

ORDINANCE NO. 05-20

APPROVING THE ELKHORN LODGE PRELIMINARY PLANNED UNIT DEVELOPMENT (PUD), A MIXED USE PUD OVERLAY ON LAND ZONED CO (OUTLYING COMMERCIAL), LOCATED ON A PROPERTY ADDRESSED AS 600 WEST ELKHORN AVENUE, DESCRIBED AS BEING WITHIN PORTIONS OF SECTIONS 25 AND 26, TOWNSHIP 5 NORTH, RANGE 73 WEST OF THE 6TH P.M., TOWN OF ESTES PARK

WHEREAS, the subject property, 18.58± acres in size, is located in portions of Sections 25 and 26, Township 5 North, Range 73 West of the 6th P.M., Town of Estes Park, with the same property also proposed to be the Elkhorn Lodge Subdivision; and

WHEREAS, the Estes Park Development Code, Chapter 9 Planned Unit Developments, allows a Mixed-Use PUD overlay on land located in CO (Outlying Commercial) Zoning Districts, with the uses permitted in the PUD being limited to those uses allowed in the underlying CO zoning, Residential uses, and/or Accommodations uses; and

WHEREAS, an application for the Elkhorn Lodge Preliminary PUD has been submitted; and

WHEREAS, the proposed Elkhorn Lodge Preliminary PUD is a Mixed-Use PUD overlay on land located in a CO (Outlying Commercial) Zoning District, with the uses proposed limited to those allowed in the underlying CO zoning, Residential uses, and Accommodations uses; and

WHEREAS, the Estes Valley Planning Commission has recommended approval of the Elkhorn Lodge Preliminary PUD; and

WHEREAS, the Board of Trustees of the Town of Estes Park has determined that the Elkhorn Lodge Preliminary PUD complies with applicable standards set forth in the Estes Park Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ESTES PARK, COLORADO AS FOLLOWS:

Section 1: The Elkhorn Lodge Preliminary PUD Plan and Development Plan are hereby approved, subject to the following conditions of approval:

- 1) No increase in the number of accommodations or resident units shall be permitted without a PUD review as described in the Development Code.
- 2) The Developer will bear the risk of constructing improvements in the floodplain prior to obtaining the necessary post-construction letter of map revision (LOMR) from the Federal Emergency Management Agency (FEMA). Should FEMA not approve the LOMR application as submitted, the Developer will be responsible for any redesign and reconstruction to achieve the No-Rise condition. No Certificate of Occupancy for the Event Center Barn or the Elkhorn Lodge addition will be issued until the Developer obtains LOMR approval from FEMA.
- 3) The Developer will add additional parking lot perimeter landscaping adequate, in the Community Development Director's determination, to appropriately screen the lot from neighboring residents.

Section 2: The land described in Exhibit A hereto is hereby designated as a PUD-M, a Planned Mixed Use District, as an overlay to the underlying CO (Outlying

Commercial) zoning district, effective upon the approval by the Town Board of the Elkhorn Lodge Final PUD Plan for all such land. The PUD-M designation shall lapse and become null and void if the Preliminary PUD Plan lapses under the Development Code.

Section 3: This Ordinance shall take effect and be enforced thirty (30) days after its adoption and publication.

PASSED AND ADOPTED by the Board of Trustees of the Town of Estes Park, Colorado, this 23rd day of June, 2020.

TOWN OF ESTES PARK, COLORADO
/s/Wendy Koenig, Mayor

ATTEST:
/s/Jackie Williamson, Town Clerk

I hereby certify that the above Ordinance was introduced and read at a regular meeting of the Board of Trustees on the 23rd day of June, 2020 and published in a newspaper of general circulation in the Town of Estes Park, Colorado, on the 26th day of June, 2020, all as required by the Statutes of the State of Colorado.

