



# Planning and Community Development Commission

## Meeting & Workshop Syllabus

Monday, July 10, 2023

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### 1. OPENING

*1-1. ROLL CALL – Deputy Town Clerk María Marquez-Rubio*

*1-2. GOALS FOR TODAY'S MEETING – Chair Dreistadt*

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### 2. APPROVAL OF MINUTES FROM JUNE 26, 2023 MEETING

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### 3. AUDIENCE BUSINESS

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### 4. MEETING:

*4-1. EXECUTIVE SESSION – TOWN OF LYONS-BOULDER COUNTY COMPREHENSIVE LAND USE INTERGOVERNMENTAL AGREEMENT (IGA) DISCUSSION (materials to be sent in separate email)*

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### 5. WORKSHOP:

*5-1. STAFF PLANNING UPDATES*

- Planning Items (below; active items highlighted)
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**Planning Item:** Annexation – Martin Parcel

**Address:** 109 CR 69

**Status / Update:**

- Staff will draft annexation application, including annexation map and survey, and impact analysis to present annexation petition and resolution initiating annexation proceedings to the Board of Trustees.
- 11-14-22: Deemed by BoT to be of lesser import in ranking of Staff tasks; will await further direction.
- 2-2-23: Staff has begun moving on this process; Planner Painter will be the lead.
- 3-13-23: Planner Painter held a Pre-Application Conference with Town Staff (Simonsen, Cosgrove, Caplan, Bertges, Kimmett) on 3-9 to discuss process and allow for input. Likely to come before the PCDC on the 2<sup>nd</sup> Monday of April session.



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- 3-27-23 – Code Compliance Officer Bertges has been working with Parks Director Cosgrove, Lyons FPD, Lefthand FPD, the EAB, and the Watershed Center on a fire mitigation plan for the parcel. Mitigation activities likely to take place this Spring at some point.

Additionally, Planner Kimmett has been working with Boulder County at the access issues with County Road 69, which is currently blocked by debris, vegetation, and trash. At issue is both Town vehicular access, emergency services access, and keeping parcel users from trespassing on the Darcey Property to the south of the Martin Parcel.

- Code Compliance Officer Bertges will be leading the mitigation work on the land starting the Week of April 24<sup>th</sup>. The Martin Parcel will be closed to access for potentially several weeks.
- Planner Painter will present a synopsis of the annexation process ahead to the PCDC and the BoT at our forthcoming joint meeting on May 8<sup>th</sup>.
- PCDC will hear both annexation proposal and zoning proposal in public meeting on June 12<sup>th</sup>. Board of Trustees will have first reading of annexation proposal on June 20<sup>th</sup>, followed by second reading and annexation approval hearings on July 5<sup>th</sup>.
- 6-12-23: There is a change to the anticipated process: the annexation portion only will be reviewed and potentially recommended by the PCDC to the BoT on Monday the 12<sup>th</sup>; the rezoning portion will be held in a public hearing before the PCDC on Monday, June 26<sup>th</sup>.
- 6-26-23: Following this evening's rezoning hearing, the PCDC will likely have completed this phase of annexation / rezoning on the Martin Parcel. Still to come are the second reading of the annexation AND first reading of the rezoning by the BoT at their July 5<sup>th</sup> hearing, followed by the second reading of rezoning at the their July 17<sup>th</sup> hearing.
- 7-10-23: The Board of Trustees approved Ordinance 1149, thereby annexing 109 CR 69 to the Town of Lyons; it also approved for second reading (July 17<sup>th</sup>) Ordinance 1150 which would rezone the parcel from its current Boulder County designation of Rural Residential (RR) Zone District to the Town's Parks & Open Space (POS) Zone District.

