

**TOWN OF GYPSUM, COLORADO**

**ORDINANCE NO. 08  
SERIES 2018**

**AN ORDINANCE APPROVING THE SIENA LAKE PUD PRELIMINARY PLAN,  
AMENDING THE SIENA LAKE PUD GUIDE, AND GRANTING VESTED  
RIGHTS IN THE PRELIMINARY PLAN**

WHEREAS, the Town of Gypsum (“Town”) is a home rule municipality duly organized and existing under Articles XX of the Colorado Constitution and the Town’s Home Rule Charter effective October 21, 1982; and

WHEREAS, the Town Council of the Town of Gypsum (“Council”) has adopted Title 18 of the Gypsum Municipal Code (G.M.C.) governing zoning; and

WHEREAS, the Town of Gypsum has the power and authority to adopt regulations regarding the subdivision of land and to enjoin any such subdivision which does not comply with such regulations, pursuant to Sections 31-23-214 and 31-23-216, C.R.S.; and

WHEREAS, Red Table Ventures, LLC (the “Applicant”) is the owner of the real property (the “Property”) identified on Exhibit A, attached hereto and incorporated herein, located in Gypsum, Colorado; and

WHEREAS, the Applicant received sketch plan and PUD zone district approval, including approval of a PUD Guide, pursuant to Ordinance Nos. 2017-16 and 2017-25; and

WHEREAS, on April 6, 2018, the Applicant submitted an application (“Application”) for preliminary plan (the “Preliminary Plan”) approval and to amend the PUD Guide; and

WHEREAS, pursuant to Sections 18.10.110 through 18.10.150, a preliminary plan for a planned unit development (PUD) shall be considered at a Gypsum Planning and Zoning Commission (“Planning Commission”) meeting and recommendations as a result of this review will be made to the Council who may approve, deny, table, approve the application with conditions, or refer the preliminary plan back to the Planning Commission for additional study and recommendations; and

WHEREAS, pursuant to Sections 18.08.130 and 18.08.180, G.M.C., a public hearing before the Planning Commission on the Application was held on July 11, 2018 at 7:00 p.m. and the Planning Commission recommended approval of the Preliminary Plan and amended PUD Guide; and,

WHEREAS, the Council hereby finds that pursuant to Sections 18.08.150, and 18.08.180, G.M.C., all public notice requirements for the public hearing before the Planning Commission and the Council were met, as follows:

- a. Public Notice was published in the Eagle Valley Enterprise on June 21, 2018;
- b. On June 20, 2018 notice of the hearing before the Planning Commission and hearing before the Town Council was mailed to property owners within three hundred feet of the Property;
- c. On June 19, 2018 Public Notice was physically posted at the Property prior to the public hearings and an Affidavit of Posting has been submitted by Applicant.

WHEREAS, Applicant has complied with the requirements of Sections 18.08.110 and 17.16.020 G.M.C. for the Preliminary Plan and Section 18.08.180 G.M.C., for amending the PUD Guide; and

WHEREAS, the Council has considered the criteria of Section 18.08.130 and 18.08.080 G.M.C., in reviewing the preliminary plan, and has considered the comments and recommendations of Town staff, comments of the general public, and any impacts on adjoining areas and the Town as a whole; and

WHEREAS, the Council has considered the conditions of Section 18.08.180(1), G.M.C., for amendment of a PUD zone district and finds and determines that the amendment of the PUD Guide as set forth in the Application:

- a. Is consistent with the efficient development and preservation of the entire PUD, both as proposed and as completed to the date of the application;
- b. Does not affect in a substantially adverse manner either the enjoyment of land adjacent to the PUD or the public interest;
- c. Is not granted solely to confer a special benefit upon any person;
- d. Does not include any new proposed uses that detract from other uses previously approved for this PUD;
- e. Contains street and utility plans that are coordinated with planned and existing streets and utilities for the remainder of the PUD.
- f. Does not increase water and sewer demands or create adverse traffic impacts.

