

**TOWN OF LYONS, COLORADO  
RESOLUTION # 2020-184**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO APPROVING AN  
APPLICATION FOR A DEVELOPMENT PLAN  
(0 Carter Drive – Lyons Valley Townhomes, LP)**

**WHEREAS**, pursuant to C.R.S. § 31-23-301, the Town of Lyons (the “Town”) possesses the authority to regulate land uses within the Town of Lyons; and

**WHEREAS**, pursuant to Lyons Municipal Code § 16-17-30(h), the Board of Trustees shall approve, conditionally approve, or deny a development plan based on the applicable review criteria; and

**WHEREAS**, LMC § 16-17-40 provides the applicable review criteria for a development plan public hearing (“Review Criteria”); and

**WHEREAS**, Summit Housing Group (“Summit”), on behalf of Lyons Valley Townhomes, LP, has submitted an application for a development plan for a multi-family housing development (“the Project”) on Tract A of Filing 8 of the Lyons Valley Park development (“Tract A”); and

**WHEREAS**, the Town lost the majority of its affordable housing stock in the historic floods of September of 2013; and

**WHEREAS**, Summit has received Colorado Housing and Finance Authority (“CHAFA”) support to develop affordable housing on Tract A as part of the Project; and

**WHEREAS**, pursuant to 16-17-30(a), Summit has attended a pre-application conference with Town Staff for the project; and

**WHEREAS**, pursuant to 16-17-30(b), Summit has submitted a development plan application for the Project (the “Application”); and

**WHEREAS**, pursuant to 16-17-30(c), Town Staff has certified the application as complete; and

**WHEREAS**, pursuant to 16-17-30(d), the Application has been submitted to referral agencies for review, and the comments of the referral agencies have been submitted to Summit; and

**WHEREAS**, pursuant to 16-17-30(e) Summit has submitted a revised application for final review based on the comments of the referral agencies; and

**WHEREAS**, on March 10, 2020, the PCDC conducted a public hearing on the Application pursuant to LMC § 16-17-30(g), following the provision of lawfully required



notice to the public, and conditionally approved the development under the authority of that prior code; and

**WHEREAS**, Ordinance 1085 modified LMC § 16-17, concerning the Site Plan and Development Plan review process; and

**WHEREAS**, pursuant to LMC § 16-17-50(b), changes to development plans submitted by the Applicant exceeding a 10% threshold are considered a new development plan application requiring Staff review, final approval by the Board of Trustees, and public hearing(s), if so decided by the Board of Trustees; and

**WHEREAS**, Summit has submitted a revised development plan application (“Application”) with changes exceeding the 10% threshold, requiring the procedure provided for in LMC § 16-17-50(b) whereby the Board of Trustees determines the nature and extent of further review on the amended plan; and

**WHEREAS**, at the October 19, 2020 regular meeting, the Board of Trustees passed Resolution 2020-165, through which they decided to hold a Board of Trustees public hearing for the Application; and

**WHEREAS**, on December 3, 2020, the Board of Trustees conducted a public hearing on the Application pursuant to LMC § 16-17-30(h), following the provision of lawfully required notice to the public; and

**WHEREAS**, upon evaluating the evidentiary record against the Review Criteria, the Board of Trustees finds sufficient evidence to approve the Application.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, COLORADO, THAT:**

Section 1. The above recitals are hereby incorporated by reference.

Section 2. The Town Board of Trustees hereby makes the following findings of fact concerning the Application based on evidentiary record and the Review Criteria:

1. All of the information required on the site plan or development plan is shown.
2. The lot size and lot dimensions are consistent with what is shown on the approved final plat.
3. No buildings or structures infringe on any required setbacks, easements or rights-of-way unless approved in writing by the easement holder or owner of the right-of-way.
4. The proposed site grading is consistent with the requirements of the Town’s adopted storm drainage criteria or master drainage plan, and grading disturbance of significant existing natural vegetation and



natural landforms has been minimized to the maximum extent feasible.

