

## STAFF REPORT TO THE PCDC

**REPORT SENT DATE:** May 10, 2024

**PCDC MEETING DATE:** May 13, 2024

**CASE NAME:** River Bend PUD Review

**TOWN STAFF:** Andrew Bowen, Senior Planner

**APPLICANT:** Chris Legh

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### I. PROPOSAL SUMMARY AND PROCESS INFORMATION

The proposed PUD amends the language of the previously approved PUD to alter the following:

- Allow for an extended camping timeframe.
- Allow for the construction of a 6,000 sf venue structure instead of the previously approved 4,000 sf.
- Allow for music to be amplified.
- Allow for the addition of ten (10) additional tiny homes.

### PROCESS (REQUIRED TOWN APPROVALS)

This request must be approved as a General Rezone per the requirements of Sec. 16-15-20. A Development Plan must also be approved once the new entitlement is established.

### PUBLIC NOTIFICATION

All notification requirements per Sec. 16-15-30. - *Zoning amendment application process*, were satisfied on May 3<sup>rd</sup>, 2024. The posting for this hearing was placed on the Town's website and notification board. All notification letters within the notification area were sent. The spreadsheet of recipients is attached.

### REFERRAL REQUEST

Referrals for this request were sent on April 25<sup>th</sup>, 2024. All responses are attached.

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### II. PARCEL INFORMATION

**ADDRESS OF PROPERTY:** 501 West Main Street

**PROPERTY OWNER:** LYONS PROPERTIES LLC

**PROPERTY PIN#:** 501 W MAIN ST

**Legal Description:** PT NE 1/4 SW1/4 18-3N-70 AKA RIVERBEND PER DEED 1014907 11/22/89  
BCR 5.64 ACS PER LS-08-0191 & BDY LINE ADJ PER REC # 3571838 & 3572943-4

