

**TOWN OF MOUNTAIN VILLAGE
REGULAR DESIGN REVIEW BOARD MEETING
THURSDAY JANUARY 3, 2019 10:00 AM
2nd FLOOR CONFERENCE ROOM, MOUNTAIN VILLAGE TOWN HALL
455 MOUNTAIN VILLAGE BLVD, MOUNTAIN VILLAGE, COLORADO
AGENDA (REVISED)**

	Time	Min.	Presenter	Type	
1.	10:00		Chair		Call to Order
2.	10:00	5	Starr	Action	Reading and Approval of Summary of Motions of the of the December 6, 2018 Design Review Board Meeting.
3.	10:05	20	Miller	Public Hearing Action Legislative	Review and Recommendation to Town Council, an Ordinance amending the Community Development Code Section 17.3.4(F)(4) – Single Family subdivisions and rezones, to allow for subdivision, rezone and density transfers for properties zoned Single Family within the Village Center Subarea consistent with the Mountain Village Comprehensive Plan
4.	10:25	30	Miller	Public Hearing Quasi-Judicial	Review and recommendation to the Town Council regarding a Resolution to consider approval of a density transfer and rezone for Lots 161A-R2 and 161D-2.
5.	10:55	10	Haynes	Discussion Action	Other Business: 2019 Design Review Board Meeting Schedule. List of Design Review Board Members whose terms are up in April 2019 and request for letters of interest/resumes.
6.	11:05				Adjourn

Please note that this Agenda is subject to change. (Times are approximate and subject to change)
455 Mountain Village Blvd., Suite A, Mountain Village, Colorado 81435
Phone: (970) 369-8242 Fax: (970) 728-4342

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting Town Hall at the above numbers or email: cd@mtnvillage.org. We would appreciate it if you would contact us at least 48 hours in advance of the scheduled event so arrangements can be made to locate requested auxiliary aid(s).

**SUMMARY OF MOTIONS
TOWN OF MOUNTAIN VILLAGE
DESIGN REVIEW BOARD MEETING
THURSDAY, DECEMBER 6, 2018**

Call to Order

Chairman Banks Brown called the meeting of the Design Review Board of the Town of Mountain Village to order at 10:02 a.m. on Thursday, December 6, 2018 in the Palmyra Conference Room at 415 Mountain Village Boulevard, Mountain Village, CO 81435.

Attendance

The following Board members were present and acting:

Banks Brown
David Craige
Dave Eckman
Phil Evans
Greer Garner
Liz Caton (Alternate)
Jean Vatter (Alternate)

The following Board members were absent:

Luke Trujillo
Keith Brown

Town Staff in attendance:

Michelle Haynes, Planning & Development Services Director
John Miller, Senior Planner
Sam Starr, Planner

Public in attendance:

Stacy Lake
Chris Hawkins
Tommy Hein
Robert Stenhammer
Jeff Proteau

stacy@tommyhein.com
Chris@alpineplanningllc.com
tommy@tommyhein.com
rstenhammer@telurideskiresort.com
jproteau@tellurideskiresort.com

Reading and Approval of Summary of Motions for the November 1, 2018 Design Review Board Meeting.

On a **Motion** made by Liz Caton and seconded by Phil Evans, the DRB voted 6-0 to approve the November 1, 2018 Summary of Motions.

Discussion regarding an amendment to Chapter 17.3.4.F.(2)(b) Singe Family Zone District, Accessory Buildings or Structures size limitation of 500 sq. ft., to consider increasing incrementally not to exceed an additional 250 sq. ft.

Planner Sam Starr presented the work session discussion regarding an amendment to Chapter 17.3.4.F.(2)(b) Singe Family Zone District, Accessory Buildings or Structures size limitation of 500 sq. ft., to consider increasing incrementally not to exceed an additional 250 sq. ft.

No public comment was provided.

Board Member David Eckman arrived at 10:08 AM.

Consideration of a Final Review application for a new single-family home on Lot 346, 527 Benchmark Drive.

Senior Planner John Miller presented the consideration of a Final Review application for a new single-family home on lot 346, 527 Benchmark Drive. Chris Hawkins of Alpine Planning and Tommy Hein of Tommy Hein Architects presented on behalf of the owner.

No public comment was provided.

On a **Motion** made by Phil Evans and seconded by Greer Garner, the DRB voted 7-0 to approve the consideration of a Final Review application for a new single-family home on Lot 346, 527 Benchmark Drive with the following conditions:

- 1) *The address monument lighting shall be fully shielded and downlit, and the lettering on the address monument shall have additional illumination in the event of power outage.*
- 2) *All garage doors shall be rich and interesting wood or metal sectional overhead doors. Prior to submittal of any development permits, the property owner shall demonstrate compliance with design criteria for garage doors.*
- 3) *Prior to commencing any construction on the site, the property owner shall provide documentation to planning staff of conformance with the Colorado Department of Public Health and Environment, Water Quality Division, storm water discharge regulations.*
- 4) *Prior to any Fire Mitigation tree removal, the property owner shall provide documentation to planning staff demonstrating a certified forester has determined the extent of any thinning work required for forest health.*
- 5) *Prior to construction of site access, the property owner will submit at a minimum, structural foundation permits for the single-family structure.*
- 6) *Prior to issuance of a CO the property owner will enter in to a General Easement Encroachment Agreement with the Town of Mountain Village for the address monument, utilities, and ski access retaining walls/boulder walls located with the General Easement on the property.*
- 7) *Prior to issuance of a CO the property owner will enter into an access agreement with Telluride Ski and Golf for ski access from Lot 346 to the Galloping Goose ski run.*
- 8) *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.*

- 9) *A monumented land survey of the footers will be provided prior to pouring concrete to determine there are no additional encroachments into the GE.*
- 10) *The applicant shall submit a Final lighting plan to be approved concurrently by the DRB Chairman, a DRB member, and Town Staff.*
- 11) *The DRB approves all conditions listed on page two of the staff memo.*
- 12) *The applicant shall provide a detailed drawing of the final proposed architectural elements, specifically the metal panel finish for all proposed retaining walls.*

Consideration of a Resolution recommending approval of a Conditional Use Permit to allow seasonal equestrian uses on Lots OS-1-R-1, Lot 128, OS-1C, OS-R7 and OS-36

Senior Planner John Miller presented the consideration of a resolution recommending approval of a Conditional Use Permit to allow a seasonal equestrian uses on Lot OS-1R1, Lot 128, OS-1C, OS-R7, and OS-36. Jeff Proteau of TSG, LLC presented on behalf of the owner and applicant.

No public comment was provided.

On a **Motion** made by David Eckman and seconded by Phil Evans, the DRB voted 7-0 to recommend approval of a Conditional Use Permit to allow seasonal equestrian uses on lots with the following conditions:

- 1) The applicant shall enter into a License Agreement with Telluride Wranglers before beginning operation of the business. The License Agreement shall be subject to review by the Town Attorney prior to execution.
- 2) The applicant and operator shall abide by the laws of the state of Colorado and the Town of Mountain Village in the operation of business and shall have a valid Mountain Village business license before operating the business.
- 3) The riding or walking of horses is allowed only on approved, developed equestrian trails on active open space or on USFS land, with the open space owner's written permission.
- 4) The boarding of horses on any lot shall neither threaten the health, safety and welfare of any individual, any horse or any wildlife within the town nor adversely affect the environment.
- 5) The owner shall be responsible for the prompt and proper disposal of excrement in such a manner that minimizes and mitigates odor, unsightliness and infiltration or other damage to the environment.
- 6) No structure, including a fence, related to the boarding, riding or maintenance of horses or the development of any horse path, equestrian trail or training area can occur within fifty (50) feet of a lot line that adjoins active open space or USFS land or within one hundred (100) feet of any other lot line. All development shall meet the requirements of the Design Regulations.
- 7) The applicant shall ensure that any snowmobiles associated with delivery of hay mitigate conflicts with skiers by limiting deliveries to before or after the opening and closing of the ski area daily.
- 8) The applicant shall secure the corral, horses, or other operational elements that may attract the public.
- 9) The business shall be allowed to operate generally from December to April seven (7) days a week. The applicant is limited to the specified number of horses, sleighs, hours of operations, and employees listed within the provided narrative.
- 10) The applicant shall restrict all artificial noise at the site of the corral (e.g. radios, Bluetooth speakers or similar devices, and audible two-way radios).
- 11) The Conditional Use Permit shall be valid for a period of five (5) years with an annual review by the Planning Division Staff, with the applicant responding to any valid issues as the arise during the operation or annual review. Should the applicants suspend the CUP for any year during the next five years, although the CDC requires the permit to expire, Town Council can agree to allow the permit

to remain active given there are no public or town concerns; however, the CUP expiration date remains unchanged, five years from the date of approval. Staff requests that any minor operational changes be handled by Planning Staff as a Class 1 or 2 permit with the possibility to elevate to Class 4.

- 12) Staff has the authority to suspend operations if its determined that the applicant or operator has failed to meet the conditions of approval.
- 13) Applicants must conduct operations only at alternate corral location as presented in the December 6, 2018 DRB meeting.
- 14) Applicant shall re-vegetate the site to a natural pre-disturbed condition on an annual basis, as needed.

Other Business

Due to the length of the meeting, DRB chair Banks Brown postponed agenda item #7, a work session on outdoor lighting, and other business to the January 3rd, 2019 Design Review Board meeting.

Adjourn

On a unanimous **Motion**, the Design Review Board voted 7-0 to adjourn the December 6th, 2018 meeting of the Mountain Village Design Review Board at 1:38 p.m.

Prepared and Submitted by,

Sam Starr
Planner
Town of Mountain Village



TO: Design Review Board (DRB)

FROM: John Miller, Senior Planner

FOR: January 3, 2018 DRB Meeting

DATE: December 17, 2018

RE: Amendment of Community Development Code Section 17.3.4(F)(4) – Single Family subdivisions and rezones, to allow for subdivision, rezone and density transfers for properties zoned Single Family within the Village Center Subarea consistent with the Mountain Village Comprehensive Plan

PART I. Introduction and Background

This staff memo and accompanying ordinance amends the Town of Mountain Village (TOMV) Community Development Code (CDC), Section 17.3.4(F)(4), to allow for applicants to propose subdivisions, rezoning and density transfers of certain Single-Family Lots within the Village Center Subarea consistent with the Town of Mountain Village Comprehensive Plan. This code amendment arose from a conflict regarding an existing prohibition on the further subdivision and rezoning of Single-Family Zoned Lots and the policies and objectives listed for the Mountain Village Center Subarea Plan Parcels C-1, C-2, and C-3. As provided on Page 2, Figure 1, the amendment will affect only the following lots within the Town: 89-2A, 89-2B, 89-2C, 89-3A, 89-3B, 89-3C, 89-3D, and 104. All development applications shall conform to the standards provided in the Mountain Village Center Subarea Plan Map (Figure 1), and may subdivide, rezone, or transfer density to accomplish the following:

Comprehensive Plan Parcel Lots/Future Use envisioned by the Comp Plan and Existing Zoning

<i>Parcel/Lots</i>	<i>Development Table Use (pg. 52)</i>	<i>Existing Zoning</i>
<i>Parcel C-1: 89-1BCDR</i>	<i>Mixed Use Center with 201 Flagship Hot Beds</i>	<i>Single-Family</i>
<i>Parcel C-2: 89-3ABCD</i>	<i>Mixed Use Center with 8 Ridgeline Condos</i>	<i>Single-Family</i>
<i>Parcel C-3: 89-2C and Lot 104</i>	<i>Mixed Use Center with 8 Flagship Transitional Condos</i>	<i>Single-Family</i>

The Comprehensive Plan provides guidance for future growth and development within the Village Center stating that “Mountain Village Center is the heart of the town, and within it multiple

development parcels are recommended in order to improve the overall economic vibrancy and character and provide new and enhanced recreational, cultural and landscape amenities". To do this, the plan allows for high-density, mixed-use development to increase hotbed inventory and overall vibrancy of the community's core. In addition, the plan provides "Mountain Village Center is developed and redeveloped in accordance with the Mountain Village Center Subarea Plan to reinforce its role as the center of tourist accommodations, activity, and conferencing in addition to locally-serving commercial, cultural, recreational and civic spaces in order to maintain year-round vibrancy". As part of this, each development application within the Village Center will be reviewed to determine if it meets general compliance with the Comprehensive Plan and the target densities outlined in the subarea plan. Although these target densities outlined in the Mountain Village Center Development Table are not meant to be set in stone and an applicant may propose different heights or densities, such development must still meet the applicable criteria for decision making for each required development review application.

Within the Mountain Village Center Subarea Plan Development Table (pg. 52 Comp. Plan), the town has designated Parcel C-1 as Flagship Hotbeds, C-2 as Ridgeline Condos, and C-3 as Flagship Transitional Condos. Within those three parcels, the plan identifies 8 subject lots currently zoned single-family, a zoning designation which currently would prohibit the implementation of the subarea plan. It should be noted that it is problematic to have deviations between the CDC and the Comprehensive Plan, and this CDC amendment will provide better consistency between the CDC and the Comprehensive Plan policy goals identified for transitional condominium housing in this area, allowing for a buffer between the Village Center and the adjacent single family uses occurring within the general vicinity. The prohibition on subdivision and rezoning outside of the Village Center Subarea would not be affected by the proposed amendment.

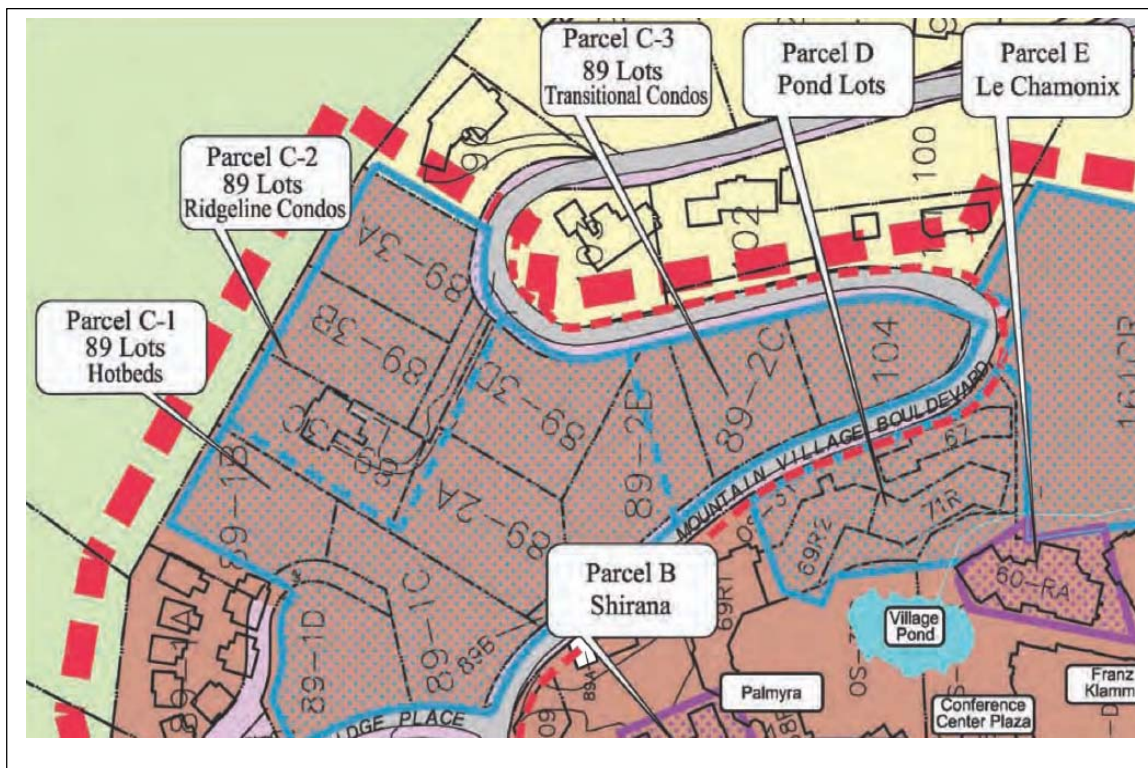


Figure 1: Parcel C-1, C-2 and C-3; Mountain Village Subarea Map

PART II. Text Amendment Discussion

The following discussion considers each of the proposals in detail and identifies the relevant sections of the CDC.

