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Lyons, CO 80540

August 31, 2015

Lyons Planning and Community Development Commission (PCDC), Lyons Board of Trustees (BOT), Lyons Town Staff, Lyons Mayor John O'Brien

Subject: River Bend temporary land use authorization extension

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

The following applicant's response (on page 2-3 of River Bend's 8/27/2015 Voluntary use) contains unenforceable, loose language that's disconcerting to have as part of the town's enforceable records.

Town of Lyons - BOT Public hearing 08/31/15
501, 503 and 517 W. Main Zoning Amendment and Special Use Review
APPLICANT'S RESPONSE to STAFF MEMO

eliminate any amplified sounds subsequently found to be objectionable by the Town Administrator or her designee.

Applicant Response:

The Applicant has worked diligently with neighboring property owners in an attempt to control sound associated with event production on the Site. We appreciate their patience and good will in letting us test sound various levels at our Site boundaries, on their properties, nighttime, daytime, etc. Based on the recommendation of a majority of these neighbors the Applicant has committed to limit: live entertainment to non-amplified instruments; and, background music and PA announcements to minimum usable levels. We accept the proposed condition with the following clarifications which allow us to use: amplified instruments on the Site when enclosed indoors; and, minimal amplification for vocal performance which is generally required even with acoustic only instrumentation.

Condition acceptable to Applicant:

~~The Outdoor music performed by live entertainment shall not include be amplified instruments (this takes effect Nov. 1, 2015). Outdoor Amplified background music, vocals, and PA (public address system) shall be carefully limited to the minimum functional sound level. Furthermore the owner agrees to immediately reduce or eliminate any amplified sounds subsequently found to be objectionable by the Town Administrator or her designee.~~

Respectfully
"attempting" but still
unresolved with many
neighbors

Please provide the list
of that "majority"

The citizen's request was
no amplifications. No
drums. Set decibel limits.

Amplified Rap? How
loud is acceptable?

"Functional" depends
on background sounds
and size of audience

What is the duration of
time that one has to wait
for the town

Nighttime, 80-100
times a year is the
predominant issue

What is "usable"? Who
Defines "Usable"? How
is it enforced?

Within what kind of
"enclosed" structure?
A tent?

What can be the Db
reading outside the
structure? dB(a), (b) or (c)?

"Carefully Limited", need
clear rules and definition
and measurable standards

During the duration of the "objectionable" sound,
what is to happen? Also, what means of
measurement will be used for defining
"objectionable". What are the penalties?

With no example of CEC zoning adjacent to residential neighborhoods, liberal CEC zoning is unsatisfactory

In addition to our desire to maintain flexibility in future development of the Site, we also still have grave concerns about the potential for uncontrolled trespass and associated negative impact on economic activity resulting from a public pedestrian trail essentially dividing our Property. We have queried the Town about how such a trail could and would be secured. We have not yet received a satisfactory response and we're unaware of the existence of any similar conditions in the Town of Lyons that could provide a successful example. The PCDC and Staff have suggested that a pedestrian trail through our property could be an potential asset for future development of the Site. This may be true ... in the future ... but not right now.

Our preference would be to POST-pone consideration of this pedestrian easement dedication until plans by both parties are more clearly defined. If the

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EDC's Chair had a separate response – Did BOT solicit all board?

Does the BOT feel noise issues for wildlife should be addressed?