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Lyons Planning and Community Development Commission (PCDC), Lyons Board of Trustees (BOT), Lyons Town Staff, Lyons Mayor John O'Brien
432 5th Ave
PO Box 49
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Subject: River Bend temporary land use authorization extension

Dear PCDC, BOT, Town Staff, and Mayor O'Brien:

It has recently come to our attention about two issues with the River Bend rezoning that has created extreme concern. Lack of proper communications between the Town and citizens creates distrust and mistrust issues. Ordinance 949 (Which River Bend applied under) contains specific wording regarding two important policies and procedures that appear to have been missed intentionally or accidentally.

1. On page 2 in a paragraph labeled '2. Required Findings', it states that the temporary use permit can only be issued 'provided written findings are made establishing a factual basis that the temporary use: 1) will not be detrimental to the immediate neighborhood'. Research has been done to look through the various documents provided by Town Staff regarding the approval of this ordinance for River Bend and no written findings regarding this point seem to exist. To River Bend's credit they have been very communicative with us individually and it seems with our close neighbors. But, we wonder about the bigger community as a whole and their awareness on the changes. Does the larger community know about this? It is imperative that this notification responsibility fall on the shoulders of the Town and River Bend and should NOT burden the individual residential citizens. Overall, if it is discovered that these findings were never reported nor done, this is an egregious omission that introduces uncertainty, doubt, and mistrust in how well the Town is representing the interest of ALL parties.
2. Page 2 also contains a provision for notice to adjacent property owners. I brought this up at a prior BOT meeting that due to the nature of sound traveling, the area of notification should be expanded. Yet, I have not received any answers from the Town. Inquiries with other neighbors confirm that they too had not received such a notice for the initial temporary zoning approval in May 2014. Research from a neighbor that has worked with Town Staff on whether neighbors were notified, was assured we were sent a copy of the letter that was required to be sent out. In the beginning of all this, I did feel blindsided by the process as if I was missing information and had to scramble to catch up on the issue. The Town states that these letters were sent certified mail. Ordinance 949 requires the notification be sent certified mail. How do we get a copy of this? If it's not available, getting clarification on why the Town did not send notification regarding this

unprecedented, atypical, and uncharacteristic CEC zoning change in a residential community is imperative to create trust between development and citizens wanting homes, families, and community. Commercial zoning fragments neighbors due to the transient nature of workers, employees, and tourists. Again, it is imperative that proper notification responsibility fall on the shoulders of the Town and should NOT burden the individual residential citizens. All citizens have a right to be aware of the changes.

Since River Bend's CEC zoning would be passed on to future owners of that land, that extremely liberal zoning option for future owners could potentially be disastrous. A PUD makes much more sense maybe taking notes from Planet Bluegrass's zoning. Also, currently there are NO examples of CEC zoning with adjacent residential pockets. None. I do not want our neighborhood to be the first experiment. It seems if River Bend continues to operate with its current temporary residential zoning, then the ongoing process gets very complicated and requires less publically decided decisions by Bob Joseph the Town Planner. It seems River Bend is operating under a special post-flood ordinance that allows the Town Planner to approve uses not allowed in the zone for one year post flood. If protecting the neighborhood becomes the burden of the citizens, then we should have input into the zoning decisions that will directly impact our quality of life. We are not in favor of a CEC commercial zoning and would support a PUD.

Respectively,
Steve and Debbie Simms