

**TOWN OF LYONS, COLORADO
RESOLUTION 2021-02**

**A RESOLUTION OF THE PLANNING AND COMMUNITY DEVELOPMENT
COMMISSION (PCDC) OF THE TOWN OF LYONS, COLORADO
RECOMMENDING THE DENIAL OF A ZONING AMENDMENT APPLICATION
FOR 431 4TH AVENUE LYONS, COLORADO**

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; and

WHEREAS, pursuant to Lyons Municipal Code (“LMC”) § 16-15-30)(f), the Planning and Community Development Commission (“PCDC”) for the Town, has the authority to recommend to the Board of Trustees (the “Board”) whether an application for rezoning should be approved or denied; and

WHEREAS, Steve McCain, the owner of certain property within the Town (the “Applicant”), submitted an application for the rezoning of the property addressed as 431 4th Avenue Lyons, Colorado (the “Subject Property”) from a commercial zoning district (“C”) to a general industrial zoning district (“GI”) (the “Application”); and

WHEREAS, the Subject Property is currently located in the C zoning district; and

WHEREAS, the PCDC conducted a public hearing following the provision of lawfully required notice to the public; and

WHEREAS, LMC § 16-15-40 provides the relevant criteria for the approval for rezoning; and

WHEREAS, the PCDC hereby finds that the Application for the proposed rezoning does not meet the criteria established by § 16-15-40 for approval; and

WHEREAS, specifically the PCDC finds that the Application: (1) does not correct a manifest error in an ordinance establishing the zoning for a specific property; (2) does not require rezoning because of changed or changing conditions in a particular area or in the Town generally; (3) the proposed rezoning is inconsistent with the policies and goals of the Comprehensive Plan; (4) the proposed rezoning is not 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 not be consistent with the goals and policies of the Comprehensive Plan; (5) the area requested for rezoning has not changed or is not changing to such a degree that it is in the public interest to encourage development or redevelopment of the area, and the rezoning will not be consistent with the goals and policies of the Comprehensive Plan ; and (6) the proposed rezoning is not for a Planned Unit Development overlay district; and

WHEREAS, the PCDC hereby finds that the Applicant provided sufficient and competent evidence at the hearing as is necessary to recommend the rezoning of the Subject Property to GI; and

WHEREAS, the PCDC hereby recommends to the Board of Trustees that the application for rezoning submitted by the Applicant for the Subject Property be approved, on August 16, 2021; and

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING AND COMMUNITY DEVELOPMENT COMMISSION OF THE TOWN OF LYONS, COLORADO, THAT:

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

Section 2. The PCDC hereby recommends denial of the Application for rezoning from C to GI.

Section 3. Specifically, the PCDC finds that the Application:

- (1) does not correct a manifest error in an ordinance establishing the zoning for a specific property;
- (2) does not require rezoning because of changed or changing conditions in a particular area or in the Town generally;
- (3) the proposed rezoning is inconsistent with the policies and goals of the Comprehensive Plan;
- (4) the proposed rezoning is not 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 not be consistent with the goals and policies of the Comprehensive Plan;
- (5) the area requested for rezoning has not changed or is not changing to such a degree that it is in the public interest to encourage development or redevelopment of the area, and the rezoning will not be consistent with the goals and policies of the Comprehensive Plan ; and
- (6) the proposed rezoning is not for a Planned Unit Development overlay district

Section 4. This Resolution shall become effective immediately upon adoption by the PCDC.

ADOPTED THIS 9TH DAY OF AUGUST 2021.

**PLANNING AND COMMUNITY
DEVELOPMENT COMMISSION FOR THE
TOWN OF LYONS, COLORADO**

David Hamrick, Chairperson

ATTEST:

Marissa Davis
Deputy Town Clerk