

**CITY OF LEADVILLE, COLORADO**  
**Ordinance No. 4**  
**Series of 2019**

**AN ORDINANCE APPROVING THE RAILYARD AT LEADVILLE  
PHASE 1 PLANNED UNIT DEVELOPMENT (PUD), FIRST  
AMENDMENT**

WHEREAS, the Railyard at Leadville Planned Unit Development Phase 1 (“Phase 1 PUD”) was approved by Ordinance No. 13, Series 2017 of the City Council, after consideration by the City Planning and Zoning Commission at a duly noticed public hearing as required by the Leadville Municipal Code (“LMC”); and

WHEREAS, the Phase 1 PUD established zoning for certain property consisting of approximately 15.8 acres, more or less, and located generally north and east of the intersection of E. 12<sup>th</sup> Street and Highway 24 in the City of Leadville, County of Lake, State of Colorado, and west of the railroad tracks (the “Property”); and

WHEREAS, Pel-Ona Architects & Urbanists (“Applicant”), on behalf of the current owner of the Property, High Country Developers LLC (the “Owner”), has submitted an application seeking approval of an amendment to the Phase 1 PUD (“Amendment”); and

WHEREAS, the Property is more particularly described in the Amendment and a legal description of the Property is attached to this Ordinance as **Exhibit A**; and

WHEREAS, the City of Leadville Planning and Zoning Commission considered the Amendment at a duly noticed public hearing and recommended approval of the Amendment, subject to certain conditions; and

WHEREAS, the City Council considered the Amendment at a public hearing on September 3, 2019, and provided the Applicant, the Owner, and the public an opportunity to present testimony and evidence regarding the Amendment; and

WHEREAS, notification of the public hearing was completed in accordance with Section 17.40.120 of the LMC; and

WHEREAS, the administrative record for this case includes, but is not limited to, the LMC, the City of Leadville, Colorado, Comprehensive Plan, and all other applicable ordinances, resolutions and regulations, together with all City of Leadville land use application processing policies that relate to the subject matter of the public hearing, reports, studies and all other submittals of the Applicant, the Owner, or the Applicant’s or Owner’s designated representative(s), as applicable, any evidence or correspondence submitted by members of the public at the public hearing, and the staff files and reports of the City’s Planning Project Manager, if applicable, pertaining to the proposed Amendment; and

WHEREAS, pursuant to Article 23 of Title 31, C.R.S., as amended, City Council has determined that the proposed Amendment, subject to any conditions set forth herein, furthers the public health, safety, convenience and general welfare of the community; generally conforms

with the City's Comprehensive Plan, as amended and updated; is compatible with surrounding uses; and otherwise meets the applicable approval criteria set forth in the LMC; and

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with Section 2.08.070 of the LMC by setting this Ordinance for consideration on second reading; and approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects, or denies the proposed zoning.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CITY OF LEADVILLE, COLORADO:**

**Section 1. Recitals Incorporated.** The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the City Council.

**Section 2. Amendment Approved.** The City Council hereby grants and approves the following Amendment requests:

1. Add a new number 5 under the "Landscape Design Standards" section of the Phase 1 PUD to address street trees, specifically establishing Minimum Spacing, Distance from Street Corner, Distance from Fireplugs, Distance from Curbs and Sidewalks, and Avoidance of Utilities standards, as follows:

Minimum Spacing: Minimum spacing for trees shall be in accordance with Section 12.28.050 of the LMC.

Distance from Street Corners: Trees shall be at least five (5) feet from street corners.

Distance from Fireplugs: Trees shall be at least five (5) feet from fireplugs.

Distance from Curbs and Sidewalks: Distance of trees from curbs and sidewalks shall conform with Section 12.28.050 of the LMC. In addition, trees may be placed in tree grates within sidewalks.

Avoidance of Utilities: Trees may be placed within any distance from a utility easement with consent from the utility provider.

Sight Distance at Intersections. All landscaping in or adjacent to rights-of-way shall be trimmed and maintained to keep a safe and adequate sight distance at intersections.

2. Add the following language to the "Applicable Codes & Regulations" section of the Phase 1 PUD: "All proposed site development and improvements within the Railyard

at Leadville Phase 1 PUD are subject to Site Plan approval by the City of Leadville as set forth in Chapter 17.54, Site Plans, of the Leadville Municipal Code, as amended.”