### NEIGHBORING PARCEL ZONING:

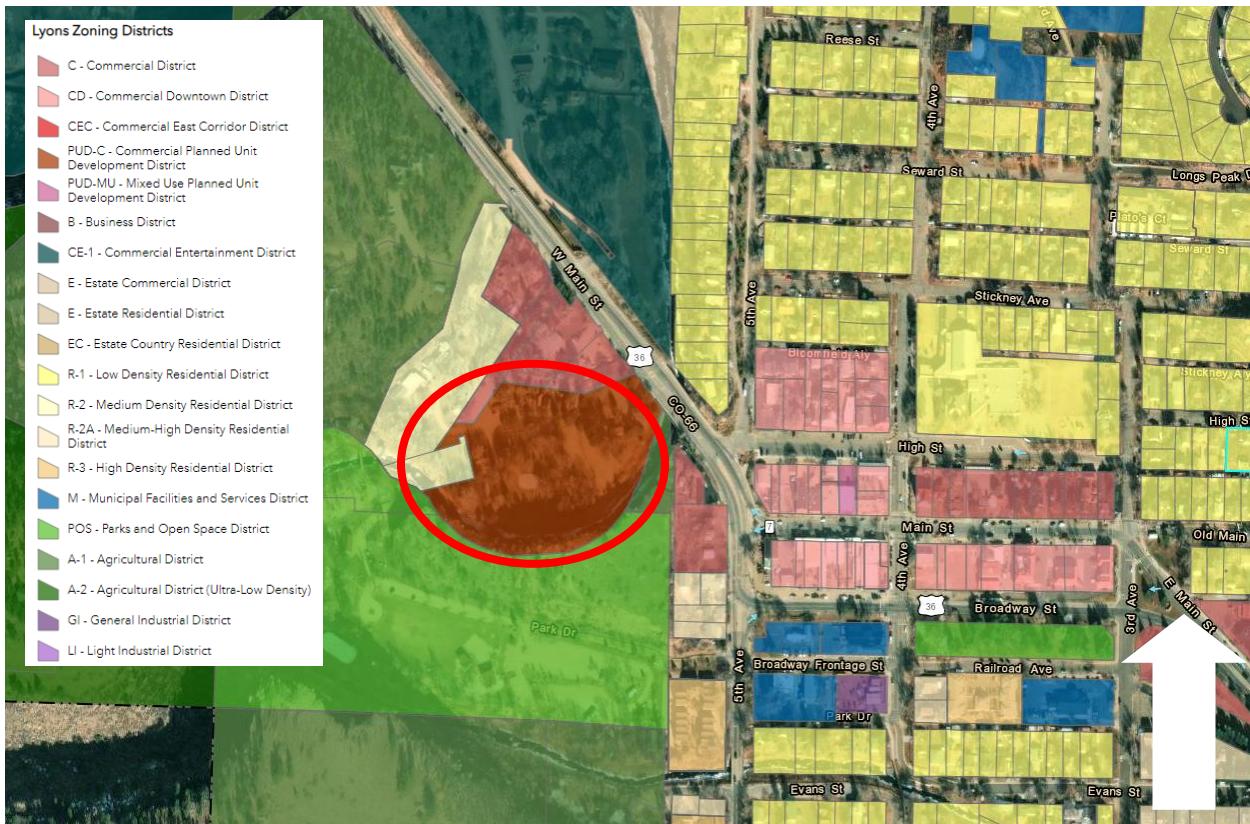
**North:** C, Commercial

**West:** R2, Medium Residential

**East:** A-1, Agricultural

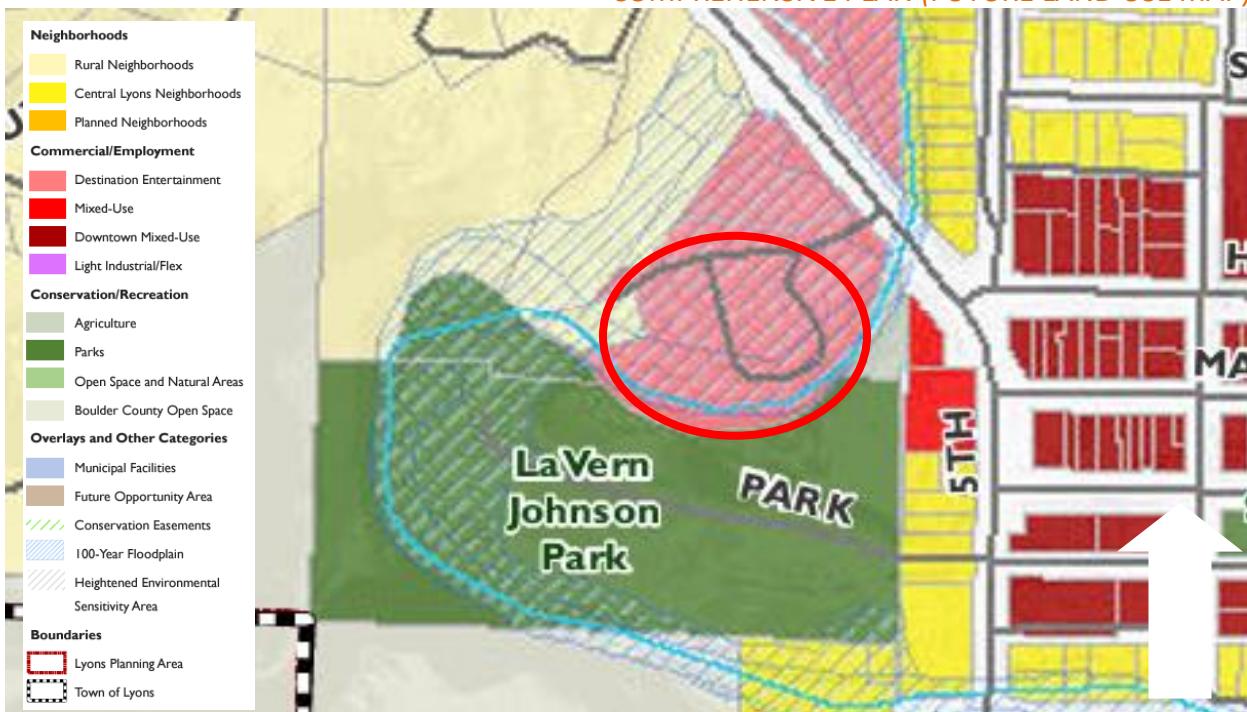