5. The density and dimensions shown conform with this Chapter or the approved PUD requirements.
6. The applicable regulations, design standards and guidelines have been adequately addressed and the proposed improvements conform with this Code.
7. The site can be adequately served with public utilities, services and facilities (i.e., water, sewer, electric, schools, street system, fire protection, public transit, storm drainage, refuse collection, parks system, etc.).
8. The site will provide efficient on-site and off-site traffic circulation which will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.
9. The site design minimizes environmental impacts, mitigates impacts to wildlife and wildlife habitat and utilizes best management practices to conserve natural resources (consider energy conservation, water conservation, recycling, use of local materials).
10. The site has an approved trash disposal plan that addresses litter control, trash collection, on-site storage, pick-up on a regular basis and the Dumpster location with proper screening and buffering so that there are not any substantial impacts to abutting properties. All waste shall be deposited into a completely enclosed container concealed from adjacent properties.
11. Proposed land uses and activities shall be conducted so that any noise generated on the property will not violate the Town's noise regulations in Chapter 10, Article 11 of this Code, so that any ground vibration created by the use of the property will be imperceptible without instruments at any point along the property line.
12. The proposed development shall conform with all applicable local, state, and federal regulations.

Section 3. The Town Board of Trustees finds that sufficient evidence exists to approve the Application subject to the following conditions:

1. All conditions in the Development Plan Agreement, Resolution 2020-66 (**EXHIBIT A**), are maintained and in full force and effect, with any additional conditions added.
2. The Applicant will update the Development Plan Agreement for review and approval by the Board of Trustees.
3. The Applicant will submit, and Staff will review for approval, the development plan with bike racks for multifamily units, including one (1) bike parking area for each unit. Space per parking spot should be approximately 30" x 72" x 48", and the plans will include bike access to the bike parking areas, prior to the issuance of a building permit.



4. The Applicant will submit for the Town's approval a road access easement from Carter Drive to the adjacent property with the address 12993 N. Foothills Highway prior to the issuance of a building permit.
5. The Applicant will add general note to their development plan that a contractor will design, furnish, construct, and install all public improvements as illustrated on the development plan and in accordance with the Town's construction design standards, the Municipal Code, and other applicable federal/state laws and local ordinances, resolutions, and regulations, including but not limited to building, fire, plumbing, and safety codes.
6. The Applicant will submit a development plan agreement for approval with the Board of Trustees that includes a provision that maintains permanent affordability.
7. The Applicant will ensure that all outdoor trash will be stored in bear-proof trash bins.
8. Based on feedback from the Town Staff, the Applicant will refine the landscape maintenance plan into a final maintenance plan. The applicant will submit to the Town, and Town staff will determine completeness of, the modifications prior to the issuance of a certificate of occupancy.
9. The Applicant will submit the final certified drainage report to reflect comments made by the Town Engineer. The Town Engineer will determine completeness of the drainage report plan prior to issuance of a building permit.
10. The Applicant will prohibit the use of the dwelling units as short-term rentals ("STRs") in the Development Plan Agreement.
11. The Applicant will add the address and legal description of the property to the development plan cover page prior to the issuance of a building permit.
12. The Applicant will label the existing/proposed zoning for the property and any adjacent properties on the development plan cover page prior to the issuance of a building permit.
13. The Applicant will submit streetlight details with 7-pin specs to the Town for review and acceptance by the Town Engineer prior to the issuance of a building permit.
14. The Applicant will identify no-parking zones on Carter Drive on their development plan, and the Applicant will plan to stripe those areas to avoid pedestrian conflicts and blocking of fire hydrants, trash areas, driveways, and mailboxes, prior to the issuance of a building permit.
15. The Applicant will revise the sidewalk across from cul-de-sacs to have curb ramps that encourage accessibility for those with strollers and in wheelchairs. The Town Engineer will determine completeness of the modification prior to issuance of a building permit.



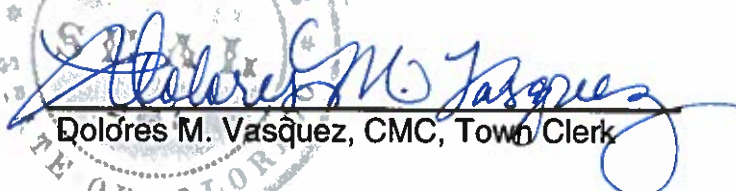


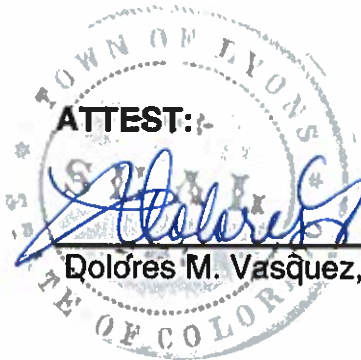
Section 4. This Resolution shall take effect upon approval, subject to the applicable appeal provisions of LMC § 16-17-60.