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**Planning Item:** Moss Rock Hotel

**Address:** 343, 347, 349, 355 Main Street

**Status / Update:**

- PCDC approval 1/24/22. BOT approval 2/7/22. Development Plan Agreement approved by BOT 4/4/22. Development Plan executed.
  - LURA held a meeting on July 21<sup>st</sup> with a presentation by the developer on TIF (Tax Increment Financing).
  - 3-13-23: No update.
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**Planning Item:** Building Permit – Lyons Valley Park Housing (Summit)

**Address:** Carter Ct, Lively Ct, Carter Dr

**Status / Update:**

- Performance Bond provided 1/31/22 and Right-Of-Way Permit issued by Town 2/10/22. Contractor has mobilized and performing pre-blasting surveys. Blasting permit anticipated to be finalized next week and blasting beginning week of 3/21/22. Excavation ongoing. Blasting permit approved 5/6/22.
- Blasting began week of 5/16 and ongoing.
- Water and Sewer Lines 75% complete. Blasting scheduled to be finished end of August. Stormwater infrastructure to begin mid August. Possibly start building foundations early September.
- 8-8-22: Official groundbreaking ceremony with Town Staff and Officials, Gov. Polis, and Rep. Neguse occurred on Friday, August 5<sup>th</sup>. A good time was had by all, and exciting things ahead for Summit!
- 12-12-22: Water, sewer and stormwater infrastructure complete. Electric and Communications 75% complete. Full road with curb, gutter & asphalt 75% complete. Remaining road has been graded and road base placed, curb and gutter scheduled for Dec 9<sup>th</sup>. Asphalt work dependent upon weather. 14 Building permits issued. 8 single family foundations and slabs poured. 2 multifamily foundations poured. 4 more single family foundations to begin week of Dec 12.
- 2-27-23: Summit anticipates 3 phases of move-in: August, September, October
- 3-13-23: Summit hosted two meetings regarding affordability and openings for Town Staff (who have a first dib on potential placement). Some unfortunate findings (60% AMI target), with Staff asking for further input from Summit.
- 3-27-23: No update.

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**Planning Item:** Development Plan Review – Spirit Hound Distillery – Phase 2

**Address:** 4196 Ute Highway

**Status / Update:**

- 2-13-23: anticipated large building expansion
- 3-27-23: No update.
- 6-12-23: the anticipated Phase 2 portion of Spirit Hound's expansion is being delayed; currently work is being done on waterline leaks on the enhanced-sized lines from Phase 1.
- 6-26-23: News reported in the Lyons Recorder on June 22<sup>nd</sup> stated that Spirit Hound will be purchasing the Clark's Hardware Store for facility expansion.



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**Planning Item:** Development Plan Review – Generator Development (Lyons Ute Hwy, LLC)

**Address:** 4651-4652 Ute Highway

**Status / Update:**

- 1<sup>st</sup> Reading of Ordinance to remove PUD Zoning Application deadline requirement from Contract to Buy & Sell Real Estate. 2<sup>nd</sup> Reading completed 1/18 and Ordinance passed.
- 8-8-22: Tres Birds Architects has contacted Planner Kimmett for a zoning explanation; Kimmett is working on a response.
- 8-22-22: Planner Kimmett discussed potential development scenarios with Erik Hall of Tres Birds; developer is concerned about current A-1 Zone District designation, as well as curious of MU overlay potentials. Envisioning a MU/outdoor recreation industrial-recreational-residential concept.
- 9-26-22: Think Generator contacted Planner Kimmett to inquire whether Spirit Hounds could place 2-4 storage containers at 4652 Ute Highway for an estimated 12-18 months. Currently nothing in the Town code speaks to shipping / storage / CONEX containers for temporary or permanent use.
- 10-24-22: Appears that storage container idea is not moving forward. However, Administrator Simonsen and Planner Kimmett held a conceptual idea meeting for the redevelopment of the parcels with Generator Development's Paul Tamburello, Rene Doubleday, and their architect, Mike Moore on October 13<sup>th</sup>. Concept is for a mixed use scenario similar to 8-22-22 update above.
  - They would like to change the Public Works Building access, and share stormwater management
  - They have a vision of possibly creating an underpass on Highway 66
  - They want the St. Vrain River to be a prominent feature and draw for the whole development
  - Current zoning is A-1; they would like rezoned to CEC or a future "PUD-CEC" that would allow more flexibility, especially in setbacks
- 11-14-22: meeting with Generator / Tres Birds Team Friday 11-11 in the afternoon
- 11-28-22: Generator & Tres Birds presented their vision to Administrator Simonsen, Director rector Caplan, Director Cosgrove, and Planner Kimmett on the 11<sup>th</sup>; a new access for the Public Works Facility would be necessary; CDOT's current Highway 66 PEL doesn't have an access vision that aligns with the Generator concept presently; Generator is setting up a meeting with CDOT & Town Staff to discuss possibilities.
- 1-23-23: Generator has been occupied with the implications of the fire at another of their properties, 400-402 Main Street. However, they are continuing to move forward and Town Staff



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will meet with Generator on Thursday January 26<sup>th</sup> for further discussion of both 4651-4652 Ute Highway and 400-402 Main Street.

