



**TOWN OF LYONS, COLORADO
RESOLUTION NO. 2007-3**

A RESOLUTION APPROVING AN AMENDMENT TO THE KEYNOTES FOR THE SITE PLAN FOR PLANET BLUEGRASS

WHEREAS, sections 9-12-2 and 9-11A-4 authorize the use of property by special use permit within the Commercial Entertainment (CE-1) Zone District; and

WHEREAS, the Town previously approved a special use permit for CE-1 property owned by Craig Ferguson, d/b/a Planet Bluegrass, and a site plan for the property; and

WHEREAS, the approved site plan was accompanied by "Keynotes" describing the various existing and proposed buildings, structures and other improvements on the property, including a proposed theatre/pavilion; and

WHEREAS, the Town received an application filed by Mr. Ferguson to amend the Keynotes so as to extend the agreed-upon deadline for constructing the theater/pavilion as well as the approved capacity for "Minor Events" on the property; and

WHEREAS, the application would not amend the site plan for the property, and all other previous approvals would remain in full force and effect; and

WHEREAS, the Town's Planning and Community Development Commission has reviewed and recommended that the Board of Trustees approve the amendment to the Keynotes.

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

Section 1. The Board of Trustees hereby approves the Amended Keynotes for the previously approved site plan for the property described in the application. To the extent that the approved Amended Keynotes conflict with the previously approved Keynotes or with the approved site plan, the Amended Keynotes shall govern and control.

Section 2. Any ambiguity or uncertainty in the language of the Amended Keynotes shall be construed in the most restrictive manner or interpretation, the intent of the Board of Trustees being to limit the scope, purpose and extent of any special uses authorized to be conducted on the property.

Section 3. The Town Clerk shall attach to this Resolution a copy of the approved Amended Keynotes and a copy of the approved minutes of the hearing before the Board of Trustees on this application. This Resolution hereby incorporates these documents into the approval granted by this Resolution.

Section 4. The Town Clerk is further authorized to record, at the applicant's expense, a copy of the Amended Keynotes with the Clerk and Recorder for Boulder County, Colorado.

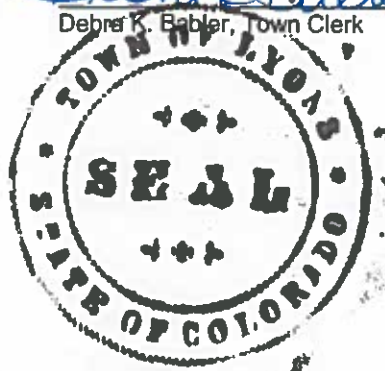
ADOPTED THIS 19th DAY OF MARCH 2007.

TOWN OF LYONS, COLORADO

By: Nicholas Angelo
Nicholas Angelo, Mayor

ATTEST:

Debra K. Babler, cmc
Debra K. Babler, Town Clerk





AMENDED KEYNOTES TO SITE PLAN FOR PLANET BLUEGRASS

AS APPROVED BY THE TOWN OF LYONS BOARD OF TRUSTEES
MARCH 19, 2007

The following keynotes supplement the Site Map for the following property ("Property") owned by Craig Ferguson and zoned within the GE-I Zone District, Town of Lyons:

A tract of land located in Section 18, 13N, R70W of the 6th PM, Town of Lyons, Boulder, Colorado, said tract more particularly described as follows:

Beginning at the intersection of the centerline of the waters of North St. Vrain Creek and intersection of the centerline of the paved roadway of U.S. Highway 36, said intersection nearest to the center of Section 18, thence northwesterly along the centerline of the waters of the North St. Vrain Creek, thence northeasterly, then southeasterly, then southerly along the centerline of the waters of the North St. Vrain Creek to the Point of Beginning, excluding therefrom any portion of the preceding not contained within the legal description contained on a Deed dated July 11, 1990 and recorded July 16, 1990 with the Boulder County, Colorado Clerk and Recorder at Film No. 1634, reception No. 01052495.

Area = 17.70 Acres, approximately.

These Keynotes describe the permitted uses and the general development provided as a use by right for the Property. These Keynotes are part of the Site Plan and the Site Plan constitutes the zone district requirements for the Property.

