

**TOWN OF LYONS, COLORADO  
PLANNING AND COMMUNITY DEVELOPMENT COMMISSION  
PCDC RESOLUTION # 2020-03**

**A RESOLUTION OF THE TOWN OF LYONS PLANNING AND COMMUNITY  
DEVELOPMENT COMMISSION APPROVING A DEVELOPMENT PLAN  
(0 Carter Drive – Lyons Valley Park, Inc.)**

**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 § 16-17-30(g), the Planning and Community Development Commission for the Town of Lyons, Colorado ("PCDC"), shall take final action at 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**, the Town lost the majority of its affordable housing stock in the historic floods of September of 2013; and

**WHEREAS**, as part of The Colorado Action Plan for Disaster Recovery the Town received \$4 million of Community Development Block Grant – Disaster Recovery ("CDBG-DR") Housing New Construction funding to support affordable housing development in Lyons; and

**WHEREAS**, in 2018, the Town entered into a Purchase and Sale Agreement with Lyons Valley Park, Inc. for Tract A of Filing 8 of the Lyons Valley Park development ("Tract A"); and

**WHEREAS**, the Town issued a Request for Proposals and interviewed and accepted the proposal of the Summit Housing Group ("Summit" or "Applicant") for an affordable housing development in Tract A; and

**WHEREAS**, Summit, on behalf of Lyons Valley Park, Inc., submitted an application for approval of a Development Plan for a multi-family housing development ("the Project") on Tract A; and

**WHEREAS**, Summit's has received Colorado Housing and Finance Authority ("CHAFA") 4% Low Income Housing Tax Credits and CDBG-DR support to develop affordable housing on Tract A as part of the Project; and

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

**WHEREAS**, pursuant to 16-17-30(b), Summit 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 Summit; and

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

**WHEREAS**, on March 10, 2020, 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**, the evidentiary record for the PCDC hearing consists of Application, of the presentations of Summit and Town Staff, the written reports of Town Staff and Summit, 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 PCDC finds sufficient evidence to approve the development plan Application of Summit.

**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 PCDC 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 PCDC finds that sufficient evidence exists to approve the Application subject to the following conditions:

a. The Applicant will submit, and the staff will review for approval, the development plan with bike racks for multifamily units, include 1 bike parking area per each unit. Space per spot should be approximately 30" x 72" x 48".

b. The Applicant will modify the development plan to be electrical vehicle ready by adding a provision to development agreement that requires installation of at least two electrical vehicle changing stations upon the request of residents who have a vehicle that needs an electrical vehicle charging station.

c. Applicant will modify the development plan to include storage units are so each unit has enclosed and shielded storage areas.

d. Applicant will submit for the Town's approval a road access easement from Carter Drive to the adjacent property with the address 12993 N. Foothills Highway.

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

f. Applicant will submit a draft development plan agreement for approval with the Board of Trustees which includes a provision which maintains permanent affordability.

g. Applicant will work with Town staff to develop and submit the modifications requested in the referrals from MurrySmith and NLine Electric and identified in the Site Plan – Comment Response Letter, Lyons Valley Park – Filing No. 7 – Tract A – Lyons, Colorado, Scott, Cox & Associates Project No. 19165A. Town Staff will provide a certification of completeness prior to issuance of a building permit.

h. All outdoor trash facilities will be stored in bear proof trash bins.

i. Based on feedback from the Town Staff, the Applicant will refine the landscape maintenance plan into a final maintenance plan. The applicant will submit to the Town, and the Town Staff will determine completeness of, the modifications prior to the issuance of a certificate of occupancy.

j. Applicant and Town Staff will modify the development plan and the certified drainage report to fully implement the detention concept submitted by the Applicant including detention of 100-year stormwater event. The Town Engineer will determine completeness of the detention concept and modified development plan prior to issuance of a building permit.

k. Applicant will submit, and Town Staff will review, a final landscape plan and landscape irrigation plan prior to the issuance of certificate of occupancy.

l. , Applicant will prohibit the use of the dwelling units as short term rentals ("STRs").

Section 4. The PCDC 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 Chair of the PCDC 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, subject to the applicable appeal provisions of LMC § 16-17-60.

Section 7. When effective, the Development Plan and this Resolution shall be recorded in the real property records of Boulder County, Colorado.

**INTRODUCED AND APPROVED BY A VOTE OF A MAJORITY OF MEMBERS AT PUBLIC HEARING DULY CONDUCTED IN ACCORDANCE WITH APPLICABLE LAW THIS 10<sup>th</sup> DAY OF March, 2020**

**PLANNING AND COMMUNITY  
DEVELOPMENT COMMISSION FOR THE  
TOWN OF LYONS, COLORADO**

*Greg Oetting*

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Greg Oetting, Chairperson

ATTEST:

