

**TOWN OF LYONS, COLORADO
RESOLUTION 2022-18**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO
APPROVING A DEVELOPMENT PLAN**

(343, 347, 349, and 355 Main Street – Lyons Hotel)

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 (“LMC”) § 16-17-30(h), the Town of Lyons Board of Trustees (the “Board”), is required to either waive its review of a submitted development plan recommended by the Planning and Community Development Commission (“PCDC”) or conduct a public hearing to approve, conditionally approve, or deny a development plan based on the applicable review criteria; and

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

WHEREAS, Moss Rock Development, LLC (“Moss Rock”) has filed an development plan application for a three (3) story, seven-nine (79) room hotel located at 343, 347, 349, and 355 Main Street; and

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

WHEREAS, pursuant to 16-17-30(b), Moss Rock 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 Moss Rock; and

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

WHEREAS, on January 24, 2022, 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, pursuant to PCDC Resolution #2022-2, the PCDC recommended to approve the Application with conditions; and

WHEREAS, on February 7, 2022, the Board 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, the evidentiary record for the Board hearing consists of Application, of the presentations of Moss Rock and Town Staff, the written reports of Town Staff and Moss Rock, the written comments of the referral agencies, and public comment submitted to the PCDC both written and oral; and

WHEREAS, upon evaluating the evidentiary record against the Review Criteria, the Board finds sufficient evidence to approve the development plan Application of Moss Rock.

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 Board hereby makes the following findings of fact concerning the Application based on evidentiary record and the Review Criteria:

a. All of the information required on the site plan or development plan is shown.

b. The lot size and lot dimensions are consistent with what is shown on the approved final plat.

c. 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.

d. 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.

e. The density and dimensions shown conform with this Chapter or the approved PUD requirements.

f. The applicable regulations, design standards and guidelines have been adequately addressed and the proposed improvements conform with this Code.

g. 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.).

h. 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.

i. 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).

j. 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.

k. 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 the LMC, so that any ground vibration created by the use of the property will be imperceptible without instruments at any point along the property line.

l. The proposed development shall conform with all applicable local, state and federal regulations.

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

a. Applicant will add general note on development plan that the proposed development shall conform with all applicable local, state, and federal regulations.

b. Applicant will submit a draft development plan agreement for approval by the Board of Trustees prior to issuance of Building Permits including the following:

1. A requirement for an agreement for shared use of Town parking Lot.
2. A requirement for dedication of water rights required for the development plan to the Town.
3. A requirement of a bond or irrevocable letter of credit to cover the proposed public improvements, including public landscaping improvements.
4. The establishment of maintenance responsibilities for the applicant for landscaping in the Town Right-of-Way,

5. A requirement for the execution of a Major Encroachment Permit for structures in the Town Right-of-Way
 6. A requirement of execution of a lease with CDOT for structures in the Town Right-of-Way,
 7. A requirement for good faith coordination and cooperation to accommodate the Town's preferred design on the US36 Broadway Multimodal Project.
- c. The Applicant will submit a photometric plan.
 - d. The Applicant will actively work with Town to identify ongoing improvements to serve the overall parking needs of the hotel and the businesses within the structure.
 - e. A requirement for the Applicant to provide 5 accessible parking spaces as required by Building Code.

Section 4. The Board authorizes the Town Administrator to take all actions necessary to enforce the requirements the development plan and the conditions required by this Resolution.

Section 5. The Town Administrator, in consultation with Mayor and Town Attorney, is authorized to make non-substantive changes to the development plan which are consistent with this Resolution, and which do not increase the financial obligations of the Town.

Section 6. This Resolution shall take effect upon approval.

INTRODUCED AND APPROVED BY A VOTE OF A MAJORITY OF MEMBERS AT PUBLIC HEARING DULY CONDUCTED IN ACCORDANCE WITH APPLICABLE LAW THIS _____ DAY OF _____, 2022

TOWN OF LYONS, COLORADO

Nicholas Angelo, Mayor

ATTEST:

Dolores Vasquez
Town Clerk

**TOWN OF LYONS, COLORADO
RESOLUTION 2022-18**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO
DENYING A DEVELOPMENT PLAN**

(343, 347, 349, and 355 Main Street – Lyons Hotel)

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 (“LMC”) § 16-17-30(h), the Town of Lyons Board of Trustees (the “Board”), is required to either waive its review of a submitted development plan recommended by the Planning and Community Development Commission (“PCDC”) or conduct a public hearing to approve, conditionally approve, or deny a development plan based on the applicable review criteria; and

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

WHEREAS, Moss Rock Development, LLC (“Moss Rock”) has filed an development plan application for a three (3) story, seven-nine (79) room hotel located at 343, 347, 349, and 355 Main Street; and

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

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

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WHEREAS, pursuant to PCDC Resolution #2022-2, the PCDC recommended to approve the Application with conditions; and

WHEREAS, on February 7, 2022, the Board 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, the evidentiary record for the Board hearing consists of Application, of the presentations of Moss Rock and Town Staff, the written reports of Town Staff and Moss Rock, the written comments of the referral agencies, and public comment submitted to the PCDC both written and oral; and

WHEREAS, upon evaluating the evidentiary record against the Review Criteria, the Board finds insufficient evidence to approve the development plan Application of Moss Rock and denies the application.

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.

Insert findings of Fact supporting a denial

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

Section 3. The Board finds that insufficient evidence exists to approve the Application and that the application is denied.

Section 4. This Resolution shall take effect upon approval.

INTRODUCED AND APPROVED BY A VOTE OF A MAJORITY OF MEMBERS AT PUBLIC HEARING DULY CONDUCTED IN ACCORDANCE WITH APPLICABLE LAW THIS _____ DAY OF _____, 2022

TOWN OF LYONS, COLORADO

Nicholas Angelo, Mayor

ATTEST:

Dolores Vasquez
Town Clerk