**INTRODUCED AND APPROVED BY A VOTE OF A MAJORITY OF MEMBERS AT PUBLIC HEARING DULY CONDUCTED IN ACCORDANCE WITH APPLICABLE LAW THIS 7<sup>th</sup> DAY OF December, 2020**

**TOWN OF LYONS, COLORADO**

  
\_\_\_\_\_  
Nicholas Angelo, Mayor

**ATTEST:-**  
  
\_\_\_\_\_  
Dolores M. Vasquez, CMC, Town Clerk



**ATTACHMENTS:**

1. EXHIBIT A (Res. 2020-66)



**TOWN OF LYONS, COLORADO  
RESOLUTION 2020-183**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO RATIFYING AND APPROVING RESOLUTION 2020-165, A RESOLUTION OF THE TOWN OF LYONS, COLORADO FOR 0 CARTER DRIVE – LYONS VALLEY PARK, INC. SCHEDULING A BOARD OF TRUSTEES PUBLIC HEARING FOR CONSIDERATION OF FINAL APPROVAL OF THE MODIFIED DEVELOPMENT PLAN FOR 0 CARTER DRIVE – LYONS VALLEY PARK, INC.**

**WHEREAS**, pursuant to C.R.S. § 31-23-301, the Town of Lyons (the “Town”) possesses the authority to regulate land uses within the Town of Lyons; and

**WHEREAS**, pursuant to Lyons Municipal Code § 16-17-30(h), the Board of Trustees shall approve, conditionally approve, or deny a development plan based on the applicable review criteria; and

**WHEREAS**, Ordinance 1085 modified LMC § 16-17, concerning the Site Plan and Development Plan review process; and

**WHEREAS**, pursuant to LMC § 16-17-50(b), changes to development plans submitted by the Applicant exceeding a 10% threshold are considered a new development plan application requiring Staff review, final approval by the Board of Trustees, and public hearing(s), if so decided by the Board of Trustees; and

**WHEREAS**, Summit Housing Group submitted a revised development plan application (“Application”) with changes exceeding the 10% threshold, thereby requiring the procedure provided for in LMC § 16-17-50(b) whereby the Board of Trustees determines the nature and extent of further review on the amended plan; and

**WHEREAS**, at the October 19, 2020 regular meeting, the Board of Trustees passed Resolution 2020-165, through which they decided to hold a Board of Trustees public hearing for the Application; and

**WHEREAS**, Resolution 2020-165 was passed after approval of Ordinance 1085, but prior to its final publication; and

**WHEREAS**; the Board of Trustees wishes to approve this Resolution to ratify the Board of Trustee’s Passage of Resolution 2020-165.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, COLORADO:**

Section 1. The above recitals are hereby incorporated by reference.




Section 2. The Town Board of Trustees hereby ratifies and approves the passage of Resolution 2020-165.

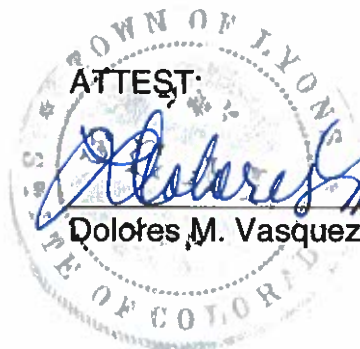
Section 3. This Resolution shall take effect immediately upon adoption.

**ADOPTED this 3<sup>rd</sup> day of December 2020.**

TOWN OF LYONS

By:   
Nicholas Angelo, Mayor

ATTEST:  
  
Dolores M. Vasquez, CMC, Town Clerk





**TOWN OF LYONS, COLORADO  
RESOLUTION 2020-66**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO APPROVING A DEVELOPMENT PLAN AGREEMENT BETWEEN LYONS VALLEY TOWNHOMES, LP AND THE TOWN OF LYONS BY APPROVING A SECOND AMENDMENT TO THE SUBDIVISION IMPROVEMENT AGREEMENT FOR LYONS VALLEY PARK FILING 8**

**WHEREAS**, the Town of Lyons (the "Town") has the authority to enter into contracts for any lawful municipal purpose pursuant to C.R.S. § 31-15-101; and

**WHEREAS**, Lyons Valley Townhomes, LP ("Developer") wishes to develop an affordable housing project on Lyons Valley Park Filing 8 (the "Project"); and

