



**CITY OF LEADVILLE**  
**Tuesday, August 10, 2021 – 6:00 P.M.**  
**SPECIAL COUNCIL MEETING MINUTES**  
**800 HARRISON AVE, LEADVILLE, CO.**

**Call to order** of regular meeting at 6:02 p.m. in Council Chambers.

**Roll call:** CM Lauritzen, CM Hill, Mayor Labbe, CM Gowing, CM Greene, CM Forgensi, and CM Tharp were all present.

**Approval of the agenda:** CM Gowing moved to approve the agenda. CM Hill seconded. Passed unanimously.

**Housekeeping matters:** CM Lauritzen spoke about the alley needing maintenance on Orange between 7<sup>th</sup> and 6<sup>th</sup> Street to help with the rain drainage. CM Forgensi mentioned that the 500 block west of James on West 7<sup>th</sup> Street needs some maintenance also. Mayor Labbe mentioned that we need to find some grants to install covered bus stops. Mayor Labbe will be doing an interview for the street department supervisor on Monday at 10:00 a.m. if anyone from City Council would like to join.

**There were no public comments for items not on the agenda.**

**Resolution No. 18, Series of 2021: A Resolution Setting the Neighborhood Boundaries to Determine Needs and Desires for New Liquor License Applications.** Presented by City Attorney, Christiana McCormick.

CM Gowing moved to adopt Resolution No. 18, Series of 2021, A Resolution Setting the Neighborhood Boundaries to Determine Needs and Desires for New Liquor License Applications. MPT Greene seconded. Passed unanimously.

**Public Hearing - Application of La Victoria AA LLC for a New Retail Fermented Malt Beverage License (Off-Premises) at 500 Harrison Avenue, Unit 2.** Presented by Nora Arreola and Leandra Algarate. (6:09 p.m. – 6:25 p.m.)

Mayor Labbe moved that the entire corporate limits of the City of Leadville be considered as the neighborhood for purposes of this liquor license application and the public hearing pursuant to Resolution No. 18, Series 2021. CM Tharp seconded. Passed unanimously.

There were no comments in favor or opposition of this application.

CM Forgensi moved to close the public input portion of the public hearing. CM Hill seconded. Passed unanimously.

MPT Greene moved to approved a New Retail Fermented Malt Beverage License (Off-Premises) for La Victoria AA LLC based on the facts and evidence presented at the public hearing, findings set forth in the



deputy city clerk's council communication form for this application, and any findings of the Authority made at the public hearing. CM Sharp seconded. Passed unanimously.

**Break:** 6:25 p.m. – 6:35 p.m.

**Joint Public Hearing with the Planning & Zoning Commission and City Council for two applications from High County Developers.**

**Planning & Zoning Commission members present:** Gabby Voller, Augustina Remedios, Scott Bauer, Alex Haler and Mayor Labbe.

**Public Hearing – High Country Developer's Application for Railyard Leadville, Filing #1 Amendment #1, A Minor Subdivision Plat for the Re-Subdivision of Outlot A, Railyard Leadville, Filing 1.** Presentation was made by Joy McGee and Krystal Welp with RG & Associates. Ronnie Pelusio and Melissa Harrison with Pel-Ona Architects & Urbanists presented on behalf of the applicant. The applicant, John Lichtenegger, was also present to answer questions.

There was no ex parte communication. Mark Heyde, Kristi Galarza, David Scholtz and Kit Williams spoke in favor. No were no comments in opposition.

CM Forgens moved to close the public input portion of the public hearing. CM Gowing seconded. Passed unanimously. (8:00 p.m.)

John O'Neal and Scott Simmons with Fading West Development gave a short presentation about affordable housing for local employees. Andre Covvillion with Real Architecture gave a short presentation on the proposed hotel.

**Planning & Zoning Commission presented the following recommendations to City Council.**

**MINOR PLAT**

Commissioner Voller moved that the Planning and Zoning Commission recommend to City Council conditional approval of the Railyard Leadville, Filing No. 1, Amendment No.1 Minor Subdivision based on a finding that the application meets all standards for approval set forth in the Leadville Subdivision Regulations, subject to the applicant completing the conditions set forth in the Staff Memorandum for this application from RG & Associates to the satisfaction of the City's planning consultant, City Staff, and the City Attorney prior to the recording of the Minor Subdivision Plat with the Lake County Clerk and Recorder. Commissioner Remedios seconded. Commissioner Haler, Commissioner Bauer, Commissioner Remedios, Mayor Labbe and Commissioner Voller voted in favor. There were no votes in opposition.

The administrative conditions were clarified to be as follows:

- The outlot designation (Tract G) should be split into two tracts instead of one tract covering the two Outlots.
- Corrected title work shall be provided that provides a legal description consistent with the property description on the Minor Subdivision Plat.



- A Subdivision Improvement Agreement (SIA), including an approved Engineer's Cost Estimate and exhibits for Mountain View Drive, is required to be completed and signed by the Developer and the City prior to recordation of the Minor Subdivision Plat. The completed SIA must be recorded concurrently with the Minor Subdivision Plat.
- The Minor Subdivision Plat for Phase 2 and Phase 3 must be approved by City Council and Recorded with the Lake County Clerk and Recorder prior to the recording of the PUD. All technical, formatting, and grammatical revisions by RG and Associates, LLC and Staff must be completed prior to recording the PUD.