3. Amend the language in the third paragraph of the “Site & Design Elements” section of the Phase 1 PUD to read as follows:

Sidewalks will be provided for pedestrian circulation throughout the neighborhood. High Country Developers will install a minimum of an 8’ sidewalk buffered from the HWY 24 edge of curb by a minimum of 2’ adjacent to HWY 24. Where said sidewalk is located on private property, High Country Developers agrees to cause an easement for public access for the sidewalk to be recorded with the Lake County Clerk and Recorder’s office. High Country Developers reserves the right to apply for and receive local and federal grant funding for the construction of said sidewalk.

4. Amend the first paragraph under the “Public & Shared Property Agreements” section of the Phase 1 PUD to read as follows:

Responsibilities for developing, maintaining, and owning McClary Park, Mineral Belt Green, and MatchStick Green shall be outlined and described within the Subdivision Improvement Agreement. If grants or loans are to be sought for development of parks in Phase 1, the developer and City intend to work in good faith to partner for the successful funding of applications. All maintenance of public open space and common areas will meet the standards under Sec. 17.40.090 of the Leadville Municipal Code, unless specifically addressed within this PUD or future Major Subdivision approvals.

5. Add a new “Exceptions to Building Height” section to page 7, Definitions, of the Phase 1 PUD, to state as follows:

**Exceptions to Building Height:**

The following may extend above the maximum building height, except that no building, feature or projection shall exceed forty-five (45) feet in height:

- Parapets, cornices, pediments, or other architectural features may extend a maximum of three (3) feet above the maximum building height.
- Vertical roof projections such as vents, stacks, roof entrances, photovoltaic panels, or other roof-mounted mechanical equipment may extend a maximum of two (2) feet above the maximum building height.
- Gable roofs, shed roofs, and their building faces may extend a maximum of five (5) feet above the maximum building height provided the total roof

area extending above the maximum building height shall not be more than fifteen (15) percent of the area of the building footprint.

- Elevator shafts and their roof forms may extend a maximum of five (5) feet beyond the maximum building height. The design of which shall be integral to the overall character of the building.

In cases where lot types have maximum building heights that vary based on a percentage relationship of building footprint, these exceptions shall only apply to the lower limit. If the building height plus the allowed exception exceeds the cumulative height of the lower limit, this area of the building footprint shall apply to the allowed percentage of the higher limit.

6. Add a new “Administrative Adjustment” section to page 7, Definitions, of the Phase 1 PUD, to state as follows:

**Administrative Adjustment:**

The administrative adjustment procedure is intended to allow minor modifications or deviations from the dimensional or numeric standards of this PUD with approval by the City of Leadville Planning Official. Administrative adjustments are intended to provide greater flexibility when necessary, without requiring a formal zoning amendment or variance. The administrative adjustment procedure is not a waiver of Leadville Municipal Code standards and shall not be used to circumvent the variance procedures.

Administrative adjustments shall not apply to any proposed modification or deviation that results in:

1. An increase in the overall PUD density;
2. A change in the permitted uses listed in the PUD;
3. A change to a standard already modified through a separate administrative adjustment or variance; or
4. A change to a standard not specifically identified in the PUD; or
5. Any building, including feature or projection, height exceeding forty-five (45) feet.

An application for an administrative approval shall be submitted in accordance with the conditional use permit submittal requirements as set forth in the Leadville Municipal Code.

Action on the administrative approval shall be based on the conditional use permit criteria for action set forth in the Leadville Municipal Code.

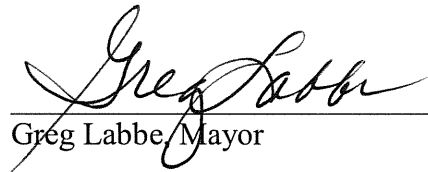
**Section 3. Condition of Approval.** The approval(s) granted in this Ordinance shall not become effective until a final plat for the Property is approved by City Council and recorded

with the Lake County Clerk and Recorder. The City Clerk is hereby instructed to withhold recordation of the Amendment until receipt of a recorded final plat for the Property.

**Section 4. Severability.** Should any one or more sections or provisions of this ordinance or enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

**Section 5. Repeal.** Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code provision heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to the taking effect of this ordinance.

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED in full on first reading this 6<sup>th</sup> day of August, 2019.

  
\_\_\_\_\_  
Greg Labbe, Mayor

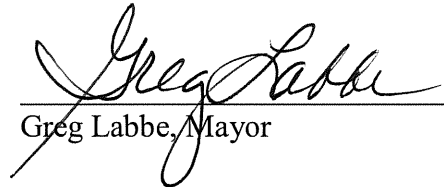
ATTEST:

  
\_\_\_\_\_  
Bethany Maher, Deputy City Clerk

PUBLISHED in full in *The Herald Democrat*, a newspaper of general circulation in the City of Leadville, Colorado, on August 13, 2019.

