

**TOWN COUNCIL  
TOWN OF GYPSUM, STATE OF COLORADO**

**ORDINANCE NO. 07 (SERIES 2021)**

**AN ORDINANCE AMENDING THE SIENA LAKE  
PLANNED UNIT DEVELOPMENT GUIDE**

WHEREAS, the Town of Gypsum, Colorado (“Town”), is a home rule municipality of the State of Colorado, duly organized and existing under Article XX of the Colorado Constitution and the Gypsum Home Rule Charter effective October 21, 1982; 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, the Town Council of the Town of Gypsum has adopted Chapter 18.08 of the Gypsum Municipal Code (G.M.C.) governing Planned Unit Development zoning; and

WHEREAS, the Town Council (“Council”) previously approved PUD zoning and a Planned Unit Development Guide for the Siena Lake Planned Unit Development Subdivision, attached hereto as Exhibit A and incorporated herein; and

WHEREAS, Siena Lake, LLC (“Developer”) has submitted an Amended Siena Lake Planned Unit Development Guide, attached hereto as Exhibit B and incorporated herein, which increases the maximum dwelling units to 603, keeps M1 commercial area the same, and identifies recreational amenities to be constructed by Developer; and

WHEREAS, the Developer has submitted a Preliminary Plan application identifying the location of residential unit types, recreational amenities, and infrastructure improvements; and

WHEREAS, pursuant to Chapter 18.08, G.M.C., the Application for a Preliminary Plan and PUD Guide Amendment has been reviewed and considered by the Town Planning Commission at a public meeting, at which time the Planning Commission recommended approval to the Council with the following conditions:

- a. That as otherwise modified by representations of the applicant in this application, all material representations of the applicant in this application, correspondence and public meetings shall be adhered to and considered conditions of approval, unless otherwise amended by other conditions.
- b. If the actual out-of-pocket costs of the Town in reviewing the application are greater than the amount of the deposit paid by the applicant, applicant shall pay the additional out-of-pocket costs incurred by the Town no later than within 30 days of receipt of an invoice.
- c. The Third Final Plat Amendment, Third Amendment to the Subdivision Improvements Agreement, and deeds conveying property between Siena Lake LLC and the town be recorded prior to recording any documents related to the Amended PUD, Preliminary Plan, or Fourth Amendment to the Filing I Final Plat.

- d. A new easement or purchase of property adequate to construct a permanent roadway with adequate grading and drainage infrastructure is obtained on lots 14 and 15 of Airport Gateway prior to recording the PUD Guide, Third Amended Subdivision Improvements Agreement, and Fourth Amendment of the Filing I Final Plat.
- e. A new easement or purchase of property adequate to construct a permanent roadway with adequate grading and drainage infrastructure is obtained on lot 16 of Airport Gateway prior to recording the PUD Guide, Third Amended Subdivision Improvements Agreement, and Fourth Amendment of the Filing I Final Plat.
- f. Revise the PUD Guide as noted above in the staff report.
- g. Verify that the 25% open space requirement has been met.
- h. Revise the Fourth Amendment to the Filing I Final Plat as noted above in the staff report and according to any review comments from Kipp Land Surveying.
- i. Existing uses in the M1 zone in the currently approved PUD Guide remain unchanged.
- j. If the M1 Zone is not approved to allow for multi-family units, the Phase Map shall be revised.
- k. Meet the terms and conditions set forth in Kevin Patrick's report dated June 22, 2021 prior to recording the PUD Guide Amendment, Fourth SIA or Fourth Amendment to the Final Plat of Filing I.
- l. All impact fees, water and sewer fees, and any other fees shall be paid prior to recording the Fourth Amendment to the Filing I Final Plat.
- m. A town approved letter of credit shall be submitted to the town in the final amount determined to construct the infrastructure required of Phase 1 before the Fourth Amendment to the SIA and Fourth Amendment to the Filing I Final Plat is recorded.
- n. An autocad file of the Fourth Amendment to the Filing I Final Plat shall be submitted prior to recording the mylar version of this document with Eagle County.
- o. All future buyers shall be notified in writing that motorized and non-motorized recreational equipment and vehicles along with pedestrians and equestrian users will be utilizing the BLM parking lot and street system to access the public lands trailhead.
- p. BLM parking area needs an auto-turn program run for the truck/trailer parking as the eastern spaces have too tight of a turn to make. A revised plan for the BLM parking area will need to be resubmitted if needed as a result of this auto-turn program prior to recording the Fourth Amendment to the Subdivision Improvements Agreement and Fourth Amendment to the Filing I Final Plat Amendment.
- q. Town approved right-of-way easement shall be added to the Fourth Amendment to the Filing I Final Plat prior to recording.
- r. No Accessory Dwelling Units shall be allowed in the Siena Lake Planned Unit Development.
- s. Basements and internal stairwells be included in the total square feet calculation of residential units.
- t. M1 (commercial area) stay the same

