

**Town of Lyons, Colorado  
Board of Trustees  
BOT Agenda Cover Sheet  
Agenda Item No: VI.2  
Meeting Date: November 4, 2024**

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

**FROM:** Andrew Bowen, Senior Planner

**DATE:** 10/29/2024

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

Note: Proposed to be continued to a date certain of **December 2<sup>nd</sup>, 2024**.

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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 **December 2<sup>nd</sup>, 2024** to allow the Applicant further time to review and provide comment on staff's proposed Annexation Agreement. Staff has been in contact with the applicant and progress has not yet been made to review the proposed agreement. The last correspondence from James Dixon stated the following:

*"Hey Andrew,  
Thanks for checking in and sorry about the delay! Its been on my desk and I am to blame 😊 just a bit too much going on over here, but I will shuffle it up my desk and do a review so we can get this back to you. I know this is important for all parties!"*

*James Dixon | CEO  
Tebo Properties*

On **December 2<sup>nd</sup>, 2024** staff requests that the BOT host a public hearing and consider approving this ordinance on second reading for a petition for annexation and zoning designation as submitted for two parcels (4545 UTE HWY (Front Parcel) and 4602 HIGHLAND DR (Rear Parcel).

No Development Plan and/or Agreement are to be considered at this time, but the Applicant has submitted a preliminary sketch plan to provide context. The staff and the Town Attorney have declared the application packet complete. Copies of both 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.

On October 22<sup>nd</sup>, 2024, staff met with neighboring property owners to discuss the proposal and gather initial input. At that meeting, the Highland Drive neighborhood expressed in consensus that more dense housing was not an issue, as long as it was developed in a manner to avoid large apartment complexes. Further, it was stated that the development of small homes and cottages would be most appropriate for matching the existing community's residential bulk and scale characteristics.

**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 recommend that the BOT postpone this item until **December 2<sup>nd</sup>, 2024**, to allow the Applicant time to review and provide comment on staff's proposed Annexation Agreement.

**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:** All legal analyses were reviewed and considered during this application's review process, and an Annexation Agreement has been drafted.

**VII. CONFLICTS OR ENVIRONMENTAL ISSUES:** All referral agencies reviewed the environmental analyses during this application's review process.

Note: Not all referrals have been received as of this posting. If additional comments are returned, they will be provided to the BOT.

VIII. **SUMMARY AND ALTERNATIVES:** The BOT could decide not to proceed with this request.

**Proposed Motion:** “I move to postpone this item to a date certain of **December 2<sup>nd</sup>, 2024.**”