WHEREAS, by letter date April 6, 2018, the Applicant requested that the Preliminary Plan serve as the site-specific development plan with vested rights for six (6) years; and

WHEREAS, pursuant to Section 18.08.175 and Chapter 17.36, G.M.C., a preliminary plan and final plat may serve as the “site specific development plan” with vested rights if requested by the property owner at least 30 days prior to the hearing; and

WHEREAS, the Council wishes to approve the Preliminary Plan as a site-specific development plan with vested rights for six (6) years from the date of approval, subject to the conditions set forth herein.

NOW, THEREFORE, be it ordained by the Town Council of the Town of Gypsum, Colorado that:

**Section 1. Incorporation of Recitals and Findings.** The above Recitals and Findings of the Town Council are hereby incorporated into this Resolution.

**Section 2. Approval of Amended Planned Unit Development PUD Guide.** The amended Planned Unit Development Guide attached hereto as Exhibit B is hereby approved with the conditions set forth in Section 5 of this Ordinance.

**Section 3. Preliminary Plan Approved.** The Preliminary Plan, attached hereto as Exhibit C and incorporated herein, is approved with the conditions set forth in Section 5 of this Ordinance.

**Section 4. Creating of Vested Rights.** The Preliminary Plan shall constitute a site-specific development plan, as that term is defined in §24-68-102(4)(a), C.R.S., and shall confer upon the Applicant the right to undertake and complete the Project and the vested rights created by the approval of the site-specific development plan shall be vested for a period of six (6) years from the date of this Resolution.

**Section 5. Conditions.** This Resolution, the Preliminary Plan and amended PUD Guide approvals, and the vested right granted therein are conditioned on the following:

- a. All material representations of the Applicant in the Application, correspondence and public meetings shall be adhered to and considered conditions of approval, unless otherwise amended by other conditions.
- b. Pursuant to §17.60.010 of the Gypsum Municipal Code, if the actual out-of-pocket costs of the Town in reviewing the Application are greater than the amount of the deposit paid by Applicant, Applicant shall pay the additional out-of-pocket costs incurred by Gypsum no

later than within 30 days of receipt of an invoice, but prior to recording of the Amended Final Plat.

- c. Approval of the design plans and cost estimate by the Town Engineer.
- d. Comply with and implement any Division of Wildlife recommendations on mitigating impacts to wildlife and vegetation.

**Section 6. Public Inspection.** Copies of this Ordinance are available for public inspection at the office of the Gypsum Town Clerk.

**Section 7. Public Hearing.** A public hearing on this Ordinance shall be held on the 24<sup>th</sup> day of July, 2018, at 7:00 p.m. at the Town of Gypsum Town Hall, 50 Lundgren Boulevard, Gypsum, Colorado.

**Section 8. Effective Date.** This Ordinance shall become effective as a permanent Ordinance five (5) days after publication, following final adoption after a public hearing held on the 24th day of July, 2018, at 7:00 p.m., at the Gypsum Town Hall, 50 Lundgren Blvd., Gypsum, Colorado.

**Section 9. Severability.** If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

INTRODUCED, READ AND ORDERED PUBLISHED BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF GYPSUM ON THE 10th DAY OF July, 2018.

TOWN OF GYPSUM

By: \_\_\_\_\_  
Stephen M. Carver, Mayor

Attest:

\_\_\_\_\_  
Danette Schlegel, Town Clerk

INTRODUCED ON SECOND READING, READ, CONSIDERED AT A PUBLIC HEARING AND FINALLY ADOPTED, PASSED AND APPROVED WITH AMENDMENTS, IF ANY, AND ORDERED POSTED AND PUBLISHED, BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO, UPON A MOTION DULY MADE AND PASSED AT ITS MEETING HELD ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2018, BY A VOTE OF \_\_\_\_ IN FAVOR AND \_\_\_\_ AGAINST.

TOWN OF GYPSUM

By: \_\_\_\_\_  
Stephen M. Carver, Mayor

Attest:

\_\_\_\_\_  
Danette Schlegel, Town Clerk

(S E A L)

**EXHIBIT A**  
**LEGAL DESCRIPTION OF PROPERTY**

**EXHIBIT B**  
**AMENDED PUD GUIDE**

**EXHIBIT C  
PRELIMINARY PLAN**