Purpose of Site and the CE-I Zone District

The Site is within the CE-I (Commercial Entertainment) Zone District. In accordance with the regulations governing the CE-I Zone District (Lyons Municipal Code, Title 9, Chapter 1 IA), the CE-I District is intended to provide opportunities for entertainment related activities and uses including but not limited to: (a) passive entertainment such as concert and stage performances; (b) education, training and research related to the entertainment based function of the site; (c) hand production and assembly of entertainment products and instruments as an activity related to the entertainment based function of the site; (d) the sale of food or beverages as an activity related to the approved uses of the site; (e) on-site residence, business and office space for staff, tenants and/or owners as related to the business activities on the construction, maintenance, operation, expansion and security of the site; and (f) retail and mail order sales of products produced on-site and other arts, crafté and gift items related to approved on-site functions. A "site plan" is required for property within the CE-I Zone District.

KEYNOTES

General Terms and Conditions for the Site

The following general terms and conditions apply to the use of the entire Site and the Site Plan:

- A. The Site is principally intended for use as a Commercial Entertainment facility for the conduct of "Events" as described in these Keynotes under the terms and conditions of the Site Plan and the requirements of the CE-I Zone District. The use of the Site requires conformance with an "Amendable Letter of Understanding" and, where appropriate, other contractual agreements between the owner of the Site and the Town of Lyons for Events which utilize public areas, services, or facilities.
- B. Unless otherwise defined in these Keynotes, all words and phrases shall be given the meaning provided by the Lyons Municipal Code and, where not defined in the Code, shall be given the common and ordinary meaning.
- C. The following words and phrases shall have the meaning identified below:
 - (1) "Educational or classroom facilities" or "educational or classroom use" shall mean and include a facility available for an educational purpose including general academic, cultural, and artistic instruction of children under the age of 18. State license or state authorization to be obtained if required by the state of Colorado. Educational or classroom facilities or



use does not include: (1) daycare or childcare facilities except where such use is accessory to a principal educational purpose.; or (2) a residential use, including but not limited to a group home.

- (2) "Event" shall mean and include both a "Major Event" or a "Minor Event" occurring both within and outside of a structure on the Site as further described in the Site Plan.
- (3) "Major Event" shall mean a musical concert or theatrical performance held for commercial entertainment at which attendees pay for or are granted the privilege of attendance. Permitted accessory uses of a Major Event are limited to retail sale of food, beverages, and goods directly related to the musical concert or theatrical performance and the parking, overnight camping, temporary residential accommodations and other necessary service activities as described in this Site Plan. A Major Event and all accessory uses shall be wholly conducted within the Site in accordance with the Site Plan, except to the extent authorized or permitted by separate agreement between the Site owner and the provider of any requisite offsite needs such as camping or parking, so long as the offsite uses are lawfully conducted and are approved by the Town of Lyons, if such approval is required. Major Events on the Site are limited as follows:
 - (a) The annual number of Major Events are limited to the more restrictive of the following:
 - (i) A maximum of six (6) Major Events in any one calendar year;
 - (ii) Ten (10) event days per calendar year; or
 - (iii) A maximum of twenty-eight thousand (28,000) patron-days per calendar year.
 - (b) A Major Event shall be limited to not more than three (3) consecutive calendar days.
 - (c) Not more than two (2) Major events may be conducted in any thirty (30) day period except upon prior written application to and authorization from the Town of Lyons Board of Trustees which authorization may be withheld for purposes of the protection of the public health, safety or general welfare.

Upon application by the Owner made not less than 90 days prior to the date of commencement of a Major Event, the Board of Trustees may modify or alter the restrictions provided by this section (3) where the Board finds that there will be no detriment to the health, safety, and welfare of the public and that such modification or alteration is generally consistent with the Site Plan.

- (4) "Minor Event" shall mean and include only the following:
 - (a) Not more than five (5) events in any one calendar year at which fewer than 1,000 persons are in attendance;
 - (b) Any number of seminars, educational or academic functions, conferences, weddings, musical or theatrical performances, family or group meetings, and similar functions with a maximum capacity of 500 people or less. (*instead of 250 people or less*)

Upon application by the Owner made not less than 90 days prior to the date of commencement of a Minor Event, the Board of Trustees may modify or alter the restrictions provided by this section (4) where the Board finds that there will be no detriment to the health, safety, and welfare of the public and that such modification or alteration is generally consistent with the Site Plan.