/s/Jackie Williamson, Town Clerk

APPROVED AS TO FORM:
/s/Dan Kramer Town Attorney

EXHIBIT A

LEGAL DESCRIPTION

THE PORTIONS OF THE NE 1/4 OF THE NE 1/4 OF SECTION 26 AND THE NW 1/4 OF THE NW 1/4 OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 73 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO, DESCRIBED AS FOLLOWS; BEGINNING AT A POINT ON THE EAST LINE OF THE NE 1/4 OF THE NE 1/4 OF SAID SECTION 26, FROM WHICH POINT THE NE CORNER OF SAID SECTION 26 BEARS N 1 DEGREES 11' W A DISTANCE OF 373 FEET, AND WHICH IS THE CENTER OF THE FALL RIVER ROAD AS DESCRIBED IN THE DESCRIPTION OF THE ELKHORN PROPERTY FOUND IN DEED RECORDED IN BOOK 696 AT PAGE 463, LARIMER COUNTY RECORDS; THENCE WESTERLY AND NORTHWESTERLY ALONG THE CENTERLINE OF FALL RIVER ROAD AS FOLLOWS: N 84 DEGREES 30' W, A DISTANCE OF 321 FEET; THENCE S 88 DEGREES 03' W A DISTANCE OF 154 FEET; THENCE S 68 DEGREES 04' W, A DISTANCE OF 311 FEET; THENCE N 84 DEGREES 26' W A DISTANCE OF 114 FEET; THENCE LEAVING SAID ROAD, S 3 DEGREES 15' W A DISTANCE OF 877 FEET TO A POINT ON THE SOUTH LINE OF THE NE 1/4 OF THE NE 1/4; THENCE S 89 DEGREES 47' E A DISTANCE OF 944.9 FEET TO THE SE CORNER OF THE NE 1/4 OF THE NE 1/4; THENCE N 1 DEGREES 11' W A DISTANCE OF 52 FEET TO THE SW CORNER OF THE PARCEL DEEDED FROM EDWARD J. WALSH AND DE H. SIMMONS TO JAMES AND ELEANOR HONDIUS RECORDED IN BOOK 501 AT PAGE 72, LARIMER COUNTY RECORDS; THENCE N 27 DEGREES 02' E A DISTANCE OF 235.5 FEET; THENCE N 18 DEGREES 34' E A DISTANCE OF 71.2 FEET ALONG THE EAST LINE OF PARCEL DEEDED FROM ELIZA E. WHITEHEAD TO MRS. ELLA JAMES RECORDED IN BOOK 77, AT PAGE 143, LARIMER COUNTY RECORDS, SAID POINT BEING MARKED WITH A 1 INCH STEEL PIPE SET BY ORIGINAL SURVEY; THENCE N 68 DEGREES 34' E A DISTANCE OF 82.3 FEET TO THE SW CORNER OF PARCEL DEEDED FROM FLORA AND J.R. STANLEY TO EDNA JAMES AND A.N. MCKEIRMAN RECORDED IN BOOK 639 AT PAGE 314; THENCE S 75 DEGREES 26' E A DISTANCE OF 273.3 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF STATE HIGHWAY 34 FROM WHICH POINT THE NE CORNER OF SECTION 26 BEARS N 25 DEGREES 32' W A DISTANCE OF 1153.7 FEET; THENCE N 2 DEGREES 14' E A DISTANCE OF 207 FEET TO THE CENTER OF FALL RIVER; THENCE WESTERLY AND NORTHWESTERLY ALONG THE CENTER OF FALL RIVER ALONG THE FLORA AND J.R. STANLEY PARCEL DEEDED TO EDNA JAMES AND A.N. MCKEIRMAN AND THE PARCEL DEEDED FROM FRANK W. GORE TO WILLIAM E JAMES RECORDED IN BOOK 110 AT PAGE 302, LARIMER COUNTY RECORDS TO THE WEST LINE OF THE NW 1/4 OF THE NW 1/4 OF SECTION 25; THENCE N 1 DEGREES 11' W A DISTANCE OF 65 FEET, MORE OR LESS, TO THE POINT OF BEGINNING;

EXCEPT ANY PORTION THEREOF CONTAINED IN THE AMENDED PLAT OF ELKHORN CLUB ESTATES, ACCORDING TO THE RECORDED PLAT THEREOF; EXCEPT THAT PARCEL CONVEYED IN DEED RECORDED SEPTEMBER 16, 1936 IN BOOK 639 AT PAGE 314; EXCEPT THAT PARCEL CONVEYED IN DEED RECORDED JULY 26, 1971 IN BOOK 1469 AT PAGE 785 EXCEPT RECORDED PLATS OF ELKHORN PLAZA LODGES CONDOMINIUMS, BUILDINGS A AND B. EXCEPT THAT PORTION DESCRIBED IN DEED RECORDED FEBRUARY 9, 1987 AT RECEPTION NO. 87007530 EXCEPT THOSE PARCELS DESCRIBED IN DEEDS RECORDED AUGUST 27, 1947 IN BOOK 839 AT PAGE 334, 335 AND 338

FOR INFORMATION ONLY THE LARIMER COUNTY ASSESSOR ALSO INCLUDES IN THEIR LEGAL A PARCEL DESCRIBED IN DEED RECORDED JANUARY 25, 1979 IN BOOK 1924 AT PAGE 745 WHICH HAS NEVER BEEN CONVEYED TO CURRENT OWNER.