The following formatting styles are used for the proposed code language:

Regular Text = Existing code language to remain

Underline = Proposed new language

~~Strikethrough~~ = Language proposed for removal

(***) = Portion of existing code removed (skipping to another code section to reduce report length)

Section 1:

17.3.4 SPECIFIC ZONE DISTRICT REQUIREMENTS

(***)

F. Single-Family Zone District

(***)

4. Further Subdivision Prohibited and Rezoning Limited. A single-family lot may not be further subdivided and additional density may not be transferred onto a single-family lot by the Rezoning Process or otherwise. This prohibition does not prohibit lot line adjustments, lot line vacations or correction plats, which do not create additional lots. Single-family lots may only be rezoned to the Passive Open Space District. Notwithstanding any other provisions therein, areas identified in the Mountain Village Center Subarea Plan Map as Parcel C-1, C-2, and C-3 (specifically also known as lots 89-2A, 89-2B, 89-2C, 89-3A, 89-3B, 89-3C, 89-3D, and 104) may be subdivided or rezoned and additional density may be transferred by the Rezoning and/or Density Transfer Process, in order to implement the principles (goals), policies and actions contained in the Mountain Village Comprehensive Plan

PART III. Findings and Recommended Motion

Findings:

These amendments are necessary to implement the stated policy of the CDC which mandates that development within the Town should be in “general conformance” with the Comprehensive Plan.

Proposed Motion:

Staff recommends the DRB provide a recommendation of approval to the Town Council with the following proposed motion:

I move to recommend approval to the Town Council, and Ordinance amending the CDC Chapters 17.3 Zoning and Land Use Regulations, Section 17.3.4(F)(4) to allow for applicants to propose subdivisions, rezoning and density transfers of certain Single-Family Lots within the Mountain Village Center Subarea consistent with the Town of Mountain Village Comprehensive Plan, attached as Exhibit A.

This motion is based on the evidence and testimony provided at a public hearing held on January 3, 2018, with notice of such hearing as required by the Community Development Code.

/jjm

ORDINANCE NO. 2019-221-_____

AN ORDINANCE OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO, AMENDING THE COMMUNITY DEVELOPMENT CODE (CDC), SECTION 17.3.4(F)(4); SPECIFIC ZONE DISTRICT REQUIREMENTS – SINGLE-FAMILY ZONE DISTRICT.

RECITALS

- A. The Town of Mountain Village (the “Town”) is a legally created, established, organized and existing Colorado municipal corporation under the provisions of Article XX of the Constitution of the State of Colorado (the “Constitution”) and the Home Rule Charter of the Town (the “Charter”).
- B. Pursuant to the Constitution, the Charter, the Colorado Revised Statutes and the common law, the Town has the authority to regulate the use and development of land and to adopt ordinances and regulations in furtherance thereof.
- C. The Town Council may amend the CDC from time-to-time to address CDC interpretations, planning matters, clarify and refine the Town's land use regulations; or to address issues or policy matters.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO AS FOLLOWS:

Section 1. Amendment of Community Development Code

- A. The Town of Mountain Village Community Development Code, Title 17 is hereby amended and replaced as set forth in Exhibit A which is attached hereto and incorporated herein.
- B. The Planning Division is directed to codify the amendments in Exhibit A into the CDC.
- C. The Planning Division may correct typographical and formatting errors in the amendments or the adopted CDC.

Section 2. Ordinance Effect

- A. This Ordinance 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 ordinances repealed or amended as herein provided and the same shall be construed and concluded under such prior ordinances.
- B. All ordinances, of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

Section 3. Severability

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

Section 4. Effective Date

This Ordinance shall become effective on February 21, 2019

Section 5. Public Hearing

A public hearing on this Ordinance was held on the 17th day of January 2019 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 3rd day of January 2019

TOWN OF MOUNTAIN VILLAGE:

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

ATTEST:

By: _____
Laila Benitez, Mayor

Jackie Kennefick, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 21st day of February 2019.

TOWN OF MOUNTAIN VILLAGE:

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

ATTEST:

By: _____
Laila Benitez, Mayor

Jackie Kennefick, Town Clerk

Approved As To Form:

Jim Mahoney, Assistant Town Attorney

I, Jackie Kennefick, 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. _____ ("Ordinance") is a true, correct and complete copy thereof.

2. The Ordinance was introduced, read by title, approved on first reading with minor amendments 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 _____, 2018, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tem				
Dan Jansen				
Bruce MacIntire				
Patrick Berry				
Natalie Binder				
Jack Gilbride				

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 _____, 2019 in accordance with Section 5.2b of the Town of Mountain Village Home Rule.

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 _____, 2019. 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
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tem				
Dan Jansen				
Bruce MacIntire				
Patrick Berry				
Natalie Binder				
Jack Gilbride				

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 _____, 2019.

Jackie Kennefick, Town Clerk

(SEAL)

EXHIBIT A

The following formatting styles are used for the proposed code language:

Regular Text = Existing code language to remain

Underline = Proposed new language

~~Strikethrough~~ = Language proposed for removal

(***) = Portion of existing code removed

Section 1: CDC § 17.3.4 (F)(4) amended as follows:

17.3.4 SPECIFIC ZONE DISTRICT REQUIREMENTS

(***)

F. Single-Family Zone District

(***)

4. Further Subdivision Prohibited and Rezoning Limited. A single-family lot may not be further subdivided and additional density may not be transferred onto a single-family lot by the Rezoning Process or otherwise. This prohibition does not prohibit lot line adjustments, lot line vacations or correction plats, which do not create additional lots. Single-family lots may only be rezoned to the Passive Open Space District. Notwithstanding any other provisions therein, areas identified in the Mountain Village Center Subarea Plan Map as Parcel C-1, C-2, and C-3 (specifically also known as lots 89-2A, 89-2B, 89-2C, 89-3A, 89-3B, 89-3C, 89-3D, and 104) may be subdivided or rezoned and additional density may be transferred by the Rezoning and/or Density Transfer Process, in order to implement the principles (goals), policies and actions contained in the Mountain Village Comprehensive Plan



Agenda Item No. 4
PLANNING AND DEVELOPMENT SERVICES
DEPARTMENT
455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 369-8250

TO: Design Review Board (DRB)
FROM: John Miller, Senior Planner
FOR: January 3, 2018
DATE: December 3, 2018
RE: Rezone and Density Transfer – Lot 161A-R2 and 161D-2. DRB Review and Recommendation to Town Council, an Ordinance approving a rezone of Lots 161A-R2 and 161D-2, and transferring a net density of (48) person equivalents of Condominium density from 161A-R2 and 161D-2 into the Density Bank pursuant to Community Development Code Sections 17.4.9 & 17.4.10

PROJECT GEOGRAPHY

Legal Description: Lot 161A-R2 & Lot 161D-2; A portion of the “Ridge Development”

Address: See Figure 1, Vacant Lands

Applicant/Agent: John Horn, Esq.

Owner: Coonskin Ridge Cabin Lot, LLC

Zoning: Multi Family Ridge

Zoning Designations: 1.) Condo, 2.) Condo/Commercial

Existing Use: Vacant Lands

Proposed Use: 1.) Condo
2.) Condo/Commercial

Lot Sizes: 1. 0.508 acres
2. 0.988 acres

Adjacent Land Uses, Lot 161A-R2:

- **North:** Multi Family
- **South:** Multi Family
- **East:** Multi Family
- **West:** Multi Family

Adjacent Land Uses, Lot 161D-2:

- **North:** Open Space
- **South:** Open Space
- **East:** Multi Family
- **West:** Open Space

ATTACHMENTS

- Exhibit A: Applicant's Narrative
- Exhibit B: Ordinance
- Exhibit C: Resolution No. 2008-0320-03
- Exhibit D: Staff Memo 07-19-2018; Michelle Haynes to Town Council
- Exhibit E: Public Comment

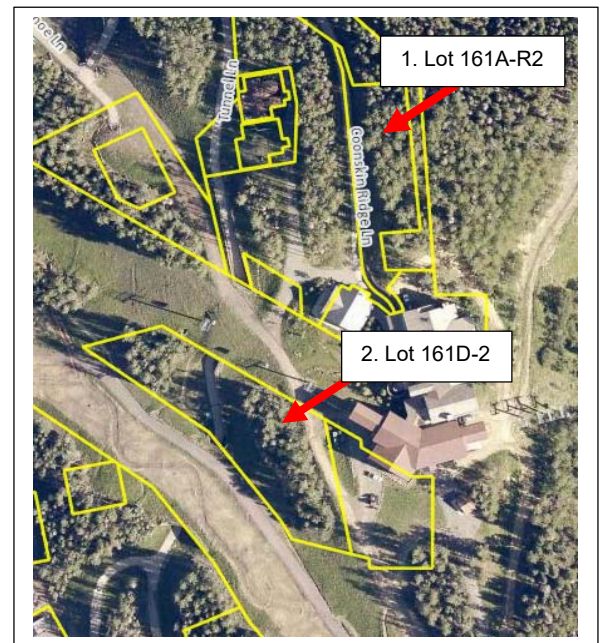


Figure 1: Vicinity Map

INTRODUCTION

John Horn, Esq., acting on behalf of Coonskin Ridge Cabin Lot, LLC. is requesting a density transfer and rezone on Lots 161A-R2 and 161D-2, reducing density as described below in more detail in *Table 1* and transferring said density into the density bank. The lots are located along Coonskin Ridge Ln and Tunnel Lane within the Ridge development and both currently consist of vacant undeveloped land. Although the lots are vacant, there are assigned density specific to each lot, and through this process the applicant is solely requesting the reduction of the densities assigned. It should be noted that the density transfer and rezoning processes are being processed as concurrent development applications. At the time of future development of the lots, the applicant or owner will be required work within the Design Review process to ensure that future uses, and structures meet the requirements of the CDC, enhance their sites and are compatible with the natural beauty of the Town’s setting.

BACKGROUND

On April 21, 2004, the Ridge Master Development Plan “Ridge Development Agreement” was approved for Lots 161A, 161A-2, 161A-3, 161A-4, 161D-1 and 161D-2. The agreement addressed access to the lots as well as off-premise parking or payment in-lieu to be paid to the Town (Metro District). In 2008, the subject properties were involved in a replat, rezone, density transfer and parking variance. This approval granted increased density on both of the subject lots as well as granted allowances for alternate parking for each dwelling unit built until such time that parking becomes available in the Lot 161CR development.

Parking for the Ridge lots is also contemplated in the 161CR Settlement Agreement, which has not been executed at this juncture by all parties.

In addition, an alternate parking application was approved by Resolution in 2018 that allowed for a reduced parking requirement but was conditioned on the finalization of a settlement agreement prior to taking effect. The alternative parking resolution shall become null and void if the settlement agreement has not been finalized and executed by December 31, 2018 (See Exhibit D). If the resolution expires and is not extended, the applicant would be required to meet the existing parking requirements of 2 spaces per condominium unit for any future development regardless of density and potentially address the changes in required parking in a revised parking agreement between the affected parties.

Should a recommendation of approval be provided by the DRB, staff recommends a condition of approval that parking requirements for these lots with future development be satisfied by the then current approved parking for the Ridge Development.

Table 1: Existing and Proposed Zoning/Densities

<u>Lot</u>	<u>Existing Zoning/Zoning Density</u>	<u>Existing Person Equivalent</u>	<u>Proposed Zoning/Density</u>	<u>Proposed Person Equivalent</u>
161A-R2	Condo; 4 Units	12	Condo; 1 Unit	3
161D-2	Condo/Commercial; 15 Units	45	Condo/Commercial; 2 Units	6

Staff Note: The proposal will result in a net reduction of 16 Condominium Units between the two lots with an overall person equivalent reduction of 48.

CRITERIA, ANALYSIS AND FINDINGS

The criteria for decision for the board to evaluate a rezone that changes the zoning designation and/or density allocation assigned to a lot is listed below. The following criteria must be met for the review authority to approve a rezoning application:

17.4.9: Rezoning Process

(***)

3. Criteria for Decision: (*)**

- a. The proposed rezoning is in general conformance with the goals, policies and provisions of the Comprehensive Plan;
Staff Finding: While the subject lots are not called out within a specific subarea plan, the area has been identified within the Future Land Use map as an area for Multi-Unit Development. In which, the Comprehensive Plan provides guiding policies such as allowing mixed-use commercial development, considerations to minimizing environmental impacts and ensuring that development fits and blends into the existing environment and character of the area. Staff agrees that a reduction in residential density while retaining limited commercial space will still allow for mixed-use activity, while simultaneously reducing environmental impacts by decreasing the overall project density for potential future developments.
- b. The proposed rezoning is consistent with the Zoning and Land Use Regulations;
Staff Finding: The proposed rezone and density transfer meets the requirements of the CDC. The Multi-Family Zone is intended to provide higher density multi-family uses limited to multi-family dwellings, hotbed development, recreational trails, workforce housing and similar uses. There are provisions that allow for limited accessory commercial units below residential – as envisioned by the applicant for Lot 161D-2.
- c. The proposed rezoning meets the Comprehensive Plan project standards;
Staff Finding: As mentioned above, the subject lots are not within a planned subarea and therefore are not called out specifically within the Development Table (Comprehensive Plan; Pg. 52) with site specific 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;
Staff Finding: Due to the history of the Ridge Development as well as the specific site constraints on the properties including access and parking, a reduction in density could be a preferable outcome for the overall development. Regardless of the approval of this project, the applicant has the ability to build a structure on each of the subject lots and therefore there would be no change in the public health, safety and welfare upon reduction in density.
- 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;
Staff Finding: The applicant has indicated that due to changing economical dynamics and site-specific constraints, the economic feasibility of the existing density allowance is not realistic as previously envisioned. Therefore, the applicant is asking for a rezone/density transfer to better suit the changing conditions on the site and the vicinity.

- f. Adequate public facilities and services are available to serve the intended land uses;
Staff Finding: Any future development would be required to utilize town infrastructure including sewer, water, and gondola public transportation. At this time, there is no development application other than the rezone/density transfer. It should be noted that the existing lines for all utilities serving the ridge development are sized to accommodate a density of 168 condominiums and, therefore are more than adequate to serve the proposed density transfer.
- g. The proposed rezoning shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion; and
Staff Finding: The rezoning will not create a vehicular or pedestrian circulation hazards due to the unique location, parking limitations, and access to the public gondola.
- h. The proposed rezoning meets all applicable Town regulations and standards.
Staff Finding: The application meets all applicable regulations and standards.

. 17.4.10: Density Transfer Process

(***)

D. Criteria for Decision

(***)

- 2. Class 4 Applications. 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);
Staff Finding: The applicant has met the criteria for decision for rezoning as provided above.
 - b. The density transfer meets the density transfer and density bank policies; and
Staff Finding: The application meets all applicable density transfer and density bank policies.
 - c. The proposed density transfer meets all applicable Town regulations and standards.
Staff Finding: The application meets all applicable regulations and standards.

RECOMMENDATION

If the Design Review Board determines that the application to transfer density off Lots 161A-R2 and 161D-2 and into the density bank meets the criteria for decision listed within this staff memo, then staff has provided the following suggested motion:

I move to recommend approval to Town Council, an Ordinance approving the rezone and density transfer application pursuant to CDC Sections 17.4.9 & 17.4.10 of the Community Development Code, to rezone Lots 161A-R2 and 161D-2 and transfer sixteen condominium density units (45-person equivalent density) from the subject lots to the density bank with the following conditions:

1. *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.*
2. *The final location and design of any buildings, grading, landscaping, parking areas, and other site improvements shall be determined with the required Design Review Process application pursuant to the applicable requirements of the CDC.*
3. *At the time of future development of the Lots, the applicant or owner shall be required to meet all applicable parking standards and requirements for the site. In addition, the applicant shall be required as necessary to update any outstanding parking agreements to better reflect the density that has been transferred into the density bank from the Ridge Development.*

This motion is based on the evidence and testimony provided at a public hearing held on January 17, 2019 with notice of such hearing as required by the Community Development Code.

/jjm

To: Michelle Haynes,
 From: John Horn, Real Estate Consultanting
 Date: November 13, 2018
 Re: Lots 161A-2R and 161D-2, The Ridge
 -Rezoning and Density Transfer
 -Narrative

The request covered by this application is very simple, **reduce the density on Lot 161A-2R from 4 Condominium to 1 Condominium and reduce the density on Lot 161D-2 from 15 Condominium and Commercial to 2 Condominium and Commercial**, that is it, nothing else. The purpose of this memorandum is to provide the Development Narrative required by Item 7 of the Submittal Requirements of the Town’s Rezoning/Density Transfer Application. The five columns in the following table are set up as follows:

- A. Row numbers to assist in navigating the table.
- B. Sets forth the section number of the Community Development Code (“CDC”) that is addressed in the row.
- C. Sets forth the text of the CDC section that is addressed in the row.
- D. Contains the applicant’s commentary that explains how the application meets the key requirements of the CDC section that is addressed in the row.
- E. Sets forth the text of the applicable provisions of the either the Comprehensive Plan (“Comp Plan”) or the CDC necessary to explain how the application meets the key requirements of the CDC section that is addressed in the row.

