

**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. 2024-0118-02

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, the Property is zoned Active Open Space District; 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 (the “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 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 Design Review Board (“DRB”) and Town Council; and

WHEREAS, the DRB held a public hearing on January 4, 2024, to consider the Application and testimony and comments from the Applicant, Town Staff, and members of the public, and voted unanimously to issue a recommendation of denial to Town Council of the Application; and

WHEREAS, the Town Council held a public hearing on January 18, 2024, to consider the Application, the DRB’s recommendation, and testimony and comments from the Applicant, Town Staff, and members of the public, and voted 5-1 to approve this Resolution, denying the Application; and

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

WHEREAS, the Town Council has considered the general standards for review set forth in Section 17.4.14.E of the CDC, as well as 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 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 Application.

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

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

Section 2. Decision. The Town Council hereby finds that the Application does not meet the requirements of the CDC set forth above and, therefore, denies the 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 for a single-family residence connecting directly onto Mountain Village Boulevard would have an adverse effect on the open space both for the neighborhood and for the aesthetics of this 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 arterial 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 January 18, 2024.

TOWN OF MOUNTAIN VILLAGE, COLORADO

By: 
Martinique Prohaska, Mayor

ATTEST:


Susan Johnston, Town Clerk

APPROVED AS TO FORM:



David McConaughy, Town Attorney

Exhibit A

1. Application Document dated 12/02/2022
2. Applicant Narrative dated 11/30/2022
3. Sight Distance Analysis dated 12/05/2023
4. Revocable Encroachment Agreement dated 08/20/2015
5. Maintenance and Access Easement Agreement dated 10/04/2005
6. Army Corps of Engineers Letter dated 06/15/2015