

**ORDINANCE NO. 2020-01**

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO APPROVING A REZONE AND DENSITY TRASNFER ON LOT 42B, UNITS 22A, 22B, AND 22C TO CONVERT THREE EFFICIENCY LODGE ZONING DESIGNATIONS UNITS INTO ONE LODGE ZONING DESIGNATION UNIT.**

**RECITALS**

- A. Justina and Julie Peeler (“**Owner**”) have submitted to the Town: (1) a rezoning and density transfer development application for a rezone of Units 22A, 22B, and 22C Blue Mesa Lodge Condominiums (Lot 42B) from three efficiency lodge units to one lodge unit; and (“**Applications**”) pursuant to the requirements of the Community Development Code (“**CDC**”).
- B. Justin and Julie Peeler are the owners of Units 22A, 22B and 22C, Blue Mesa Lodge Condominiums, and the associated development rights and density allocated to Units 22A, 22B, and 22C, Blue Mesa Lodge Condominiums.
- C. The proposed rezoning and density transfer is to combine two efficiency lodge units into one lodge unit pursuant to the requirements of the CDC.
- 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:

Figure 1. Current Zoning Designation for Units 33A and 33B, Lot 42B Blue Mesa Lodge Condominiums

<b>Unit No.</b>	<b>Zone District</b>	<b>Zoning Designation</b>	<b>Actual Units</b>	<b>Person Equivalent</b>
22A	Village Center	Efficiency Lodge	1	.5
22B	Village Center	Efficiency Lodge	1	.5
22C	Village Center	Efficiency Lodge	1	.5

Figure 2. Proposed Zoning Designation

<b>Unit No.</b>	<b>Zone District</b>	<b>Zoning Designation</b>	<b>Actual Units</b>	<b>Person Equivalent</b>
22ABC <sup>2</sup>	Village Center	Lodge	1	.75 <sup>1</sup>

<sup>1</sup> The excess density of .75 will be sold to support the future Rezone and Density Transfer Applications of current Lot 42B studio owners.

<sup>2</sup> Unit 22ABC may also renamed Unit 22 or similar.

Figure 3. Lot 42B Current Zoning Designation for the Property

<b>Lot</b>	<b>Zone District</b>	<b>Zoning Designation</b>	<b>Actual Units</b>	<b>Person Equivalent</b>	<b>Total Person Equivalent</b>
42B	Village Center	Efficiency Lodge	28	.5	14
	Village Center	Commercial	n/a	n/a	n/a

Figure 4. Lot 42B Proposed Zoning Designation for the property

Lot	Zone District	Zoning Designation	Actual Units	Person Equivalent	Total Person Equivalent
42B	Village Center	Efficiency Lodge	23	.5	13
	Village Center	Lodge	3	.75	.75
	Village Center	Commercial	n/a	n/a	n/a
					.25 <sup>1</sup>

- E. At a duly noticed public hearing held on December 5, 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 December 12, 2019 the Town Council conducted a first reading of an Ordinance and set a public hearing, pursuant to the Town Charter.
- G. On January 16, 2020, Town Council held a second reading and public hearing on the Ordinance and approved the application with conditions.
- H. The meeting held on December 12, 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 application meets 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 application meets the Rezoning Density Transfer Process criteria for decision contained in CDC Section 17.4.10(D)(2) as follows:

Density Transfer Findings

1. The applicant has the requisite required density of .75 person equivalents to execute a rezone from efficiency lodge to lodge zoning designation
2. The applicant has met or exceeded the parking requirement of .5 parking spaces
3. Blue Mesa Lodge is not identified in the Comprehensive Plan for redevelopment.

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

1. The applicant shall submit a condo map amendment and associated declarations, to the Town for review and approval showing the Units 22A, 22B, and 22C as one renumbered Lodge unit.
2. The Lot list shall be updated to reflect the rezone from three efficiency lodge units to one lodge unit.

**Section 1. Effect on Zoning Designations**

A. This Ordinance does not change any other zoning designation on the properties it only affects Units 22A, 22B and 22C.

**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 February 15, 2020 following public hearing and approval by Council on second reading.

**Section 5. Public Hearing**

A public hearing on this Ordinance was held on the 16<sup>th</sup> of January 2020 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 12<sup>th</sup> day of December 2019.**

**TOWN OF MOUNTAIN VILLAGE**

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

By:   
Laila Benitez, Mayor

ATTEST:

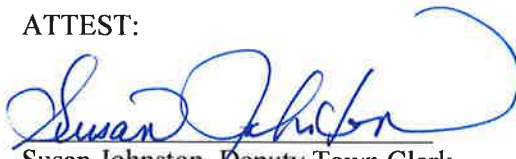
  
Susan Johnston, Deputy Town Clerk

**HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village,  
Colorado this 16th day of January 2020.**

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

By:   
Laila Benitez, Mayor

ATTEST:

  
Susan Johnston, Deputy Town Clerk

Approved as To Form:

  
Jim Mahoney, Assistant Town Attorney

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

1. The attached copy of Ordinance No. 2020-01 ("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 December 12, 2019, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor	X			
Dan Caton, Mayor Pro-Tem	X			
Martinique Davis Prohaska	X			
Peter Duprey	X			
Patrick Berry	X			
Natalie Binder	X			
Jack Gilbride	X			

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 December 18, 2019 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 January 16, 2020. 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			X	
Dan Caton, Mayor Pro-Tem	X			
Martinique Davis Prohaska	X			
Peter Duprey	X			
Patrick Berry	X			
Natalie Binder			X	
Jack Gilbride	X			

5. The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me as Deputy 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 16<sup>th</sup> day of January 2020.

(SEAL)



*Susan Johnston*  
Susan Johnston, Deputy Town Clerk