- (5) "Owner " shall mean and include Craig Ferguson, his legal heirs or descendants, and a spouse of Craig Ferguson holding a ownership interest in the property by joint tenancy.
- (6) "Site" shall mean the property legally described in the Site Map and these Keynotes.
- (7) "Site Plan" shall mean and include all of the following:



- (a) The Site Map;
- (b) These Keynotes;
- (c) The text of the Commercial Entertainment (CE-I) Zone District regulations found at Chapter 1 IA1 Title 9, of the Lyons Municipal Code;
- (d) An "Amendable Letter of Agreement;" and
- (e) A standardized form of Public Property Lease Agreement."

(8) "Site Map" shall mean the 24 inch by 36 inch plat or map dated April 9, 1998, revised 2-3-99 which graphically and physically describes the Property and its existing and proposed improvements in the form approved by the Board of Trustees for the Town of Lyons with the approval of these Keynotes.

- D. Unless otherwise specifically noted in the Site Plan, all future, proposed, planned, or new structures, buildings, or renovations are to be completed and a certificate of occupancy issued on or before September 30, 2004. Failure to complete any future, proposed, planned, or new structures, buildings, or renovations and obtain a certificate of occupancy (if required) by the applicable deadline shall automatically void all approval for the structure and any permitted use(s).
- E. This Site Plan shall remain effective and shall constitute the supporting documentation for the CE-1 Zone District for the Property until the earlier of the following: (1) rezoning of the Property in accordance with local and state law; (2) transfer of ownership from the Owner to any other person or entity other than a direct or legal heir or descendant of the Owner following the Owner's death or disability or to the Owner's spouse when such transfer is in joint tenancy. A transfer of ownership which renders the Site Plan ineffective pursuant to this section (E) shall require that a new site plan be prepared and submitted for approval to the Town of Lyons prior to commencement of an Event.
- F. All structures shall conform to applicable uniform building standards adopted by the Town of Lyons and applicable federal and state accessibility standards.
- G. Occupancy of any structure is limited to the standard made applicable by local ordinance or state law.
- H. AU applicable ordinances, resolutions, and regulations of the Town of Lyons shall be applicable to all structures and uses within the Site unless otherwise expressly stated by the Site Plan. No implicit waiver, release, or repeal of any otherwise applicable provision of law is intended by the Site Plan. The Site Plan implements the CE-I Zone District classification of the Site and does not constitute a "site specific development plan's or a "subdivision plat" and does not create a "vested right" as these phrases are defined by federal or state law. Amendments of applicable ordinances, resolutions, and regulations of a general nature shall be applicable to the Site and the Site Plan to the same extent applicable to other similarly situated property.
- I. The Site includes areas within the floodway and floodplain. Existing lawfully erected and lawfully existing structures and uses are recognized as nonconforming structures and uses. The continued use and occupancy of nonconforming structures and uses is governed by provisions of the Lyons Municipal Code.
- J. Flammable, hazardous, or explosive liquids, gases, or other materials shall be prohibited from storage or use within the Site other than the storage and use and limited quantities of flammable or hazardous materials reasonably necessary for the day-to-day maintenance and operation of the permitted uses and activities. Any such storage or use shall conform to all federal, state, and local laws. The use of explosives, firearms, or handguns shall be prohibited within the Site, except for firearms or handguns in the possession of federal state, or local law enforcement personnel and except for the use of fireworks or pyrotechnics directly associated with the conduct of a Major Event may be authorized where permitted by state or local law and only with the approval of the Town of Lyons Board of Trustees.
- K. Any use, activity, improvement, and/or structure not otherwise explicitly described in the Site Plan is prohibited.
- L. No construction or improvement permitted in violation of any public or private easements within the Site.



