

Patrick and Clara Thomas
601 Indian Lookout Rd
Lyons, CO 80540

May 9, 2024

Dear Town of Lyons Staff and Planning Commission Members,

We are writing to voice our concerns with the proposal from Lyons Properties LLC and Chris Legh to make changes to the PUD-C zoning for 501 W Main St, otherwise known as RiverBend. Our main concerns are with potential noise impacts to our surrounding residential community. These are our two most pressing requests for this zoning change application:

1. The current noise restrictions specific to this property's zoning should NOT be changed! Please carefully consider the fact that the current outdoor noise rules, which are a key part of the PUD-C Zoning for RiverBend, were carefully crafted and put into place after many unpleasant evenings for neighbors after this traditionally residential property was allowed to operate as a wedding venue following the floods of 2013.
2. Add requirements to the zoning to stipulate that the new structure must be designed to contain any noise generated by the music which will be occurring within it. We already know from the Wildflower Pavilion weddings that an open-air structure will do little to nothing to mitigate noise issues from loud events.

We would very much appreciate if you could review the following points (considering this input as you work with the applicant to review the application) and make necessary adjustments to the conditions you are authorized to place on this PUD-C zoning modification:

1. RiverBend was originally zoned residential prior to the flood. We cannot emphasize enough that this is a traditionally residential area with only one or two small commercial properties located along US36. A large commercial establishment should not be considered "use by right" or shoe-horned into a residential neighborhood with no regard to the neighbors who were here first and bought their homes for the general peace and quiet the location affords. This is exactly the reason a PUD-C with specific noise stipulations was determined to be the best option back in 2016 and nothing has changed since that time to support any modification to the PUD-C with regard to noise.
2. When the original PUD-C zoning was approved in 2016, the single biggest issue with regard to neighbor input was noise. RiverBend started out with post-flood special approval to operate and no controls were originally placed on noise. This led to a lot of strain with neighbors because of some key factors:

- The venue is in a unique location surrounded by rock cliffs which bounce the noise around with little to no effect on its amplitude or intensity. The sound, in fact, travels so that it can be heard more clearly from the homes above the venue than it can be heard from within the venue.
- Most weddings used amplified sound from bands and DJs. The amplified sound was always quite loud at all surrounding properties to the point where residential neighbors had to close their windows during the events to get any relief (even that did not stop the thumping bass).

3. Since the PUD-C was put in place and RiverBend has been operating with the conditions safeguarding noise, they have been a relatively good neighbor with very few violations of the PUD-C zoning. In other words, neighbors have generally been happy with the compromise solution codified into the zoning for this property and RiverBend has been able to continue booking weddings, housing guests, and holding special events.
4. RiverBend is now asking for a change to this solution which consumed the time and effort of many people, including RiverBend ownership and staff, Town Staff, Town Planning Commission members, Town Trustees, and neighbors. **No reason is given for this proposed change** while neighbors have ample reason based on past experience to insist that this request be denied with no changes to the current outdoor noise rules in place for this PUD-C.
5. For the same reasons that amplified noise had to be restricted in the original zoning, we request that wording be added to the new PUD-C revision requiring that any structure built to house events be designed with a licensed Noise Control Engineer sign-off certifying that the structure will control event noise within reasonable parameters determined by the Planning Commission and that the design of the structure will not allow those controls to be overridden by venue staff, guests, performers, DJs, etc. A structure like the Planet Bluegrass Wildflower Pavilion is an example of a design that will **NOT** work.

Thank you for your attention to this matter and your service to the Town of Lyons!

Best Regards,

Clara and Patrick Thomas