**South:** POS, Parks and Open Space

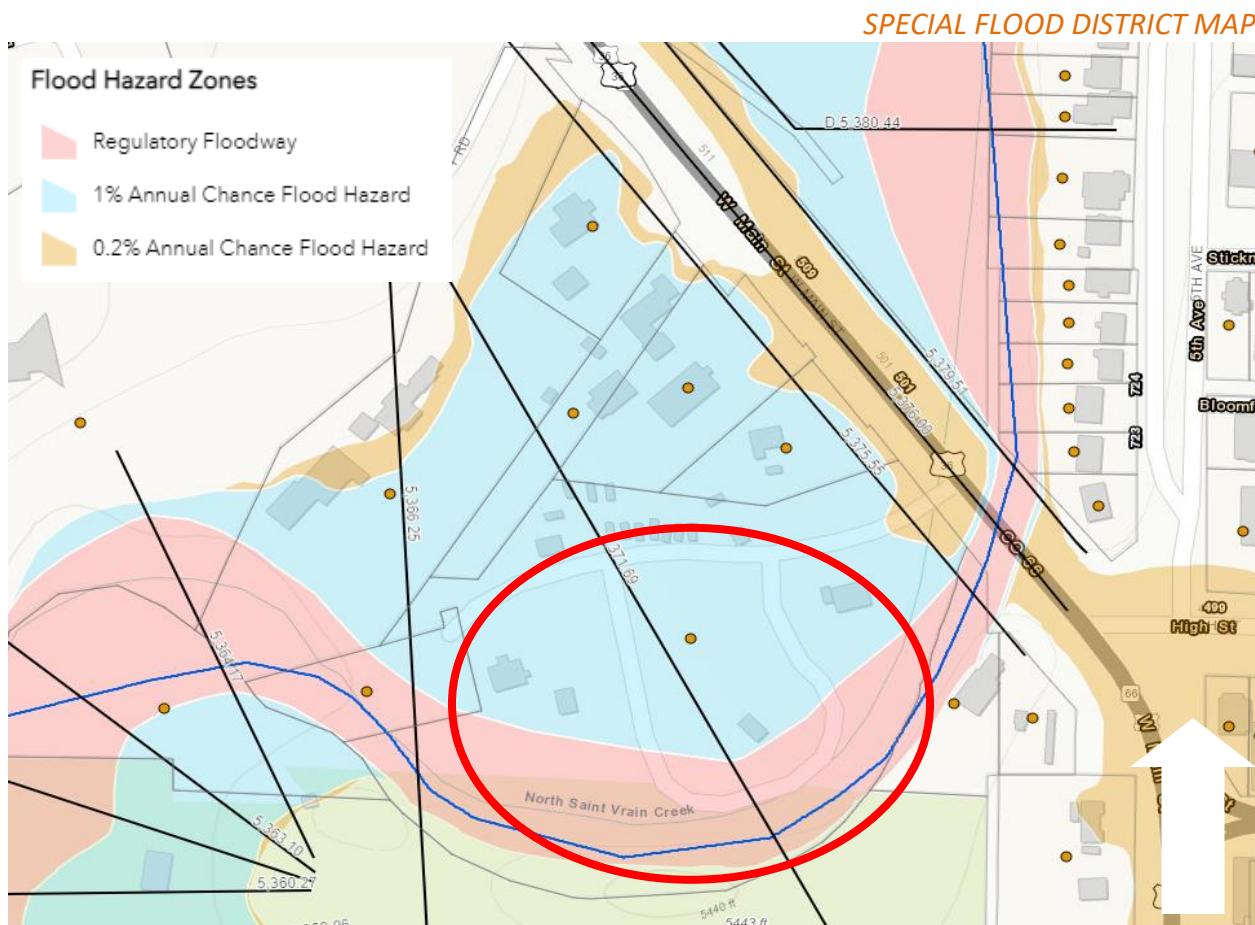
**SITE VICINITY AND ZONING MAP**



The subject property is located in the PUD-C - Commercial Planned Unit Development District