- 2-13-23: Generator met with Admin. Simonsen and Planner Kimmett; discussion is for a likely PUD-MU, which will provide quite a bit in the way of flexibility
- 3-27-23: No update.

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**Planning Item:** Annexation – Tebo Properties

**Address:** 4545-4559 Ute Highway

**Status / Update:**

- Pre-app for annexation held 7/26/21. Pre-app for annexation held again 3/31/22.
- 2-13-23: Planner Kimmett and Dir. Caplan met with developers to discuss path forward; likely a Ziggis drive thru and a Circle K gas station
- 3-13-23: No update.
- 6-12-23: Received an update from the Tebo architect, Arris Architecture Inc. of Loveland.

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**Planning Item:** Mayama Movement Studio

**Address:** 425 High St

**Status / Update:**

- On-site development idea conference, July 22<sup>nd</sup>
- Review questionnaire submitted, July 25<sup>th</sup>
- 8-8-22: Planner Kimmett has determined a Minor Development Review process is appropriate for the proposed facility expansion under Ordinance 1113. Development proposal also affected by Ordinance 1112 design review stipulations. Response returned to Mayama ownership week of August 1<sup>st</sup>; currently awaiting their formal application.
- 9-12-22: Town received renderings of design. Planner Kimmett has re-informed applicant of the development review process. Applicant is interested in perhaps Town-assistance in funding, e.g. the revolving loan.
- 9-26-22: Planner Kimmett has been communicating with Applicant about items needed for Minor Development Review land use permitting; additionally, application fee and escrow fee have been deposited.



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- 10-24-22: Planner Kimmett has reviewed Minor Development Review application documents, and held a meeting asking for revisions with applicants and their developer on October 19<sup>th</sup>. Mayama is anxious to move forward this year and will be returning revised application soon.
- 11-28-22: Revisions approved by Planner Kimmett; awaiting a few minor details prior to referring Minor Development Review application for signature of Town Administrator Simonsen.
- 12-12-22: Planner Kimmett has reviewed application, deemed it complete, and is awaiting final review and approval by Administrator Simonsen.
- 1-23-23: Application approved by Administrator Simonsen; now under Building Department review for Building Permit.
- 3-27-23: Building Department is again actively reviewing after some necessary updates to construction drawings by the builder.

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**Planning Item:** Potential Annexation

**Address:** 1117 5<sup>th</sup> Ave

**Status / Update:**

- 8-22-22: Director Caplan and Planner Kimmett performed a site visit with applicant on 8-19-22.
  - ~60 acres of former Boone Quarry in northwestern area of metro Lyons, currently with a single family house.
  - Surrounded on three sides by Town of Lyons corporate boundary
  - Potential for both estate-type and dense housing components
  - Potential for new parkland
  - Potential for new water tank – water system redundancy and pressurization improvements
  - Potential for fire safety improvements
  - Potential for trail access / recreation improvements
- 1-23-23: owner contacted Planner Kimmett in December, curious as to the status of a potential annexation.
- 2-13-23: property for sale
- 3-27-23: Realtor contacted Planner Kimmett to ask if there would be a need for a second access to the property should it be subdivided. Yes, and likely on Steamboat Valley Road, which does bring in additional annexation considerations.

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**Planning Item:** STR – Dwelling Unit

