

TOWN OF LYONS, COLORADO

RESOLUTION 2022-19

A RESOLUTION OF THE TOWN OF LYONS, COLORADO APPROVING AN APPLICATION SUBMITTED BY PLANET BLUEGRASS, LLC FOR A CONDITIONAL USE AMENDING AN EXISTING CONCEPTUAL PLAN AND RELATED KEYNOTES

(19680 N. St. Vrain Drive – Planet Bluegrass Farm)

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”) § 16-7-20(h), the Town of Lyons Board of Trustees (the “Board”), shall conduct a public hearing to approve, conditionally approve, or deny a conditional use application, in whole or in part, based on the applicable review criteria; and

WHEREAS, Section 16-17-20 of the LMC provides that all developments not classified as minor building permit applications must obtain either site plan or development plan approval before they may obtain a building permit; and

WHEREAS, pursuant to Ordinance 1014, the Board approved an annexation petition for the Planet Bluegrass Farm property (“PB Farm”); and

WHEREAS, in 2017 the registered electors of the Town approved the annexation of the PB Farm; and

WHEREAS, pursuant to Ordinance 1015, the Board approved an Annexation Agreement for the PB Farm property which included as exhibits 1) the Planet Bluegrass Farm Annexation Conceptual Plan (“Conceptual Plan”); 2) Keynotes to Conceptual Plan for Planet Bluegrass Farm Annexation (“Keynotes”); and 3) an Amendable Letter Understanding (“ALU”); and

WHEREAS, Planet Bluegrass, LLC (“Planet Bluegrass”) has submitted an application requesting various revisions to the Planet Bluegrass Farm property (“PB Farm”) Conceptual Plan and related Keynotes attached hereto as **Exhibit A** and incorporated by reference; and

WHEREAS, the Conceptual Plan and Keynotes may be amended pursuant to Section E of the Keynotes in accordance with the procedures set forth in Section 16-3-220(h) and Article 7 of Chapter 16 of the LMC; and

WHEREAS, LMC Section 16-3-220(h) refers to the Town’s conditional use process which is detailed in LMC Sec. 16-7-20. - Conditional use review process; and

WHEREAS, LMC § 16-7-20 provides the relevant applicable review criteria for a conditional use public hearing (“Review Criteria”); and

WHEREAS, pursuant to 16-7-20(a), Planet Bluegrass has attended a pre-application conference with Town Staff for the application; and

WHEREAS, pursuant to 16-7-20(b), Planet Bluegrass has submitted a conditional use application for the PB Farm Property (the “Application”); and

WHEREAS, pursuant to 16-7-20(b)(8), the Application has been submitted to referral agencies for review and the comments of the referral agencies have been submitted to Planet Bluegrass; and

WHEREAS, pursuant to 16-7-20(c), Town Staff has certified the Application as complete; and

WHEREAS, on January 24, 2022, the Planning and Community Development Commission (“PCDC”) conducted a public hearing on the Application pursuant to LMC § 16-7-20(f), following the provision of lawfully required notice to the public; and

WHEREAS, pursuant to PCDC Resolution #2022-4 the PCDC recommended approval of the Application with conditions; and

WHEREAS, on February 23, 2022, the Board held a properly noticed public hearing on the Application; and

WHEREAS, the evidentiary record for the Board hearing consists of the Application, of the presentations of Planet Bluegrass and Town Staff, the written reports of Town Staff and Planet Bluegrass, the written comments of the referral agencies, materials submitted with the agenda in connection with the Application, and public comment submitted to the Board both written and oral; and

WHEREAS, upon evaluating the evidentiary record against the Review Criteria, the Board finds sufficient evidence to approve of the conditional use Application of Planet Bluegrass for the PB Farm property.

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

a. The conditional use satisfies all applicable provisions of the zoning regulations and subdivision regulations.

b. The conditional use conforms with or further the goals, policies and strategies set forth in the Lyons Comprehensive Plan.

c. The conditional use is 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.) and does not impose an undue burden above and beyond those of the permitted uses of the district.

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 conditional use does not substantially alter the basic character of the district in which it is in or jeopardize the development or redevelopment potential of the district.

f. The conditional use results in 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.

g. Potential adverse impacts of the conditional use on the rest of the neighborhood or of the neighborhood on the conditional use are mitigated through setbacks, architecture, screen walls, landscaping, site arrangement or other methods.

h. The conditional use minimizes environmental impacts, mitigates impacts to wildlife and wildlife habitat and promotes green building standards.

i. The conditional use avoids placing unreasonable financial burdens on the Town.

j. The applicant has submitted evidence that all applicable local, state and federal permits have been or will be obtained.

k. The conditional use will not create more noise, dust, odors, vibrations, lights, traffic, or parking than is customary for the zone district in which the conditional use is proposed, or that such increased impacts can be adequately mitigated.

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

a. Planet Bluegrass shall provide a full utility report by a licensed professional engineer comprehensive of all proposed structures included in initial Building Permit application.

b. Planet Bluegrass shall provide a full drainage report by a licensed professional engineer comprehensive of all proposed structures included in initial Building Permit application.

c. Annual event days at the PB Farm cannot exceed 29 days to comply with the current State Highway Access Permit.

d. Applicant Agrees to withdraw its proposal for yurts and a bath house from the South side of the river from the Application.

e. Applicant agrees to clean of the port o johns in between festivals, as practical, and screen the port o johns to the views of Appley Valley, to the best of Applicant's ability

Section 4. The Town Administrator, in consultation with Mayor and Town Attorney, is authorized to make non-substantive changes to the conditional use approval which are consistent with this Resolution and which do not increase the financial obligations of the Town.

Section 5. 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

Nicholas Angelo, Mayor

ATTEST:

Dolores M. Vasquez, CMC
Town Clerk