

**Town of Lyons, Colorado  
Board of Trustees  
BOT Agenda Cover Sheet  
Agenda Item No: XI.1  
Meeting Date: October 7, 2024**

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

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

**DATE:** October 3, 2024

**ITEM:** Resolution 2024-88 – A Resolution of the Town of Lyons, Colorado, Approving the First Amendment to the Development Agreement (Res. 2024-72) with Lyons Properties, LLC.

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ORDINANCE  
 MOTION / RESOLUTION  
 INFORMATION

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- I. **REQUEST OR ISSUE:** Consideration of Approving an amendment to an approved Development Agreement (Resolution 2024-72) for 501 Main Street (not yet signed by the Applicant), also known as the Riverbend property.
- II. **BACKGROUND:** The developer is proposing amended language to the presented development agreement. It is limited to Section 2.2.a.x and is as follows:

*Proposed / Edited Language*

Neither amplified nor non-amplified brass horns (saxophone, trumpet, trombone, etc.) or non-electronic drum sets can be used outside on the Property. With the exception of Town of Lyons approved special events. ~~Clarinets, harps, flutes, and electronic drum sets are permitted outside until 8 p.m. in compliance with the requirements of this Agreement and within the Town's noise ordinance.~~

*Clean Language*

With the exception of Town of Lyons-approved special events, neither amplified nor non-amplified brass horns (saxophone, trumpet, trombone, etc.) nor non-electronic drum sets can be used outside on the Property.

- III. **RECOMMENDED ACTION / NEXT STEPS:** Staff recommends that the BOT discuss the amendment as proposed. This amendment clarifies the language as proposed, discussed, and approved by Resolution 2024-72. It also maintains that no amplified music (Single-mic exempted) will be played after 8 p.m.

**IV. FISCAL IMPACTS:** No fiscal impacts are foreseen at this time.

**V. LEGAL ISSUES:** The town attorney has reviewed the proposed language and believes that it still allows for confusion on how long non-amplified music can be played outside. According to a strict reading of the PUD, nothing is allowed outside after 8:00 pm.

**VI. CONFLICTS OR ENVIRONMENTAL ISSUES:** No conflicts or environmental issues are foreseen at this time.

**SUMMARY AND ALTERNATIVES:**

- Approve Resolution 2024-88
- Request additional information or amendment to the agreement
- Deny Resolution 2024-88

**PROPOSED MOTION:** “I move to approve Resolution 2024- 88 (a Resolution of the Town of Lyons, Colorado, Amending the Riverbend Development Agreement (Res. 2024-72).”