

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR SURFACE
UNPAVED PARKING ON A PORTION OF LOT 161CR**

Resolution No. 2017-1214-23

- A. CO Lot 161CR, LLC (“Owner”) is the owner of record of real property described as Lot 161CR (“Property”).
- B. The Owner applied for a conditional use permit for surface unpaved parking (“Application”).
- C. The proposed development complies with the provisions of sections 17.4.14 of the Community Development Code (“CDC”).
- D. The Design Review Board (“DRB”) considered the Application, along with evidence and testimony, at a public meeting held on December 7, 2017. Upon concluding their review, the DRB recommended approval of the Application by a unanimous vote of 7 to 0 to the Town Council subject to certain conditions.
- E. The Town Council considered and approved the Application, along with evidence and testimony, at a public meeting held on December 14, 2017.
- F. The public hearings referred to above were preceded by publication of public notice of such hearings on such dates on the Town website, and by mailing of public notice to property owners within four hundred feet (400’) of the Property, as required by the public hearing noticing requirements of the CDC.
- G. After the public hearings referred to above, the DRB and the Town Council each individually considered the Application’s submittal materials, and all other relevant materials, public letters and public testimony, and approved the Application with conditions as set forth in this Resolution.
- H. The Owner has, agreed to address, all conditions of approval of the Application imposed by Town Council.
- I. The Town Council finds the Applications meets the conditional use permit criteria for decision contained in CDC Section 17.4.14(D) as follows:

Conditional Use Permit Criteria:

- 1. The proposed conditional use is in general conformity with 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 will 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.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL HEREBY APPROVES A CONDITIONAL USE PERMIT FOR SURFACE UNPAVED PARKING ON LOT 161CR AND AUTHORIZES THE MAYOR TO SIGN THE RESOLUTION SUBJECT TO CONDITIONS SET FORTH IN SECTION 1 BELOW:

Be It Further Resolved that Lot 161CR may be developed as submitted in accordance with Resolution NO. 2017-1214-23

Section 1. Conditions of Approval

- 1) The stairs receive the necessary Town and TSG approvals and are constructed concurrently. Provide adequate lighting for safety.
- 2) Provide a final site and improvements plan indicating parking space configuration, signage and all additional improvements associated with the parking use to be reviewed and approved by the planning director prior to placing improvements. The parking plan will confirm the following:
 - a. No improvements are being placed in the general easements unless they are temporary and easily removable (such as a freestanding bollard or sign post that are not anchored or affixed to the ground).
 - b. A sixteen (16) foot fire and emergency lane is demonstrated on the site plan to scale per fire department comments.
 - c. Identify snow storage areas.
 - d. Determine the type, style and location of barriers such as boulders or posts and cables that will be installed to help guide parking.
 - e. Address mitigation measures regarding headlight glare west towards the Village Center with the final site and improvement plan.
 - f. Provide a general narrative regarding hours of operation and parking area management.
- 3) Temporary or permanent improvements placed for the purposes of parking use will be removed when the CUP expires. (This does not include the stairs)
- 4) The CUP remain valid until commencement of construction of improvements on the Lot subject to issuance of a building permit by the Town of Mountain Village.
- 5) The Town Council can periodically review the terms of the CUP with the owner to address issues or concerns with the intent that parking impacts continue to be mitigated. The Town reserves the right to impose additional conditions to mitigate impacts at the Town Council's sole and absolute discretion and/or the ability to revoke or suspend this CUP upon a violation of any conditions.

Section 2. Resolution Effect

- A. This Resolution shall have no effect on pending litigation, if any, and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the resolutions repealed or amended as herein provided and the same shall be construed and concluded under such prior resolutions.
- B. All Resolutions, of the Town, or parts thereof, inconsistent or in conflict with this Resolution, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

Section 3. Severability

The provisions of this Resolution are severable and the invalidity of any section, phrase, clause or portion of this Resolution as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Resolution.

Section 4. Effective Date

This Resolution shall become effective on December 14, 2017 (the "Effective Date") as herein referenced throughout this Resolution.

Section 5. Public Hearing


A public meeting on this Resolution was held on the 14th Day of December 2017 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

Approved by the Town Council at a public hearing held on December 14, 2017.


Town of Mountain Village, Town Council

By: 
Laila Benitez, Mayor

Attest:

By: 
Jackie Kennefick, Town Clerk

Approved as to Form:


James Mahoney, Town Attorney