

Town of Lyons, Colorado
Board of Trustees Meeting
BOT Agenda Cover Sheet
Agenda Item No: VI. 2.
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 1197 – an Ordinance of the Town of Lyons, Colorado, Zoning 4497 Ute Highway of the 4497 Ute Highway Annexation to Commercial Eastern Corridor (CEC)

ORDINANCE
 MOTION / RESOLUTION
 INFORMATION

I. **REQUEST OR ISSUE:** Staff are requesting that the Board of Trustees consider an ordinance approving the Commercial East Corridor (CEC) zoning for the parcel located at 4497 Ute Highway. **Action on this item is contingent upon action on the associated Annexation.**

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.

The ordinance accompanies an application to annex the property into the Town of Lyons. Property must be zoned within 90 days of the annexation date.

The parcel is included within the 2012 Lyons Planning Area Comprehensive Development Plan Intergovernmental Agreement with Boulder County, and CEC zoning is consistent with these plans. The property has historically been used commercially, most recently as a retail marijuana store.

III. DISCUSSION:

The Lyons Municipal Code includes the following review criteria for zoning of property within the Town of Lyons:

Sec. 16-15-40. – Official Zoning Map amendment approval criteria.

- (1) To correct a manifest error in an ordinance establishing the zoning for a specific property.
The property is located within unincorporated Boulder County and is not Town zoned.
- (2) To rezone an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the Town generally.

The property condition will change upon annexation, and requires approval of a zone district within the Town of Lyons.

(3) The land to be rezoned is inconsistent with the policies and goals of the Comprehensive Plan.

The property is currently not annexed within the Town of Lyons and is zoned Agricultural in Boulder County. This is inconsistent with the Town's Comprehensive Plan, which anticipates annexation of this property and commercial zoning fronting the Highway.

(4) The proposed rezoning is necessary to provide land for a municipal-related use that was not anticipated at the time of the adoption of the Comprehensive Plan, and the rezoning will be consistent with the goals and policies of the Comprehensive Plan.

The application is consistent with goals and policies of the Comprehensive Plan, including adaptive reuse of existing structures in the eastern corridor, and commercial uses fronting the highway. The following is included in the Plan for the eastern corridor:

Future Land Use Consideration (East St. Vrain)

Mixed-Use

A mix of residential, commercial, and employment uses is encouraged. Highway frontage should be reserved for commercial uses, with small scale apartments or townhomes located behind. As one of the last greenfield sites remaining in Lyons, affordable or workforce housing should be a priority.

(5) The area requested for rezoning has changed or is changing to such a degree that it is in the public interest to encourage development or redevelopment of the area, and the rezoning will be consistent with the goals and policies of the Comprehensive Plan.

The adjacent property to the east (Tebo) was recently annexed, with plans for redevelopment of the site and the adjacent intersection. It is in the public interest to zone the subject property to Commercial East Corridor, which is the zone district most appropriate within the Town zoning scheme for this area.

(6) A rezoning to a Planned Unit Development overlay district is requested to encourage innovative and creative design and to promote a mix of land uses in the development.

Not applicable.

Staff find that the application meets all applicable zoning criteria.

IV. RELATIONSHIP WITH OTHER PLANS: The subject parcel is identified for commercial uses within the [Lyon's Thrive Comprehensive Plan](#) and the [Lyons Primary Planning Area Plan](#).

V. RECOMMENDED ACTION / NEXT STEPS: Staff recommends that the Board of Trustees continue the 2nd Reading and Public Hearing until January 20, 2026.

VI. FISCAL IMPACTS: The approval of this application may increase sales tax revenue to the Town.

VII. LEGAL ISSUES: No legal issues have been identified pertaining to the Town with this zoning.

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 request for zoning. They voted in unanimous approval of Resolution 19-2025, recommending approval of the zoning of the property to Commercial Eastern Corridor.

X. SUMMARY AND ALTERNATIVES: The Board of Trustees may decide not to approve the request for zoning to Commercial Eastern Corridor

Proposed Motion: To be discussed during the meeting. Action on this item will be dependent on action on the associate annexation application.

ATTACHMENTS:

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