



**AGENDA ITEM 15
PLANNING & DEVELOPMENT SERVICE
PLANNING DIVISION**

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

TO: Mountain Village Town Council

FROM: Michelle Haynes, Assistant Town Manager
Amy Ward, Community Development Director

FOR: Town Council Regular Meeting; February 20, 2025

DATE: February 11, 2025

RE: Staff Memo – First Reading of an Ordinance Clarifying and Correcting the Density Allocated to Lots 1001 and 1005R

PROJECT GEOGRAPHY

Legal Description: LOT 1001
TELLURIDE MTN VILLAGE ACC TO PL REC
12 02 1991 AT 274123 LESS UNIT 4106
BLDG 4 VCA PER SURVEY REC 12 29
2000 IN BK SUR1 PG 371 REPL LOT
1001 ACC TO PL REC 9 10 14 AT 434465
AND CONDO MAP REC 10 03 2023 AT
482584 DECS AT 482585 AKA VILLAGE
COURT APARTMENTS **AND LOT 1005R**
TELLURIDE MTN VILLAGE ACC TO PL BK
1 PG 1216 FILED 12.2.91 AND REPL
BK 1 PG 2710 REC 5.10.00 AND REPL
ACC TO PL REC 9 10 14 IN PL BK 1
PG 4671 AND 4672 AND CONDO MAP REC
10 03 2023 AT 482584 DECS AT 482585
AKA VILLAGE COURT APTS Address: TBD
Eagle Drive

Applicant/Agent: Town of Mountain
Village, Michelle Haynes

Owner: Town of Mountain Village Housing
Authority

Zoning: Multi-family

Existing Use: Multi family, employee
apartments

Proposed Use: Multi family, employee
apartments

ATTACHMENTS

Exhibit A: Proposed Ordinance



Case Summary: In October of 2024, DRB reviewed and recommended approval, and in November of 2024 Town Council approved by second reading of an Ordinance 2024-15, the transfer of 14 units of unbuilt density from Lot 1001 to the density bank and 8 units of unbuilt density from Lot 1005R to the density bank. In the administrative steps required to execute these changes (the issuance of density bank certificates and the change to the density tracking spreadsheet known as the “lot list” and “density bank” that is maintained by the Town), it was discovered that there were inconsistencies in the per person equivalents of built densities within the lot list.

Staff reviewed the original PUD under the county which platted Lots 1001 and 1005R, the 1999 settlement agreement regarding the Town’s incorporation, and past Ordinances and Resolutions that related to density attributed to the properties. It was determined that some of the prior Ordinances and Resolutions attributed density allocations for certain unit types that were not consistent with the 1999 settlement agreement or the current land use regulations. Staff also discovered a math error in a previous Ordinance.

The attached proposed ordinance does not add or subtract any units of density from either property, it merely amends and supersedes any past Resolutions and Ordinances and attributes 3 person equivalents to the existing built density on the properties consistent with the 1999 settlement agreement and the current land use regulations.

On February 6, 2025 the Design Review Board reviewed the proposed Ordinance and recommended approval by a unanimous vote.

Staff Recommendation: Staff recommends the Town Council recommend approve the first reading of the proposed Ordinance and direct the Clerk to set a public hearing for March 20, 2025.

Staff Note: *It should be noted that reasons for approval or rejection should be stated in the findings of fact and motion.*

Proposed Motion:

If the Town Council deems this application to be appropriate for approval, Staff suggests the following motion:

I move to approve the First Reading of an Ordinance Clarifying and Correcting the Density Allocated to Lots 1001 and 1005R and direct the Town Clerk to set a public hearing for March 20, 2025.

/aw

ORDINANCE NO. 2025-__

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,
COLORADO CLARIFYING AND CORRECTING THE DENSITY ALLOCATED
TO LOTS 1001 AND 1005R**

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, the area that now comprises the Town was originally developed as planned unit development within an unincorporated area of San Miguel County, and real property therein was made subject to certain zoning regulations as described in San Miguel County Resolution No. 1991-79; and

WHEREAS, to resolve litigation arising out of the incorporation of the Town in the 1990s, the Town, San Miguel County, and other litigants entered into a Settlement Agreement approved by the San Miguel County District Court, a copy of which is recorded with the San Miguel County Clerk and Recorder on September 8, 1999, as Reception 329093 (the “1999 Settlement Agreement”); and

WHEREAS, among other things, the 1999 Settlement Agreement provides for a limit on the total density within Town of 8,027 person equivalents, subject to an exception for deed-restricted units intended for use as employee housing; and

WHEREAS, the density limitation of 8,027 person equivalents has been codified at Section 17.3.7 of the Town Municipal Code; and

WHEREAS, as a mechanism to enforce the density cap in the 1999 Settlement Agreement, and to ensure that unused density allocated to a particular lot may be developed elsewhere in the Town when not desired or needed at the original lot, the Town has created a Density Bank and a process to transfer density into and out of the Density Bank, as addressed in Section 17.3.8 of the Municipal Code; and