PASSED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED BY  
TITLE ONLY, with any amendments, this 3 day of September, 2019.

CITY OF LEADVILLE, COLORADO

  
\_\_\_\_\_  
Greg Labbe, Mayor

ATTEST:

  
\_\_\_\_\_  
Bethany Maher, City Clerk

PUBLISHED by title only, with any amendments, in *The Herald Democrat*, a newspaper of  
general circulation in the City of Leadville, Colorado, on September 10, 2019.

**Exhibit A**

DESCRIPTION OF PHASE 1 PARCEL  
RAILYARD AT LEADVILLE PHASE 1 PUD

DEVELOPMENT PARCEL – PHASE 1

THAT PORTION OF THE SIZER PLACER U.S. SURVEY NO. 388, SEARL PLACER U.S. SURVEY NO. 436 AND THE CAPITOL PLACER U.S. SURVEY NO. 977, LOCATED WITHIN SECTION 23 AND 24, TOWNSHIP 9 SOUTH, RANGE 80 WEST OF THE 6TH PRINCIPAL MERIDIAN, LAKE COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT CORNER NO. 4 OF SAID SEARL PLACER, U.S. SURVEY NO. 436, ALSO BEING CORNER NO. 2 OF THE JACOBSON PLACER, U.S. SURVEY NO. 380. A FOUND 2" BRASS CAP FROM WHICH CORNER NO. 1 OF SAID JACOBSON PLACER A FOUND 2" BRASS CAP BEARS N.  $65^{\circ} 00' 00''$  W., A DISTANCE OF 2,865.39 FEET AND THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 13, A FOUND STONE BEARS S.  $61^{\circ} 11' 22''$  E., A DISTANCE OF 1,265.53 FEET; THENCE S.  $82^{\circ} 31' 53''$  W., A DISTANCE OF 742.23 FEET TO CORNER NO. 2 OF A PARCEL OF LAND AS DESCRIBED IN 498 AT PAGE 6 OF LAKE COUNTY RECORDS, THENCE N.  $68^{\circ} 58' 22''$  W. ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN BOOK 498 AT PAGE 6, A DISTANCE OF 486.84 FEET TO THE EASTERLY LINE OF A PARCEL OF LAND AS DESCRIBED IN BOOK 319 AT PAGE 79 OF LAKE COUNTY RECORDS; THENCE S.  $20^{\circ} 26' 00''$  W. ALONG SAID EASTERLY LINE OF PARCEL DESCRIBED IN BOOK 319 AT PAGE 79, A DISTANCE OF 377.97 FEET TO THE SOUTHEASTERLY CORNER OF SAID PARCEL DESCRIBED IN BOOK 319 AT PAGE 79;

THENCE N.  $69^{\circ} 12' 00''$  W. ALONG THE SOUTHERLY LINE OF SAID PARCEL DESCRIBED IN BOOK 319 AT PAGE 79, A DISTANCE OF 162.23 FEET TO THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 24 AS DESCRIBED IN 261 AT PAGE 191 OF LAKE COUNTY RECORDS;

THENCE S.  $20^{\circ} 20' 05''$  W. ALONG SAID EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 24, A DISTANCE OF 59.89 FEET TO THE NORTH LINE OF A PARCEL OF LAND AS DESCRIBED IN BOOK 377 AT PAGE 264, LAKE COUNTY RECORDS;

THENCE S.  $69^{\circ} 12' 00''$  E. ALONG SAID NORTH LINE OF A PARCEL OF LAND DESCRIBED IN BOOK 377 AT PAGE 264, A DISTANCE OF 188.13 FEET TO THE NORTHEASTERLY CORNER OF SAID PARCEL DESCRIBED IN BOOK 377 AT PAGE 264;

THENCE S.  $20^{\circ} 26' 00''$  W. ALONG THE EASTERLY LINE OF SAID PARCEL AS DESCRIBED IN BOOK 377 AT PAGE 264, A DISTANCE OF 275.00 FEET TO THE

SOUTHEASTERLY CORNER OF SAID PARCEL AS DESCRIBED IN BOOK 377 AT PAGE 264;

