



**OFFICE OF THE TOWN MANAGER**  
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**RE: Density Transfer and Rezone, to transfer the unbuilt density on Lot 644**

**NARRATIVE**

Lot 644 was originally platted for 41 employee apartments in 1992. In 2008, those employee apartments were rezoned to employee condominiums

During the design review process, with neighborhood and public input, the 41 unit density was reduced to 29 units. Originally, we thought there could be a potential phase 2, and we could develop the remaining density, but that isn't feasible.

Pursuant to the CDC unused density on a lot must be transferred into the density bank. We now understand that additional density will likely not be constructed on these lots pursuant to CDC Section 17.3.8.C.

Further, in 2022 the TMVOA modified their dues policy and noted that density in the density bank will not be charged dues. Ultimately, by moving the density into the density bank, the Town of Mountain Village Housing Authority will no longer need to pay the dues associated with the total unbuilt density of 12 units. The burden to pay those additional dues will soon fall to the Meadowlark HOA, once the units are sold this fall, which is an undue burden of additional and unnecessary costs for an affordable housing development.

The process outlined in the CDC is a class 4 application which requires a recommendation by the Design Review Board and two readings of an ordinance by Town Council. We respectfully request the density to be moved into the density bank as a cost savings measure for the housing authority and ultimately our taxpayers.

**REZONE CRITERIA FOR REVIEW CDC SECTION 17.4.9.C.3 CRITERIA FOR DECISION**

3. *Criteria for Decision.* The following criteria shall be met for the review authority to approve a rezoning development application:

a. The proposed rezoning is in general conformance with the goals, policies and provisions of the Comprehensive Plan;

**The Comprehensive Plan envisions deed restricted housing developed on those properties that already have the density assigned to it. Community Housing became a priority to Town Council in 2017, and ratified by Resolution in 2021.**

b. The proposed rezoning is consistent with the Zoning and Land Use Regulations;

**The CDC requires that excess density is placed in the density bank, the action we are taking now that phase IV is constructed and occupied.**

c. The proposed rezoning meets the Comprehensive Plan project standards;

**The rezoning is meeting these standards or otherwise do not apply for a transfer of density into the density bank.**

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;

**Paying fees on density that is unbuilt, when those fees would be waived if placed in the density bank is the best savings of public funds. The Town and the developer do not wish to burden the HOA with these additional fees when it can otherwise be taken care of by this action.**

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;

**n/a**

f. Adequate public facilities and services are available to serve the intended land uses;

**Yes**

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

**Moving the density into the density bank is the best use of the density. There is not envisioned any area to build the additional density on site along with the additional parking and trash requirements that would follow.**

h. The proposed rezoning meets all applicable Town regulations and standards.

**Yes**

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);
- 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.

**These criteria are being met.**