountain Village Hotel. They designed within approved PUD height limits and created a beautiful and location-appropriate five-star project. They are accomplishing the following to truly help the community in contrast to the approved PUD:

- · Reduced density, which helps alleviate traffic in the village core
- · Adding approximately 14,000 sq ft of Workforce Housing, is unique to the project and much needed by whole area. This space will house up to 56 employees.
- · Proposing the first commercial LEED-certified building in Mountain Village.
- · A commitment from Six Sense to donate ½% of gross revenue annually to local non-profits.
- · Collaborating with Six Senses one of the world's top hotel flags, which follows the ethos of what Mountain Village strives to be. With the Six Senses Brand, they envision an environmentally forward and community inclusive operation.
- · Redeveloping the area around the Trash facility including the facility itself. The plans presented significantly alleviate the current and any future challenges of that area
- · Building extensive new sidewalks to help pedestrians move around the core safely
- · Replacing all public parking in on the site today with new, garage parking spaces.

There are numerous additional benefits that this project intends to bring to the area. The variances being requested only work to improve the project as a whole. The increase in public benefits and improvements completely justifies the ask and are above and beyond those offered by comparable projects in the area. I implore the Council to approve this project. Thank you!

Sincerely,

Lars

LARS CARLSON
Broker
LIV Sotheby's International Realty
Telluride Association of Realtors 2020 Realtor of the Year
m. 970-729-0160

# Lois Whitesel Major Attorney at Law

March 13, 2023

Dear Mayor of the Town of Mountain Village and Town Council:

I am writing to urge you to consider placing long-term enforceable deed restrictions with price appreciation caps on all your future affordable housing projects. As we know, affordable is a term that may no longer be appropriate but is still generally used when discussing subsidized housing for local employees. Over the past two decades I have spent countless hours in the creation of deed restrictions and guidelines, compliance efforts and enforcement of those covenants. Deed restrictions and covenants evolve and the willingness to enforce may ebb and flow with the times, but the price appreciation cap is singularly the most important component of long-term affordability.

Based on previous discussions I have heard from the Town of Mountain Village (ToMV), I believe there is a false premise upon which you have relied. Subsidized housing in not necessarily a wealth creator. It does not need to be. There is a difference between the "American Dream" of homeownership and local employee housing. The American Dream of building equity in your home is not the same as being able to live and be part of the community where you work, especially when the community is a high-priced tourist destination. There is a trade-off between investing in real estate to build your personal wealth and living in housing subsidized by others (whether it is federal, state, or local governments and private donations and public-private partnerships) so that you can live and work in the same community.

You do not need another survey to look locally at the difference between the San Miguel County's (SMC) reliance on the free-market influences and the Town of Telluride's 3% price appreciation cap. Despite the fact that SMC deed restriction limits the resale of homes to qualified local employees, home sales in Lawson Hill have neared the million-dollar mark and in Aldasoro they have passed it. In contrast, deed-restricted homes in the Town of Telluride have remained artificially lower due to the price appreciation cap. The cap of 3% per year does allow for a certain amount of upward price creep and return on investment but does not allow any single owner to convert subsidized dollars into personal gain.

Many qualified local employees have been priced out of SMC's housing supply.

The ToMV needs a 4-pronged approached explained at length in this article: <a href="https://inclusionaryhousing.org/wp-content/uploads/2016/08/Marshall-et-al\_2006\_Ensuring-Continued-Affordability-in-Homeownership-Programs.pdf">https://inclusionaryhousing.org/wp-content/uploads/2016/08/Marshall-et-al\_2006\_Ensuring-Continued-Affordability-in-Homeownership-Programs.pdf</a> Basically, ToMV must ensure that the developer actually constructs the required affordable units. Second, the deed restrictions guaranteeing affordability must be recorded in ways that are recognizable by lenders and title companies. Third, decision-makers and homeowners must clearly understand the restrictions so that they can remain in compliance and are not surprised at the maximum sale price at the time of resale. Finally, the ToMV must have adequate staff or make other provisions to monitor the units, to identify problems at an early date, and to take legal action when needed. Accordingly, the education and enforcement pieces are critical in the process.

# **Lois Whitesel Major**

# Attorney at Law

If you want to review more studies and more options, there is a good review here: <a href="https://inclusionaryhousing.org/wp-content/uploads/2016/08/Achieving-Lasting-Affordability-through-Inclusionary-Housing.pdf">https://inclusionaryhousing.org/wp-content/uploads/2016/08/Achieving-Lasting-Affordability-through-Inclusionary-Housing.pdf</a>

I applaud your efforts in creating new housing for local employees. I urge you to take the time to learn about price appreciation caps and invest in the ongoing maintenance and enforcement of the program. I am happy to answer any questions that my letter may have raised.

Regards,

L ois M ajor