- M. Except for structures or improvements proposed or planned for removal pursuant to the Site Plan, reasonable renovation and repair of any existing and newly constructed, structures permitted in accordance with applicable uniform construction standards adopted by the Town of Lyons.
- N. Emergency access to the Site to be made available at all times. Adequate drive width a minimum of fifteen (15) feet in width to be maintained into the center of the Site and adequate turn-around space to be maintained for emergency vehicles. Not less than ten (10) days prior to the commencement of each and every Event, the Owner shall advise the Town of Lyons Chief of Police and the appropriate fire protection service provider or fire protection district concerning the location and layout of the emergency access route and turn-around.
- O. An amendment or approval of the attached form of Amendable Letter of Understanding and the standardized Lease Agreement which is consistent with these Keynotes shall not constitute an amendment of the Site Plan and may be processed and approved by the Board of trustees in the same manner as approval of contracts and other agreements by the Town (by adoption of a resolution adopted at a publicly noticed meeting).

**THE FOLLOWING NUMERICAL KEYNOTE NUMBERS CORRESPOND TO
NUMERICAL REFERENCES ON THE SITE MAP:**

- 1. Future GATEHOUSE/EVENT SITE ENTRY structure (one building). Maximum height: 20 feet. Maximum total floor area: 600 square feet. Structure will incorporate a partially or fully enclosed and secured area with a pedestrian access gateway for the purpose of providing a permanent location for the centralized and orderly entry and exit of visitors to and from the Site which shall include activities related to ticket sales and event or site information, and temporary waiting area and/or shelter from weather. Additional accessory use may include the indoor and completely enclosed storage of equipment used in the conduct of Events conducted on the Site; area used for storage shall not exceed 400 square feet. No residential use allowed.
- 2. Temporary TENT structures erected and maintained during an Event. Total number of Tent Structures not to exceed 25 during any one Event. Tent structures to be removed within 48 hours of the conclusion of an Event except that up to 10 tents may remain erected between Events if two Events are to be conducted within 21 days of each other.
- 3. DRIVEWAY ACCESS POINT and GATE STRUCTURE. Access location shall be subject to approval and as approved by the Colorado State Department of Transportation (CDOT). Gate Structure shall be a permanently anchored structure and may include one (1) sign facing U.S. Highway 36 which shall not exceed 120 square feet of sign area. Maximum height of Gate Structure shall be 25 feet.
- 4. PARKING AND OVERNIGHT TENT CAMPING AREA. No surface treatment (gravel, pavement, asphalt) or modification (grading) required or permitted. Use limited to parking of automobiles and recreational vehicles and overnight outdoor camping only during Events (use to include 24 hours prior and following an Event). Parking area not striped but parking area shall be managed in order to create easily recognizable and logical pedestrian and vehicle aisles. An emergency access corridor of a minimum width of twenty (20) feet shall be identified and maintained through the Parking and Camping area. Maximum capacity: 500 vehicles for single day Events; 200 vehicles and 500 overnight campers. This area may be used for grazing and accommodation of livestock if such use is permitted within the CE-I Zone District.
- 5. OVERNIGHT TENT CAMPING AREA No surface treatment (gravel, pavement, asphalt) or modification (grading) required or permitted. Use limited to overnight outdoor tent camping only during Events (use to include 24 hours prior and following an Event). Maximum capacity 200 persons. No parking or vehicles permitted. Area shall be managed in order to create easily recognizable and logical pedestrian walkways or aisles. One primary pedestrian emergency access aisle with a minimum width of ten (10) feet shall be provided into the Overnight Tent Camping Area to connect the parking lot and adjacent internal roadway (Site Number 10) with the center of the Overnight Tent Camping Area.
- 6. Existing HOMESTEAD AND SPRINGHOUSE structures. Permitted uses limited to single family residential purpose only. Rental use or temporary occupancy use for periods less than one (1) year



