

**Town of Lyons, Colorado
Board of Trustees
BOT Agenda Cover Sheet
Agenda Item No: X.1
Meeting Date: July 1, 2024**

TO: Mayor Rogin and Members of the Board of Trustees

FROM: Andrew Bowen, Senior Planner
Brandon Dittman, Town Attorney

DATE: 06/27/2024

ITEM: Resolution 2024-53 – A Resolution of the Town of Lyons, Colorado Approving or Denying Minor Development Review for the 501 West Main Street (“Riverbend”) Development Plan Application

ORDINANCE
 MOTION / RESOLUTION
 INFORMATION

I. REQUEST OR ISSUE: Staff requests that the Board of Trustees make a decision pursuant to LMC Sec. 16-17-20. (f)(2)b.1 on whether the 501 West Main Street (“Riverbend”) Development Plan should be processed as either a Minor or Major Development Plan.

II. BACKGROUND:

The Riverbend redevelopment involves a multi-stage review process. The first step of this review process was to amend the planned unit development (PUD) to amend the types and intensity of the permitted uses. The Board approved Ordinance 1163 which amended the PUD-C Overlay for the Riverbend Property. There are two remaining processes for potential Board approval: the first is the Development Plan, and the second is the Development Plan Agreement. The Development Plan is a site-specific plan that depicts how the site will be developed so that the Town can ensure that the building and site design will comply with all applicable provisions of the Municipal Code. The Development Agreement is a negotiated agreement between the developer and the Town securing the public improvements required to develop the project and to mitigate any development-specific impacts.

The Development Plan review process is provided for by LMC Sec. 16-17-10 *et seq.* Section 16-17-10 *et seq.* splits the development review process into either “Minor” or “Major” Development Plan Review. Minor Development Plan Review is an administrative review process performed by Town Staff. Major Development Plan Review involves quasi-judicial review by the Planning and Community Development Commission (PCDC) and permits additional optional review by the Board.

LMC Sec. 16-17-20. (f)(2)b.1 also provides that the Board may decide whether a Development Plan application should be considered as either a Minor or Major Development Plan review:

The Board of Trustees may, upon a recorded vote, waive their review of Major developments by either:

- A) Deciding that a proposed development should be subject to Minor Development Review instead of Major Development Review; or*
- b) Deciding that the PCDC recommendation to approve or deny a Major Development proposal shall be the final decision of the Town.*

The LMC does not establish any specific criteria for the Board's decision. Like all Board decisions, the decision on the type of review must be reasonable.

III. RELATIONSHIP WITH OTHER PLANS: The Development Plan is closely related to the PUD-C approval for the property and the Development Plan agreement, which is currently being developed with the Development Plan. All plan approvals shall be consistent with the Comprehensive Plan.

IV. RECOMMENDED ACTION / NEXT STEPS: Staff recommends that the BOT consider this review Minor due to the unique nature of the development, the extensive PUD review, and the public processes involved in the PUD process.

V. FISCAL IMPACTS: N/A

VI. LEGAL ISSUES: N/A

VII. CONFLICTS OR ENVIRONMENTAL ISSUES: N/A

SUMMARY AND ALTERNATIVES: N/A

Resolution 2024-53 asks the Board to decide whether the Riverbend Development Plan Application should be processed as either a Minor or Major Development Plan.

The Boards options are to:

- 1) Approve the Resolution to Approve processing the development application as a Minor Development Plan review.
- 2) Deny processing the development application as a Minor Development Plan which will require the application to be processed as a Major Development Plan.