

CITY OF LEADVILLE, COLORADO
RESOLUTION NO. 11
Series of 2019

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEADVILLE,
COLORADO, MEMORIALIZING CITY COUNCIL'S APPROVAL AND
CONDITIONAL APPROVAL OF VARIANCE REQUESTS FOR THE RAILYARD AT
LEADVILLE PHASE 1 COMBINED PRELIMINARY PLAN AND FINAL PLAT**

WHEREAS, the City of Leadville is authorized pursuant to Title 31, Article 23, C.R.S. and the City of Leadville Subdivision Regulations, codified at Chapter 16 of the Leadville Municipal Code, to regulate the subdivision of land; and

WHEREAS, the City Council may, by resolution, grant variances from any standard or requirement imposed by the City's subdivision regulations for an identifiable lot, block or property pursuant to Section 16.28.060 of the Leadville Municipal Code; and

WHEREAS, High Country Developers, LLC, a Colorado limited liability company (the "Applicant"), submitted eleven (11) variance requests in conjunction with the submittal of an application of a combined preliminary plan and final plat (the "Final Plat") for Leadville Railyard, Filing 1; and

WHEREAS, the Applicant seeks variances from certain traffic and drainage standards and requirements set forth in the City's subdivision regulations; and

WHEREAS, the eleven (11) variances submitted by Applicant are summarized in that certain Staff Report prepared for City Council for review at the June 4, 2019 regular meeting ("June 4 Staff Report"); and

WHEREAS, a copy of the June 4 Staff Report, consisting of 32 pages, is on file with the Deputy City Clerk and is incorporated herein by reference; and

WHEREAS, the Leadville Planning and Zoning Commission ("Commission") considered the variance requests during a duly noticed public hearing held on May 22, 2019, which hearing was continued to May 29, 2019; and

WHEREAS, following the conclusion of the hearing and consideration of the Applicant's variance requests by the Commission, the Commission recommended either approval or conditional approval of all of the Applicant's variance requests to City Council as more particularly summarized in the table below:

Variance Request No.	Applicable Code Section	Planning & Zoning Recommendation
1	16.32.020.A.6	Approve with conditions
2	16.32.020.A.7	Approve (no conditions)
3	16.32.020.A.8	Approve with conditions
4	16.32.020.A.7,12,13	Approve with conditions
5	16.32.020.A.10	Approve (no conditions)
6	16.32.020.A.11	Approve (no conditions)
7	16.12.080.C; 16.12.070.E	Approve with conditions
8	16.32.020.A.9	Approve (no conditions)
9	16.12.080.C; 16.12.070.E	Approve with conditions
10	16.12.080.D.2.d	Approve (no conditions)
11	16.32.020.A.12; 16.32.020.A.13	Approve with conditions

WHEREAS, the City Council considered the variance requests during a duly noticed public hearing on June 4, 2019; and

WHEREAS, the administrative record for this matter includes, but is not limited to, the City of Leadville Subdivision Regulations, the Leadville Municipal Code, City of Leadville Comprehensive Plan, all other applicable ordinances, resolutions and regulations, the staff files and reports of the City’s planning and engineering case managers for this case, including RG & Associates and Community Planning Strategies, the June 4 Staff Report, any and all submittals by the Applicant, Applicant’s representatives, and members of the public, and the tape recordings and minutes of both the Commission and City Council meetings at which this application was considered; and

WHEREAS, the Applicant has agreed to all conditions of approval as stated in this Resolution; and

WHEREAS, the City Council has determined that, subject to the conditions of approval as hereinafter delineated, the variance requests meet all applicable criteria set forth in the City of Leadville Subdivision Regulations and advances the public health, safety, convenience and general welfare of the residents of the City; and

WHEREAS, the City Council desires to approve or conditionally approve each of the Applicant's variance requests substantially in conformance with the recommendations of the Commission as set forth in this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Leadville, Colorado as follows:

Section 1. Recitals. The foregoing recitals are incorporated herein by reference as findings and determinations of City Council.

Section 2. Variance Request Approvals and Conditions. The City Council hereby finds that the evidence presented to City Council at the public hearing on June 4, 2019 was competent and sufficient to establish that the applicable standards set forth in Section 16.28.060 of the Leadville Municipal Code are satisfied. The City Council hereby approves each of the variance requests submitted by the Applicant and imposes conditions on certain of those requests as follows:

Variance Request (1). Variance Request No. 1 is approved with the following condition:

The Applicant shall provide vehicular access to 13th Street with final alignment to be determined at the time of site plan review with updated trip generation information or a traffic study conformance letter for Lot 1, Block 1.