A	B	C	D	E
1	CDC Section	CDC Language	Applicant’s Commentary	Relevant CDC or Comp Plan Provisions
2	17.4.9.C	Criteria for Decision		
3	17.4.9.C.3	3. The following criteria shall be met for the review authority to approve a rezoning development application:		

4	17.4.9.C.3.a	a. The proposed rezoning is in general conformance with the goals, policies and provisions of the Comprehensive Plan;	<p>1. The Comp Plan contains an extensive group of goals, policies and provisions, many of which do not apply to this application. In addressing Section 17.4.9.C.3.a we will address two categories of goals, policies and provisions that apply to this application, (i) general provisions that are relevant to the application and (ii) provisions that specifically apply to Lots 161A-2R and 161D-2.</p> <p>2. The landowner believes the application fully conforms with all provisions of the Comp Plan.</p> <p>3. General Provisions. It appears the goals, policies and provisions set forth in paragraphs 3.1 and 3.2 of Column E generally apply to this application:</p> <p style="padding-left: 40px;">3.1 Consistent with historical precedent, these lots are intended to be <u>“developed with fewer and larger condominiums rather than smaller condominiums per the original assigned zoning”</u></p> <p style="padding-left: 40px;">3.2 Consistent with the Comp Plan, this application seeks to <u>transfer density.</u></p>	<p>3.1 “As mentioned previously, Mountain Village also has created a density bank where unused density has been transferred from a lot to the bank when such density was not utilized on a site. For example, historically many lots were not developed with the maximum assigned zoning density because they were <u>developed with fewer and larger condominiums rather than smaller condominiums per the original assigned zoning.</u>” (page 33)</p> <p>3.2 <u>“A property owner may request</u> to rezone their property per the LUO, and/or <u>transfer density,</u> and/or subdivide their property to create new or reconfigured lots.” (page 33)</p>
---	--------------	--	---	---

			<p>4. Specific Provisions. It appears the goals, policies and provisions set forth in paragraphs 4.1, 4.2, 4.3 and 4.4 specifically apply to this application:</p> <p>4.1 Both lots are subject to the <u>Ridgeline Lot Regulations</u> and the associated covenant. Nothing in this application seeks to change any aspect of this and the lots remain subject to the regulations and covenant.</p> <p>4.2 Both lots are zoned Multi-Unit and, additionally, Lot 161D-2 is zoned <u>Commercial</u>. This application does not seek to change any zoning, only to reduce the density as follows:</p> <p>4.2.1 Lot 161A-2R: from 4 Condominium to 1 Condominium.</p> <p>4.2.2 Lot 161D-2: from 15 Condominium to 2 Condominium plus Commercial.</p>	<p>4.1 “RIDGELINE DEVELOPMENT Specific lots located on the north side of the town within the original County PUD boundary are subject to detailed <u>Ridgeline Lot Regulations</u> and an associated covenant. In general, the Ridgeline Development Regulations were developed to limit visual impacts from the San Miguel River Canyon, which includes the Town of Telluride. Also, the Ridgeline Development Regulations limit height, mass and lights while also applying design considerations to minimize visual impacts like the use of landscape for visual buffering.” (page 33)</p> <p>4.2 “2. Multiunit a. <u>Allow mixed-use commercial development</u> in multiunit projects in appropriate locations in Meadows, the <u>Ridge</u>, Lot 126, Mountainside Lodge and other locations where Town Council determines, in its sole discretion, that commercial development is appropriate and necessary to serve the project or the neighborhood. c. Consider <u>minimizing environmental impacts</u> and ensure development <u>fits into and blends with the existing environment and character of the area.</u> “ (pages 38 & 39)</p>
--	--	--	--	---

			<p>The reduced density <u>fits into and blends with</u> the density and <u>character</u> of the other lots in the Ridge development.</p> <p>The reduction in density will inherently reduce and thereby “<u>minimize environmental impacts</u>”.</p> <p>4.3 The purpose of paragraphs d and h appears to be to impose constraints on Lot 161C-R for the benefit the entire <u>Ridge project</u>, including Lots 161A-2R and 161D-2. The reduction in density will reduce the impact on Lot 161C-R.</p> <p>4.4 Both lots are subject to the <u>Ridgeline Development Regulations</u>. Nothing in this application seeks to change any aspect of this and the lots remain subject to the regulations and covenant.</p>	<p>4.3 “d. Continue to provide parking and access for the <u>Ridge project</u> as required by legal agreements. h. Provide any parking and access and other facilities for the <u>Ridge project</u> as may be required by legal agreements.” (page 56)</p> <p>4.4 “<u>Ridgeline Development Regulations</u>: specific regulations in the LUO that are intended to limit visual impacts of a development project that are located on the northern ridge of town as seen from the San Miguel Canyon that are based on the requirements of the County Settlement Agreement.” (page 91)</p>
5	17.4.9.C.3.b	b. The proposed rezoning is consistent with the <u>Zoning and Land Use Regulations</u> ;	5. Similar to the Comp Plan, the “Zoning and Land Use Regulations” (i.e. the CDC) contain extensive provisions, many of which do not apply to this application. In response to Section 17.4.9.C.3.b it is our understanding this narrative addresses all provisions (i.e. identified in Columns B and C) that we understand apply to this application; based on our review of the CDC this application conforms with all provisions of the CDC.	

6	17.4.9.C.3.c	c. The proposed rezoning meets the Comprehensive Plan project standards ;	<p>6. We have searched for the term “project standards” in the Comp Plan and did not find the term. Additionally, our search for the words “project”, “standard” and “standards” did not disclose anything that appeared relevant to this application. Based on our review of the Comp Plan it is our conclusion this Section 17.4.9.C.3.c is intended to address project limits set forth in Tables 5, 7, 8 and 9 of the Comp Plan. Our conclusion is based on language such as the following quote found on page 43 of the Comp Plan:</p> <p style="padding-left: 40px;">“B. Any rezoning, subdivision, density transfer or other project that requires general conformance with the Comprehensive Plan on a parcel that is designated by a Subarea Plan for hotbed development shall be required to provide: 1. A building design that meets standards in Table 5 unless Town Council approves another floor area configuration based on a finding that the project will still provide the targeted density as outlined in the applicable Development Table for each Subarea Plan. In no case should the amount of net floor area dedicated to condominium units be increased over 20% of the total net floor area of a building.”</p>	

7	17.4.9.C.3.d	<p>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;</p>	<p>7. Public health, safety and welfare are subjective terms that are widely used in the public land use arena, yet vaguely defined. The proposed reduction in density has the following practical effects:</p> <p>7.1 Cause the use of the lots to be consistent with the stand-alone single-family character of the balance of the Ridge development.</p> <p>7.2 Reduce visual and light impact.</p> <p>7.3 Reduce environmental impacts.</p> <p>7.4 Reduce demands on public infrastructure (e.g. roads, water, sewer).</p> <p>7.5 By virtue of the transfer of the density to the Density Bank, it preserves the density in the event that in the future the Town determines it is in the interest of the community to locate the density elsewhere in the Town.</p> <p>8. CDC Section 17.3.3 Use Schedule A. states "The Town of Mountain Village Land Use Schedule ("Use Schedule"), Table 3-1, establishes specific permitted, accessory, conditional and not permitted land uses for each zone district." Table 3-1 indicates that <u>"Single-family dwelling platted as a condominium dwelling unit" is a permitted use in the Multi-Family Zone District</u> that these lots are located in.</p>	
---	--------------	---	---	--

			9. In view of the benefits listed in paragraphs 7.1 through 7.5 and the fact that the proposed use is a permitted use in the Multi-Family Zone District it appears the application is “ consistent with public health, safety and welfare, as well as efficiency and economy in the use of land and its resources ”.	
8	17.4.9.C.3.e	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;	10. The “ <u>Single-family dwelling platted as a condominium dwelling unit</u> ” pattern of development for the Ridge development is clearly established and varies from the high density that currently exist on these lots, this development pattern reflects a change “in conditions in the vicinity”.	
9	17.4.9.C.3.f	f. Adequate public facilities and services are available to serve the intended land uses;	11. The reduction in density results in a corresponding reduction in demands on public facilities and services. When the current density was established it was shown there were adequate public facilities and services available to serve the existing higher density land uses, therefore, it is apparent there is adequate capacity to serve the reduced density.	
10	17.4.9.C.3.g	g. The proposed rezoning shall not create vehicular or pedestrian	12. Similar to public facilities, the reduction in density results in a corresponding reduction in vehicular and pedestrian circulation hazards and parking, trash or service delivery congestion.	

		circulation hazards or cause parking, trash or service delivery congestion; and	When the current density was established it was shown there was adequate vehicular and pedestrian circulation, parking, and trash and service delivery to serve the intended higher density land uses, therefore, it is apparent there is adequate capacity to serve the reduced density.	
11	17.4.9.C.3.h	h. The proposed rezoning meets all applicable Town regulations and standards.	13. Based on our review of the CDC this application conforms with all provisions of the CDC and thereby meets all applicable Town regulations and standards.	
12	17.4.9.C.4	4. It shall be the burden of the applicant to demonstrate that submittal material and the proposed development substantially comply with the rezoning review criteria.	14. Please see above discussion.	
13	17.4.10.D.2	2. Class 4 Applications. The following criteria shall be met for the Review Authority to approve a density transfer:		
14	17.4.10.D.2.a	a. The criteria for decision for a rezoning are met,	15. Please see above discussion.	

		since such density transfer must be processed concurrently with a rezoning development application (except for MPUD development applications);		
15	17.4.10.D.2.b	b. The density transfer meets the density transfer and density bank policies; and	<p>16. The density transfer meets the density transfer and density bank policies are set forth in paragraphs 16.1 of Column E.</p> <p>16.1 In accordance with 17.3.8.B, density may be transferred from these lots to the density bank pursuant to this concurrent density transfer and rezoning process.</p> <p>16.2 In accordance with 17.3.8.C, all unused density is being transferred to the density bank.</p> <p>16.3 In accordance with 17.3.8.D, the unused density will retain the Condominium zoning designation from the lots.</p> <p>16.4 In accordance with 17.3.8.D.1, the applicant acknowledges it will be responsible for all dues, fees and any taxes associated with the assigned density and zoning until such time as</p>	<p>16. "17.3.8 DENSITY TRANSFER AND DENSITY BANK POLICIES</p> <p>B. Density may be transferred from one lot to another lot or to the density bank provided the density transfer is approved pursuant to the density transfer and rezoning processes as concurrent development applications, except for MPUD development application that may defer density transfer to the final PUD plan stage.</p> <p>C. If all of the density assigned to a lot is not utilized as a part of a subdivision, rezoning, design review or other process as provided for in the CDC, such unused density shall be transferred to the density bank except for workforce housing density that must be built on a site as provided for in the workforce housing requirements set forth below.</p> <p>D. Density that is transferred to the density bank is not assigned to a specific lot, but retains the zoning designation from the original lot to which it was assigned unless it was rezoned to a new zoning designation during the density transfer.</p> <p>1. The owner of record of density in the density bank shall be responsible for all</p>

			the density is either transferred to a lot or another person or entity.	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.”
16	17.4.10.D.2.c	c. The proposed density transfer meets all applicable Town regulations and standards.	17. Based on our review of the CDC this application conforms with all provisions of the CDC and thereby meets all applicable Town regulations and standards.	
17.	17.4.10.D.3	3. It shall be the burden of the applicant to demonstrate that submittal material and the proposed development substantially comply with the density transfer review criteria.	18. See paragraph 16 above, and its subparagraphs.	

END OF MEMORANDUM

ORDINANCE NO. 2018-__

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO APPROVING: (1) REZONE OF LOTS 161A-R2 AND 161D-2 REALLOCATING CONDOMINIUM ZONING DESIGNATIONS AND, (2) TRANSFER OF DENSITY FROM LOT 161A-R2 FROM FOUR CONDOMINIUM UNITS TO ONE CONDOMINIUM UNITS, AND TRANSFER OF DENSITY FROM LOT 161D-2 FROM FIFTEEN CONDOMINIUM UNITS TO TWO CONDOMINIUM UNITS WITH MIXED-USE ACCESSORY COMMERCIAL SPACE, TO THE TOWN OF MOUNTAIN VILLAGE DENSITY BANK.

RECITALS

- A. The applicant and owner’s representative, John Horn, Esq., has submitted an application for a rezoning and density transfer of Lots 161A-R2 and 161D-2. The owner proposed to rezone the property to reallocate condominium zoning designations and change 19 condominium unit designations to three condominium unit designations pursuant to the requirements of the Community Development Code (“CDC”).
- B. Coonskin Ridge Cabin Lot LLC. is the owner of Lots 161A-R2 and 161D-2.
- C. The Owner has authorized John Horn, Esq. to pursue the approval of the concurrent rezoning and density transfer application to rezone the properties to change the density allocation and transfer density into the density bank (the “Rezone Application”).
- D. The Property has the following zoning designations pursuant to the Official Land Use and Density Allocation List and zoning as set forth on the Town Official Zoning Map:

Lot No.	Zone District	Zoning Designation	Actual Units	Person Equivalent per Actual Unit	Total Person Equivalent Density
161A-R2	Multi Family	Condominium	4	3	12
161D-2	Multi Family	Condominium	15	3	45

- E. At a duly noticed public hearing held on January 3, 2019, the DRB considered the Applications, testimony and public comment and recommended to the Town Council that the Applications be approved with conditions pursuant to the requirement of the CDC.
- F. At its regularly scheduled meeting held on February 21, 2019, the Town Council conducted a public hearing on this Ordinance, pursuant to the Town Charter and after receiving testimony and public comment, closed the hearing and approved the Applications and this Ordinance on second reading.
- G. This Ordinance rezones the Property as follows

Lot No.	Zone District	Zoning Designation	Actual Units	Person Equivalent per Actual Unit	Total Person Equivalent Density
161A-R2	Multi Family	Condominium	1	3	3
161D-2	Multi Family	Condominium	2	3	6

- H. The meeting held on February 21, 2019 was duly publicly noticed as required by the CDC Public Hearing Noticing Requirements, including but not limited to notification of all property owners within 400 feet of the Property, posting of a sign and posting on the respective agendas.
- I. The Town Council hereby finds and determines that the Applications meet the Rezoning Process Criteria for Decision as provided in CDC Section 17.4.9(D) as follows:

Rezoning Findings

- 1. The proposed rezoning is in general conformance with the goals, policies and provisions of 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.
 - 8. The proposed rezoning meets all applicable Town regulations and standards.
- J. The Town Council finds that the Applications meet the Rezoning Density Transfer Process criteria for decision contained in CDC Section 17.4.10(D)(2) as follows:

Density Transfer Findings

- 1. The criteria for decision for a rezoning are met, since such density transfer must be processed concurrently with a rezoning development application
- 2. The density transfer meets the density transfer and density bank policies.
- 3. The proposed density transfer meets all applicable Town regulations and standards.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL HEREBY APPROVES THE APPLICATION SUBJECT TO THE FOLLOWING CONDITIONS.

- 1. 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.

2. The final location and design of any buildings, grading, landscaping, parking areas, and other site improvements shall be determined with the required Design Review Process application pursuant to the applicable requirements of the CDC.
3. At the time of future development of the Lots, the applicant or owner shall be required to meet all applicable parking standards and requirements for the site. In addition, the applicant shall be required as necessary to update any outstanding parking agreements to better reflect the density that has been transferred into the density bank from the Ridge Development.

Section 1. Effect on Zoning Designations

A. This Resolution does not change the zoning designations on the Properties it only removes the density from the Properties.

Section 2. Ordinance Effect

All ordinances, of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

Section 3. Severability

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

Section 4. Effective Date

This Ordinance shall become effective on _____, 2019 following public hearing and approval by Council on second reading.

Section 5. Public Hearing

A public hearing on this Ordinance was held on the _____ of February 2019 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 17th day of January 2019.

TOWN OF MOUNTAIN VILLAGE

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

By: _____
Laila Benitez, Mayor

ATTEST:

Jackie Kennefick, Town Clerk

**HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village,
Colorado this ___ day of February 2019**

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

By: _____
Laila Benitez, Mayor

ATTEST:

Jackie Kennefick, Town Clerk

Approved as To Form:

Jim Mahoney, Assistant Town Attorney

I, Jackie Kennefick, 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. _____ ("Ordinance") is a true, correct and complete copy thereof.

2. The Ordinance was introduced, read by title, approved on first reading with minor amendments 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 _____, 2018, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tem				
Dan Jansen				
Bruce MacIntire				
Patrick Berry				
Natalie Binder				
Jack Gilbride				

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 _____, 2018 in accordance with Section 5.2b 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 _____, 2018. 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
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tem				
Dan Jansen				
Bruce MacIntire				
Patrick Berry				
Natalie Binder				
Jack Gilbride				

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 _____, 2019.

