

**Town of Lyons, Colorado  
Board of Trustees  
BOT Agenda Cover Sheet  
Agenda Item No: VII.2  
Meeting Date: October 7, 2024**

**TO:** Mayor Rogin and Members of the Board of Trustees

**FROM:** Andrew Bowen, Senior Planner

**DATE:** 10/3/2024

**ITEM:** 2nd Reading – Ordinance 1168 – an Ordinance of the Town of Lyons, Colorado, Approving CEC Zoning for 4545 Ute Highway for Tebo Annexation

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ORDINANCE  
 MOTION / RESOLUTION  
 INFORMATION

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**I. REQUEST OR ISSUE:** Staff are requesting that the BOT postpone this item until a date certain of November 4<sup>th</sup>, 2024 to allow the Applicant time to review and provide comment on staff's proposed Annexation Agreement. This will align the annexation hearing with the proposed rezoning

On November 4<sup>th</sup>, 2024 staff requests that the BOT host a public hearing and consider approval of this ordinance on the second reading for a zoning request, as submitted, for 4545 Ute Highway. The BOT unanimously approved this request upon the first reading.

No Development Plan and/or Agreement are to be considered, but the Applicant has submitted a preliminary sketch plan to provide context. Both staff and the Town Attorney have declared the application packet complete. Copies of this application's Submittal Checklists and submittal documents are attached to this packet.

**Property Information**

The legal description for the subject parcel is as follows:

TRACT 2267-A LESS A-1 & A-2 & A-3 & LESS PT TO HWYTOTAL 1.20 ACS M/L PER  
LS-09-0123R0054471 & R0054728 & R0054550 & R0127169COMB HERE 2017 PER  
DEED # 1429342 5/20/94& SUBSEQUENT SALE PER REC # 1447002 7/18/94

**II. PROJECT HISTORY:** This parcel has been within the Town's planning area for several years and has been used commercially. Town staff and the Applicant have met several times within the last four months to discuss annexation and the highest and best use for the property. This zoning request reflects those conversations.

While no formal development plans were submitted, in conversations with the Applicant, the

proposed development patterns for the site are commercial and best align with the (CEC) zone. This request is reflected within the application packet.

As required by Sec. 15-1-220, Step 12, the PCDC met on August 14th to consider the annexation application and held a public hearing regarding this zoning request. As noted, the proposed zone district for the subject property is (CEC). The PCDC unanimously recommended the approval of this zoning designation.

A full staff report has been provided and attached to the packet.

- III. RELATIONSHIP WITH OTHER PLANS:** This parcel has been within the Town's planning area for several years and has been used commercially. Its redevelopment is integral to the economic and housing development of the Eastern Corridor, which is in alignment with the Lyons Thrive Comprehensive Plan.
- IV. RECOMMENDED ACTION / NEXT STEPS:** Staff recommends that the BOT conduct a second reading and public hearing on November 4, 2024, for this zoning designation.
- V. FISCAL IMPACTS:** All fiscal impacts were considered during the review process of this application. The Applicant has submitted an analysis/Impact Report, and an Annexation Agreement is being drafted.
- VI. LEGAL ISSUES:** During this application's review process, all legal analyses were reviewed and considered, and an Annexation Agreement has been drafted.
- VII. CONFLICTS OR ENVIRONMENTAL ISSUES:** All referral agencies reviewed the environmental analysis during this application's review process. All referrals have been attached.
- VIII. SUMMARY AND ALTERNATIVES:** The BOT could decide not to proceed with this request, request amendments, or continue the action.

**Proposed Motion:** “I move to postpone this item to a date certain of November 4th, 2024.”