**COMPREHENSIVE PLAN (FUTURE LAND USE MAP)**





## 2. Allowance of Amplified Music

### Original Text

6. Event center, small use, subject to the following conditions:
  - a. Outdoor music performed by live entertainment at events shall not include amplified instruments. Horns or percussion are not allowed. Woodwinds (e.g. clarinets, flutes, etc. are allowed. One vocalist may use a microphone with amplification.
  - b. Outdoor Disc Jockey (DJ) style performance of amplified recorded music is not allowed.
  - c. Outdoor weddings:
    - i. During wedding ceremonies: the officiant and other members of wedding parties may use a microphone with amplification for readings, vows. Low level amplified recorded music or unamplified acoustic instruments only are allowed during the ceremony with one vocalist using a microphone with amplification. Wedding ceremonies are to be concluded no later than 5:30 pm.
    - ii. During cocktail hour and dinner: unamplified acoustic only instrumental music is allowed. The officiant and other members of wedding parties may use a microphone with amplification for toasts and announcements.
    - iii. After dinner music: unamplified acoustic only instruments are allowed with one vocalist using a microphone with amplification.
  - d. All music shall end by 10:00 pm.
  - e. Outdoor low level amplified recorded music, vocals, and public address system announcements, or any other noise generated at any wedding or other special event conducted on the property shall be carefully limited to the minimum functional sound level. All uses conducted at River Bend shall also comply with the noise restrictions set forth in Sec. 10-11-10 Unreasonable Noise of the Lyons Municipal Code as it may be amended from time to time. The Applicant or any person or entity holding a function on the subject property shall immediately reduce or eliminate any amplified or other sounds when instructed to do so by a member of the Boulder County Sheriff's Office, other law enforcement or emergency services personnel or member of Town Staff.

### Proposed Text

6. Event center compliant with Town of Lyons municipal code.
7. Indoor or outdoor music (whether recorded or live) in compliance with Town of Lyons municipal code as applied to and enforced on other businesses and event centers within the Town of Lyons.

## 3. Allowance of Larger Structure and Ten Additional Tiny Homes

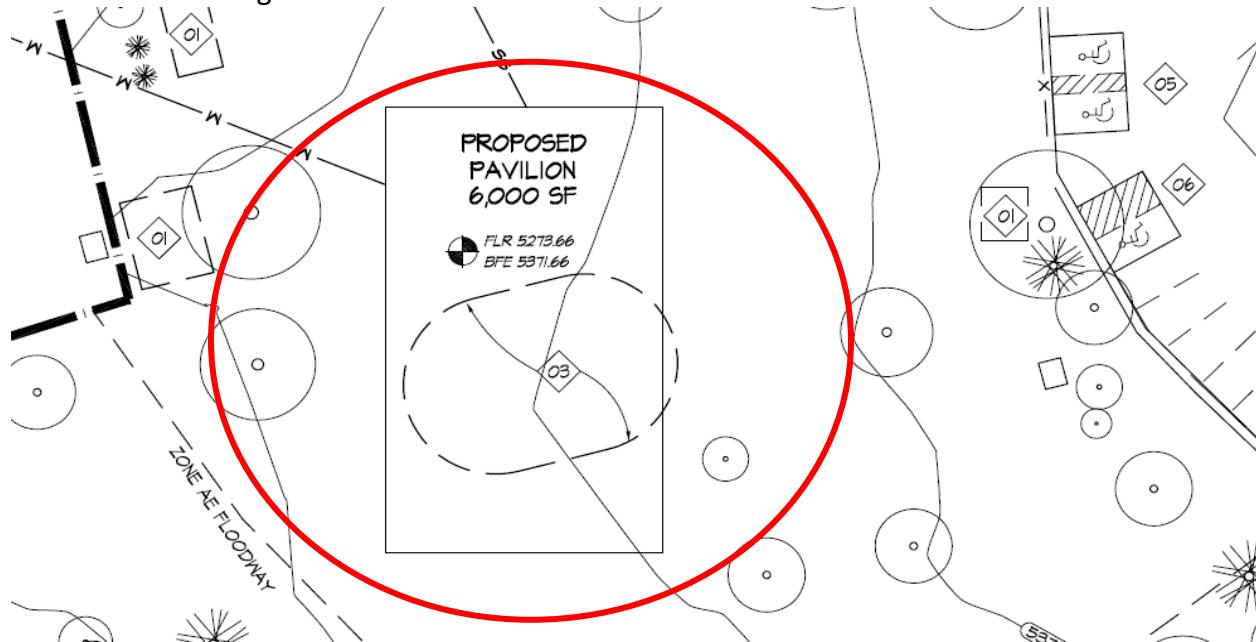
### Original Text

The PUD would allow for construction of a maximum 4,000 sf single story enclosed Pavilion Structure along with associated site improvements which would require development review approval by the Town of Lyons Planning and Community Development Commission and subject to ratification of this approval by the Town of Lyons Board of Trustees prior to building permit submittal. Construction of the Pavilion Structure would result in removal of the Mobile Restroom Trailer from the Property. Should the Pavilion construction be delayed beyond 5 years from the approval date of this PUD, the Applicant agrees to remove the Restroom trailer and replace its functionality with a permanent Restroom Structure as noted on the accompanying Site Plan. The development approval process for construction of the Restroom Structure would require the process noted above for the Pavilion Structure.

