

**TOWN OF LYONS, COLORADO**

**RESOLUTION 2022-19**

**A RESOLUTION OF THE TOWN OF LYONS, COLORADO DENYING 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 deny 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:

**Insert findings of Fact supporting a denial**

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

Section 4. The Town Administrator, in consultation with Mayor and Town Attorney, is authorized to make non-substantive changes to the conditional use denial 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