WHEREAS, pursuant to Section 18.08.180, G.M.C., the Town Council, following notice required by law, held a public hearing at a regular meeting on August 24, 2021 to consider the PUD Guide, received and considered public comments, and reviewed the proposal; and

WHEREAS, based upon the PUD Guide, the Town Council hereby finds that the requirements and criteria of Chapter 18.08, G.M.C., have been satisfied.

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

**Section 1 – Approval of Amended Siena Lake Planned Unit Development Guide.**

The Amended Siena Lake Planned Unit Development Guide, attached hereto as Exhibit B, is approved subject to the following conditions:

- a. That as otherwise modified by representations of the applicant in this application, all material representations of the applicant in this application, correspondence and public meetings shall be adhered to and considered conditions of approval, unless otherwise amended by other conditions.
- b. If the actual out-of-pocket costs of the Town in reviewing the application are greater than the amount of the deposit paid by the applicant, applicant shall pay the additional out-of-pocket costs incurred by the Town no later than within 30 days of receipt of an invoice.
- c. Prior to recording of any documents, Applicant obtains an irrigation easement agreement for the pump house structure from Hillis of Snowmass, which must be acceptable to the Town.
- d. Prior to recording of any documents, Applicant provides to the Town a letter of credit acceptable to the Town in an amount sufficient to pay the costs of constructing and providing electric or gas deposits for the remaining infrastructure required of Phase 1.
- e. Prior to recording of any documents, Applicant shall pay all water, sewer, fire law enforcement and school fees shall to the Town.
- f. Prior to recording of the Final Plat, Applicant shall provide to the Town an AutoCAD file of the Fourth Amendment to the Final Plat.
- g. Full water dedication fees shall be paid until the Colorado River District water contract is executed.
- h. Full water dedication fees shall be paid until the water court change case process has been completed.
- i. Before Phase III of the project is approved, discussion on how commercial build out occurs is required.
- j. Minor amendments to the PUD Guide and Amended SIA Agreement outlined by Lana Bryce are required.

**Section 2 – Vested Rights.** The PUD Guide 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 Ordinance.

**Section 3 – Public Inspection.** Copies of this Ordinance are available for public inspection at the office of the Gypsum Town Clerk.


**Section 4 – Public Hearing.** A public hearing on this Ordinance shall be held on the 24th of August, 2021 at 7:00 p.m. at the Town of Gypsum Town Hall, 50 Lundgren Boulevard, Gypsum, Colorado.

**Section 5 – Effective Date.** This Ordinance shall become effective as a permanent Ordinance five (5) days after publication, following final adoption on the 24th day of August, 2021 at 7:00 p.m., at the Gypsum Town Hall, 50 Lundgren Blvd. Gypsum, Colorado.

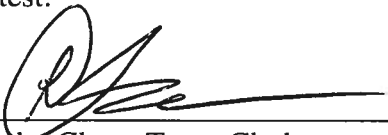
**Section 6 – Severability.** If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

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 27TH DAY OF JULY 2021, BY A VOTE OF 7 IN FAVOR AND 0 AGAINST.

TOWN OF GYPSUM

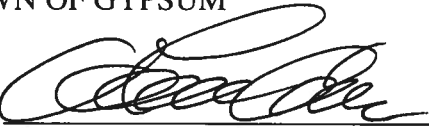
By:   
Stephen M. Carver, Mayor

Attest:

  
Becky Close, Town Clerk

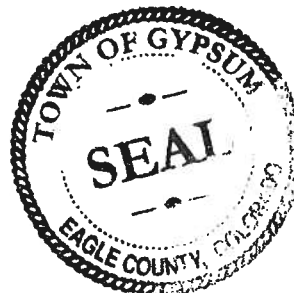
FINALLY ADOPTED, PASSED AND APPROVED ON AUGUST 24TH, 2021.

TOWN OF GYPSUM

By:   
Stephen M. Carver, Mayor

Attest:

  
Becky Close, Town Clerk



**EXHIBIT A**

Legal Description of Property

**EXHIBIT B**

Amended PUD Guide