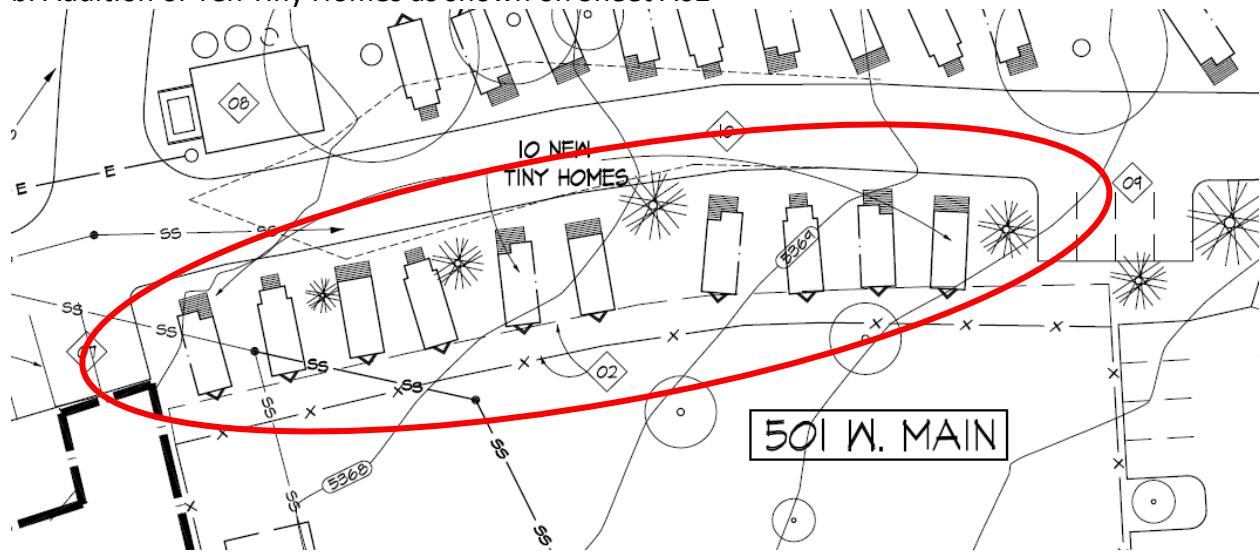
### Proposed Text

The amended PUD-C zoning would allow for construction of a maximum 6,000 sf enclosed structure principally used to host events on the Site. This structure would include: permanent rest rooms; a catering preparation area; bridal and groom preparation areas; and, an area of approximately 4,000 square feet for seated guests and associated services including bar, band, DJ and dance floor. In addition, this amendment also includes 10 additional recreational vehicles ("tiny homes") for a total of 32 on the Site. These additions along with other along with associated site improvements require development review and approval by the Town of Lyons Planning and Community Development Commission (PCDC) and the Town of Lyons Board of Trustees (BOT) prior to building permit submittal.

### a. Allowance of Larger Structure as shown on Sheet A02.



b. Addition of Ten Tiny Homes as shown on Sheet A02



#### 4. Utility Note Change

##### Original Text

###### UTILITIES

501 W. Main is currently served by municipal sanitary sewer service via a private lift station that ejects via 4" lines to the pressurized main running parallel to the west side of Highway 36. As part of the proposed improvements, and in cooperation with the Town's reconstruction of Meadow Park, the Project proposes to connect to a new gravity flow sewer sanitary main extending through Meadow Park and crossing the North St. Vrain onto the 501 W. Main property. In addition to allowing abandonment of the lift station, further extension of this main could potentially serve other properties neighboring 501 W. Main. The property currently relies on treated well water for irrigation and potable water. This was supplemented in 2015 with a private "delivered" water system with onsite tanks and pressurization which will be removed upon connection to the Town's potable water system. The Applicant and the Town of Lyons have reached a Memorandum of Agreement regarding, in part, installation of a new 12" transmission line through the property along with an associated short section of 8" water main terminating at a new fire hydrant located on 501 W Main. Natural gas currently serves the Property and no expansion is required. Onsite electrical service can adequately serve including the Phase 1 and Phase 2 additions of Tiny Homes. The Applicant acknowledges that backflow devices may be required by the Town of Lyons upon connection to the potable water system. The existing Utility Building requires no water or sewer service connections.

