

Town of Lyons, Colorado
Board of Trustees
BOT Agenda Cover Sheet
Agenda Item No: III.2
Meeting Date: April 13, 2020

TO: Mayor Sullivan and Members of the Board of Trustees

FROM: Paul Glasgow, AICP

DATE: APRIL 9, 2020

ITEM: RESOLUTION 2020 65 - A RESOLUTION OF THE TOWN OF LYONS, COLORADO UPHOLDING A DECISION OF THE LYONS PLANNING AND COMMUNITY DEVELOPMENT COMMISSION ON APPEAL OF PCDC RESOLUTION 2020-03, A RESOLUTION OF THE TOWN OF LYONS PLANNING AND COMMUNITY DEVELOPMENT COMMISSION APPROVING A DEVELOPMENT PLAN;

RESOLUTION 2020 65 - A RESOLUTION OF THE TOWN OF LYONS, COLORADO OVERTURNING A DECISION OF THE LYONS PLANNING AND COMMUNITY DEVELOPMENT COMMISSION ON APPEAL OF PCDC RESOLUTION 2020-03, A RESOLUTION OF THE TOWN OF LYONS PLANNING AND COMMUNITY DEVELOPMENT COMMISSION APPROVING A DEVELOPMENT PLAN

ORDINANCE
 MOTION / RESOLUTION
 INFORMATION

- I. **REQUEST OR ISSUE:** The Town of Lyons Board of Trustees (the “Board”) has appealed PCDC Resolution 2020-03 pursuant to Lyons Municipal Code (“LMC”) Section 16-17-60. The Board must rule on the appeal and make a written record of its findings.
- II. **RECOMMENDED ACTION / NEXT STEPS:** Staff recommends the that the Decision be upheld. Town Staff’s position is that the Planning and Community Development Commission (“PCDC”) decision was supported by competent evidence contained in the evidentiary record developed at the public hearing, properly interpreted the requirements of the LMC, is consistent with past interpretations of the LMC, furthers the Town’s development goals and objectives, and is consistent with the Comprehensive Plan.
- III. **FISCAL IMPACTS:** If PCDC Resolution 2020-03 is overturned the development will not be permitted.
- IV. **BACKGROUND INFORMATION:** Town Staff processed the Lyons Valley Townhome Development Plan in conformance with the LMC. Staff held numerous preapplication

meetings, reviewed and commented on several review submissions between Spring 2019 and February 2020. On February 3rd, 2020, Staff found application materials submitted by the Applicant on January 30th substantially complete. On the same day staff sent out referrals to referral agencies. Staff collected and reviewed the referrals and worked with referral agencies and the applicant to refine the development plan. Staff scheduled the public hearing to review the application on February 24th, 2020 posted public notice and mailed notice of the public meeting to all property owners within 300 feet of the subject property.

On March 10, 2020, the PCDC held a lawful public hearing to review the Lyons Townhome Development Plan and found the application in conformance with the Lyons Municipal Code. At the public hearing and Commissioners heard from staff, the applicant, and the public. After the public hearing, during discussion, the Commissioners reviewed the application materials and application process per *16-17-30 Site plan and or development plan review process* and found that the process and submitted materials conformed with those requirements. PCDC also reviewed the application per *16-17-40 site plan and/or development plan review criteria* and found that the application conformed to the review criteria and that conformity was supported by substantial evidence in the public record. Commissioners unanimously approved the development plan with several conditions (see *signed resolution for conditions*). Subsequently the Board of Trustees pursuant to 16-17-60 elected to appeal the PCDC decision. The applicant has continued to refine the application and has submitted materials that have addressed many of the conditions of the development plan approval.

- V. LEGAL ISSUES:** See legal counsel memo concerning the standard of review.
- VI. CONFLICTS OR ENVIRONMENTAL ISSUES:** The appeal does not have conflicts or environmental issues.
- VII. SUMMARY AND ALTERNATIVES:** The Board of Trustees has the following options:
 - (1) Uphold PCDC Resolution 2020-03
 - (2) Overturn PCDC Resolution 2020-03;
 - (3) Continue the public hearing to a date certain.

PROPOSED MOTION: "I MOVE TO APPROVE RESOLUTION 2020-65"

Attachments:

- 1) RESOLUTION 2020-65 - A RESOLUTION OF THE TOWN OF LYONS, COLORADO UPHOLDING A DECISION OF THE LYONS PLANNING AND COMMUNITY DEVELOPMENT COMMISSION ON APPEAL OF PCDC RESOLUTION 2020-03, A RESOLUTION OF THE TOWN OF LYONS PLANNING AND COMMUNITY DEVELOPMENT COMMISSION APPROVING A DEVELOPMENT PLAN
- 2) RESOLUTION 2020 65 - A RESOLUTION OF THE TOWN OF LYONS, COLORADO OVERTURNING A DECISION OF THE LYONS PLANNING AND COMMUNITY DEVELOPMENT COMMISSION ON APPEAL OF PCDC RESOLUTION 2020-03, A RESOLUTION OF THE TOWN OF LYONS PLANNING AND COMMUNITY DEVELOPMENT COMMISSION APPROVING A DEVELOPMENT PLAN

- 3) PCDC RESOLUTION 2020-03
- 4) PCDC REVIEW MATERIALS.
- 5) PCDC Draft Minutes