

**TOWN OF LYONS, COLORADO
RESOLUTION 2022-20**

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

(500 W. Main Street - Planet Bluegrass Ranch)

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”) § 16-17-20(h), the Town of Lyons Board of Trustees (the “Board”), shall conduct a public hearing on whether 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, on May 17, 1999, the Board approved a site plan for the Planet Bluegrass Ranch property (“Site Plan”); and

WHEREAS, the Site Plan consists of 1) the site plan depicting the property; 2) the Keynotes to Site Plan for Planet Bluegrass (“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 Ranch property (“PB Ranch”) Site Plan and related Keynotes attached hereto as **Exhibit A** and incorporated by reference; and

WHEREAS, the Site Plan and Keynotes may be amended 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 Project (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 # 2022-3, the PCDC recommended approval of the Application with conditions; and

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

WHEREAS, the evidentiary record for the Board hearing consists of 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, the materials submitted with the agenda relating to 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 Application of Planet Bluegrass for the PB Ranch 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 that insufficient evidence exists 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