

Town of Lyons, Colorado
Board of Trustees
BOT Agenda Cover Sheet
Agenda Item No: XIII.1.
Meeting Date: April 4, 2022

TO: Mayor Angelo and Members of Board of Trustees
FROM: Philip Strom, Director of Community Development
DATE: April 1, 2022
ITEM: RESOLUTION 2022-25, A RESOLUTION OF THE TOWN OF LYONS, COLORADO APPROVING THE FOURTH AMENDMENT TO THE AMENDABLE LETTER OF UNDERSTANDING WITH PLANET BLUEGRASS FARM, LLC FOR THE PLANET BLUEGRASS FARM PROPERTY

ORDINANCE
 MOTION / RESOLUTION
 INFORMATION

I. REQUEST OR ISSUE:

Planet Bluegrass Farm, LLC (Planet Bluegrass) owns a property commonly referred to as the Planet Bluegrass Farm (Farm) which was annexed into the Town of Lyons. Planet Bluegrass has applied for changes to the Amendable Letter of Understanding (ALU) as well as the Conceptual Plan and Related Keynotes which are attachments to the Annexation Agreement.

II. RECOMMENDED ACTION / NEXT STEP:

Approve Resolution 2022-25 Amending the ALU with Planet Bluegrass for the Farm.

III. FISCAL IMPACTS:

The proposed improvements would increase the opportunities for Planet Bluegrass to continue a successful operation which is anticipated to benefit the Town financially through lodging, sales, and property taxes.

IV. BACKGROUND INFORMATION:

The ALU is a requirement of the Town's Commercial Entertainment (CE-1) zoning district, which the Farm is zoned. The intent is to provide an "understanding between the applicant and the Town specifying further details of the entertainment to be provided." The ALU governs the use of the Farm Property regarding Notice of Events and Event Planning requirements. The ALU constitutes part of the Conceptual Plan and is incorporated into the Annexation Agreement. The proposed changes to the ALU:

- Ratify the agreement from the Release and Settlement of Agreement to Amend Planet Bluegrass Keynotes and Amendable Letters of Understanding executed June 23, 2021 (Settlement Agreement)

- Incorporate the changes requests in the Conditional Use Review, mainly the addition of Mid-Tier Events
- Address changes conditioned by the Planning and Community Development Commission during the Conditional Use Public Hearing

The associated revisions to the Conceptual Plan and Related Keynotes for the Farm were previously approved through the Conditional Use Review process with Resolution 2022-23 at the March 15th, 2022, Board of Trustees special meeting.

V. LEGAL ISSUES:

The Town Attorney has reviewed and approved the ALU Amendment in form.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

None known.

VII. SUMMARY AND ALTERNATIVES:

1. Approve the Fourth Amendment to the Amendable Letter of Understanding.
2. Approve the Fourth Amendment with Amendments by the Board of Trustees to the Amendable Letter of Understanding.
3. Deny the Fourth Amendment to the Amendable Letter of Understanding.

VIII. PROPOSED MOTION:

"I move to approve Resolution 2022-25 Amending the Amendable Letter of Understanding with Planet Bluegrass for the Farm."

IX. ATTACHMENTS:

1. Resolution 2022-25
2. Fourth Amendment to the Amendable Letter of Understanding
3. Amendable Letter of Understanding (Redline)
4. Amended Amendable Letter of Understanding (Clean)
5. Resolution 2022-23 Approval of a Conditional Use Application for the Farm
6. Approved Amended Farm Conceptual Plan
7. Approved Amended Farm Keynotes
8. Planet Bluegrass Letter to Board of Trustees Summarizing Changes
9. Easement Agreement recorded on January 27, 2017 at Reception No. 03571839