

TOWN OF LYONS, COLORADO

**PLANNING AND COMMUNITY DEVELOPMENT COMMISSION
PCDC RESOLUTION # 2022-05**

A RESOLUTION OF THE TOWN OF LYONS PLANNING AND COMMUNITY DEVELOPMENT COMMISSION RECOMMENDING THE APPROVAL OF THE MINOR SUBDIVISION OF THE PROPERTY LOCATED AT 423 REESE STREET, LYONS, CO

WHEREAS, pursuant to C.R.S. § 31-23-301, the Town of Lyons (the “Town”) possesses the authority to regulate land uses within the Town including the subdivision of land; and

WHEREAS, pursuant to Lyons Municipal Code (“LMC”) § 17-10-20 (f), the Planning and Community Development Commission (“PCDC”) for the Town, has the authority to recommend to the Board of Trustees (the “Board”) approval or denial of a minor subdivision application; and

WHEREAS, Reese Condominium Association, LLC. (the “Applicant”), who owns certain property within the Town, applied for a minor subdivision of the property legally described as:

THE EAST 27 1/2 FEET OF THE WEST 1/2 OF LOT 10 AND THE WEST 25 FEET OF LOT 9 AND THE EAST 1/2 OF LOT 10, BLOCK 4, NORTONVILLE, COUNTY OF BOULDER, STATE OF COLORADO.

COMMONLY KNOWN AS:

WEST 25 FEET LOT 9 & LOT 10 LESS WEST 10 FEET BLOCK 4, NORTONVILLE, TOWN OF LYONS, COUNTY OF BOULDER, STATE OF COLORADO.

and addressed as 423 Reese Street, Lyons, Colorado (the “Subject Property”); and

WHEREAS, the Property contains two “units:” 423 Reese St. Unit 1, owned by: Sandra Haber and 423 Reese St. Unit 2, owned by Danielle Lynn; and

WHEREAS, the minor subdivision application seeks to subdivide the property into two single family lots; and

WHEREAS, the Subject Property is located in the R-1 (low-density residential) zoning district; and

WHEREAS, the Town of Lyons Board of Adjustments approved a variance to the setback requirements for the Subject Property (and resulting subdivided lots) via BOA Resolution 2022-1; and

WHEREAS, the PCDC conducted a public hearing in accordance with LMC § 17-3-30 and § 17-10-90 following the provision of lawfully required notice to the public and the Applicant provided sufficient and competent evidence at the hearing as is necessary to recommend the minor subdivision be approved.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING AND COMMUNITY DEVELOPMENT COMMISSION OF THE TOWN OF LYONS, COLORADO, THAT:

Section 1. The above recitals are hereby incorporated by reference.

Section 2. The PCDC hereby finds that competent and sufficient evidence exists to meet the following approval criteria in accordance with LMC § 17-3-30:

- A. The proposed subdivision meets or satisfies all applicable requirements of Chapter 17 of the LMC.
- B. The proposed subdivision conforms to all applicable requirements for the zone districts in which the property is located, including but not limited to requirements for setbacks, height, floor and lot areas and minimum lot sizes.
- C. The proposed subdivision substantially conforms to all other applicable requirements of this Code and other Town ordinances and resolutions.
- D. The proposed subdivision substantially conforms to the goals and policies of the Comprehensive Plan to the extent that such goals and policies do not conflict with provisions or requirements of this Code and to the extent that such goals and policies set forth requirements which are sufficiently specific to permit the Planning and Community Development Commission or Board of Trustees to decide that such application or subdivision meets or fails to meet such goal or policy.
- E. The proposed subdivision (both during and following construction and development) will not result in an unreasonable increase in the peak rate of discharge, a decrease in the quality of discharge or any significant change in the direction or location of the point of discharge of stormwater or surface water flows upon any adjacent or neighboring property.

Section 3. The PCDC hereby recommends approval of the conditional approval of the minor subdivision of the Subject Property, as follows:

- 1. The Subject Property is subdivided into two parcels as depicted in the proposed plat amendment.

Section 4. The PCDC's recommendation is subject to the following conditions:

1. The Applicant shall resolve any minor technical issues, as directed by Town Staff, on the amended plat.
2. The Applicant shall pay all reasonable fees and costs incurred by the Town and its consultants, in reviewing and processing the amended plat.
3. The Applicant shall be additionally bound by all conditions of the variance approval contained in BOA Resolution 2022-01.

Section 5. The PCDC finds that the Applicant's proposal meets the applicable approval standards specified in Section 17-3-30 of the Lyons Municipal Code as more fully set forth in the Staff Report presented at the June 16, 2022 meeting of the PCDC and further finds that the spirit of the Town subdivision regulations are observed, public safety and welfare secured, and substantial justice is done by recommending to the Board of Trustees that the minor subdivision be approved.

Section 6. This Resolution shall take effect immediately upon adoption.

INTRODUCED AND APPROVED BY A VOTE OF A MAJORITY OF MEMBERS AT PUBLIC HEARING DULY CONDUCTED IN ACCORDANCE WITH APPLICABLE LAW THIS 16TH DAY OF JUNE 2022.

**PLANNING AND COMMUNITY
DEVELOPMENT COMMISSION FOR THE
TOWN OF LYONS, COLORADO**

David Hamrick, Chairperson

ATTEST:

Marissa Davis
Deputy Town Clerk