Jackie Kennefick, Town Clerk

(SEAL)

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF MOUNTAIN VILLAGE,
MOUNTAIN VILLAGE, COLORADO
APPROVING LOTS 161A-1R, 161A-R2, 161A-R3, TRACT OS161A-R3 AND TRACT OS161A-R4
A REPLAT, REZONE, DENSITY TRANSFER AND PARKING VARIANCE FOR LOTS
161A-1R, 161A-2, 161A-3, Tract OS161A-3**

Resolution No. 2008-0320-03

Whereas, St Sophia Partners, LLLP, is the owner of record of real property described as Lots 161A-1R, 161A-2, 161A-3, and Tract OS161A-3, Town of Mountain Village; and

Whereas, the owners have requested approval of an Amendment to the Final Plat of the aforementioned Lots; and

Whereas, the duly recorded plats of Lots 161A-1R, 161A-2, 161A-3, and Tract OS161A-3, designate the following:

Current Plat Status:

Lot	Zoning Designation	Acreage	Units	Density Per Unit	Total
-----	--------------------	---------	-------	------------------	-------

Lot	Current Zoning	Zoning Density	Population Density
161A-1R	Commercial	NA	NA
161A-2	Condominium Commercial	3 Condominiums	9
161A-3	Condominium Commercial	14 Condominiums	42
Tract OS161A-3	Active Open Space	NA	NA
161D-1	Condominium	9 Condominiums	27
161D-2	Condominium	14 Condominiums	42
Total		40 Condominiums	120

Whereas, in compliance with the provisions of Article 4 of the Land Use Ordinance and with due consideration of the matters set forth in the application filed, this application does hereby propose the following plat amendment:

Whereas, the Applicant proposes a Replat, Rezone, and Density Transfer of Lots 161A-1R, 161A-2, 161A-3, and Tract OS161A-3 as follows:

Proposed Plat Designation:

Lot	Current Zoning	Zoning Density	Population Density
161A-R1	Commercial	NA	NA
161A-R2	Condominium Commercial	4 Condominiums	12
161A-R3	Condominium Commercial	11 Condominiums	33
Tract OS161-R3	Active Open Space	NA	NA
Tract OS161-R3A	Active Open Space	NA	NA
161D-1	Condominium	10 Condominiums	30
161D-2	Condominium	15 Condominiums	45
Total		40 Condominiums	120

OPEN SPACE CALCULATION

	Current Acreage	Proposed Acreage	Change
Tract OS161-R3	1.275	1.209	-0.066
Tract OS161-R3A	Does not currently exist	0.073	+0.073
Total Acreage	1.275	1.282	+0.007

LOTS BEING REPLATTED OR CREATED

Current Lot Number	Replatted Lot Number
161A-1R	161A-R1
161A-2	161A-R2
161A-3	161A-R3
Tract OS161A-3	Tract OS161A-R3
Does Not Currently Exist	Tract OS161A-R4

REZONE

Current Lot Number	Rezoned Lot
A portion of 161A-3	Newly created OS161-R4

- Replat of Lots 161A-1R, 161A-2, 161A-3 and Tract OS161A-3 to Lots 161A-R1, 161A-R2, 161A-R3, Tract OS161AR-3 and Tract OS 161S-R4
- Rezone of a portion of 161A-3 currently zoned for condominium/commercial use to Active Open Space Tract OS161-R4
- Transfer of three (3) condominium units from Lot 161A-3 to Lots 161A-R2, 161D-1 and 161D-2, adding one condominium unit to each lot for a total of 3 population density (one condominium unit) to each Lot

Whereas, the Applicant has asked for relief from a condition in the 2006 Town Council Resolution of

approval of Density Transfer for Lots 161A-2, 161A-3 and 161D-2, which is mandates “No Building Permit will be issued for any Condominium Units on the Lots prior to the commencement of construction of the 80 parking spaces within the 161CR Development”.

Whereas, the Design Review Board (DRB) considered this application, along with evidence and testimony, at a public meeting held on February 14, 2008. Upon concluding their review, the DRB voted in favor of the Replat, Rezone and Density Transfer and recommended approval to the Town Council subject to certain conditions.

Whereas, the Town Council considered this application, along with evidence and testimony, at a public meeting held on March 20, 2008.

Now, Therefore, Be It Resolved that the Town Council hereby approves the Replat, Rezone, Density Transfer of Lots 161-A1R, 161A-2, 161A-3 and Tract OS161A-3 to 161A-1R, 161A-R2, 161A-R3, Tract OS161A-R3 AND Tract OS161A-R4 and authorizes the Mayor to sign the Resolution subject to the following conditions:

Town Council Findings of the Replat/Rezone:

1. The Replat/Rezone proposed is generally consistent with the underlying purposes and goals of the LUO and the Design Regulations.

Finding:

The Council found the Replat/Rezone consistent with the goals of the LUO and the Design Regulations.

2. The proposed Replat/Rezone is compatible with the surrounding environment, neighborhood and area relative to, but not limited to, scale, bulk, Building height, buffer zones, character, and orientation and shall not unreasonably affect existing land Uses and the future Development of the surrounding neighborhood and area.

Finding:

The Council found that the Replat/Rezone will not have a negative effect on the existing land uses and the future development of the surrounding neighborhood and area.

3. Adequate public facilities and services are available to serve the proposed Replat/Rezone.

Finding:

The Council found adequate public facilities are available for the Replat/Rezone.

4. The proposed Replat/Rezone shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion.

Finding:

The Council found that the Replat/Rezone will not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion.

Town Council Findings of the Density Transfer:

1. The Density transfer proposed is generally consistent with the underlying purposes and goals of the LUO and the Design Regulations that state the following:
 - Provide a clear, consistent, predictable and efficient land Development Review Process;

Finding:

The Council found that density will be clearly defined; the ultimate development of the lots will follow the Design Review process as set forth in the Town’s Design Regulations.

- Promote public health, safety and welfare;

Finding:

The Council found that the Density Transfer will promote public health, safety and welfare through environmental sustainability, economic sustainability, and social sustainability.

- Preserve Open Space and protect the environment;

Finding:

The Council found that the adjacent open space would not be impacted by the proposed Replat or Density Transfer.

- Enhance the natural beauty of the Town's surroundings;

Finding:

The Council found that the Density Transfer will not affect the natural beauty of the Town's surroundings because the Town of Mountain Village's Design Regulations will govern how the buildings are built.

- Foster a sense of community;

Finding:

The Council found that the Density Transfer will foster a sense of community.

- Promote good civic design and Development;

Finding:

As stated

- Create and preserve an attractive and functional community;

Finding:

As stated

- Promote the economic vitality of the Town;

Finding:

As stated

- Promote the resort nature and tourism trade of the Town;

Finding:

As stated

- Ensure that uses and structures enhance their sites and area compatible with the natural beauty of the Town's setting and its critical natural resources; and

Finding:

The Council found that the structures will be compatible with the natural beauty of the Town's setting because the Town's Design Regulations will be applied in the future applications related to buildings to be constructed on these lots receiving the density.

- Protect property values within the Town.

Finding:

As stated

- 2. The proposed Density transfer is compatible with the surrounding environment, neighborhood and area relative to, but not limited to, scale, bulk, Building height, buffer zones, character, and orientation and shall not unreasonably affect existing land Uses and the future Development of the surrounding neighborhood and area.

Finding:

The Council found that the density transfer is compatible with the surrounding environment.

- 3. Adequate public facilities and services are available to serve the proposed Density Transfer.

Finding:

The Council found that the existing main trunk lines for all utilities are more than adequate to serve the proposed density transfer.

- 4. The proposed Density Transfer shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion.

Finding:

The Council found that there will not be an increase of vehicle trip generations as a result of this Density Transfer. .

- 5. In Applications that propose removing Density from a Village Center and Multi Unit Lots, the Applicant must prove the existence of a practical difficulty that prohibits the build out of the platted Density.

Finding:

The Council found that the density transfer promotes the build out of the platted density in a creative manner.

Be it Resolved that the Town Council voted in favor of granting a temporary parking variance for the development of Lot 161A-1R to allow the Applicant to provide alternate parking for each home built, until such time as parking becomes available in the development on Lot 161CR.

Be It Further Resolved that Lots 161A-1R, 161A-R2, 161A-R3, Tract OS161A-R3 AND Tract OS161A-R4 may be developed as submitted in accordance with Resolution NO. 2008-0320-03.

Approved by the Town Council at a public meeting March 20, 2008.

Town of Mountain Village, Town Council

By: _____
Robert Delves, Mayor

Attest:

By: _____
Kim Montgomery, Town Clerk



**PLANNING AND DEVELOPMENT SERVICES
DEPARTMENT**

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

Agenda Item No.

TO: Town Council
FROM: Michelle Haynes, Planning and Development Services Director
FOR: Meeting of July 19, 2018
DATE: July 2, 2018

RE: A Resolution Considering Approval of an Alternative Parking Requirements Application for Lot 161A-1R, 161A-2, 161A-3, 161A-4, 161D-1 and 161D-2 (Collectively the "Ridge Development") reducing the required parking at the Ridge Development pursuant to Community Development Code section 17.5.8.A.6

PROJECT GEOGRAPHY

Application

Legal Description: 161A-1R, 161A-2, 161A-3, 161A-4, 161D-1 and 161D-2 (Collectively the "Ridge Development")

Address: Various, see town address map

Applicant/Agent: Alpine Planning LLC on behalf of the Ridge at Telluride Homeowners Association, Inc (Ridge HOA) and Ridge owners.

Owner: See Resolution

Zoning: Multi-Family

Existing Use: Multi-Family Residential

Proposed Use: no change

Site Area:

Adjacent Land Uses:

- o **North:** Open Space
- o **South:** Open Space
- o **East:** Open Space
- o **West:** Open Space

ATTACHMENTS

- 1) Applicant's Narrative
 - a. Resolution 2003-0610-10
 - b. Parking Assurance Covenant
 - c. Parking Performance Agreement
 - d. The Ridge at Telluride Development Agreement
 - e. FHU Parking Analysis
 - f. Settlement Term Sheet
- 2) Resolution

INTRODUCTION

The Ridge HOA requests an Alternative Parking Requirement Pursuant to Community Development Code (CDC) Section 17.5.8(A)(6) and consistent with a term outlined in the Settlement Term Sheet.

BACKGROUND

The Ridge Master Development Plan for lots 161A, 161A-2, 161A-3, 161A-4, 161D-1 and 161D-2 was reviewed by the DRB and approved by the Town Council on April 21, 2004 and called the Ridge Development Agreement. The agreement included terms that the use of the access road from the base of the mountain to the Ridge Line Lots would receive minimal use by lot owner vehicles and otherwise the use of the road was restricted to golf cart use for access. The agreement contemplated off-premise parking on Lot 161C-R or payment in-lieu to the Town, the Metro District (which became the Town) at the time of execution.

Concurrent with the Ridge Development Agreement approval, the following parking related approvals were also executed:

- Resolution No 2003-0610-10, A Resolution approving a parking variance for Lots 161AR, 161A-2, 161A-3, 161A-4, 161-1 and 161D-2, allowing for off-site parking on Lot 161C-R or contribution to the Parking Fund with language that would allow for repayment to the developer of 161C-R with creation of an underground parking garage.
- The Ridge Development Parking Performance Agreement, recorded on February 3, 2004
- Parking Assurance Covenant on Lot 161C-R, recorded on February 3, 2004

All of the above referenced documents affirm the off-site parking requirement on 161CR, or payment in lieu fee and reference to a parking garage on 161C-R. However, the prior agreements did not fully address the parking requirements related to all the entitled density for the Ridge Development lots.

The Town, the Ridge HOA and the Ridge Owners and the owner of Lot 161-R, CO Lot 161C-R Mountain Village, LLC are parties to the lawsuit involving, parking for the Ridge and Lot 161C-R. (the "Lawsuit").

Around April 26, 2018 the parties to the Lawsuit entered into a Settlement Term Sheet which sets out the basis for resolving the Lawsuit and identifies the key terms to a Settlement Agreement. One requirement of the Term Sheet is that the Ridge Owners and the Ridge HOA submit an application to the Town to establish Alternative Parking Requirements consistent with the terms of the Term Sheet.

REQUEST

The Ridge Development application requests the parking requirements for the Ridge Development to be reduced to one (1) parking space per detached condominium and condominium from two (2) required by the CDC. The applicant requests that the lodge and efficiency lodge requirements be reduced from .5 to .33.

The CDC Parking Requirements per the CDC are shown in the table below per the Ridge Development unit designations.

Zoning Designation	Actual Units	Parking Space Per Unit	Total Parking Requirement
Detached Condominium	35	2	70

Condominium	15	2	30
Lodge	1	.5	.5
Efficiency Lodge	5	.5	2.5
Totals	56		103

Proposed Parking Requirement:

Zoning Designation	Actual Units	Alternate Parking Space Per Unit	Total Parking Requirement
Detached Condominium	35	1	35
Condominium	15	1	15
Lodge and Efficiency Lodge	6	.33	2
Totals	56		52

CRITERIA

The CDC Section 17.5.8(A)(6)(b) states,

“Any developer proposing alternative parking requirements shall submit a parking study prepared by a qualified parking or transportation consultant that confirms that the proposed minimum parking requirements shall provide sufficient parking spaces to serve the proposed uses.”

The applicants prepared a parking analysis (applicants exhibit E) which demonstrates use around the holidays in 2015 of .5 spaces to 1 space per unit. It also demonstrates that Village Center condominiums are required to provide one parking space per unit, consistent with the request.

The Ridge Development also has very limited vehicular access rights which limits the number of cars generated by the Ridge Development. Any increase in vehicular access rights to the Ridge Development would alter the analysis of an alternative parking requirement and staff would not support the reduction without limited vehicular access. Therefore, a condition is included in the resolution which would nullify the alternative parking requirement if additional vehicular access is ever granted to the Ridge Development.

The Term sheet is an important document reflecting years of effort and negotiation by multiple parties. It is important to all parties to satisfy the term sheet, of which this application is part of.

ANALYSIS

The Ridge Development parking is being addressed by this application. The Ridge Development is uniquely situated absent conventional access and the Ridge Parking Agreements and use of the Gondola help facilitate alternative and reasonable access. Staff recommends approving the Alternative Parking Application with the following findings:

Findings:

1. The application is consistent with the Settlement Term Sheet.
2. The application provided a parking study consistent with the criteria for review.
3. The Alternative Parking Requirements shall be sufficient to meet the parking demand for the proposed uses.

4. The Alternative Parking Requirements are not detrimental to the public health, safety and welfare.

RECOMMENDATION

If the Town Council approves the Resolution to approve the alternative parking request, staff has provided the following draft motion:

I move to approve by Resolution an Alternative Parking Requirement Application for Lot 161A-1R, 161A-2, 161A-3, 161A-4, 161D-1 and 161D-2 (Collectively the "Ridge Development") reducing the required parking at the Ridge Development pursuant to Community Development Code section 17.5.8.A.6 with the findings as stated in the staff memo dated July 2, 2018 and the following conditions:

- 1) *Detached condominium and condominium parking requirements are reduced to one parking space per unit. Lodge and Efficiency Lodge Parking Requirements are reduced to .33 parking spaces per unit.*
- 2) *Resolution shall not be valid, take effect, nor be binding and recorded in the records of the San Miguel County Clerk and Recorder unless and until the Town, the Ridge Owners, the Ridge HOA, CO Lot 161C-R, LLC, and St. Sophia Partners, LLLP enter into a legally binding "Settlement Agreement" consistent with the Term Sheet resolving civil action No. 2015CV30031, San Miguel County District Court (the "Lawsuit") as between the Parties to the Term Sheet.*
- 3) *This Resolution shall become null and void if the Settlement Agreement has not been finalized and executed by all Parties to the Term Sheet and St. Sophia Partners, LLLP, by December 31, 2018.*
- 4) *Upon satisfaction of all conditions of this Resolution it shall thereupon become effective, at which point it shall then supersede and replace the Ridge Parking Agreements upon the terms and conditions set forth in the Settlement Agreement, and this Resolution shall then also supersede and replace any provision of any other document related to parking approvals for the Ridge Development. Upon satisfaction of all conditions of this Resolution and thereupon becoming effective, this Resolution shall be recorded, along with the Settlement Agreement recorded at reception number _____, in the records of the San Miguel County Clerk and Recorder, at which point this Resolution shall be the sole Town approval governing the parking requirements for the Ridge Development.*
- 5) *If the Ridge Development becomes a vehicularly accessed community at any time in the future, this Resolution shall become invalid and the parking requirements for all lots and all density at the Ridge Development shall revert to the most restrictive CDC requirements for parking then in effect.*

This motion is based on the evidence and testimony provided at a Town Council public hearing held on July 19, 2018, with notice of such hearing as required by the Community Development Code.

