

Town of Lyons, Colorado
Board of Trustees Meeting
BOT Agenda Cover Sheet
Agenda Item No: VI.1.
Meeting Date: February 2, 2026

TO: Mayor Rogin and Members of the Board of Trustees

FROM: Lisa Ritchie, Planning and Building Director

DATE: January 29, 2026

ITEM: 2nd Reading and Public Hearing – Ordinance 1196 – an Ordinance of the Town of Lyons, Colorado, Annexing the Property Located at 4497 Ute Highway to the Town of Lyons

☒ ORDINANCE
☐ MOTION / RESOLUTION
☐ INFORMATION

- I. **REQUEST OR ISSUE:** Staff are requesting that the Board of Trustees consider an ordinance approving a petition for annexation for one parcel located at 4497 Ute Highway. **At the time of publication of this packet, the staff have not received a response from the applicant regarding the status of the application.**

Property Information:



The legal description for the parcel follows:

A PARCEL OF LAND, LOCATED IN THE NORTHEAST QUARTER OF SECTION 20,

TOWNSHIP 3 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING A PORTION OF THE WESTERLY LINE OF A PARCEL OF LAND AS DESCRIBED IN QUITCLAIM DEED RECORDED AT RECEPTION NO. 2944811, DATED JULY 22, 2008 IN THE RECORDS OF BOULDER COUNTY CLERK IN THE RECORDER TO BEAR NORTH 09°54'42" EAST, A DISTANCE OF 102.44 FEET WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

COMMENCING THAT THE NORTHWEST CORNER OF SAID PARCEL OF LAND; THENCE SOUTH 09°54'42" WEST, ALONG THE WEST LINE OF SAID PARCEL OF LAND, A DISTANCE OF 32.45 FEET TO THE SOUTHERLY LINE OF THE 48 FOOT RIGHT-OF-WAY FOR THE ROUGH AND READY DITCH, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 57°36'17" EAST, ALONG SAID SOUTHERLY LINE OF THE ROUGH AND READY DITCH, A DISTANCE OF 127.38 FEET TO THE WESTERLY RIGHT OF WAY LINE OF HIGHLAND DRIVE; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE OF HIGHLAND DRIVE THE FOLLOWING THREE (3) COURSES:

1. SOUTH 27°39'44" WEST, A DISTANCE OF 27.06 FEET;
2. THENCE SOUTH 21°02'40" WEST, A DISTANCE OF 40.07 FEET;
3. THENCE SOUTH 03°08'10" WEST, A DISTANCE OF 107.87 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF US HIGHWAY 36 AND COLORADO STATE HIGHWAY 66 AND COLORADO STATE HIGHWAY 7; THENCE NORTH 81°02'31" WEST, ALONG SAID NORTHERLY RIGHT OF WAY OF US HIGHWAY 36, A DISTANCE OF 90.95 FEET TO A POINT ON SAID WESTERLY LINE OF SAID PARCEL OF LAND; THENCE NORTH 09°54'42" EAST, ALONG SAID WESTERLY LINE, A DISTANCE OF 87.98 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

- II. **PROJECT HISTORY:** The property contains an existing vacant structure, built in 1968. The owner, Phoenix Equity Group, purchased the property in 2025. The property is currently zoned Agricultural in Boulder County, which renders the property non-conforming in terms of proposed use. The property owner is seeking annexation to permit retail use on the lot. At this time, the applicant has no plans to make any changes to the property.

At the time of the 2nd Reading and Public Hearing for this ordinance and accompanying resolution, an Annexation Agreement will be considered for approval. This agreement will define the terms of annexation, including connection to Town utilities, required public improvements, and the agreement to work with the owner, Stephen Tebo, of the recently annexed properties to the east regarding the design of intersection improvements at US 66 and US 36.

The parcel is included within the 2012 Lyons Planning Area Comprehensive Development Plan Intergovernmental Agreement with Boulder County and is eligible for annexation. The property has historically been used for commercial purposes, most recently as a retail marijuana store. The applicant requests zoning to Commercial Eastern Corridor (CEC), which will be considered during the public hearings for the annexation application.