THENCE S.  $69^{\circ}12'00''$  E. TO SAID EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 24 AS DESCRIBED IN BOOK 261 AT PAGE 191, A DISTANCE OF 187.55 FEET ; THENCE S.  $20^{\circ}20'05''$  W. ALONG SAID EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 24 AS DESCRIBED IN BOOK 261 AT PAGE 191, A DISTANCE OF 336.33 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 961.00 FEET, OF WHICH THE CHORD BEARS S.  $06^{\circ}40'17''$  W., A DISTANCE OF 454.06 FEET; THENCE ALONG THE ARC OF SAID CURVE AND SAID EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 24 AS DESCRIBED IN BOOK 261 AT PAGE 191, A DISTANCE OF 458.38 FEET THROUGH A CENTRAL ANGLE OF  $27^{\circ}19'35''$  TO THE 1-2 LINE OF SAID SEARL PLACER;

THENCE N.  $65^{\circ}00'00''$  W. ALONG THE SAID SEARL PLACER, ALSO BEING THE NORTHERLY LINE OF SAID CAPITAL PLACER, A DISTANCE OF 27.42 FEET TO THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 24 AS SHOWN ON CONSTRUCTION DRAWINGS FOR TENNESSEE PASS DATED 1936, AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 971.18 FEET, THE CHORD OF WHICH BEARS S.  $10^{\circ}34'42''$  E., A DISTANCE OF 145.81 FEET;

THENCE ALONG THE ARC OF SAID CURVE AND SAID EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 24 AS SHOWN ON CONSTRUCTION DRAWINGS FOR TENNESSEE PASS, A DISTANCE OF 145.94 FEET THROUGH A CENTRAL ANGLE OF  $08^{\circ}36'37''$ ; THENCE S.  $14^{\circ}53'00''$  E., ALONG SAID EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 24 AS SHOWN ON CONSTRUCTION DRAWINGS FOR TENNESSEE PASS, A DISTANCE OF 204.62 FEET; TO THE POINT OF BEGINNING;

THENCE CONTINUE S.  $14^{\circ}53'00''$  E., ALONG SAID EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 24 AS SHOWN ON CONSTRUCTION DRAWINGS FOR TENNESSEE PASS, A DISTANCE OF 1038.94 FEET TO THE SOUTHERLY LINE OF THE DEPOT GROUND AS SHOWN ON COOPER'S SUBDIVISION PLAT RECORDED JULY 26, 1881 AND THE NORTHERLY RIGHT-OF-WAY LINE OF 12TH STREET;

THENCE N.  $75^{\circ}22'00''$  E. ALONG SAID SOUTHERLY LINE OF THE DEPOT GROUND AS SHOWN ON COOPER'S SUBDIVISION PLAT AND SAID NORTHERLY RIGHT-OF-WAY OF 12TH STREET, A DISTANCE OF 660.97 FEET TO THE SOUTHEASTERLY CORNER OF SAID DEPOT GROUND AS SHOWN ON COOPER'S SUBDIVISION PLAT; THENCE N.  $16^{\circ}34'00''$  W. ALONG THE EASTERLY LINE OF SAID DEPOT GROUND AS SHOWN ON COOPER'S SUBDIVISION PLAT, A DISTANCE OF 871.82 FEET TO THE NORTHEASTERLY LINE OF THE SIZER PLACER ALSO BEING THE SOUTHWESTERLY LINE OF THE SEARL PLACER, AND CORNER NO. 5 OF SAID PARCEL OF LAND DESCRIBED IN BOOK 51 AT PAGE 331, BOOK 66 AT PAGE 268, AND BOOK 375 AT PAGE 461, LAKE COUNTY RECORDS;



THENCE N.  $05^{\circ} 40' 33''$  E. ALONG THE EASTERLY LINE OF SAID PARCEL AS DESCRIBED IN BOOK 51 AT PAGE 331, BOOK 66 AT PAGE 268 AND BOOK 375 AT PAGE 461, A DISTANCE OF 83.20 FEET;

THENCE N.  $84^{\circ} 19' 27''$  W., A DISTANCE OF 114.00 FEET;

THENCE N.  $5^{\circ} 40' 33''$  E., A DISTANCE OF 23.00 FEET;

THENCE N.  $84^{\circ} 19' 27''$  W., A DISTANCE OF 318.00 FEET;

THENCE S.  $5^{\circ} 40' 33''$  W., A DISTANCE OF 24.00 FEET;

THENCE N.  $84^{\circ} 19' 27''$  W., A DISTANCE OF 85.00 FEET;

THENCE S.  $5^{\circ} 40' 33''$  W., A DISTANCE OF 94.14 FEET;

THENCE S.  $75^{\circ} 07' 00''$  W., A DISTANCE OF 147.09 FEET; TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 15.8 ACRES, MORE OR LESS.