##### Proposed Text

###### UTILITIES

The existing Utility Building requires no water or 501 W. Main is currently served by an 8" water line originating at a 12" municipal water transmission line located in an easement along the northwest property line of the Site. Municipal sewer service is provided to the Site via (3) private sewer lines connected to an 8" municipal sewer line which extends in an easement through the Property and below the North St. Vrain River. One of these service lines will in turn serve the proposed Pavilion building on the Site. Natural gas currently serves the Property and no expansion is required. Onsite electrical service can adequately accommodate the Pavilion and 10 additional Tiny Homes proposed under this PUD. The Applicant acknowledges that backflow devices may be required by the Town of Lyons upon connection these improvements to the potable water system sewer service connections.

#### 5. Fire Protection Note Change

##### Original Text

###### FIRE PROTECTION

No fire hydrants currently exist on the Property. As a part of the installation of a municipal water transmission line through the site, a new fire hydrant will be installed in the new public utility easement in the northwest corner of the Site adjacent to the proposed alignment of the new 12" water transmission line (see Sheet A02). A new proposed security gate just west of the main entry to the property will include a NOX box for emergency access. Upon completion of work in Phase 2 a 20' wide loop road around the Tiny Home Village will allow for emergency vehicle turn around without backup. A hammerhead extension of the driveway in the vicinity of the proposed fire hydrant provides backup access by emergency vehicles.

##### Proposed Text

###### FIRE PROTECTION

One (1) fire hydrant currently exists on the Property in the existing public utility easement at the northwest corner of the property. The existing security gate just west of the main entry to the property includes a NOX box for emergency access. An existing 20' wide loop road around the Tiny Home Village allows for emergency vehicle turn-around without backup. A hammerhead extension of the driveway in the vicinity of the proposed fire hydrant provides backup access by emergency vehicles.

#### 6. Signage Note Change

##### Original Text

###### SIGNAGE

A single non-illuminated sign with an approximately 4' wide x 3' high face is located on the south side of the main entrance from Highway 36. Prior to completion of Phase 2, we plan on moving it to the north side of the entry, outside of the required sight triangle.

##### Proposed Text

###### SIGNAGE

An existing single non-illuminated sign is located on the northwest side of the main entrance from Highway 36 and is located outside of the required vehicular sight triangle at this entry.

#### 7. Traffic Note Change

##### Original Text

###### TRAFFIC

Included as an attachment to this submittal is a copy of the documentation which we submitted to CDOT for issuance of an access permit which the Town required before approving the Temporary Special Use Permit under which we've been operating since June 2014. CDOT issued the access permit based on the estimated trips associated with the same scope and intensity of uses that are requested as part of this PUD with Zoning Amendment. The Applicant must provide a copy of a CDOT access permit prior to recordation of the PUD.

##### Proposed Text

###### TRAFFIC

CDOT has issued an access permit based on the estimated trips associated with the same scope and intensity of uses that are requested as part of this PUD Amendment. The Applicant has previously provided the Town with a copy of an approved CDOT access permit.

## 8. Pedestrian Connection Note Change

### Original Text

#### PEDESTRIAN CONNECTION

The area along Colorado Highway 36 northwest of the existing entry to the Site will be rough graded to form a bench for a future sidewalk along the CDOT highway frontage. The platform will accommodate future extension of a concrete sidewalk equivalent in width to the existing sidewalk in this area. This grading will require vertical extension of an existing utility manhole and water valve in the vicinity. The current pedestrian connection to the Site occurs via the existing driveway.

### Proposed Text

#### PEDESTRIAN CONNECTION

Current pedestrian connection to the Site occurs via the existing driveway. The area along Colorado Highway 36 northwest of the existing entry to the Site has been rough graded to form a bench for a future sidewalk along the CDOT highway frontage to accommodate future extension of a concrete sidewalk provided by others equivalent in width to the existing sidewalk in this area

## 9. Project Phasing (Schedule) Note Change

### Original Text

#### PROJECT PHASING

Construction of Phase 1 of the Project will commence immediately upon approval of this PUD with Zoning Amendment. We anticipate completion of Phase 1 improvements by mid May 2016, however if the final approval of the PUD occurs after May 1, 2016, completion of Phase 1 improvements may be delayed until November 30, 2016. We anticipate completion of Phase 2 improvements by mid May 2017, however, completion of this phase is subject to availability of water and sewer service from the Town of Lyons (see UTILITIES below). Phase 3 (Pavilion or Restroom Structure) timing would be based on necessity but would occur no sooner than mid May 2018. Please refer to Sheet A02 of this submittal for an outline of proposed improvements by Phase.