**Address:** 314 Main Street



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### **Status / Update:**

- 2-27-23: Planners Painter and Kimmett are working through a potential STR on the rear of the property (High Street). A unique-to-Lyons thusfar STR application. Concern about what delineates an STR from a hotel, what is a “dwelling unit” and its applicability in the C-Commercial Zone District, how much parking will be required, yada yada yada.
- 3-13-23: Planner Kimmett dove further in code research, working with Town Attorney Dittman. Outcome: Owner will be able to construct a separate STR with High Street access (rear of lot) AND will be required to build 3 offstreet parking spaces per the LMC. **TOWN ATTY DITTMAN AND PLANNER KIMMETT RECOMMEND LIMITING STRs TO NO MORE THAN 2 PER PARCEL.**
- 5-22-23: Incorporated into today’s workshop regarding ADUs in the Central Business District discussion. The owner can potentially build a detached STR only under the C-Zoning District Code.
- 6-12-23: Planner Kimmett will commence the concept of a new ADU Overlay Zoning District for the north half of the 300 Block of Main and the north half of the 400 Block of High Streets, tentatively set for the PCDC meeting on July 10<sup>th</sup>.
- 6-26-23: Planner Kimmett will bring the concept in Resolution before the PCDC at their July 24<sup>th</sup> meeting.
- 7-10-23: The proposal is being delayed until the August 14<sup>th</sup> or August 28<sup>th</sup> meeting due to conflicting priorities of Planner Kimmett

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**Planning Item:** Gateway Mobile Home Park

**Address:** 224 Seward Street

### **Status / Update:**

- 6-26-23: Planner Kimmett and HHSC Chair Kay Sparks met with residents of this, Lyons’ last mobile home community, at the Library at 7:15pm on June 20<sup>th</sup>. The property has been listed for sale – and removed – and listed – and removed – this year, and the residents are worried about their future. They would potentially like to purchase the park, but cannot come close to the asking price of \$2.35mm. The Town is also worried: this is a single, very large lot that could potentially displace very low income housing – possibly the most affordable bastion of Lyons – with a single home. Steps ahead: meet with BoCo Housing & Human Services and the nonprofit Thistle to discuss options for the residents and the Town.

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**Planning Item:** Encroachment License

**Address:** 926 4<sup>th</sup> Avenue

### **Status / Update:**

- 6-26-23: Planner Kimmett has been working with the current owner, David Crotty, and his real estate agent for several months to clear up and license an issue whereby the home’s driveway is within the platted alley owned as ROW by the Town. We are extending a one-time transfer of





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this license to the future owners, which is atypical but has been found legally acceptable by Attorney Dittman.

- 7-10-23: Encroachment License and Transfer Addendum executed between current & future owners and Town

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#### Projects:

- **US36 Multimodal Improvements (aka “The Broadway Project”)**

TIP grant from DRCOG through CDOT for Broadway improvements adding parking 3rd to 5<sup>th</sup> and multi-modal trail from 2<sup>nd</sup> to 5<sup>th</sup> Ave. 90% submitted to CDOT for review, anticipated construction bidding Fall 2022. Working on completing 100% design and putting out to bid for construction in 2022.

1-23-23: Anticipating mobilization March 2023.

2-27-23: At their 2-21 session, the BoT spend considerable time hearing public testimony from Evans Street/Park Street/3<sup>rd</sup> Avenue-area residents concerning traffic on their streets and the redesign of Railroad Avenue as a part of the Broadway Project. Residents do not like the currently-adopted Railroad Avenue plan. Prior to the meeting, in his angst over the design of Railroad Avenue, Planner Kimmett prepared a new design approach, which has been met with welcome by residents, Board of Trustees members, and Town Staff. This plan must still make it through the CDOT censors, but Project Manager Sanders feels it can be viable.

3-13-23: The Town received only one bid for the project, so it must now go back out to bid, causing obvious project start delays.

4-24-23: Railroad Avenue Option 5 – last month, Planner Kimmett offered a new alternative to the BoT for potentially resolving the stretch of Railroad Avenue between 2<sup>nd</sup>/Park and 3<sup>rd</sup> Avenues. This alternative appears to now be the preferred by Town Staff and will be advocated as such to CDOT.

6-12-23: Project to commence in August.

- **St. Vrain Corridor Trail** Grant for new trail from McConnell to US 36:

CDOT funded project that encompasses just under a 1-mile trail from McConnell to Hwy36.

11-14-22: The Town is currently exploring alignment options for approximately 300 LF of the trail near Spirit Hounds, the Circle K, and Clark’s Hardware. A couple of business owners are not in support of the trail aligning behind their businesses on Town property they are leasing. The Town is looking at several options to adjust the alignment to find the least impact to those businesses. Once this is determined then the Town can decide to move forward with design.

If this cannot be resolved this project may need to be tabled and the funding will need to be returned.