/mbh

John A. Miller

From: Mike Rozycki <miker@sanmiguelcountyco.gov>
Sent: Thursday, December 20, 2018 3:29 PM
To: John A. Miller
Cc: James Van Hooser; Amy Markwell; Michelle Haynes
Subject: Re: Referral for Coonskin Ridge Density Transfer and Rezone

John,

Thank you for referring this Land Use application submitted by John Horn requesting a reduction in the approved density for Lots 161A-2R and for Lot 161D-2, both of which are "Ridgeline Properties" per the Ridgeline Covenant contained in the 1999 Stipulated Settlement Order. I also understand the application proposes a rezoning from from A-R2 Condo to D-2 Condo Commercial. I'm assuming this change in the zone designation is consistent with the Town of Mountain Village Master Plan?

In reviewing the materials you have provided this application is limited to a reduction of the approved density and rezoning. It did not propose building or improvement plans as this change does not involve or propose construction of buildings or residences as a part of this application. As such I have no comment or objection to this proposed Ridgeline Lot Density Transfer or to this zone change.

If or when there is a specific development plan or application for actual construction via a development approval and/or building permit, upon receipt of a Referral from the Town of Mountain Village we will review the application in accordance with the procedures and requirements of the Ridgeline Covenant.

regards

Mike Rozycki

On Thu, Dec 13, 2018 at 3:31 PM John A. Miller <JohnMiller@mtnvillage.org> wrote:

All,

Please find the referral form for a proposed Ridgeline Lot Density Transfer and Rezone located at Lots 161A-2R and 161D-2. I have included some of the materials provided by the applicant to orient yourself to the location a bit better.

Thank you all and let me know if there are any questions,

J

John A Miller III, CFM

Senior Planner

Planning & Development Services

Town of Mountain Village

455 Mountain Village Blvd, Suite A

Mountain Village, CO 81435

O :: 970.369.8203

C :: 970.417.1789



--

Mike Rozycki

Planning Director

Phone: 970.728.3083

miker@sanmiguelcountyco.gov

John A. Miller

From: James Van Hooser <jvanhooser@telluride-co.gov>
Sent: Monday, December 24, 2018 10:44 AM
To: John A. Miller
Cc: Michelle Haynes; miker@sanmiguelcountyco.gov; Planning Director
Subject: RE: Referral for Coonskin Ridge Density Transfer and Rezone

Good Morning John,

The Town of Telluride echoes the County's comments on this application at this time. We look forward to reviewing a specific construction application for conformance with the Ridgeline Covenant if and when said application is brought forward. Thank you for the opportunity to review the density transfer application, and have a happy holiday season. – James

James Van Hooser
Planner II
Town of Telluride
(970)728-2170

From: Mike Rozycki [mailto:miker@sanmiguelcountyco.gov]
Sent: Thursday, December 20, 2018 3:29 PM
To: John A. Miller <JohnMiller@mtnvillage.org>
Cc: James Van Hooser <jvanhooser@telluride-co.gov>; Amy Markwell <amym@sanmiguelcountyco.gov>; Michelle Haynes <mhaynes@mtnvillage.org>
Subject: Re: Referral for Coonskin Ridge Density Transfer and Rezone

John,

Thank you for referring this Land Use application submitted by John Horn requesting a reduction in the approved density for Lots 161A-2R and for Lot 161D-2, both of which are "Ridgeline Properties" per the Ridgeline Covenant contained in the 1999 Stipulated Settlement Order. I also understand the application proposes a rezoning from from A-R2 Condo to D-2 Condo Commercial. I'm assuming this change in the zone designation is consistent with the Town of Mountain Village Master Plan?

In reviewing the materials you have provided this application is limited to a reduction of the approved density and rezoning. It did not propose building or improvement plans as this change does not involve or propose construction of buildings or residences as a part of this application. As such I have no comment or objection to this proposed Ridgeline Lot Density Transfer or to this zone change.

If or when there is a specific development plan or application for actual construction via a development approval and/or building permit, upon receipt of a Referral from the Town of Mountain Village we will review the application in accordance with the procedures and requirements of the Ridgeline Covenant.

regards

Mike Rozycki

On Thu, Dec 13, 2018 at 3:31 PM John A. Miller <JohnMiller@mtnvillage.org> wrote:

All,

Please find the referral form for a proposed Ridgeline Lot Density Transfer and Rezone located at Lots 161A-2R and 161D-2. I have included some of the materials provided by the applicant to orient yourself to the location a bit better.

Thank you all and let me know if there are any questions,

J

John A Miller III, CFM

Senior Planner

Planning & Development Services

Town of Mountain Village

455 Mountain Village Blvd, Suite A

Mountain Village, CO 81435

O :: 970.369.8203

C :: 970.417.1789



--

Mike Rozycki
Planning Director
Phone: 970.728.3083
miker@sanmiguelcountyco.gov

2019 DRB/TOWN COUNCIL MEETING SCHEDULES

DRB MEETING DATES		TOWN COUNCIL MEETING DATES	
Thursday, January 3, 2019	10am	Thursday, January 17, 2019	8:30am
Thursday, February 7, 2019	10am	Thursday, February 21, 2019	8:30am
Thursday, March 7, 2019	10am	Thursday, March 21, 2019	8:30am
Thursday, March 28, 2019 (Replaces April 4th Mtg.)	10am	Thursday, April 25, 2019	8:30am
Thursday, May 2, 2019	10am	Thursday, May 16, 2019	8:30am
Thursday, June 6, 2019	10am	Thursday, June 13, 2019	8:30am
Thursday, July 11, 2019 (Replaces July 4 th)	10am	Thursday, July 18, 2019	8:30am
Thursday, August 1, 2019	10am	Thursday, August 15, 2019	8:30am
Thursday, September 5, 2019	10am	Thursday, September 19, 2019	8:30am
Thursday, October 3, 2019	10am	Thursday, October 17, 2019	8:30am
Thursday, November 7, 2019	10am	Thursday, November 21, 2019	8:30am
Thursday, December 5, 2019	10am	Thursday, December 12, 2019	8:30am



OPPORTUNITY

Mountain Village residents receive priority in consideration of open seats although it is not necessary to be a resident to apply

submit your letter of intent and resume
by 5 p.m. February 19
jmarinoff@mtnvillage.org

enjoy the benefits
of a ski pass

DESIGN REVIEW BOARD FOUR OPEN SEATS

“WE WOULD LIKE A BALANCED BOARD OF EXPERIENCED ARCHITECTS AND DESIGNERS, CONTRACTORS AND CONSTRUCTION WORKERS, PLANNERS AND COMMUNITY MEMBERS.”

THIS VOLUNTEER BOARD MEETS THE FIRST THURSDAY OF EACH MONTH WITH SPECIAL MEETINGS AS NEEDED

DESIGN REVIEW BOARD IS RESPONSIBLE FOR

reviewing the design of new structures, remodels, sign requests, landscaping plans and other architectural and aesthetic matters; board members act as a planning commission, too.



<http://townofmountainvillage.com/design-review-board>

DRB Members 2018

Member	Original Date Appointed	Term Expiration	Regular/Alternate
Dave Craige	4/1/2015	Apr-20	Regular
Keith Brown	11/10/2010	Apr-20	Regular
Banks Brown	11/1/2010	Apr-20	Regular
Luke Trujillo	4/1/2012	Apr-20	Regular
Dave Eckman	4/1/2009	Apr-19	Regular
Greer Garner	4/1/2013	Apr-19	Regular
Phil Evans	7/1/2013	Apr-19	Regular
Liz Caton	4/1/2015	Apr-19	Alternate
Jean Vatter	4/1/2015	Apr-19	Alternate

SIGN-IN SHEET

DRB MEETING

THURSDAY JANUARY 3, 2019

Please write clearly

ATTENDEE NAME (PLEASE PRINT CLEARLY)	EMAIL ADDRESS
HERB MCHARG	hmcharg@telluridelaw.net
JIM JENNINGS	jimjdrmi.net
J.J. OSSOLA	jjossola@gmail.com
MIKE LYUCH	mlyuch@rwolaw.com
Joelle Hadley-Alexander	
Ken Alexander	
Anton Benitez	
Sean Heyniger	seanhey@iaer.com
Winston Kelly	WinstonKelly@gmail.com
Cameron Kelly	cameronkelly@gmail.com
Alex Martin	alex@gotelluride.com
Marcus Ostromacki	marcus@gotelluride.com
Gail Kittler	gailkittler@yahoo.com
FRED KITTLER	fkittler@ficama.com
TD Smith	tdsmith.com
MR & MRS JOHN RAEZE	JRAEZE@GREERINDUSTRIES.COM
John Horn	
Step Salomon	stepalomon@telhi.com
Jack Kennedy	
Bill Jensen	
SALLY FIELD	SALLYFIELD@MVCABLE.NET

JANUARY 3, 2019

TOWN OF MOUNTAIN VILLAGE CITIZEN'S REQUEST TO SPEAK AT DESIGN REVIEW BOARD MEETINGS

Citizens are encouraged to attend the Design Review Board meetings and to participate in public hearings when the subject matter of such hearings is important to them. As a matter of general policy, neither Board Members nor Town staff should be expected to respond to matters raised during public comment. Nevertheless, Board Members will always retain the right to ask questions of the speaker and to respond then or at a later time to remarks made by any citizen. DRB will also refer certain matters raised in public comment to the Town Clerk or a Board or Committee for further study and discussion whenever warranted.

Speaker's Name	Address	Agenda Item #
1. Ben Jackson	2849	
2. Winston Kelly	710 Mtn Vly Blvd	
3. Cameron Kelly	710 Mtn Vly Blvd	
4. FRED KITTLE	702 Mtn. Village Blvd,	
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		
22.		
23.		
24.		
25.		
26.		
27.		

From:	Date Received:	Communication Method:	Address:
Mike Vazquez – Crystal HOA	1/1/2019 & 1/2/2019	Email	210 Sunny Ridge Place
Tom Ryan	1/2/2019	Email	40 Granite Ridge
Herb McHarg Esq. on behalf of Winston Kelly	1/2/2019	Email	710 Mtn Village Blvd
Barton and Jennie Prideaux	1/2/2019	Email	210 Sunny Ridge Place
Winston Kelly	1/2/2019	Email	710 Mountain Village Blvd
Griffith Harsh & Meg Whitman	1/2/2019	Email	Lot 137 Granite Ridge

1/1/19

DEAR DRB

HAPPY NEW YEAR

I'm Mike Vazquez, owner of a Crystal Home for 25 years & Wilson Mesa land. I'm President of Crystal HOA and wanted to share our homeowners concerns.

We understand the CDC and CP have goals resulting in conflicts on how to preserve Beauty and create Vibrancy in our community. CDC prevents up-zoning of single family neighborhoods while CP wants Hot Beds. Below is a grid from the CP recommendation that will hopefully create vibrancy

CURRENT	CRITICAL ACTIONS	FUTURE
Quiet shoulder & summer seasons	Enhance marketing increase airlift	Vibrant shoulder & summer seasons
Vacant retail space in Mountain Village Center	Seek branded hotels	Economically viable retail space in Mountain Village Center
Disproportionate retail spending leakage to Telluride	Diversify employment with business development	Proportionate capture of retail spending
Shortage of quality year-round jobs	Build partnerships Build additional housing for workforce	Sustainable supply of quality year-round jobs

MacBook Air

By Separating Sections of 17.3 into 3 areas as presented to us, I want to turn to that 8 of the 9 lots in question apart from the CP Hot Bed push. The board is asked to up-zone 8 single family Alpine Home Lots for 16 condos?? Below is CP “critical action” asking for several items including Hot Beds. Note there is no calling for development of ridgeline condos, ruining the sense of community in our Alpine single family setting. This land grab is not in keeping with the vision of the CDC of environmental preservation for residents

The Ridgeline is Sacred Ground and up zoning that will not create the vibrancy the town is looking for. Obviously developers are the first to make unrealistic promises in their aggressive claim to make a buck

At this point we call for these 2 up zones, 8 lots, portion be dropped from future discussion

On to Hot Beds in Hope of vibrancy

If you look at the “critical action” in the CP, you will find (chart above)

1 Enhanced marketing.... This is the Towns responsibility and can be developed without hot beds for now

2 Increase Airlift. Disappointing that we are a World Class Ski resort with no functioning airport, as we once had. Montrose option are dismal after ski season. How can vibrancy be had if its difficult to get here. Hot beds will not fix this problem

3 Flagship Hotel. Well With 4000 current bed (Wikipedia) and latest occupancy at +33% average(MV) Do you really think:

A. it’s good for under-utilized existing hotels?

B. Low occupancy will not interest nor attract the investment needed in these financial times. The economic New Flagship Hotel was modeled based on 45-55% occupancy rates vs our current 33%. GAME KILLER

4 Diversify employment or Full Time jobs there are lacking. With less than 1500 full time residents (Wikipedia) it’s obvious there has to be a plan to draw permanent residents

5 Build partnerships. TMVOA, Telski, MTR Regional Air, Town of Telluride, etc. must source marketing plans to draw residents and visitors throughout the year

6 Build Work Force housing to accommodate workers needed to work in a vibrant economy

I add a well designed Conference Center to market off season void

Folks..... Hot Beds is not the cure-all at this time with the current volume of hotel vacancies. Other key areas should and must be addressed now rather than clinging to a somewhat unrealistic CP for where MV is today. Savaging 9 single family lots outside the Core, un-buffered is not in keeping with the CDC vision created and bought into by us....RESIDENTS

Here are quotes from Town Council BIOs and what THEY feel we need

**LOVE OUTDOORS AND SENSE OF COMMUNITY*

**EMPLOYEE HOUSING AND PARKING*

**ECONOMIC HEALTH WITHOUT LOSING SPECIAL NATURE OF THE PLACE*

**VITALITY, ENGAGEMENT & STEWARDSHIP...SUFFERING FROM SEASONALITY*

**DECISION SHOULD BE MADE FOR GREATER GOOD OF THE WHOLE RATHER THE INDIVIDUAL*

**YEAR ROUND ECONOMYBETTER PAY...FULL TIME JOBS*

**VOICE FOR PEOPLE WHO WORK, VISIT AND LIVE HERE...BALANCED AND TRANSPARENT*

In closing let us be reminded of the *Town Charter*

- **Encourage recreational nature of town**
- **Protect Beauty and Surroundings**
- **Safeguard your Life Style**

I urge you all to end this review as not in best interest of town and its residents

Sincerely

**Mike Vazquez
Crystal HOA**

Allow hotbed building to extend onto Lot 89-2B through a mutually beneficial, combined and coordinated development with the owner of Lot 89-2B. If there is no coordinated and combined development plan for these lots, limit development in Parcel C 89 Lots to the uses shown in the Development Table for Parcel C-3 89 Lots Main Hotbed Site.

- ii. Ensure the hotbed building extending onto Lot 89-1B is subject to the Ridgeline Development Regulations, including a maximum height of 35 feet.
- iii. Protect the views from the Crystal Condominiums, to the extent practical, by placing most of the building's mass and scale to the east of a line that is extended southwest in the same bearing as the eastern line of Lot 89-1A.
- iv. Step the eastern side of the hotbed building down from three to two-story elements as it extends onto Lot 89-2B and 89-3D to mitigate visual impacts to Lots 100-103.
- v. Create an access way to Parcel C-1 89 Lots Hotbed from either Sunny Ridge Place cul-de-sac or Mountain Village Boulevard and not from the Crystal Condominiums access.
- vi. Limit the maximum ridgeline to an elevation of 9,618 on Parcel C 89 Lots to the extent practical.
- vii. Design main pedestrian connections across Mountain Village Boulevard to funnel a majority of the pedestrian traffic through the Mountain Village Hotel PUD as allowed by an existing pedestrian easement. Provide secondary pedestrian access to Parcel F Lot 161-CR or Parcel D Pond Lots provided a pedestrian easement is in place for such access.

b. Parcel C-2 89 Lots Ridgeline Condos

4.

- i. Develop and operate with Parcel C-1 89 Lots Hotbed flagship hotel with parking, access and infrastructure provided through the Parcel C-1 89 Lots Hotbeds project to the extent practical.
- ii. The development of Parcel C-2 89 Lots Ridgeline Condos is subject to the Ridgeline Development Regulations, including a maximum height of 35 feet.
- iii. Create alternative access to Parcel C-2 89 Lots Ridgeline Condos from upper Mountain Village Boulevard; access to other parts of Parcel C 89 Lots is prohibited to reduce traffic flow into this area.
- iv. Allow for demolition or alteration of existing single- family homes to facilitate parcel development.

c. Parcel C-3 89 Lots Transitional Condos

- i. Strive to develop and operate with Parcel C-1 89 Lots Hotbeds flagship hotel with parking, access and infrastructure provided through Parcel C-1 89 Lots Hotbeds project. Otherwise strive to create one access to the transitional condos to limit the number of access points onto Mountain Village Boulevard.
- ii. Limit the maximum ridgeline to an elevation of 9,590.