### Proposed Text

#### PROJECT SCHEDULE

Construction of improvements approved under this amendment will commence immediately upon approval of this PUD. We anticipate commencement of the proposed improvements on October 1, 2024 and completion by June 1, 2025. This schedule presumes final approval of this PUD Amendment no later than May 31, 2024.

## 10. Project Statistics Table Change

### Original Table

#### PROJECT STATISTICS

	Photo	Status	Proposed Use	Fir Area	Parking				Ftprint	Ht	Setback [1]	BR	D.U.	Seats	
					sf	Req	Std	HC	Van	sf	ft				
501 West Main															
Primary Dwelling	A	Existing	Single Family Res	1,140	2	3				1,423	20	103	2	1	
Pump House		Existing	Storage	10	0					10	5	49			
Service Bldg	B	Existing	Storage	562	0					562	9	46			
Canopy Tent	C	Proposed	Event Production	2,056	[4]	30	59	2	1	2,056	24	140		[3] 180	
Glamping Tent	D	Proposed	Event Production	160	0					160	12	180			
Catering Tent	E	Proposed	Event Production	320	[5]	5	8			320	18	5			
Restroom Trailer	F	Proposed	Event Production	167	0					167	10	25			
Pavilion (Future)		Proposed	Event Production	4,000	[3]					4,000	32	60		[3]	
Tiny Homes (21)	G/H	Proposed	Accomodations	4,200	21	20	1			2,400	13	25	21	21	
Tiny Homes Office		Proposed	Office	200	1	1				200	13	15			
<b>Property TOTAL</b>				<b>12,815</b>	<b>59</b>	<b>90</b>	<b>3</b>	<b>1</b>	<b>11,298</b>				<b>23</b>	<b>22</b>	<b>180</b>
				<i>Net developable land area per potential guest room: 245,926/23 = 10,694 sf</i>											

**Note:**

- [1] Setbacks are measured from point of structure nearest to an external property line.
- [2] Owner requests allowing residential use to continue in these structures until converted to lodging
- [3] Canopy Tent and Pavilion w/ could not be occupied simultaneously
- [4] Required parking based on Institutional, Church, Club use: 1 space per 6 seats
- [5] Required parking based on 1 space per staff member

### Proposed Table

#### PROJECT STATISTICS

	Status	Proposed Use	Fir Area	Parking				Ftprint	Ht	Setback [1]	BR	D.U.	Seats	
				sf	Req	Std	HC							
501 West Main														
Tiny Homes Office	Existing	Office	1,140	[3]	5	5	1	1	1,140	20	81			
Pump House	Existing	Storage	10	0					10	5	49			
Service Bldg	Existing	Storage	562	0					562	9	46			
Pavilion	Proposed	Event Production	6,000	[2]	32	59	2	1	6,000	40	60		200	
Tiny Homes (22)	Existing	Accomodations	4,400	22	22	1			4,400	13	25	22	22	
Tiny Homes (10)	Proposed	Accomodations	2,000	10	10	1			2,000	13	25	10	10	
<b>Property TOTAL</b>			<b>14,112</b>	<b>79</b>	<b>106</b>	<b>5</b>	<b>2</b>	<b>14,112</b>				<b>32</b>	<b>32</b>	<b>200</b>
			<i>Net developable land area per potential guest room: 256,732/42 = 6112</i>											

**Note:**

- [1] Setbacks are measured from point of structure nearest to an external property line.
- [2] Required parking based on Institutional, Church, Club use: 1 space per 6 seats
- [3] Required parking based on 1 space per staff member

## 11. Site Coverage Table Change

### Original Table

#### SITE COVERAGE DATA

	Footprint	Paving		Landscape		River	Lot Subtotal
		Impervious	Permeable	Turf	Native		
501 West Main	11,298	3,949	49,479	143,789	32,760	15,651	245,926
<b>SUBTOTAL</b>	<b>11,298</b>	<b>3,949</b>	<b>49,479</b>	<b>143,789</b>	<b>32,760</b>	<b>15,651</b>	<b>245,926</b>
Coverage Ratios	4.59%	1.61%	20.12%	58.47%	13.32%	6.36%	100.00%
<b>SITE TOTAL</b>							<b>5.646 Ac</b>