The design consultant has completed some survey and environmental work; they are requesting additional funds to survey and map some wetlands. Until the Town makes a determination on alignment, they will not be granting additional funding for environmental work. Essentially the design has been on hold for most of the year while this alignment issue is being resolved.





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2-27-23: potential for gap funding the \$250,000 spread to complete the trail via Boulder County! More to come.

4-24-23: Grant Administrator Tracy Sanders, Town Admin Simonsen, and Dir. Mitchell have obtained the support of Boulder County and the general consent of DRCOG to ask for a grant extension (expires in June); next will be working with CDOT for a potential change of work if negotiations with Highland Ditch-Spirit Hounds-Clark's don't migrate.

Staff continue negotiations with Highland Ditch over using their narrow path south of Spirit Hounds & Clark's; Spirit Hounds and Clark's don't like trail cutting through their businesses; Planner Kimmett proposed new ditch crossing concept to Staff on 4-21 that would connect trail across Highland Ditch to Loukonen land.

5-22-23: Trail ideas still being worked on and worked out.

6-12-23: The Town has received an extension to the grant from DRCOG as it continues to negotiate with landowners in the hopes of keeping the original alignment on the former railroad ROW.

6-26-23: The Town has received a \$600,000 gap fund award from Boulder County! This will make construction realistic. Estimated to begin in Fall of 2024. Additionally, the Town has come to an agreement for the original alignment with Spirit Hound and Clark's Hardware. Off to the races! (slowly)

- **IHOP (Innovative Affordable Housing Opportunities) Grant**

2-27-23: Grant for consultant-led study of \$50,000 from DOLA. Planner Kimmett has prepared an RFP document to be sent the week of the 27<sup>th</sup> out for potential bidders. Winning bid will create a housing strategies plan to assist the Town in understanding what the needs are and how best to approach solving our affordable housing crisis.

3-13-23: Planner Kimmett finalized the RFP and posted it for consultant bidding on Rocky Mountain E-Bids on 3-7

3-27-23: Planner Kimmett has received a few inquiries from potential bidders regarding the RFP...so there is interest!

4-24-23: Planner Kimmett, Admin. Simonsen, and HHSC Chair Kay Sparks reviewed 3 bid proposals and have a likely candidate for the effort; to be presented to BoT on May 1<sup>st</sup>.

5-22-23: BoT approved contract to award consultant study to Bohannon Huston Inc., a regional engineering and planning firm with a strong background in these sorts of studies, including conducting an IHOP study presently for the Town of Nederland. More details to come!

6-12-23: Bohannon Huston will host a project kickoff meeting, either the week of the 12<sup>th</sup> or the 19<sup>th</sup>, here at Town Hall.

6-26-23: Kickoff meeting went quite well on June 21<sup>st</sup>. Chair Dreistadt was in attendance. BHI appears to have a solid grasp of the path forward, and is open to PCDC input during their process.

7-10-23: BHI is finalizing project logo, project website, and outreach strategies with the Town while behind the scenes is conducting research and creating GIS for the study and plan.



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- **Inter-Governmental Agreement on land use with Boulder County**

3-27-23: Mayor Rogin, Administrator Simonsen, and Planner Kimmett will be meeting with the Boulder County Commissioners on May 1<sup>st</sup> to discuss the path forward for revising and hammering out a new IGA between the County and the Town. The current one expires in the Fall of 2023, and we have limited time to negotiate a new one. Items of note on the IGA:

- Will last for 10 years likely
- Will stipulate which lands BoCo and the Town feel should be restricted from development (e.g. culturally-sensitive sites, County Open Space); which have the potential for limited development; which have the potential for annexation, etc.
- At some point in the coming months, likely following the May 1<sup>st</sup> meeting, Planner Kimmett will host a workshop with the PCDC on the IGA

4-24-23: Mayor Rogin, Admin. Simonsen, and Planner Kimmett will be meeting with Boulder County commissioners and staff on May 1<sup>st</sup> for initial discussion.

5-22-23: After meeting with Boulder County officials and staff, plus the BoT in executive session, Planner Kimmett is preparing for the next meeting with BoCo on June 1<sup>st</sup>. More information will be shared with the PCDC in the coming weeks.