III. **DISCUSSION:**

The Lyons Municipal Code includes the following review criteria for annexations into the Town of Lyons:

Sec. 15-1-310. - Annexation review criteria.

2) The property is eligible for annexation if:

- a. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the Town. Contiguity is not affected by the existence of streets, alleys, rights-of-way, public lands (except County-owned open space) or water bodies between the Town and the land proposed to be annexed. The one-sixth contiguity of the perimeter may be achieved by the annexation of one (1) or more parcels in a series, which can be considered simultaneously for the purpose of the public hearing.

The application meets this criterion.

- b. A community of interest exists between the territory proposed to be annexed and the Town.

There is an established community of interest between this property and the Town of Lyons. The property is adjacent to recently annexed property and will further support economic development within Lyons.

- c. The territory proposed to be annexed is urban or will be urbanized in the near future and is integrated or is capable of being integrated with the Town. Existence of Subparagraph a. above is a basis for a finding of Subparagraphs b. and c., unless the Board of Trustees at a public hearing finds that at least two (2) of the following exist:

- i. Less than fifty percent (50%) of the adult residents of the area proposed to be annexed use any of the recreational, civic, social, religious, industrial or commercial facilities of the Town and less than twenty-five percent (25%) of these adult residents are employed in the annexing Town;

Not applicable.

- ii. At least one-half ($\frac{1}{2}$) of the land proposed to be annexed is agricultural, and landowners constituting at least one-half ($\frac{1}{2}$) of the total area express, under oath, an intention to devote the land to such agricultural use for at least five (5) years; and

Not applicable. While the property is currently zoned Agricultural in Boulder County, it is developed with an existing commercial structure.

- iii. It is physically impractical to extend to the proposed area those urban services the Town provides to all its citizens and upon the same conditions. This standard does not apply to the extent that any portion of an area proposed to be annexed is provided with, or will within the reasonably near future be provided with, service by a quasi-municipal corporation (such as a special district).

This criterion is met. The Town is able to serve the property, once the obligations of the Tebo Annexation Agreement and the associated Annexation Agreement for this application are met.

3) No land held in identical ownership may be divided into separate parcels for annexation without written consent of the landowner unless the parcels are separated by a dedicated street, road or other public way. (This applies even when the federal government owns the land, although federal and state public lands may be ignored for purposes of contiguity).

This criterion is met. The entirety of the property is included within the application.

4) No land in identical ownership that comprises at least twenty (20) acres and that has

improvements with an assessed value in excess of two hundred thousand dollars (\$200,000.00) for ad valorem tax purposes may be included in the annexation without written consent of the owner unless the parcel is located entirely within the outer boundaries of the Town as they exist at the time of annexation.

Not applicable, the property is less than 20 acres.

- 5) No annexation resolution pursuant to [Section 15-1-330](#) of this Chapter and no annexation petition or petition for an annexation election is valid when annexation proceedings have been initiated for the annexation of part of such territory by another Town. In that case, other provisions apply. See Section 31-12-114, C.R.S.

The property is not party to another annexation petition into another territory.

- 6) If an annexation will result in the detachment of area from a school district and its removal to another school district, the annexation petition or petition for annexation election must be accompanied by a resolution of the board of directors of the school district to which such area will be attached, approving the annexation.

The property is included within the St. Vrain School District boundary. Should any residential development ever be proposed, a referral will be provided to the St Vrain School District.

- 7) The parcel annexed must not have the effect of extending the Town's boundary more than three (3) miles in any direction in any one (1) year. This three-mile limit may be exceeded if the limit would have the effect of dividing a parcel of property held in identical ownership if at least fifty percent (50%) of the property is within the three-mile limit. In such event, the entire property held in identical ownership may be annexed in any one (1) year without regard to such mileage limitation. Such three-mile limit may also be exceeded for the annexation of an enterprise zone.

The annexation will not extend the Town's boundary more than three miles. The property is located contiguous to the Town boundary.

- 8) Prior to completion of any annexation within the three-mile area, the Town shall have in place a plan for that area that generally describes the proposed location, character and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities and terminals for water, light, sanitation, transportation and power to be provided by the Town and the proposed land uses for the area. Such plan shall be updated at least once annually.