John A. Miller

From: Ryan, Tom <Thomas.Ryan@Sci-us.com>
Sent: Wednesday, January 2, 2019 10:29 AM
To: John A. Miller
Subject: Fwd: January 3rd Meeting town council MV

Sent from my iPad

Begin forwarded message:

> John,

>

> I wanted to voice my position on the proposed rezoning discussion. I am opposed to the rezoning as I believe it will have a detrimental effect to the surrounding real estate. The increase in condos will depress the rental market that currently exists for the condo market, even hotels. I feel like there is an adequate supply for the entire year other than the Christmas break and July 4th. This will only add the crowded conditions during these peak weeks and negatively impact the market as they sit empty most of the year. Thank you for hearing my position on this and thanks for your efforts on the council.

>

> Tom Ryan

> 40 Granite Ridge

>

> Sent from my iPad

100TH MERIDIAN LAW GROUP, P.C.
ATTORNEYS AT LAW

P.O. BOX 306
100 W. COLORADO AVENUE, SUITE 209
TELLURIDE, COLORADO 81435
TELEPHONE: (970) 728-6180
FAX: (970) 369-0664
EMAIL: hmcharg@telluridelaw.net

W. Herbert McHarg

January 2, 2019

Town of Mountain Village
Design Review Board and
Town of Mountain Village Town Council
c/o Michelle Haynes, Director and John Miller, Senior Planner
Mountain Village Planning & Development Services Department
455 Mountain Village Boulevard, Suite A
Mountain Village, Colorado 81435

Via Email: mhaynes@mtnvillage.org; johnmiller@mtnvillage.org

Re: Preliminary Comments for January 3, 2019 Design Review Board Public Hearing:
Regarding Development Application submitted by Chalet 9545 LLC (“Applicant”) to
rezone, replat and transfer density pertaining to lots 89-2C and 104 (“Application”) and
the proposed Amendment of Community Development Code, Section 17.3.4 (the
“Amendment”) regarding lots 89-2A, 89-2B, 89-2C, 89-3A, 89-3B, 89-3C, 89-3D and
104 (collectively, the “Lots”) to allow for subdivision and rezoning.

Dear Michelle and John:

My firm represents Cloud 9 Investments, the homeowner of Lot 102 located adjacent to the Lots subject to the Amendment and directly across Mountain Village Blvd. from lots 89-2C and 104 that are subject to the Application. While the DRB will hear comments by Mr. Winston Kelly, a member of Cloud 9 Investments, during the public hearing tomorrow, as well as other single-family lot owners and/or their counsel or agents, please accept this letter as a preliminary comment from a legal perspective regarding the Application and proposed Amendment.

Section 17.3.4(F)(4) of the Community Development Code (“CDC”) clearly prohibits subdividing any single-family lot and transferring additional density onto a single-family lot by the Rezoning Process or otherwise. The lots owned by the Applicant were purchased by the Applicant subject to this prohibition. The Application seeks to develop the subject lots contrary to the single-family zoning. The Amendment would clear the way for such development by carving out the Applicant’s lots and other lots with a specific exception from this prohibition.

According to the notice dated December 21, 2018 regarding the Amendment, the proposed rezoning of the Lots from single-Family to various high-density mixed use development “will provide better consistency between the CDC and the Comprehensive Plan . . . allowing for a buffer between the Village Center and the adjacent single family uses,” but that “each development application . . . will be reviewed to determine if it meets general compliance with the Comprehensive Plan.” It is, however, very problematic that the Amendment is very general in that it blindly changes the zoning on the subject single-family Lots without looking any specific development proposal to determine the impact of such rezoning, and at the same time fails to include an amendment to the zoning on all single-family lots within the subarea. This general, yet piecemeal approach does not provide the decisionmakers – the DRB and the Town Council – with adequate information to address these actions according to their governing laws and denies the public and the Mountain Village community from a full understanding of the potential impacts so that they can make informed comments to their responsible officials. The Application is equally problematic in that it looks to piecemeal the zoning change and the actual development. In order for the public to have an opportunity to review and comment, and for the DRB and the Town Council to appropriately address any zoning change on specific single-family lots, a full and complete development application that complies with the relevant sections of the CDC must be submitted, and the development review procedures must be followed.

Rather than allowing general amendment to the CDC, in addressing the rezoning of single-family lots, the Comprehensive Plan requires that the DRB and Town Council:

Respect the integrity of single-family and duplex areas. Any proposed rezoning of single-family and duplex-zoned lots *must be considered exceptional* and *must meet specific conditions*, such as separation and buffering from other single-family and duplex lots.

Comprehensive Plan, *Land Use Plan Policies*, Section I(B)(f), and *Land Use Principles, Policies & Actions*, Section I(D). Here, the Lots, including lot 89-2C and lot 104, are the separation that buffer the currently developed single-family lots from transitional area near the Village Pond and the Village Core. By generally rezoning the Lots as proposed by both the Amendment and the Application, the Town would be acting against the Comprehensive Plan’s requirement to respect the integrity of the adjacent, developed single-family lots.

I look forward to discussing these matters with the DRB and Town Council at the respective public hearings.

Sincerely,

100TH MERIDIAN LAW GROUP, P.C.



W. Herbert McHarg, Esq.

Cc: Winston Kelly

TO: Jane Marinoff, Development and Review Board Members, and Interested Parties
FROM: Barton and Jennie Prideaux, Owners of #24 Crystal on the Ridge, 210 Sunny Ridge Place
RE: Proposal to Modify Section 173.3.4 of the CDC being heard January 3, 2019 at DRB
DATE: January 2, 2019

Jennie and I own Crystal #24 and are opposed to the proposed rezoning described in Proposal 173.3.4.

Jennie and I acquired our home in Spring of 2017 for the purpose of our future retirement in the Mountains of Colorado. We first became a Franz Klammer owner in 2014 and fell in love with Mountain Village and the San Juan Mountains. Our broker, Jean Vatter, found the perfect single family home situated outside "the Core" that was large enough for our large family and provided a quiet, simple place to enjoy peace and quiet, amazing views, and star-lit nights in the mountains. We purchased knowing that we were in a single family area that would forever provide the single family community we were looking for.

In the last couple of weeks, we became aware of the proposed rezoning to drastically re-characterize our neighborhood. The proposal changes our single family neighborhood to a 200+ unit hotel/condo development. As you might imagine, we were shocked to understand the severity of the changes it requested and do not believe a proven, compelling need exists sufficient to justify such a drastic change that is inconsistent with the reasonable expectations of the existing, neighboring single family homeowners.

Below are some of the reasons Jennie and I believe the proposed rezoning should not be approved:

1. The Town's Plan does not envision re-zoning partially-completed, single family neighborhoods located **outside "the Core"** into high-density areas.
2. There currently exists an abundant supply of densely-zoned locations which are available for purchase and development.
3. The proposed development of 200+ units would create massive amounts of light pollution. Security and safety risks created by the development would require massive amounts of lighting that would ruin the star-lit nights in our area and totally change the beauty of our unique Ridge neighborhood.
4. The proposed development of 200+ units would create massive amounts of noise pollution. We currently enjoy listening to the silence of the forest and the wind rustling through the Aspens. 200+ occupants plus employees needed to operate the commercial enterprise with delivery vehicles coming and going will *create a non-stop level of noise*. One thing we didn't like at the Franz Klammer and moved to this location to get away from was the non-stop level of noise and the loud, banging and alarms of the delivery and trash trucks and general noise level surrounding the Klammer. This proposed large-scale, dense development will forever eliminate the ability for all of us on the Ridge to enjoy the peaceful tranquility that we currently enjoy.
5. The proposed development of 200+ units would create smells from aggregated trash locations, potential food and beverage operations, and general operations. These obnoxious smells are

totally inconsistent with the “high-country Alpine” experience currently existing in our neighborhood.

6. The proposed development of 200+ units would create congestion and access problems in our area. The ten-fold population increase above original expectations will undoubtedly create traffic congestion and impede reasonable access to our area.
7. Homeowners should have a reasonable expectation that surrounding development will take into consideration the reasonable lifestyle expectations of currently developed properties. The mission and purpose of zoning and the DRB is to protect those expectations and the DRB should reject requests that are incompatible with existing development and benefit a single land-owner to the detriment of multiple neighboring land-owners.
8. It has been said the development will be “high-end”; however, we know from experience in other locations that “high-end” is never really defined or guaranteed and ultimately subject to the booms and busts of the economy.

In summary, this proposal, as it affects our neighborhood, is not a slight change to an existing zoning; rather, it is a **massive change that drastically affects the ability of existing single-family homeowners in the neighborhood to enjoy their homes.** We are not in Houston, Texas where zoning protection doesn't exist; rather we are in the Town of Mountain Village - an environmentally unique and sensitive area - where zoning and town officials exist to provide certainty and protect homeowners expectations so that they can purchase with confidence. **Re-zoning is a permanent move and there has been nothing shown to indicate irreparable harm will occur if this re-zoning proposal is not approved at this time;** rather, the groundwork for irreparable harm will exist if the Board goes forward to approve this re-zoning request.

There are a few interpretations of the “Golden Rule”. One is, “He who has the gold, makes the rules.” The other interpretation is “Treat others the way you would want to be treated”. As stated above, we purchased this home to retire with the reasonable expectation that the neighborhood would remain single family and believe there is no compelling reason to approve this drastic up-zoning request and multiple compelling reasons not to approve it.

Accordingly, we respectfully request the Design Review Board to vote “**No**” on this re-zoning proposal.

John A. Miller

From: Winston Kelly <winstonkelly@gmail.com>
Sent: Wednesday, January 2, 2019 4:06 PM
To: John A. Miller
Cc: Forward Itrujillo; Forward bbrown; Forward deckman; Forward kbrown; Forward dcraige; Forward pevans; Forward ggarner; Forward lcaton; Forward jvatter; Laila Benitez; Bruce MacIntire; Dan Caton; Dan Jansen; Patrick Berry; Jack Gilbride; Natalie Binder; Michelle Haynes; mlynch@rwolaw.com; Herb McHarg
Subject: Comment Letter Re Development Application and Proposed Zoning Amendment for January 3, 2019 hearing
Attachments: AECOM-Village-Center-Expedited-Workplan-Recommendations.pdf

Hello,

From the meeting on October 18th 2018,

AECOM, which is the company responsible for the almighty devine Comprehensive Plan for which we are here today too align our current vision with, proposed its current priorities titled: AECOM Village Center Implementation Priorities, Low Hanging Fruit (Source: <https://townofmountainvillage.com/media/AECOM-Village-Center-Expedited-Workplan-Recommendations.pdf>)

his is from Michelle Haynes, Planning and Development Services Director & Jim Mahoney, Assistant Town Attorney and directed to the Town Council.

In this very recent study it finds the latest action item demanding acute attention, nowhere in the 9 pages of recommendations by AECOM & The Planning department does it mention the rezoning of our family neighborhood from single family to multi for commercial development.

Any homeowner in our neighborhood would argue that the vote to change the language that will pave the way for uncertain commercial development is not of any pressing importance.

The language in the CDC 17.3.4 is currently correct the way it is and should not be changed unless there is major impending development, which at this time there is not and most likely will not be until occupancy rates reach a level of 45% (currently 33.8%,

<https://townofmountainvillage.com/media/Marketing-Telluride-Inc.-Quarterly-Report.pdf>)

I sincerely ask the DRB & Town Council to let his serious language be voted on & changed by a future members when application is relevant and pending. We are in danger of changing the language and exposing our town to sup bar development in a sub par economic environment. Please vote NO to change he language of CDC 17.3.4 at this time.

Please print & review the attached agenda item.

Concerned homeowner,

Winston Kelly



**PLANNING AND DEVELOPMENT SERVICES
DEPARTMENT**

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

Agenda Item No. 18

TO: Town Council

FROM: Michelle Haynes, Planning and Development Services Director & Jim Mahoney, Assistant Town Attorney

FOR: Meeting of October 18, 2018

DATE: October 1, 2018

RE: AECOM Village Center Implementation Priorities, Low Hanging Fruit

Attachments:

- AECOM Low Hanging Fruit Narrative

INTRODUCTION

As part of the 2018 Village Center Subarea Memorandum of Understanding between Telluride Ski and Golf (TSG), Telluride Mountain Village Homeowners Association (TMVOA) and the Town of Mountain Village and resulting 2018 Contract for services with AECOM, Task 21 specifically noted, “Engagement and Tracking of “Low-Hanging Fruit” Action Items.”

The task further stated the following:

“The AECOM team will update the “Low Hanging Fruit” Matrix. Upon each visit, an AECOM team member will facilitate a 60 minute meeting with representatives and personnel as selected by the Client, to review actions items pertaining to each Low Hanging Fruit Item. Updates to the Matrix will occur up to 3 total including status updates.

Deliverable: Updates to Low Hanging Fruit Matrix

The purpose behind the low hanging fruit concept was to identify and prioritize vitality related planning issues identified by AECOM as barriers to village center vitality, and then prioritized, fund and remedy these matters within a short period of time.

TRI-ENTITY COOPERATION

TSG, TMVOA and the Town of Mountain Village have agreed to equally fund the Village Center Subarea Vitality workplan for 2018. Funding decisions along with resource allocation is a conversation ongoing between the three entities and final resolution not yet established as it relates to the Low Hanging Fruit list and other implementation matters moving forward. Although the list of low hanging fruit items is being brought to Council to discuss and prioritize, it is not the assumption of staff that all matters fall on the Town of Mountain Village to fund, resource allocate

and remedy. A tri-entity commitment means we continue to fund, resource allocate and address issues equitably to the extent possible.

LOW HANGING FRUIT LIST

Seven (7) items were identified as low hanging fruit to be remedied by December 31, 2018 or as otherwise noted below. I have copied and pasted from the AECOM memo below then added staff comments in bold.

***NOTE:** Items listed below are not in any particular order of priority.*

Improve Wi-Fi Speed and Connectivity

Issue: Reduced (“throttled”) speed for public access results in poor user experience. Whenever a device switches repeaters, the result is dropped/disconnected service, requiring repeated logins. Walking through the Village Center can result in switching 5 or more repeaters, which may drop connection each time.

Recommendation: Fix the repeater issue so only one login is needed per a given timeframe (say, 24-hours). Increase speed of publicly-available wifi signal to improve user experience. completion deadline: **December 1, 2018**

Staff Comment:

The town does not believe all items addressed above could be solved by December 1, 2018. The town is looking into this issue and would like to better understand what TSG’s intention is on the ski mountain to provide similar seamless wi-fi speed and service. This item could include funding partnership opportunities with TMVOA.

Regulate Trash and Delivery Service Routes and Times

Issue: Trash collection from dumpster (transfer) areas is experienced at busy user times (8:00-10:00 during ski or summer seasons). Trailers used to carry and exchange dumpsters are very loud and distracting while walking the core. Gator or cushman small delivery vehicles are providing plaza-level deliveries at similar user times. These deliveries are often coming from large trailer vehicles unloading at Blue Mesa, so the small vehicle drives the public paths to the front door of the supply location.

Recommendation: Provide an upgraded trailer to eliminate the sound nuisance coming from dumpster collection. Grease or line the equipment with rubber padding and straps, or by other methods to eliminate noise. Mandate that trash and delivery service from the small vehicles use the existing underground service access points, available to nearly all buildings in the Village Center. Mandate and enforce black-out hours appropriate to the user experience by season. AECOM recommends all trash dumpster collection (if it must be surface accessed) be completed by 7am. Same deadline for service delivery from the small carts. completion deadline: **November 1, 2018**

Staff Comment: Staff concurs that it would be helpful to make refuse and delivery routes less impactful; however, this is complex issue.

By way of background, refuse and recycling in the Village Center has always been a large challenge. For many years the Town provided refuse and recycling pickup services and would then take that to the transfer station near the short-term parking by the Shirana building. A fee for services was charged by the Town and one of the waste management companies would empty the containers at the transfer station. Around 5-6 years ago the Town Council made the determination to get out of the refuse and recycling business and let the waste providers take over all aspects of refuse and recycle on the Village

Center, subject to the municipal code regulations. Due to the difficulty of serving the Village Center only one company, Bruin Waste, will even attempt to service Village Center customers. Waste Management typically won't service customers in the Village Center.

Also, the size of trash enclosures constructed at each building lead to issues where one trash pick up per day often times is not adequate for the refuse and recycling produced. During high seasons, many of these locations have to be picked up several times a day as the enclosures simply cannot hold the volumes generated. Thus, restricting pickups prior to 7:00 would lead to a messy situation.

Deliveries encounter similar issues. Again, the Town used to provide all delivery services for the Village Center, meeting large trucks at several locations and hauling deliveries to businesses where hand trucks could not be used. Again, the Town exited that business at the same time it exited the trash business. Now, large and frequent delivery services have invested money into buying and getting approval for their own delivery carts which they store around the Village Center and deliver.