### Proposed Table

#### SITE COVERAGE

	Footprint	Paving		Landscape		River	Total
		Impervious	Permeable	Turf	Native		
Existing	11,298	3,959	38,530	143,734	32,760	15,651	245,932
<b>New Construction</b>							
<i>New Pavilion</i>	6,000			-6,000			
<i>10 Tiny Homes</i>	2,000			-2,000			
<b>SUBTOTAL</b>	<b>19,298</b>	<b>3,959</b>	<b>38,530</b>	<b>135,734</b>	<b>32,760</b>	<b>15,651</b>	<b>245,932</b>
Coverage Ratios	7.85%	1.61%	15.67%	55.19%	13.32%	6.36%	100.00%

#### IV. REQUIRED FINDINGS

Sec. 16-15-40 outlines the required approval criteria.

*"For the purpose of establishing and maintaining sound, stable and desirable development within the Town, the official zoning map shall not be amended except:*

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.***

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#### V. STAFF ANALYSIS

This rezoning (PUD) request most closely aligns with Criteria 6 above. As noted by the applicant, the new PUD will allow for a larger year-round venue with added camping and tiny homes which will add more overnight stay options for the venue. The applicant also states that amplified music is integral to hosting weddings and corporate events.

Per the Lyon's Thrive Comprehensive Plan, this parcel's Future Land Use Classification is Destination Entertainment. Therefore, the desired use for this property is a *"mix of tourism-oriented commercial, recreation, and service uses."* Further, this classification is meant to *"support destination tourism as an important sector of the Lyons economy. These areas are intended to provide for a variety of entertainment activities, including concerts and cultural performances, indoor and outdoor wedding venues, and related ancillary uses such as the sale of food and beverages, and lodging. Destination Entertainment uses attract a large volume of visitors on an annual or seasonal basis and must be managed carefully to mitigate congestion and other impacts to residents and the natural environment. Uses should be easily accessible from the highway, well-connected with trails and bicycle paths, and adequately buffered from residential areas to mitigate noise and other impacts."*

It is for this intended use of the property that staff finds the following:

##### **Allow for an extended camping timeframe.**

Staff generally agrees that a longer camping timeframe and the addition of ten dedicated primitive camping sites would support a need on-site for overnight stay options.

However, staff encourages the PCDC to seek parameters as to when and exactly where camping will occur. Proximity to facilities and natural areas should be a consideration when establishing this parameter.

**Allow for the construction of a 6,000 sf venue structure instead of the previously approved 4,000 sf.**

Staff generally agrees that the event space in its current condition is under-utilized, as a larger event space would allow for year-round events, which is a need for the community. This enhanced square footage will also allow other future buildings such as catering areas and restrooms to be housed within the same structure.

**Allow for music to be amplified.**

Staff generally agrees that amplified music is necessary for a Destination Entertainment use, which allows for a variety of entertainment activities, including concerts and cultural performances, indoor and outdoor wedding venues, and related ancillary uses. While the allowance of amplified music is not explicitly mentioned under this classification, there is a reasonable expectation that amplified music would occur.

However, staff encourages the PCDC to establish parameters for when amplified music can occur outdoors. In speaking with several members of the community, this must occur. Considerations such as quiet hours should be explored and possibly established.

**Allow for the addition of ten (10) additional tiny homes.**

Staff generally agrees that the addition of ten tiny homes would support a need for on-site overnight stay options. As stated by the applicant several times, patrons are forced to stay in other jurisdictions without more amenities.

However, staff encourages the PCDC to discuss how all tiny homes on-site will be removed in the case of an emergency.

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## **VI. STAFF RECOMMENDATION**

Based upon the information and materials provided by the Applicant, staff generally **supports** the PUD, based upon being able to make the findings required by Sec. 16-15-40 and requests that the PCDC forward this application to the BOT with a recommendation of approval with the following six (6) recommended conditions:

1. Camping shall only be permitted in an area formally established for primitive camping.
2. Only ten (10) primitive camping sites shall be permitted.
3. No camping shall be allowed within 100' of N. Saint Vrain Creek.
4. Camping operations shall be limited to May 1<sup>st</sup> – December 31<sup>st</sup>.
5. No amplification of outdoor music shall occur after 10 pm.

6. A formal evacuation plan shall be submitted, which explicitly describes how all tiny homes will be removed in the case of an emergency.

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