6-12-23: Mayor Rogin, Admin. Simonsen, and Planner Kimmett met with BoCC Marta Loachamin, County Atty Ben Pearlman, Community Planning & Permitting Dir. Dale Case, and other county staff to discuss the areas Planner Kimmett designated as potential zones for migrating the new IGA designation from "Rural Preservation Areas" to "Municipal Influence Areas."

- Housing equity & affordability are high on the Town's mind, and Comm. Loachamin recommended incorporating that language into the IGA
- Prioritize areas where the Town would like to have potential development – and density – in the IGA (Trustee Oetting doesn't like the idea of increased development density on Boone Parcel, as an example, but there's arguments for and against that)
- What to do with CEMEX? So many unknowns. We have asked to open up the IGA on that, even though it doesn't expire until 2034.
- What levels of public engagement are good / too much / too little?
- Hazard mitigation / other rationale for a "Tier II" Municipal Influence Area...not annexation, but rather a more robust voice & seat at the table on BoCo land use decision making.

7-10-23: The BoT has met in executive session regarding direction, and tonight the PCDC will do so likewise in executive session to assist in developing standards and strategies for IGA negotiations.

- **Brownfield Advisory Committee (a CDPHE grant-funded opportunity to identify and possibly study "brownfield sites" for contamination / blight / potential redevelopment)**



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6-12-23: The CDPHE-selected consultant for this grant, Stantec, held a virtual meeting with Lyons, Longmont, Firestone, and Cortez BACs & staffers on May 30<sup>th</sup> to discuss at a high level the parameters of what lies ahead:

- Stantec will work with each municipality directly to rank our desired sites for study priority (right now that is: Apple Valley Water Treatment Facility; Tank Hill water tank; Shady Lane MH Park; Town Hall; possible candidates: Spirit Hound site for UST; Vintage Auto)
- New sites may become more identifiable after Stantec produces a comprehensive map of the Town showing where known contamination is likely on a parcel-by-parcel basis...a contamination heatmap of sorts
- Stantec will meet with Staff and BAC at Town Hall for kickoff meeting on June 13<sup>th</sup>

### • Sidewalk Assessment RFP

6-12-23: Town Engineer Justin Doles is leading, with Planner Kimmitt advising & assisting, on a sidewalk assessment RFP, which will be issued on the 15<sup>th</sup>. Goal is multifold:

- Identify sidewalk gaps
- Qualify sidewalk conditions
- Prioritize investment in future sidewalks

7-10-23: Engineer Doles has commenced selection process for RFP; Planner Kimmitt is on selection committee

### • Safe Streets & Roads For All (SS4A) with the USDOT

6-12-23: Planner Kimmitt will be applying for this grant by early-mid July deadline. Grant will fund a consultant to assess at a town-wide, comprehensive level the overall safety of our transportation infrastructure. The SS4A is a necessary prelude to applying for US DOT implementation grants to fund actual improvements to our transportation infrastructure.

7-10-23: The BoT passed Resolution 2023-44, authorizing Town Staff to move forward with the SS4A application. Planner Kimmitt will submit to USDOT by July 10<sup>th</sup> deadline 😊.

### • North Foothills Bikeway Feasibility Study with BoCo / City of Boulder

6-12-23: Planner Kimmitt is on the Steering Committee with this BoCo-led study, being undertaken by the transportation consultancy Otak. Committee members met with Otak on June 1<sup>st</sup> to discuss various bikeway alignment alternatives and design concepts. I emphasized the bifurcated needs once the bikeway approaches both the future St. Vrain Greenway Trail that will pass beneath US 36 and the reality of road cyclists riding either on US 36 into Lyons (and beyond) or on SH 66 toward Longmont (and beyond) and the tricky set of man-made and natural intersections in the area.

### • Main Street Lighting Grant



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6-26-23: Engineer Doles is leading the implementation of a grant awarded by CDOT to enhance both visibility and aesthetics of the 300 & 400 Blocks of Main Street with a fun lighting project. Installation will begin this Summer.

- **Future Park on Tank Hill**

6-26-23: Planner Kimmett has a thought of a park on the current Tank Hill. This hill was historically the site of artists and photographers to paint or photograph the Town, and in Kimmett's mind, would be a nice complement to the area and provide a needed park to this side of central Lyons. PCDC thoughts?