



**TOWN OF LARKSPUR
RESOLUTION NO 2023-03**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
LARKSPUR APPROVING CERTAIN VARIANCES FOR 255 UPPER
LAKE GULCH ROAD**

WHEREAS, the Town Council for the Town of Larkspur is authorized, pursuant to the Town's Home Rule Charter, the Colorado Constitution, and state law, to administer the affairs of the Town of Larkspur (the "Town"); and

WHEREAS, the Town received a request for certain variances (the "Variances") from the tenant and the Landowner (collectively the "Applicant") for the property located at 255 Upper Lake Gulch Road, Larkspur, Colorado (the "Property"); and

WHEREAS, the Applicant submitted the request for the Variances on the proper forms to the Town on December 12, 2022; and

WHEREAS, the Town of Larkspur Municipal Code (the "Code") contemplates review of variance requests first by the Town Planner with appeals reviewed by the Board of Adjustments; and

WHEREAS, the Town does not have a Planner nor a Board of Adjustments and therefore, the Town Council determined it was in the best interest of the Town and that of transparency to have the Town Council review the Variance requests at a public meeting; and

WHEREAS, the Applicant presented these four Variance requests to the Town Council at its regular meeting on December 15, 2022; and

WHEREAS, the Town Council considered the request for the Variances and the criteria of the Code for granting or denying such Variance requests; and

WHEREAS, the Council finds, after considering the application and evidence supporting the application the Variances meet the applicable criteria and should be approved with conditions.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE
TOWN OF LARKSPUR, COLORADO, AS FOLLOWS:**

Section 1. The Town Council finds the Variance requests listed below meet the applicable requirements and are hereby approved subject to the conditions found in Section 2.

A. Section 16-6-70(f)(5)(a) – Perimeter Landscape Area and Section 16-7-560 – Setbacks for Commercial District. Tract B of Douglas Valley Estates occupies the area between the subject property and Upper Lake Gulch Road to the South. Since Tract B is undeveloped and owned by the Town of Larkspur, the site's dimensional standards for setbacks and perimeter landscape area will be measured from the southern boundary of Tract B (Upper Lake Gulch road

2/1/2023

Page 1 of 3

Resolution 2023-03



Right-Of-Way). The 25' front setbacks and perimeter landscape area will be measured as if Tract B were part of the developed site. In addition, electric vehicle charging infrastructure and a sanitary lift station and appurtenances may be located on Tract B in order to serve the development.

B. Section 16-11-40(d)(2) Off-Street Parking Standards – Design Standards. All ADA parking spaces and access aisles shall conform to the dimensional requirements of the “2010 ADA standards for Accessible Design” and the development will not be held to the larger Town standards as shown in the table in the referenced section.

C. Use of Spruce Mountain Road Right of way. Applicant may enter into an agreement acceptable to the Town to construct, access and maintain the proposed detention and water quality pond located at the north end of the site. The agreement will provide that Applicant will be solely responsible for construction and maintenance of such access and will not prevent the Town from accessing or utilizing the same. Additionally, the agreement will provide that the area where the existing sediment basin serving the site currently straddles the property line as depicted in the Site Improvement Plan may be used for the detention pond and appurtenances.

D. Section 16-6-70(f)(4)(b) – Minimum Landscape Area. The Applicant shall be permitted to amend the requirement of two trees and four shrubs per 1,000 square feet of landscaped area to comply with the proposed landscaping found in the application for a Variance Request shown on sheets 6-8 of 10, and complying with the number of trees and shrubs as shown in the “Total Landscape Area Requirements” table on sheet 6 of 10, which is hereby incorporated into this Resolution. The total landscape area of 29,612 square feet shown in the table excludes the areas to the east and north of the main site retaining wall. Applicant will confer with and abide by recommendations of Colorado Fish and Game regarding planting and landscaping in floodplain and other sensitive areas on the Property.

Section 2. The Town Council hereby expressly conditions the approval of the Variance requests upon the following conditions:

A. The approval of a site plan, as required by the Code, for the Property.

B. The understanding the representations made to the Council at the presentation of the Variance request at the regular Town Meeting of December 15, 2022 were accurate and complete in all material respects.

C. The Applicant, or his heirs or successors in interest, will install and maintain all landscaping on Tract B in accordance with the plans presented at the December 15, 2022 Town Meeting.

D. The Applicant will comply with all applicable Town Code standards and requirements subject only to these approved variances.

Section 3. Severability: If any Article, Section, paragraph, sentence, clause, or phrase of this Resolution is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution. The Board of Trustees declares that it would have passed this Resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

2/1/2023

Page 2 of 3

Resolution 2023-03

CORE/3505531.0024/180061224.1



Section 4. Repeal: Existing Resolutions or parts of Resolutions covering the same matters as embraced in this Resolution are hereby repealed and all Resolutions or parts of Resolutions inconsistent with the provisions of this Resolution are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any Resolution hereby repealed prior to the taking effect of this Resolution.


INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF LARKSPUR THIS 16th DAY OF FEBRUARY 2023.



Votes Approved:	<u>4</u>
Votes Opposed:	<u>2</u>
Abstained:	<u>0</u>
Absent:	<u>1</u>

ATTEST:

**TOWN COUNCIL OF THE
TOWN OF LARKSPUR, COLORADO**


Sean Hogan
Town Clerk


Sherilyn West
Mayor