- prohibited. Reasonable renovation and repair of structures permitted. Expansion, enlargement, or addition to existing structures prohibited without approval of an amendment of the Site Plan by the Board of Trustees.
7. Future MULTIPURPOSE STRUCTURE (one building). Maximum height: 35 feet. Maximum total floor area: 2000 sq. feet. Structure may include non-commercial kitchen facility, bathroom facilities, and shower and locker room facility for use with overnight camping, Events, and other uses permitted within the Site. Structure to be completed and a certificate of occupancy issued on or before September 30, 2000.
 8. Footnote reserved and not used on Site Map.
 9. Landscaped COURTYARD AND PATHWAYS providing access and connections between public buildings.
 10. New PARKING SPACES AND INTERNAL ROADWAY. Minimum 50 improved spaces and 50 unimproved spaces meeting all parking stall size requirements of the Town of Lyons and including handicapped parking spaces as may be required by applicable federal and/or state accessibility laws. Unless otherwise required by applicable federal and/or state accessibility laws, the 50 improved spaces and Internal Roadway shall be constructed as a graveled surface area of approximate size and outline as shown on the Site Map. During any Event the use of the Parking Lot and Internal Roadway shall be limited to emergency vehicle parking and emergency access; general parking of vehicles, shuttle stop and vehicle turnaround (see Keynote #4); concessionaire service parking; and staff, artist, and VIP vehicle parking. Non-Event use shall be limited to general parking and access to the Site by visitors, customers, and residents. Parking Lot to remain accessible to emergency services vehicles at all times and a 20 foot wide vehicle aisle or corridor shall be maintained through the Parking Lot at all times. The following uses of the Parking Lot and internal Roadway are prohibited: (a) storage or long-term parking (more than 48 hours) of vehicles or trailers not owned by or registered to the Owner except during an Event; (b) outdoor storage of materials, goods, or equipment. Parking Lot and Internal Roadway to remain private and shall be privately maintained in a good and accessible condition. Parking Lot and Internal Roadway suitable to accommodate 50 vehicles to be completed prior to issuance of any new certificate of occupancy for the Site; entire planned Parking Lot and Internal Roadway to be completed prior to July 30, 2000.
 11. Existing STONE HOUSE structure. Use limited to single family detached residential use or office use (home office permitted as an accessory use or home occupation). Rental use or temporary occupancy use for periods less than one (1) year prohibited. Reasonable renovation and repair of structure permitted. Expansion, enlargement, or addition to existing structure prohibited without approval of an amendment of the Site Plan by the Board of Trustees.
 12. Existing WOODSHED structure. Uses of Woodshed limited to commercial office and commercial studio (non-residential). Structure to be remodeled and renovated and a certificate of occupancy issued for new structure prior to September 30, 2004. This structure to be single level building not to exceed 30 feet in height and a total of 800 square feet in floor area. Commercial office use may include storage of goods, shipping, and receiving associated with commercial mail order operations. This structure not permitted for the sale of goods to the general public or as a primary or principle public destination for retail sales of goods.
 13. Future THEATER (one building). Maximum height: 35 feet. Maximum total floor area: 5,000 square feet. **Maximum capacity of this theater shall be 500 paid persons.** Permitted uses limited to one or more of the following: (1) **commercial music performance and other entertainment events such as weddings (instead of commercial music production studio)**; (2) arts, crafts, music, or other similar use studio or workshop use (non-residential); (3) educational or classroom facilities (non-residential); (4) commercial office; and (5) commercial food preparation services for food items intended for sale or consumption within the site only. Accessory use may include the noncommercial indoor and secured storage of items intended for use within the Site or associated with Events or with other permitted site uses but prohibiting storage of flammable, hazardous, or explosive materials; Structure to be completed and certificate of occupancy issued on or before **September 30, 2010. (instead of September 30, 2004)**