Variance Request (2). Variance Request No. 2 is approved with no conditions.

Variance Request (3). Variance Request No. 3 is approved with the following conditions:

- (a) A vertical curve will be added at Hemlock Street near 12th Street;
- (b) A vertical curve will be added at the alley near 12th Street;
- (c) A vertical curve will be added at the entrance to Lot 1, Block 1; and
- (d) Concrete crosspans will be added along Grand Review Drive on each side at the intersection of Silver Vault Street and Prospect Street.

Variance Request (4). Variance Request No. 4 is approved with the following condition:

The Applicant shall install stop signs at the intersections of 15th Street and Jackson's Way and 13th Street and Jackson's Way.

Variance Request (5). Variance Request No. 5 is approved with no conditions.

Variance Request (6). Variance Request No. 6 is approved with no conditions.

Variance Request (7). Variance Request No. 7 is approved with the following conditions:

- (a) A concrete forebay shall be added at the storm sewer pipe outfall into Detention Pond 2, located in Outlot A;
- (b) A concrete micropool shall be added as part of the outlet structure for Detention Pond 1, located in Lot 1, Block 1, and for Detention Pond 2;
- (c) An emergency spillway with riprap overflow shall be added to Detention Pond 1 and Detention Pond 2;
- (d) CDOT Type C grates shall be added to the outlet structure for Detention Pond 1 and Detention Pond 2;
- (e) Concrete trickle channels will not be required due to the interim nature of the surface detention ponds;
- (f) The outlet structure design shall be modified so the discharge from the 2-year and 5-year (as well as all other events) do not exceed the historic rate of release;
- (g) The future underground detention storage shall provide water quality in isolator rows and the further design and installation of future underground detention will be with the site plans for the development of each of the respective lots; and
- (h) Concerning Detention Pond 1 and Detention Pond 2, the Applicant or Applicant's successors or assigns shall:
 - (i) Update Detention Pond 1 five (5) years after the recordation of the Railyard at Leadville Final Plat to meet the then-current Urban Storm Drainage Criteria Manual standards if, at that time, such Pond 1 remains in use and underground drainage facilities, as contemplated by the Railyard at Leadville Phase 1 Combined Preliminary Plan and Final Plat application, have not yet been constructed; and
 - (ii) Update Detention Pond 2 ten (10) years after the recordation of the Railyard at Leadville Final Plat to meet the then-current Urban Storm Drainage Criteria Manual standards if, at that time, such Pond 2 remains in use and underground drainage facilities, as contemplated by the Railyard at Leadville Phase 1 Combined Preliminary Plan and Final Plat application, have not yet been constructed.

Variance Request (8). Variance Request No. 8 is approved with no conditions.

Variance Request (9). Variance Request No. 9 is approved with the same conditions as set forth above for Variance Request No. 7.

Variance Request (10). Variance Request No. 10 is approved with no conditions.

Variance Request (11). Variance Request No. 11 is approved with the following condition:

At the three locations identified on the RG & Associates exhibit for Variance Request No. 11, the Applicant shall install a hammerhead turnaround or other sufficient turnaround or temporary connecting loop such that vehicles do not have to back out of those alley locations.

Section 3. Conditions of Approval Necessary. The City Council hereby finds and determines that all conditions of approval as set forth herein are necessary to protect the health, safety and welfare of the City and its residents.

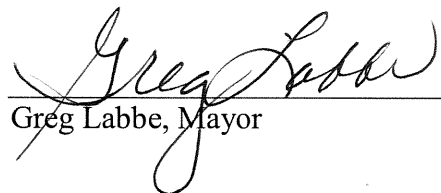
Section 4. Submission of Updated Plans. Applicant is required to submit new plans and drawings, as necessary, that reflect the conditions of approval set forth herein prior to the recordation of the Final Plat.

Section 5. Recordation. In accordance with Section 16.28.060.C of the Leadville Municipal Code, the Deputy City Clerk shall file a certified copy of this Resolution in the office of the Lake County Clerk and Recorder for recording in the real property records of Lake County, Colorado, at the Applicant's expense, within ten (10) business days of approval of this Resolution. by the City Council.

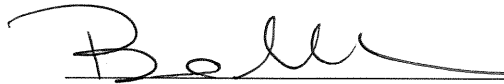
Section 6. Effective Date. This Resolution shall take effect upon its adoption by the City Council.

ADOPTED the 18 day of June, 2019, by a vote of 6 in favor, 0 against, and 0 absent.

CITY OF LEADVILLE, COLORADO

By: 
Greg Labbe, Mayor

ATTEST:


Bethany Maher, Deputy City Clerk

