



# Staff Report

Board of Trustees  
January 3, 2023

## ITEM NAME

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An application for a Rezoning of 317 Evans Street with a PUD-R Overlay designation, Second Reading

## STAFF

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Planner II David Kimmett, AICP

## INFORMATION

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The applicant, Leigh Williams and Yves Nath of Lyons have recently gone under contract to purchase 317 Evans Street. 317 Evans has been a challenging property for decades:

- It was originally two homes from the 1920s era on two separate lots
- Eventually the two homes merged and at various times it was a boarding house, a nursing home, and apartments
- It has been in various states of repair / disrepair, to the point that life safety concerns, and generally poorly conditions of operation have been present
- Although zoned R-1 (Residential, Single Family, Detached Housing), a June 20, 1983 Board of Trustees decision allowed the then owner to operate 6 housing units
  - Subsequent to that decision, at times more than 6 units have been rented
  - When the property was marketed for sale earlier this year, 8 units were occupied

For the past week, the applicants have been working with Staff and the applicants' architect Matt McMullen of the firm of The AOC, to evaluate and begin the PUD-R rezoning and Major Development Review (PUD Preliminary & Final Plan combination) process in a compressed review schedule.

Section 16-3-330 of the LMC details the codified sentiment behind a PUD-R:

**Specific Purpose.** The purpose of the *PUD-R* District is to establish areas for high quality residential development where development and use standards are flexible in order to achieve superior innovation in land use, neighborhood compatibility, high-quality architectural design and environmental design. *PUD-R* Districts are also intended to provide opportunities for creative integration of resident-serving commercial uses within residential neighborhoods.

Planner Kimmett has reviewed the application materials submitted by Leigh, Yves, and Matt and finds that the specific case of 317 Evans Street warrants a zone change in the form of a PUD-R Overlay designation to the underlying R-1 Zone District designation.

Further, given the decades-long existing multi-family use of the property, the substandard current condition of the housing stock, and moreover both the 2010 (Housing Objective 1.2 – Increase opportunities for affordable housing) and 2022/3 (Goal HN-2 – Expand and preserve workforce and affordable housing options) Comprehensive Plans' goals to promulgate affordable housing options for





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Lyons as a core feature of our tenets, the PUD-R Overlay Zone is the proper path forward for this property.

### REVIEW CRITERIA AND STAFF FINDINGS OF FACT

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Staff finds that the application has met the below Criteria 1, 5, and 6 (only one Criterion is necessary) warranting approval for amending the Official Zoning Map of the Town of Lyons (in this case, applying a PUD-R Overlay designation through Rezoning):

#### **LMC Sec. 16-15-40. - Official Zoning Map amendment approval criteria**

The Town shall use the following criteria to evaluate the applicant's request:

(1)

To correct a manifest error in an ordinance establishing the zoning for a specific property.

(2)

To rezone an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the Town generally.

(3)

The land to be rezoned is inconsistent with the policies and goals of the Comprehensive Plan.

(4)

The proposed rezoning is necessary to provide land for a municipal-related use that was not anticipated at the time of the adoption of the Comprehensive Plan, and the rezoning will be consistent with the goals and policies of the Comprehensive Plan.

(5)

The area requested for rezoning has changed or is changing to such a degree that it is in the public interest to encourage development or redevelopment of the area, and the rezoning will be consistent with the goals and policies of the Comprehensive Plan.

(6)

A rezoning to a Planned Unit Development overlay district is requested to encourage innovative and creative design and to promote a mix of land uses in the development.

### **SAMPLE MOTION OF APPROVAL:**

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The Board may propose a motion of approval of the proposal based on the following suggested outline:

"I move that the Board approve the Second Reading of the Rezoning of 317 Evans Street with a PUD-R Overlay designation, finding that the application complies with the standards contained in Lyons Municipal Code 16-15-40."

### **SAMPLE MOTION OF APPROVAL WITH CONDITIONS:**

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The Commission may propose a motion of approval of the proposal with conditions based on the following suggested outline:



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"I move that the Board approve the Second Reading of the Rezoning of 317 Evans Street with a PUD-R Overlay designation with the following conditions:

and finding that the application with these listed conditions complies with the standards contained in Lyons Municipal Code 16-15-40."

#### **SAMPLE NEGATIVE MOTION:**

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The Commission may propose a motion of denial of the proposal based on the following suggested outline:

"I move that the Board deny the Second Reading of the Rezoning of 317 Evans Street with a PUD-R Overlay designation, finding that the application does not comply with the standards contained in Lyons Municipal Code 16-15-40."

#### **ATTACHMENTS**

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Please find attached the 317 Evans Street PUD-R Rezoning application materials.