Also, as with refuse and recycling, regulating deliveries to set times is difficult. With multiple delivery trucks a shortage of staging locations, constant winter weather issues and commercial establishments storage limitations, such regulations would be impactful and not necessarily practical.

Staff recommends working with HOA's, businesses, trash service providers to see if measures can be implemented to reduce the impact of these services; however, this is not as simple as is proposed.

Staff would also like direction from Council as to whether the Town would be open to providing trash and delivery services in a similar manner as it did in the past as this might be the only way to ensure quality control of these issues.

Also, for timing, even if this were as simple as regulating times, those regulations are done through ordinances, which take two readings and then a 30 day period prior to effectiveness.

Utilize Drop-Off at Blue Mesa to its Full Potential

Issue: Buses and shuttles have been observed to be dropping off passengers at locations outside of formalized drop-off areas. For example, shuttles will stop along Mountain Village Boulevard to drop skiers off at the Double Cabin ski run, or will drop off passengers visiting the Village Center by accessing drop-off at the Madeline Hotel.

Recommendation: Enforce that buses and shuttles utilize the properly designated drop-off areas throughout the subareas. This is not to disallow Dial-a-Ride or other taxi services from picking up or dropping off at the requested locations, but rather to formalize all bus and standard shuttle services.

completion deadline: **November 1, 2018**

Staff Comment:

The long-term sunset plaza concept includes relocation of the ski school, enhanced vending, concentrating ski school drop off at this location and drop off for guests and residents so that they will experience the Sunset plaza area before making their way to Heritage Plaza. This issue is multi-faceted as it relates to dial-a-ride, private shuttle and hotel shuttle drop off. The town bus already has an existing bus stop in this location. The Madeline agreed to utilize the porte cochere for public use and drop off as part of the

agreement to construct the porte cochere on town property for the purposes of building a pool. To the extent that this recommendation does not obviate the existing agreement and public use at the Madeline, the town and TMVOA can otherwise make decisions regarding increased drop off use at Blue Mesa. If the porte cochere is no longer the drop off focal point, then staff recommends the issue be brought back to the design review board and Town Council to consider changing the established uses within the porte cochere.

Finally, formalizing drop off and pick up locations is a separate issue to be determined by the entities the level of priority to remedy for all shuttle related services.

Review and Amend Retail Competition Language

Issue: Language in the current Town codes and/or guidelines is understood to discourage (or not permit) competitive sales offerings within the Village Center.

Recommendation: Revise or refresh the understanding of the code language to allow for competitive sales offerings, so that all businesses are encouraged to activate the marketplace and provide enhanced/improved products and services.

completion deadline: **December 1, 2018**

Staff Comment:

Although staff's policy regarding vending in the Village Center may have been interpreted as restrictive in the past, the vending regulations as written do not include prohibitive non-compete language. Therefore this low-hanging fruit item can be removed from the list.

The CDC states only 5 vending carts are allowed; however, the Town Council may permit additional vending carts on plaza areas at its sole discretion.

The CDC expressly states under vending review process and criteria for decision that, "Diversity (in town and between vendors) of offered foods, goods, wares, merchandise, services and hours of operation." Diversity is a broad statement and can be interpreted, if Council chooses, generously to meet the recommended ideas being offered by AECOM.

Staff recommends that pop-ups in Heritage Plaza be defined as vending.

Staff understands there was prohibitive vending language in the CDC five or six years ago that has since been removed.

Explore Installation of Pop-Up(s) in Heritage Plaza

Issue: Heritage Plaza requires some spontaneous or new program in the short term to enhance vibrancy and entice visitors into the Village Center plaza areas.

Recommendation: Explore opportunities for Pop-Up retail or food & beverage. Strategically program, design, and install temporary seasonal structures and services in the Plaza.

Encourage multiple local or branded businesses to occupy the Pop-Ups.

completion deadline: **December 31, 2018**

Staff Comment:

Staff recommends TMVOA take the lead regarding pop-up vendors in Heritage Plaza and the town works with TMVOA to permit and approve the pop-ups. TMVOA has provided many plaza vitality initiatives and this falls in alignment with other TMVOA efforts.

Considerations include the following:

- **Summer, winter or offseason**
- **Offer to extend vending opportunities to existing restaurants and vendors first**
- **Competition regarding pop-up designs and construction**
- **Integrate common consumption**

Install Lighting for Safety Improvements

Issue: Various areas of the plazas and public realm are dimly lit or very dark and unsafe to travel as a pedestrian. Such areas include, but are not limited to, the single riser conditions in Heritage Plaza, and the west end of Conference Center Plaza, where risers or paving has created unsafe trip-hazard walking surfaces.

Recommendation: Review the public spaces in the Village Center for trip-hazard conditions and low-lighting conditions. Improve these areas (and all areas) to code-compliant levels.

completion deadline: **November 1, 2018**

Staff Comment:

Town Plaza staff and AECOM walked the Village Center and identified areas where safety lighting is needed. Staff has indicated safety lighting can be addressed by the time the ski area opens. The town can address safety lighting on town owned property; however, there may be safety lighting issues within the Village Center that cannot be fixed by the town when it exists on property owned by others.

Between the addition of a light pole in the walkway between Village Pond and MV Blvd in the “Wells Fargo” corridor and deck lights in the single riser stairs in Heritage Plaza, the town estimates 70 hours of staff in house labor and around \$4,200 in materials.

Explore Open Container / Common Consumption Approach

Issue: While the perimeter of Heritage Plaza (and other plaza areas) in the Village Center, contain food & beverage opportunities, the opportunity to spread this within, and activate the plaza, is missed.

Recommendation: Explore Open Container and/or Common Consumption opportunities for Heritage Plaza and the other plaza areas of the Village Center. Review the legal parameters and lessons learned when the policy has been successfully implemented in the past, and strategize how to introduce in the upcoming winter season. Discuss with existing operators, vendors, and local enforcement to find the best strategy.

completion deadline: **December 31, 2018**

Staff Comment.

First there needs to be an understanding of the difference between “Open Container” and Common Consumption Areas. Open container laws prohibit the consumption of alcohol in public areas or possessing open containers in public. While the Town may be able to remove such a prohibition in certain public areas, it would only allow people to bring alcohol from home or purchase from a liquor store and then to consume it in public. This would still not allow someone to buy a drink from a bar, restaurant, tavern or similar licensed premises and carry it around the core, as licensed premises have the responsibility to ensure no alcohol leaves their licensed premises, with one exception and that is if it leaves there license premises and directly into a common consumption area to which they are attached (i.e. sunset concert common consumption area as an example).

Staff believes the goal is to allow drinks purchased at a licensed premise within the Village Center to be carried around the larger portion of the Village Center and consumed in that area not to allow for open containers as illustrated above. This is achievable; however,

the Town is not necessarily the party that should drive this change as the Town is the license authority.

Rather, the Mountain Village Promotional Association (MVPA), which is already in existence, needs to come up with a plan to expand, modify and amend the existing common consumption area, including a map of the common consumption area, security plan, etc... and present it to the Town for approval. Town staff can assist in this process, but it should be driven by the MVPA and then approved by the Town.

/

To:
Michelle Haynes & Anton Benitez
Town of Mountain Village
455 Mountain Village Blvd.
Suite A
Mountain Village, CO 81435

Project name:
60515066: Town Hall Center Subarea Plan

Project ref:
Village Center Subarea Planning
Task 21: Low-Hanging Fruit Action Items

From:
Nathan Pepple, Project Manager

Date:
8 October 2018

Action Items: Low-Hanging Fruit

Michelle and Anton,

Per your request, AECOM submits this memo to you, in order to gain support from the Town Council to begin a targeted approach to improving the “low-hanging fruit” items identified to date for the Village Center Subarea. We understand that this list will be brought up to your Town Council for specific direction later this month October.

Below please see the slide we presented to the Town Council on September 20th, indicating items that would benefit from immediate action, preferably carried out by a Town-selected action committee.



NOTE: Items listed below are not in any particular order of priority.

Improve Wi-Fi Speed and Connectivity

Issue: Reduced (“throttled”) speed for public access results in poor user experience. Whenever a device switches repeaters, the result is dropped/disconnected service, requiring repeated logins. Walking through the Village Center can result in switching 5 or more repeaters, which may drop connection each time.

Recommendation: Fix the repeater issue so only one login is needed per a given timeframe (say, 24-hours). Increase speed of publicly-available wifi signal to improve user experience.

completion deadline: **December 1, 2018**

Regulate Trash and Delivery Service Routes and Times

Issue: Trash collection from dumpster (transfer) areas is experienced at busy user times (8:00-10:00 during ski or summer seasons). Trailers used to carry and exchange dumpsters are very loud and distracting while walking the core. Gator or cushman small delivery vehicles are providing plaza-level deliveries at similar user times. These deliveries are often coming from large trailer vehicles unloading at Blue Mesa, so the small vehicle drives the public paths to the front door of the supply location.

Recommendation: Provide an upgraded trailer to eliminate the sound nuisance coming from dumpster collection. Grease or line the equipment with rubber padding and straps, or by other methods to eliminate noise. Mandate that trash and delivery service from the small vehicles use the existing underground service access points, available to nearly all buildings in the Village Center. Mandate and enforce black-out hours appropriate to the user experience by season. AECOM recommends all trash dumpster collection (if it must be surface accessed) be completed by 7am. Same deadline for service delivery from the small carts.

completion deadline: **November 1, 2018**

Utilize Drop-Off at Blue Mesa to its Full Potential

Issue: Buses and shuttles have been observed to be dropping off passengers at locations outside of formalized drop-off areas. For example, shuttles will stop along Mountain Village Boulevard to drop skiers off at the Double Cabin ski run, or will drop off passengers visiting the Village Center by accessing drop-off at the Madeline Hotel.

Recommendation: Enforce that buses and shuttles utilize the properly designated drop-off areas throughout the subareas. This is not to disallow Dial-a-Ride or other taxi services from picking up or dropping off at the requested locations, but rather to formalize all bus and standard shuttle services.

completion deadline: **November 1, 2018**

Explore Installation of Pop-Up(s) in Heritage Plaza

Issue: Heritage Plaza requires some spontaneous or new program in the short term to enhance vibrancy and entice visitors into the Village Center plaza areas.

Recommendation: Explore opportunities for Pop-Up retail or food & beverage. Strategically program, design, and install temporary seasonal structures and services in the Plaza. Encourage multiple local or branded businesses to occupy the Pop-Ups.

completion deadline: **December 31, 2018**

Review and Amend Retail Competition Language

Issue: Language in the current Town codes and/or guidelines is understood to discourage (or not permit) competitive sales offerings within the Village Center.

Recommendation: Revise or refresh the understanding of the code language to allow for competitive sales offerings, so that all businesses are encouraged to activate the marketplace and provide enhanced/improved products and services.

completion deadline: **December 1, 2018**

Install Lighting for Safety Improvements

Issue: Various areas of the plazas and public realm are dimly lit or very dark and unsafe to travel as a pedestrian. Such areas include, but are not limited to, the single riser conditions in Heritage Plaza, and the west end of Conference Center Plaza, where risers or paving has created unsafe trip-hazard walking surfaces.

Recommendation: Review the public spaces in the Village Center for trip-hazard conditions and low-lighting conditions. Improve these areas (and all areas) to code-compliant levels.

completion deadline: **November 1, 2018**

Explore Open Container / Common Consumption Approach

Issue: While the perimeter of Heritage Plaza (and other plaza areas) in the Village Center, contain food & beverage opportunities, the opportunity to spread this within, and activate the plaza, is missed.

Recommendation: Explore Open Container and/or Common Consumption opportunities for Heritage Plaza and the other plaza areas of the Village Center. Review the legal parameters and lessons learned when the policy has been successfully implemented in the past, and strategize how to introduce in the upcoming winter season. Discuss with existing operators, vendors, and local enforcement to find the best strategy.

completion deadline: **December 31, 2018**

John A. Miller

From: Winston Kelly <winstonkelly@gmail.com>
Sent: Wednesday, January 2, 2019 4:06 PM
To: John A. Miller
Cc: Forward Itrujillo; Forward bbrown; Forward deckman; Forward kbrown; Forward dcraige; Forward pevans; Forward ggarner; Forward lcaton; Forward jvatter; Laila Benitez; Bruce MacIntire; Dan Caton; Dan Jansen; Patrick Berry; Jack Gilbride; Natalie Binder; Michelle Haynes; mlynch@rwolaw.com; Herb McHarg
Subject: 2 Comment Letter Re Development Application and Proposed Zoning Amendment for January 3, 2019 hearing
Attachments: Comp Plan pg 53 & 54.docx

Hello,

Please see the attached document from the Comprehensive Plan in regards to Mountain Village Subarea Plan pages 53-54.

I argue that without the consent & involvement of lot 89-2B, which is a single family lot slated to be built on with a single family home by my Wyler, then the language in the comprehensive plan for which you wish to align your vote is null & void. Please vote NO on the Upzoning in our cherished neighborhood from single family to multi family development.

Please print & review the highlighted sections.

Concerned homeowner,

Winston Kelly

From the Comprehensive plan, Page 53 & 54

PARCEL C 89 LOTS a. Parcel C-1 89 Lots Hotbeds i. Provide a hotbed building from Lot 89-1B through Lots 89-1D, 89-1C, 89-2A and 89-3D.

Allow hotbed building to extend onto Lot 89-2B through a mutually beneficial, combined and coordinated development with the owner of Lot 89-2B.

If there is no coordinated and combined development plan for these lots, limit development in Parcel C 89 Lots to the uses shown in the Development Table for Parcel C-3 89 Lots Main Hotbed Site.

ii. Ensure the hotbed building extending onto Lot 89-1B is subject to the Ridgeline Development Regulations, including a maximum height of 35 feet.

iii. Protect the views from the Crystal Condominiums, to the extent practical, by placing most of the building's mass and scale to the east of a line that is extended southwest in the same bearing as the eastern line of Lot 89-1A.

iv. Step the eastern side of the hotbed building down from three to two-story elements as it extends onto Lot 89-2B and 89-3D to mitigate visual impacts to Lots 100-103.

v. Create an access way to Parcel C-1 89 Lots Hotbed from either Sunny Ridge Place cul-de-sac or Mountain Village Boulevard and not from the Crystal Condominiums access.

vi. Limit the maximum ridgeline to an elevation of 9,618 on Parcel C 89 Lots to the extent practical. vii. Design main pedestrian connections across Mountain Village Boulevard to funnel a majority of the pedestrian traffic through the Mountain Village Hotel PUD as allowed by an existing pedestrian easement. Provide secondary pedestrian access to Parcel F Lot 161-CR or Parcel D Pond Lots provided a pedestrian easement is in place for such access. b. Parcel C-2 89 Lots Ridgeline Condos

i. Develop and operate with Parcel C-1 89 Lots Hotbed flagship hotel with parking, access and infrastructure provided through the Parcel C-1 89 Lots Hotbeds project to the extent practical.

ii. The development of Parcel C-2 89 Lots Ridgeline Condos is subject to the Ridgeline Development Regulations, including a maximum height of 35 feet. iii. Create alternative access to Parcel C-2 89 Lots Ridgeline Condos from upper Mountain Village Boulevard; access to other parts of Parcel C 89 Lots is prohibited to reduce traffic flow into this area. iv. Allow for demolition or alteration of existing single-family homes to facilitate parcel development.

c. Parcel C-3 89 Lots Transitional Condos i. Strive to develop and operate with Parcel C-1 89 Lots Hotbeds flagship hotel with parking, access and infrastructure provided through Parcel C-1 89 Lots Hotbeds project. Otherwise strive to create one access to the transitional condos to limit the number of access points onto Mountain Village Boulevard.

ii. Limit the maximum ridgeline to an elevation of 9,590.

John A. Miller

From: Winston Kelly <winstonkelly@gmail.com>
Sent: Wednesday, January 2, 2019 4:06 PM
To: John A. Miller
Cc: Forward Itrujillo; Forward bbrown; Forward deckman; Forward kbrown; Forward dcraige; Forward pevans; Forward ggarner; Forward lcaton; Forward jvatter; Laila Benitez; Bruce MacIntire; Dan Caton; Dan Jansen; Patrick Berry; Jack Gilbride; Natalie Binder; Michelle Haynes; mlynch@rwolaw.com; Herb McHarg
Subject: 3 Comment Letter Re Development Application and Proposed Zoning Amendment for January 3, 2019 hearing
Attachments: In response to the changing of language in CDC 17.docx

Hello,

It is all about Economics and the Comprehensive Plan says we are not ready for development until conditions improve. Reserve this vote & this land for the future!

Please print & review the attached document.

And Please vote NO to changing the language of CDC 17.3.4.