**WHEREAS**, pursuant to Section 16-70-30(b) of the Lyons Municipal Code ("LMC"), the Town may require that a developer requesting a development plan execute a development plan agreement; and

**WHEREAS**, the Developer submitted an application for Development Plan ("Application") to the Town for approval in accordance with the procedure set forth in Article 17 of Chapter 16 of the LMC; and

**WHEREAS**, on March 10, 2020, the PCDC conducted a public hearing on the Application pursuant to LMC § 16-17-30(g), following the provision of lawfully required notice to the public; and

**WHEREAS**, the PCDC unanimously voted to approve the Application based on a review of the evidentiary record against the Review Criteria; and

**WHEREAS**, PCDC's approval of the application was conditioned upon execution of a Development Plan Agreement between the Developer and the Town; and

**WHEREAS**, the Town of Lyons Board of Trustees previously approved a subdivision improvement agreement dated December 15, 2008, attached hereto as **Exhibit B** and incorporated herein ("Filing No. 8 SIA") at the time of approval of the final plat for Filing No. 8 of Lyons Valley Park, and that an Amendment to the Filing No. 8 SIA dated December 7, 2015, attached hereto as **Exhibit C** and incorporated herein ("First Amendment"); and

**WHEREAS**, the Developer is purchasing the majority of Filing 8 as part of the Project; and

**WHEREAS**, in lieu of a separate Development Agreement, the Town and the Developer have negotiated a Second Amendment to the Filing No. 8 SIA ("Second Amendment"), attached hereto as **Exhibit A** and incorporated by reference; and

**WHEREAS**, the Second Amendment creates the Development Plan obligations to develop necessary public improvements such as sewer, water, storm water, and electric infrastructure, secure necessary easements, and addresses the respective responsibilities of the Town and Developer at the various stages of development; and

**WHEREAS**, the Town consents to the assignment of the rights, duties, obligations., responsibilities, and benefits of Filing No. 8 SIA, as modified by the Second Amendment by approving this Resolution approving the Second Amendment; and

**WHEREAS**, the Town's Board of Trustees desires to approve the Second Amendment thereby satisfying the Developer's obligation to execute a Development Plan Agreement.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, COLORADO, THAT:**

**Section 1.** The above recitals are hereby incorporated by reference.

**Section 2.** The Board of Trustees hereby:

- a) Approves the Second Amendment with the Developer, in substantially the form attached to this Resolution.
- b) Authorizes the Town Administrator in consultation with the Town Attorney to make non-substantial changes to the Second Amendment which do not increase the financial obligations of the Town.
- c) Authorizes the Mayor or Mayor Pro Tem to execute the Agreement and the Town Clerk to attest the Mayor's signature.
- d) Authorizes the Town Administrator to take all actions consistent with this resolution to ensure compliance of the Developer with the obligations of the Second Amendment.

**Section 3.** This Resolution shall become effective immediately upon adoption by the Board of Trustees.



ADOPTED THIS 13<sup>TH</sup> DAY OF APRIL, 2020.

TOWN OF LYONS

Connie Sullivan

Connie Sullivan (Apr 28, 2020)

Connie Sullivan, Mayor








# Resolution 2020-66 Approving a Development Plan Agreement with Lyons Valley Townhomes LP

Final Audit Report

2020-04-29

Created:	2020-04-24
By:	Town of Lyons (recreation@townoflyons.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAGAICsPV8WTUEY_0YQr-GQhHTkclazqM

## "Resolution 2020-66 Approving a Development Plan Agreement with Lyons Valley Townhomes LP" History

-  Document created by Town of Lyons (recreation@townoflyons.com)  
2020-04-24 - 7:12 25 PM GMT- IP address: 65.101.227.171
-  Document emailed to Connie Sullivan (csullivan@townoflyons.com) for signature  
2020-04-24 - 7:12:43 PM GMT
-  Email viewed by Connie Sullivan (csullivan@townoflyons.com)  
2020-04-27 - 4:34 20 PM GMT- IP address: 65.113.156.32
-  Document e-signed by Connie Sullivan (csullivan@townoflyons.com)  
Signature Date: 2020-04-29 - 2:20:21 AM GMT - Time Source: server- IP address: 65.113.156.32
-  Signed document emailed to Connie Sullivan (csullivan@townoflyons.com) and Town of Lyons (recreation@townoflyons.com)  
2020-04-29 - 2 20 21 AM GMT



Adobe Sign