

Town of Lyons, Colorado
Board of Trustees
BOT Agenda Cover Sheet
Agenda Item No: X.1
Meeting Date: September 3, 2024

TO: Mayor Rogin and Members of the Board of Trustees

FROM: Andrew Bowen, Senior Planner
Aaron Caplan, Engineering, Building & Utilities Director

DATE: August 29, 2024

ITEM: Resolution 2024-72 – A Resolution of the Town of Lyons, Colorado,
Approving a Development Agreement with Lyons Properties, LLC at 501
W. Main Street

☐ ORDINANCE
☒ MOTION / RESOLUTION
☐ INFORMATION

- I. **REQUEST OR ISSUE:** Consideration of Approving a Development Agreement for 501 Main Street, also known as the Riverbend property.
- II. **BACKGROUND:** . The proposed development of 501 West Main Street requires five separate approvals:
- *PUD-C (Use Approval):*
The current zoning and usage require an amendment to the PUD for the following: an extended camping timeframe, a larger venue structure (6,000 sf instead of 4,000 sf), amplified music, and ten (10) additional tiny homes. The Board of Trustees (BOT) approved the PUD amendment on June 17, 2024, via Ordinance 1163.
 - ***Development Agreement (Venue Operations and Utility Approval):***
Addresses operational concerns raised by neighbors and utility and water rights, this agreement is pending approval.
 - *Development Plan (Land and Structure Development Approval):*
Submitted on June 27, 2024, and reviewed administratively as per BOT's decision on July 1, 2024, via Resolution 2024-53. This allowed for a Minor Development Review, as the application had undergone a lengthy review.
 - *Floodplain Development Permit:* Pending
 - *Building Permit:* Pending

As noted above, the Board approved a Resolution to process the development application as a Minor Development Plan review. This review and approval are anticipated once all referrals and neighbor comments are received on September 9th.

This resolution is to approve the Development Agreement (**Bold above**)

- III. **RECOMMENDED ACTION / NEXT STEPS:** Staff have been negotiating the agreement's clauses for several weeks and support the proposed final draft. Over the last two weeks, consensus has been reached between the Applicant and neighbors on all items, including outdoor amplification and exterior lighting. Notes from this consensus meeting are attached. There was also the opportunity to show how the lighting would illuminate the cliffside, which was also well-received by the neighbors.

The Evacuation Plan will be reviewed and updated to reflect the current flood mapping before a floodplain and building permit are issued.

- IV. **FISCAL IMPACTS:** The developer must pay all associated fees to the Town. These arrangements are displayed within the proposed Development Agreement.

- V. **LEGAL ISSUES:** The Town Attorney has been involved with drafting the agreement and the resolution.

- VI. **CONFLICTS OR ENVIRONMENTAL ISSUES:** As part of this process, referrals were sent to all agencies and Boards/Commissions. These referrals included a Wildlife Assessment, and the EAB received comments. These comments were provided and discussed during the PUD approval process.

SUMMARY AND ALTERNATIVES:

- Approve Resolution 2024-72
- Request additional information or amendment to the agreement
- Deny Resolution 2024-72

PROPOSED MOTION: “I move to approve Resolution 2024- 80 (a Resolution of the Town of Lyons, Colorado, Approving a Development Agreement between Lyons Properties, LLC and the Town of Lyons, Colorado).”