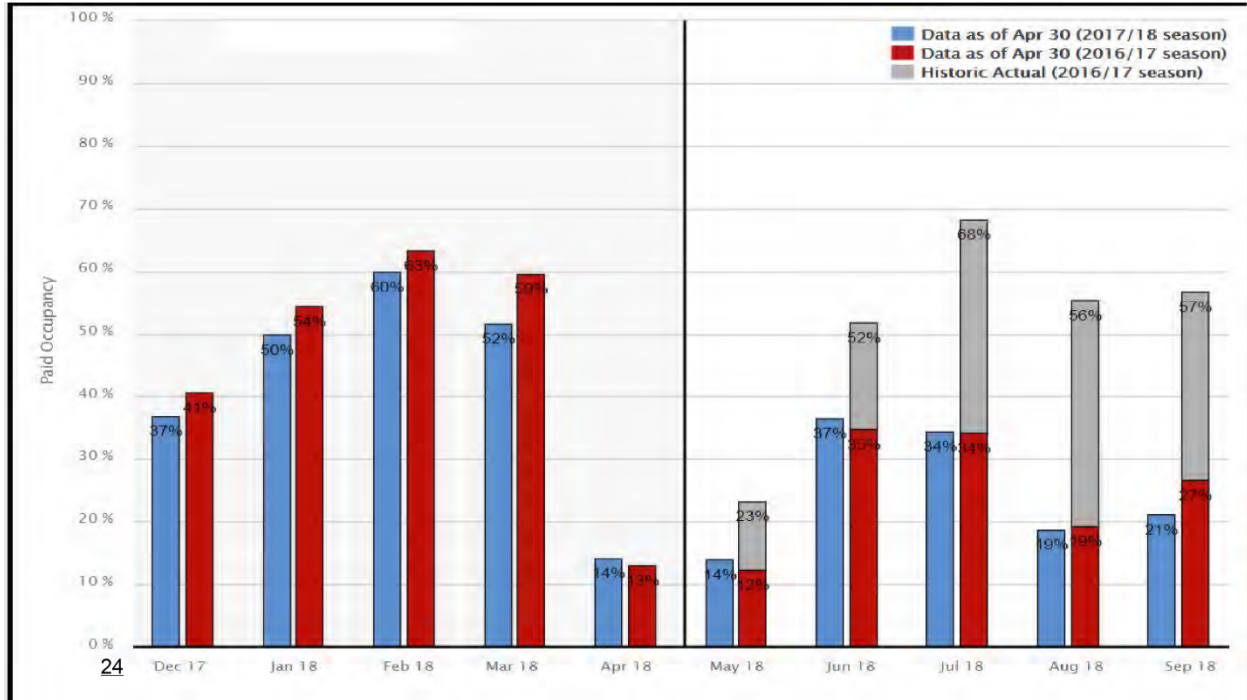
Concerned homeowner,

Winston Kelly

In response to the changing of language in CDC 17.3.4

Economic case

From the Town of Mountain Village Website; Tourism Board May 2018



Source: <https://townofmountainvillage.com/media/Marketing-Telluride-Inc.-Quarterly-Report.pdf>

2016/2017

35.7%

Occupancy

2017/2018

33.8%

Occupancy

Aspen 75% Vail 68% Snowmass 86%

Mountain Village Economic Model

Summary Reports

Scenario 1: Subarea Plan Buildout (45-55% Occ'y)

Scenario 2: Market Adjustment (45-55% Occ'y)

<https://townofmountainvillage.com/media/Mountain-Village-Economic-Model-Summary-Reports-April-2011.pdf>

These are some stats for which the Comprehensive plan is based on, Economic Models with an occupancy of 45% to 55%

We are coming together as a town to align our interest with The Comprehensive Plan. The Comprehensive plan contains many ideas but lets focus on the numbers.

Is anyone on the DRB or Town Council paying attention to the Comprehensive plan for which they wish to align? If so they would know that all of the economics that warrant further development, specifically in the Mountain Village Core Subarea, are based on an occupancy rate of 45% to 55%.

Once multi family condos are build that is forever, it is permanent, whether it is a good thing or a bad thing and In this case I believe a vote to to change the current language in CDC 17.304 to allow the re-zoning from single family to multi family is a very premature notion not worthy for a vote of yes.

The tourism density in the Mountain Village Core & Subarea is the highest Tourism density in San Miguel County, it is also the highest Tourism density on the entire Western Slope second only to Montrose, Durango, Cortez, & Grand Junction. (<https://www.census.gov/data.html>)

Re zoning should be on a lot by lot case by case scenario, not a swoop of all lots in an area.

If changing the language of CDC 17.3.4 doesn't guarantee that this is opening up these lots for immediate development then what is the point of voting on this right now?

If nothing is going to happen right away then why change the current code? Lets leave this vote to a future DRB & a future council & future environment that is capable of supporting such projects.

If this is approved today it exposes us all for development in a less than favorable economic environment & occupancy rate (33.8%)

If you think that no one will build a single-family home on these lots you are wrong. We made a run at both lots 104 & 89-2C with full intention of building single family homes and to retain open space in the neighborhood. Can you say the same about the intentions of Chalet 9545, you cannot!

There are currently no active applications for development on any of the lots under these zoning changes, so why is this up-zoning to multifamily from single family even remotely close to being on the docket & coming to a vote? The vote at this meeting to alter the current language, that is less than 2 years old, needs to be NO!

And in case anyone has short term memory issues, here is how you all voted 2 years ago and who all was in this meeting, if there was a need to alter our cherished neighborhood someone should have spoke up then, but no one did! Instead the town council members that were in place then which are still in place

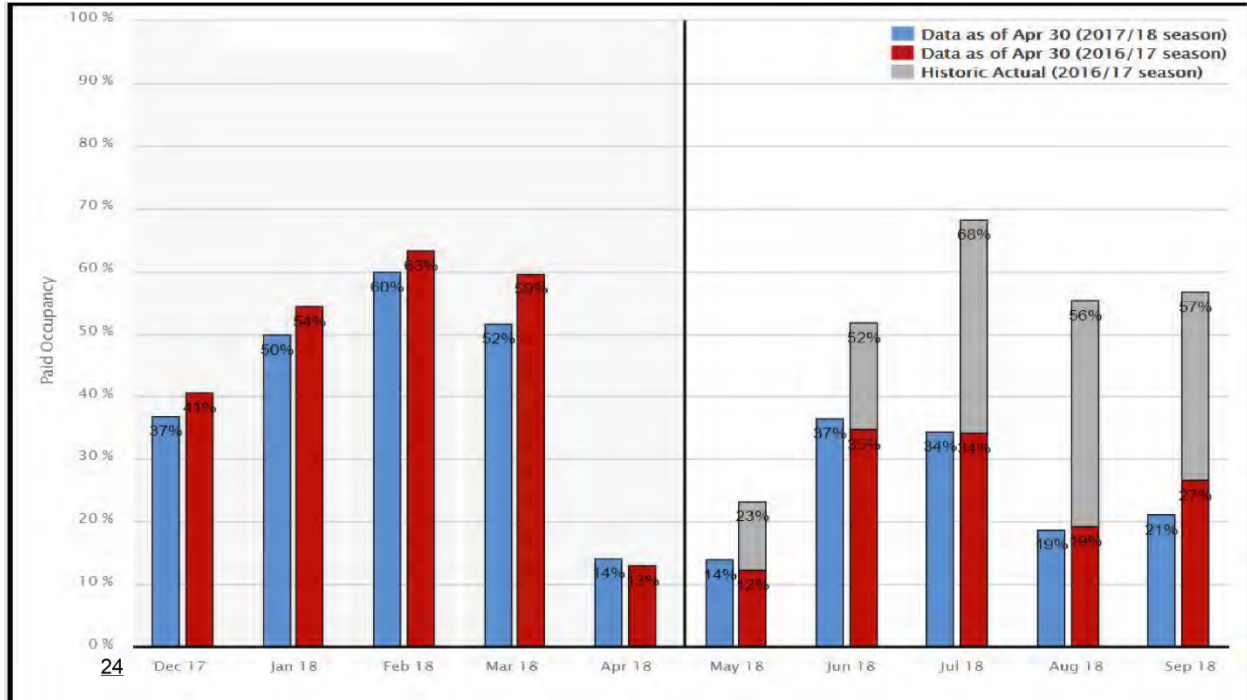
now voted 100% in favor of the current language in CDC 17.3.4. How can opinion complexly reverse in such a short time?

	Design Review Board	August 18th Mtg
Luke Trujillo, AIA	ltruji@mtnvillage.org	Yes
Banks Brown	bbrown@mtnvillage.org	Yes
David Eckman	deckman@mtnvillage.org	Yes
Phil Evans	pevans@mtnvillage.org	Yes
Greer Garner	ggarner@mtnvillage.org	Yes
Liz Caton	lcaton@mtnvillage.org	Yes
Jean Vatter	jvatter@mtnvillage.org	Yes
Keith Brown	kbrown@mtnvillage.org	
David Craige	dcraige@mtnvillage.org	
	Town Council	
Laila Benitez	lailabenitez@mtnvillage.org	Yes
Bruce MacIntire	bmacintire@mtnvillage.org	Yes
Dan Canton	dcaton@mtnvillage.org	Yes
Dan Jansen	djansen@mtnvillage.org	Yes
Patrick Berry	pberry@mtnvillage.org	
Jack Gilbride	jgilbride@mtnvillage.org	
Natalie Binder	nbinder@mtnvillage.org	

In response to the changing of language in CDC 17.3.4

Economic case

From the Town of Mountain Village Website; Tourism Board May 2018



Source: <https://townofmountainvillage.com/media/Marketing-Telluride-Inc.-Quarterly-Report.pdf>

2016/2017

35.7%

Occupancy

2017/2018

33.8%

Occupancy

Aspen 75% Vail 68% Snowmass 86%

Mountain Village Economic Model

Summary Reports

Scenario 1: Subarea Plan Buildout (45-55% Occ'y)

Scenario 2: Market Adjustment (45-55% Occ'y)

<https://townofmountainvillage.com/media/Mountain-Village-Economic-Model-Summary-Reports-April-2011.pdf>

These are some stats for which the Comprehensive plan is based on, Economic Models with an occupancy of 45% to 55%

We are coming together as a town to align our interest with The Comprehensive Plan. The Comprehensive plan contains many ideas but lets focus on the numbers.

Is anyone on the DRB or Town Council paying attention to the Comprehensive plan for which they wish to align? If so they would know that all of the economics that warrant further development, specifically in the Mountain Village Core Subarea, are based on an occupancy rate of 45% to 55%.

Once multi family condos are build that is forever, it is permanent, whether it is a good thing or a bad thing and In this case I believe a vote to to change the current language in CDC 17.304 to allow the re-zoning from single family to multi family is a very premature notion not worthy for a vote of yes.

The tourism density in the Mountain Village Core & Subarea is the highest Tourism density in San Miguel County, it is also the highest Tourism density on the entire Western Slope second only to Montrose, Durango, Cortez, & Grand Junction. (<https://www.census.gov/data.html>)

Re zoning should be on a lot by lot case by case scenario, not a swoop of all lots in an area.

If changing the language of CDC 17.3.4 doesn't guarantee that this is opening up these lots for immediate development then what is the point of voting on this right now?

If nothing is going to happen right away then why change the current code? Lets leave this vote to a future DRB & a future council & future environment that is capable of supporting such projects.

If this is approved today it exposes us all for development in a less than favorable economic environment & occupancy rate (33.8%)

If you think that no one will build a single-family home on these lots you are wrong. We made a run at both lots 104 & 89-2C with full intention of building single family homes and to retain open space in the neighborhood. Can you say the same about the intentions of Chalet 9545, you cannot!

There are currently no active applications for development on any of the lots under these zoning changes, so why is this up-zoning to multifamily from single family even remotely close to being on the docket & coming to a vote? The vote at this meeting to alter the current language, that is less than 2 years old, needs to be NO!

And in case anyone has short term memory issues, here is how you all voted 2 years ago and who all was in this meeting, if there was a need to alter our cherished neighborhood someone should have spoke up then, but no one did! Instead the town council members that were in place then which are still in place

now voted 100% in favor of the current language in CDC 17.3.4. How can opinion complexly reverse in such a short time?

	Design Review Board	August 18th Mtg
Luke Trujillo, AIA	ltrujiillo@mtnvillage.org	Yes
Banks Brown	bbrown@mtnvillage.org	Yes
David Eckman	deckman@mtnvillage.org	Yes
Phil Evans	pevans@mtnvillage.org	Yes
Greer Garner	ggarner@mtnvillage.org	Yes
Liz Caton	lcaton@mtnvillage.org	Yes
Jean Vatter	jvatter@mtnvillage.org	Yes
Keith Brown	kbrown@mtnvillage.org	
David Craige	dcraige@mtnvillage.org	
	Town Council	
Laila Benitez	lailabenitez@mtnvillage.org	Yes
Bruce MacIntire	bmacintire@mtnvillage.org	Yes
Dan Canton	dcaton@mtnvillage.org	Yes
Dan Jansen	djansen@mtnvillage.org	Yes
Patrick Berry	pberry@mtnvillage.org	
Jack Gilbride	jgilbride@mtnvillage.org	
Natalie Binder	nbinder@mtnvillage.org	

John A. Miller

From: Griffith Harsh <grharsh4@gmail.com>
Sent: Wednesday, January 2, 2019 4:40 PM
To: Laila Benitez; Michelle Haynes; John A. Miller
Subject: Zoning

Gentlemen:

As owners of Lot 137 on Granite Ridge and a Peaks condo, we are opposed to changing the single family lots on Mountain Village Blvd to Multi Family for condo development.

Please resist this change.

Thank you

Griff Harsh and Meg Whitman

John A. Miller

From: Michelle Haynes
Sent: Wednesday, January 2, 2019 5:12 PM
To: David Reed
Cc: jmahoney@jdreedlaw.com; John A. Miller
Subject: public comment on the CDC amendment

David:

John continues to receive public comment regarding the CDC amendment. John intends to create a cover sheet and one pdf of all the public comments in advance of tomorrow's meeting to distribute to the board and reference in the hearing. You will also get a comprehensive pdf of all the comments. Most of them are in opposition to the amendment.

Thanks and see you tomorrow.

Michelle Haynes, MPA
Planning and Development Services Director
Town of Mountain Village
455 Mountain Village Blvd. Suite A
Mountain Village, CO 81435
O:: 970-239-4061 – *PLEASE NOTE NEW OFFICE PHONE NUMBER*
M:: 970-417-6976
mhaynes@mtnvillage.org



[Email Signup](#) | [Website](#) | [Facebook](#) | [Twitter](#) | [Pinterest](#) | [Videos On Demand](#)

SIGN-IN SHEET

DRB MEETING

THURSDAY JANUARY 3, 2019

Please write clearly

ATTENDEE NAME (PLEASE PRINT CLEARLY)	EMAIL ADDRESS
HERB MCHARG	hmcharg@telluridelaw.net
JIM JENNINGS	jimjdrmi.net
J.J. OSSOLA	jjossola@gmail.com
MIKE LYUCH	mlyuch@rwolaw.com
Joelle Hadley-Alexander	
Ken Alexander	
Anton Benitez	
Sean Heyniger	seanhey@iaer.com
Winston Kelly	WinstonKelly@gmail.com
Cameron Kelly	cameronkelly@gmail.com
Alex Martin	alex@gotelluride.com
Marcus Ostromacki	marcus@gotelluride.com
Gail Kittler	gailkittler@yahoo.com
FRED KITTLER	fkittler@ficama.com
TD Smith	tdsmith.com
MR & MRS JOHN RAEZE	JRAEZE@GREERINDUSTRIES.COM
John Horn	
Step Salomon	stepalomon@telhi.com
Jack Kennedy	
Bill Jensen	
SALLY FIELD	SALLYFIELD@MVCABLE.NET

JANUARY 3, 2019

TOWN OF MOUNTAIN VILLAGE CITIZEN'S REQUEST TO SPEAK AT DESIGN REVIEW BOARD MEETINGS

Citizens are encouraged to attend the Design Review Board meetings and to participate in public hearings when the subject matter of such hearings is important to them. As a matter of general policy, neither Board Members nor Town staff should be expected to respond to matters raised during public comment. Nevertheless, Board Members will always retain the right to ask questions of the speaker and to respond then or at a later time to remarks made by any citizen. DRB will also refer certain matters raised in public comment to the Town Clerk or a Board or Committee for further study and discussion whenever warranted.

Speaker's Name	Address	Agenda Item #
1. Ben Jackson	2849	
2. Winston Kelly	710 Mtn Vly Blvd	
3. Cameron Kelly	710 Mtn Vly Blvd	
4. FRED KITTLE	702 Mtn. Village Blvd,	
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		
22.		
23.		
24.		
25.		
26.		
27.		