**Break:** 9:00 p.m. – 9:05 p.m.

## **PUD**

Commissioner Remedios moved that the Planning and Zoning recommend to City Council conditional approval of the Railyard Leadville Phase 2 PUD based on a finding that the application satisfies all standards for approval set forth in Chapter 17.92 of the Leadville Municipal Code, subject to the conditions set forth in the Staff Memorandum #1 through 6 for this application from RG & Associates and #7 they recommended that the applicant make a \$60,000 contribution to the existing open space recreation area to the City of Leadville, #8 require that 10% of the residential units, should be 5 of the area outlined in yellow and then 10% of any future developed residential units built in the commercial zone on Highway 24 corridor be deed restricted based on the community guidelines set forth for the City of Leadville that are published before the plat of Phase 2 of the PUD, #9 they recommend amending sheet #9 that housing category types/building types amend that only building 5 of block 7 can have a maximum of 60 feet and add an additional building type category 5 to have a maximum of 42 feet, #10 on page 9 move restaurant's fast-food drive-up to allowed uses to conditional uses. Commissioner Voller seconded. Commissioner Haler, Commissioner Bauer, Commissioner Remedios, Mayor Labbe and Commissioner Voller voted in favor. There were no votes in opposition.

Staff recommends approval of the Railyard Leadville Phase 2 PLANNED UNIT DEVELOPMENT ZONING OVERLAY subject to the following CONDITIONS:

1. The legal on the PUD will be corrected to reflect only OUTLOT B and the associated ROW dedication as described on the Minor Subdivision Plat (the PUD does not govern the remaining land described as Outlot C).
2. A note should be added to the PUD stating that the "triggers" for the improvement of streets, alleys, sidewalks, park land, greens and trails shall be clearly identified in the future Phase 2 parcel platting and subdivision improvement agreements.
3. The PUD should reference the Leadville Municipal Code as adopted and amended from time to time and delete the references to compliance with the Code as adopted January 5, 2017.
4. A note should be added to the PUD regarding the assurance of compliance for the installation and maintenance of the landscaping of common areas, including street trees, to be the responsibility of the developer and assigned to the Railyard Residential Homeowner's Association and any successor master HOAs.



5. All technical, formatting, and grammatical revisions must be completed prior to recording the PUD.

6. The Phase 2 PUD may be recorded only after the Railyard Leadville, Filing No. 1 Amendment No. 1, Minor Subdivision Plat has been recorded.

**City Council went into deliberation. (9:16 p.m.)**

**Resolution No. 19, Series of 2021: A Resolution Conditionally Approving the Railyard Leadville Filing #1 Amendment #1 Minor Subdivision Plat and Approving a Subdivision Improvement Agreement with High Country Developers, LLC.**

MPT Greene move to adopt Resolution No. 19, Series of 2021, A Resolution Conditionally Approving the Railyard Leadville Filing No. 1, Amendment No. 1, Minor Subdivision Plat and Approving a Subdivision Improvement Agreement with High Country Developers, LLC. CM Gowing seconded. Passed unanimously.

**Ordinance No. 9, Series of 2021: An Ordinance Conditionally Approving a Planned Unit Development (PUD) Overlay District Zoning for Certain Land Known as Railyard Leadville Phase 2 and Amending the Official Zoning Map of the City.**

**Break: 10:00 p.m. – 10:05 p.m.**

MPT Greene moved to adopt Ordinance No. 9, Series of 2021, An Ordinance Conditionally Approving Planned Unit Development Overlay (PUD) District Zoning for Certain Land Known as Railyard Leadville Phase 2 and Amending the Official Zoning Map of the City on first reading, as amended. I further move to schedule second reading and a public hearing on this Ordinance for City Council’s regular meeting on Tuesday, September 7, 2021. Seconded by CM Hill. Passed unanimously.

Below are the amendments agreed upon:

- At least five (5) dwelling units shall be subject to city-approved deed restrictions, which shall be determined at the time of applicant’s filing of a land development application for the Phase 2 Parcel (Outlot B, Railyard Leadville, Filing No. 1 Amendment No. 1, Minor Subdivision Plat) and which shall be consistent with community guidelines if such guidelines are approved by the City prior to applicant’s submission of such land development application.
- On page 9 of the Phase 2 PUD, the applicant shall amend the HWY 24 Building Lot Type to specify that only Building 5 of Block 7 shall have a maximum height of 60 feet, and Developer shall create an additional HWY 24 Building Lot Type with a maximum building height of 42 feet to accommodate all other buildings in Block 7; and
- On page 9 of the Phase 2 PUD, the applicant shall move “restaurants with fast food drive-ups” from an Allowed Use to Conditional Use.

**No changes to the Public Meetings Planner.**



**Mayor Report:** Mayor Labbe will have a Twinning Proclamation ready next week. Mayor Labbe asked for \$2,000 out of the contingency fund to support the Continental Divide 3-Day Seminar. City Council agreed to fund the seminar.

**There were no Council reports.**

**There were no additional public comments about items not on the agenda.**

**Adjournment:** 10:17 p.m.

**APPROVED** this 14th day of September, 2021 by a vote of 6 in favor, 0 against, 0 abstaining, and 1 absent.

CITY OF LEADVILLE, COLORADO

ATTEST:

By

  
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Diane Kiss, Deputy City Clerk