WHEREAS, under the 1999 Settlement Agreement, all types of deed-restricted units were to be attributed 3 person equivalents per unit for purposes of the density cap, but the person equivalents established for certain types of units under County Resolution 1991-79 and under subsequent zoning ordinances of the Town sometimes may have conflicted with the 1999 Settlement Agreement by allocating fewer than 3 person equivalents to some studio or 1-bedroom units; and

WHEREAS, pursuant C.R.S. § 29-4-501, *et seq.*, and as codified at Chapter 16.04 of the Municipal Code, the Town has established the Town of Mountain Village Housing Authority (the “TMV Housing Authority”) to develop, own, and/or operate employee housing units within the Town; and

WHEREAS, the TMV Housing Authority operates employee housing projects on Lots 1001 and 1005R, which include a variety of employee housing unit types including studios, 1-bedroom, 2-bedroom, and 3-bedroom units; and

WHEREAS, the Town has previously allocated density on Lots 1001 and 1005R and has authorized Bonus Density pursuant to its Resolution No. 2000-0509-09, Resolution No. 2006-0314-01, Ordinance No. 2017-06, Ordinance No. 2019-06, and Ordinance No. 2024-15 (collectively the “Prior Resolutions and Ordinances”); and

WHEREAS, one or more of the Prior Resolutions and Ordinances may have incorrectly referred to Lot 1001 as “Lot 1001R” but intended to refer to the same property; and

WHEREAS, some of the Prior Resolutions and Ordinances may have included density allocations for specific unit types that were not consistent with the 1999 Settlement Agreement or the allocations of density under the Town’s current land use regulations, and the Town has also discovered at least one math error in the Prior Resolutions and Ordinances, and the Town Council desires to pass this Ordinance to amend the Prior Resolutions and Ordinances to correct and clarify the current density allocations to Lots 1001 and 1005R and what density has been transferred from such lots to the Density Bank; and

WHEREAS, the Town Design Review Board (“DRB”) considered this ordinance at a public meeting on February 6, 2025, and a majority of the DRB voted to recommend that Council adopt this ordinance.

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

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

Section 2. Corrected Density Allocations. The following table shows the current density allocated to Lots 1001 and 1005R as of the effective date of this Ordinance. To the extent that this table is inconsistent with any of the Prior Resolutions and Ordinances, they are hereby amended and superseded.

	Existing Zoning Designations Built (by unit) Employee Apartment	Person Equivalents (all unit types)	Total Person Equivalent Density Retained
Lot 1001	227	3	681
Lot 1005R	30	3	90

Section 3. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 4. Safety Clause. The Town Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 5. Public Hearing. A public hearing on this Ordinance was held on the ___ day of _____, 2025, in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado 81435.

Section 6. Publication. The Town Clerk or Deputy Town Clerk shall post and publish notice of this Ordinance as required by Article V, Section 5.9 of the Charter.

INTRODUCED, READ, AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the ___ day of _____, 2025.

TOWN OF MOUNTAIN VILLAGE:

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

By: _____
Martinique Prohaska, Mayor

ATTEST:

Susan Johnston, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this ___ day of _____, 2025.

TOWN OF MOUNTAIN VILLAGE:

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

By: _____
Martinique Prohaska, Mayor

ATTEST:

Susan Johnston, Town Clerk

Approved as to Form:

David McConaughy, Town Attorney

I, Susan Johnston, the duly qualified and acting Town Clerk of the Town of Mountain Village, Colorado (“Town”) do hereby certify that:

1. The attached copy of Ordinance No. 2025-__ (“Ordinance”) is a true, correct, and complete copy thereof.
2. The Ordinance was introduced, read by title, approved on first reading and referred to public hearing by the Town Council the Town (“Council”) at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on _____, 2025, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	“Yes”	“No”	Absent	Abstain
Martinique Prohaska, Mayor				
Scott Pearson, Mayor Pro-Tem				
Harvey Mogenson				
Peter Duprey				
Jack Gilbride				
Tucker Magid				
Huascar Gomez				

3. After the Council’s approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on _____, 2025 in accordance with Section 5.2(d) of the Town of Mountain Village Home Rule Charter.
4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on _____, 2025. At the public hearing, the Ordinance was considered, read by title, and approved without amendment by the Town Council, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	“Yes”	“No”	Absent	Abstain
Martinique Prohaska, Mayor				
Scott Pearson, Mayor Pro-Tem				
Harvey Mogenson				
Peter Duprey				
Jack Gilbride				
Tucker Magid				
Huascar Gomez				

5. The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me as Town Clerk, and duly numbered and recorded in the official records of the Town.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this ____ day of _____, 2025.

 Susan Johnston, Town Clerk
 (SEAL)