14. Existing SHOP structure. Uses limited to non-commercial repair of equipment and maintenance activities related to permitted uses conducted on the Site. Intended for renovation and remodeling for purpose of musical instrument construction and continuing non-commercial shop use. Reasonable renovation and repair of existing structure permitted. Expansion, enlargement, or addition to existing structure prohibited without approval of an amendment of the Site Plan by the Board of Trustees.
15. Existing STUDIO structure (one building), intended for major renovation and remodeling of existing structure. New structure to be one story building with maximum building height of 35 feet and maximum total floor area: 1,500 square feet. Following renovation and issuance of certificate of occupancy¹ permitted uses limited to one or more of the following: (1) state licensed (if required) daycare or childcare and/or school use limited to maximum 15 persons (nonresidential); (2) commercial office activities related to Event production and site management; (3) single family residential accommodations, rental use or temporary occupancy use for periods less than three (3) months prohibited; and (4) non-commercial indoor storage of items intended for use within the site or associated with permitted site uses not including flammable, hazardous, or explosive materials. Renovation to be completed and certificate of occupancy issued on or before September 30, 2004.
16. SPECIAL EVENT AREA for outdoor recreational use. Existing picnic seating and barbecue facilities to be renovated and expanded.
17. Existing SILO structure to be remodeled for observation and photography, use not to exceed the existing height plus a reasonable roof structure not to exceed an additional 10 feet in height provided that the structure does not exceed 35 foot height limitation for CE-I Zone District. Approval of variance application shall required if structure proposed for height greater than permitted in CE-I Zone District.
18. CONCERT STAGE SEATING. Use limited to accommodating visitors and attendees of an Event.
19. CONCERT STAGE. Maximum height 35 feet. Use Limited to staging of Events. Non-commercial indoor storage of items Intended for use within the Site or associated with permitted Site uses not including flammable, hazardous, or explosive materials permitted.
20. BACKSTAGE AREA for Event use.
21. Existing MOBILE HOME. Use limited to providing temporary residential housing and visitor accommodation and reception area during the duration of an Event including period not more than 72 hours prior to Event commencement and 72 hours following conclusion of Event. Year around or non-Event residential use prohibited. Routine maintenance and servicing permitted to maintain Mobile Home in a condition suitable for permitted occupancy. Approval of the Site Plan includes authorization for the complete removal of the Mobile Home from the Site and the replacement of the Mobile Home with the construction in the same general location of a permanent structure for the same permitted use. Replacement with another mobile home or mobile structure is prohibited; replacement of the existing mobile home with a residential "manufactured home" (as defined by C.R.S. § 31-23-301) is permitted provided that the manufactured home is permanently attached to a concrete or similar foundation. Any new structure requires conformance with all applicable requirements of uniform construction codes adopted by the Town of Lyons for residential structures and conformance with all applicable construction requirements for construction within the floodplain.
22. WOODEN SHEDS (Maximum 3 fully enclosed structures) Each Wooden Shed not to exceed 300 square feet in floor area, single bathroom facility permitted). Use limited to dressing room and temporary shelter during Events only. Permitted accessory use includes non-commercial indoor storage of items intended for use within the site or associated with permitted site uses not including flammable, hazardous, or explosive materials. Sheds to be secured and locked during non-use periods.
23. RESTRICTED AREA. No improvements or structures permitted.
24. EVENT SIONAGE structure, 2 sided, maximum 50 square feet per side, maximum height 15 feet.
25. Keynote reserved and not used on Site Map.



- 26. GARAGE structure. Use limited to accessory structure to serve for storage of motor vehicles and equipment related to full time residential occupancy of permitted residential structures within the Site.
- 27. LIVESTOCK BARN located in campground/livestock grazing area to house and shelter livestock.
- 28-32. Keynotes reserved and not used on Site Map.
- 33. New BOX OFFICE structure. Use limited to site for purchase and redemption of Event tickets and visitor reception for other permitted Site uses. Pending completion of permanent Box Office structure, use of tent facility permitted during Events.
- 34. HOUSE SOUND POSITION. Use limited to concrete pit for placement of audio and lighting gear to support Events.
- 33. Existing SEPTIC FIELD. Use limited to field area sufficient to service capacity of 5,258 gallons per day. Expansion or enlargement prohibited without approval of amendment of Site Plan by the Town of Lyons Board of Trustees.
- 34. Existing UNDERPASS. Use limited to livestock travel.
- 35. LINE OF 100 YEAR FLOODPLAIN.
- 36-37. Keynotes reserved and not used on Site Map.
- 38. ALTERNATE ACCESS to Site interior provided from U.S. Highway 36. Access to be maintained with a width of 20 feet and to be used only by emergency vehicles.