The property is referenced in the Lyons Thrive Comprehensive Plan. The applicant will be obligated to work with the Town and CDOT to provide access to the site from Highway 66 and Highland Drive.

- 9) If a portion of a platted street or alley is to be annexed, the entire width of the street or alley must be included within the area annexed.

The application does not include right-of-way.

- 10) The Town may not deny reasonable access to landowners or owners of easements or franchises adjoining a platted street or alley that the Town has annexed but that is bounded on one (1) or both sides by unincorporated property.

The Town will not deny reasonable access to the property. The applicant is aware that the intersection of Highway 66, US 36, and Highland Drive requires improvements associated with the Tebo Annexation which will result in changes to the current access design. However, access to the property following reconstruction of the intersection is

required. This design is not final and will require collaboration and input from the applicant.

- 11) Annexed areas will not divide tracts of land to prevent further annexation of adjoining parcels (for example, leaving a "gap" or a "strip" of land between property to be annexed and the adjoining property).

The approval of the annexation will not create a "gap" or "strip" between the property and adjacent property.

- 12) The land to be annexed and the uses proposed for the land shall contribute to the orderly growth of the Town and shall generally conform to the goals and policies of the Comprehensive Plan.

The property is consistent with the intent of the Lyons Thrive Comprehensive Plan for the eastern corridor, which encourages commercial uses fronting the highway, and adaptive reuse of existing structures.

- 13) Certain public facilities and amenities are necessary and must be constructed as part of any territory annexed to the Town in order that the public needs may be served by such facilities. These facilities include, but not by way of limitation, arterial streets, bridges, public parks and recreation areas, school sites, fire and police station sites and storm drainage facilities. The annexation of lands to the Town shall be shown not to create any additional cost or burden on the then-existing residents of the Town to provide such public facilities in any newly annexed area.

The annexation agreement that accompanies this application defines the applicant's responsibility for improvements to the property, including utilities and streets. There will not be a burden on the Town to provide public facilities to the area.

- 14) The petitioner for annexation shall be responsible for paying the Town's full cost for processing the annexation petition, from initial discussion with the Planning Commission before submittal of the petition, through the approval and recording of the final annexation documents, unless otherwise approved by the Board of Trustees.

The applicant has paid the application fee and executed the application fee agreement with the town.

Staff finds that the application meets all applicable requirements of the criteria for annexation and is eligible for annexation into the Town of Lyons.

IV. RELATIONSHIP WITH OTHER PLANS: The parcel in consideration is eligible for annexation per all applicable State Statutes and code sections of the LMC. The subject parcel is also identified for annexation within the Lyons Thrive Comprehensive Plan and the [Lyons Primary Planning Area Plan](#).

V. RECOMMENDED ACTION / NEXT STEPS: Staff recommends that the Board of Trustees pass the ordinance on 1st Reading and continue the 2nd Reading and Public Hearing until October 20 2025.

VI. FISCAL IMPACTS: The draft Annexation Agreement does not obligate the Town to make any improvements to the property following annexation. The annexor will be responsible for water dedications, and payment of applicable fees, and participation in any required public improvements adjacent to the property.

VII. LEGAL ISSUES: No legal issues have been identified pertaining to the Town with this annexation. Staff are aware that the applicant, as well as the Tebo property to the east, will need to obtain approval from CDOT and the local ditch companies to construct public improvements serving the property.

VIII. CONFLICTS OR ENVIRONMENTAL ISSUES: As noted above, staff are aware that constructing the public improvements to serve the property has challenges related to CDOT right-of-way design requirements and ditch company requirements.

IX. PCDC RECOMMENDATION:

The PCDC held a public hearing on August 11, 2025, to consider the annexation. They voted in unanimous approval of Resolution 18-2025, recommending approval of the annexation.

X. SUMMARY AND ALTERNATIVES: The Board of Trustees may decide not to approve the annexation. If the Board denies the application, the applicant may not reapply for annexation for a period of one year.

Proposed Motion: To be discussed during the meeting.

ATTACHMENTS:

- 1) Draft Ordinance
- 2) Annexation application materials
- 3) Referral comments received to date