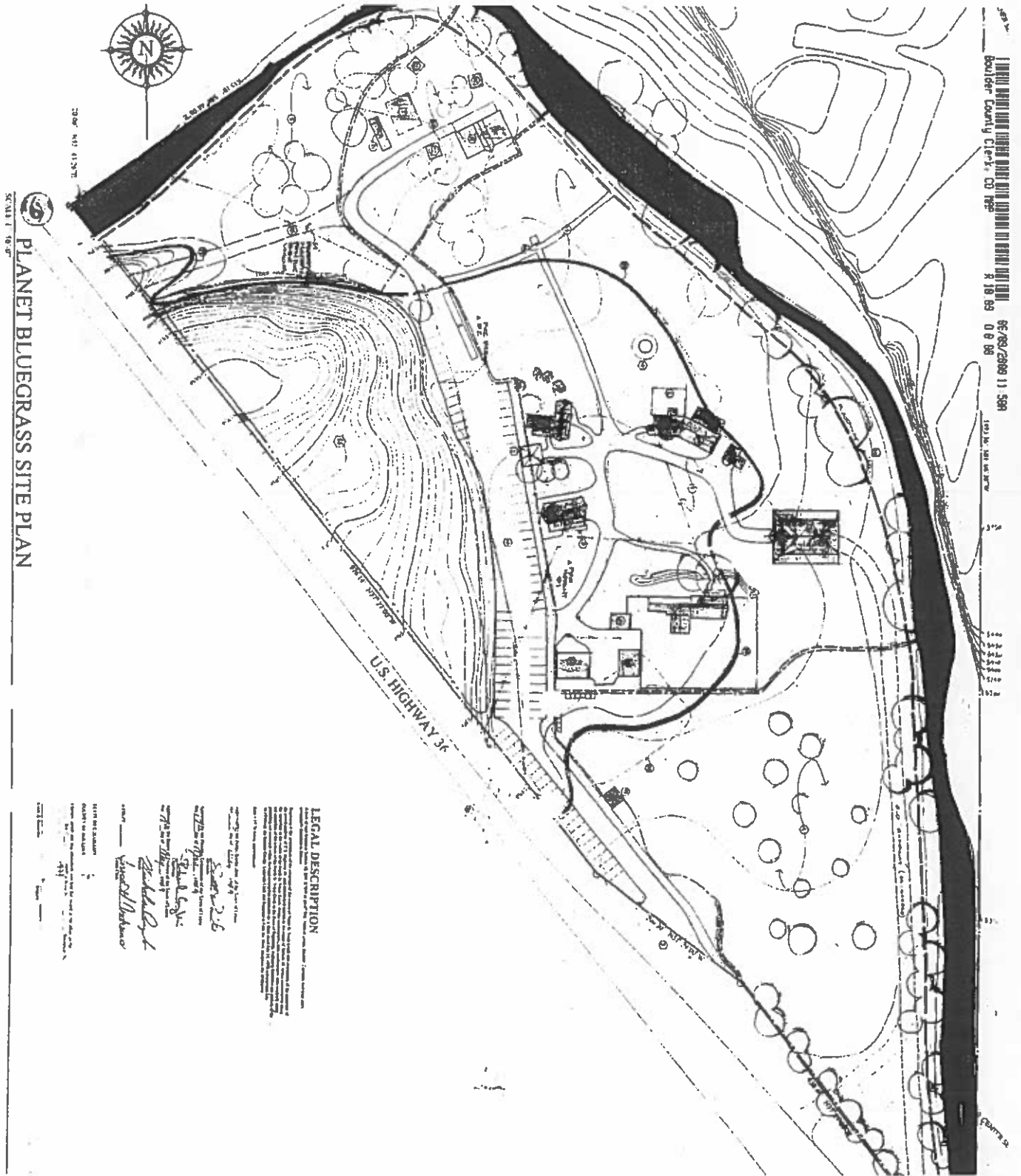
Attachments:
Amendable Letter of Understanding
Standard Form of Lease Agreement



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03/26/2007 01:25P

Boulder County Clerk, CO RESOLUTION R 46.00 D 0.00



PLANET BLUEGRASS SITE PLAN
SCALE: 1" = 80'

230' 40' 13.27'



Boulder County Clerk, CO RESOLUTION R 10.00 D 0.00 06/03/2009 11:58A

LEGAL DESCRIPTION

LEGAL DESCRIPTION
The following is a legal description of the property shown on this site plan:
[Detailed legal description text follows, including references to previous resolutions and maps.]

Prepared by:
[Signature]
Checked by:
[Signature]