

## REQUEST & RATIONALE

### River Bend PUD with Zoning Amendment 501 W. Main, Lyons CO

Lyons Properties LLC, Applicant, owns the Subject Property which consists of 501 W. Main (245,927 SF / approx 5.646 net Acres), currently zoned R-2.

#### REQUEST

The Applicant requests that, related to the Subject Property, the Town of Lyons Planning and Community Development Commission and Board of Trustees accept this Application for PUD with Zoning Amendment for review and approval of the following:

- A. Amendment of the existing R-2 zoning on the Subject Property to PUD-C.
- B. The PUD-C zone district would include the following permitted principal and accessory uses:
  1. Accessory building or use.
  2. Single family residence in existing residential structure on the Property.
  3. Automobile sales use, subject to the following conditions:
    - a. Sales shall be strictly limited to the RV's located on the Site
    - b. Sales shall be incidental and accessory to the other principal uses approved herewith.
  4. Bed and breakfast.
  5. Campground use, subject to the following conditions:
    - a. Any recreational vehicle used for short term lodging or office use on the Site shall:
      - i. Be fully licensed and ready for highway use. "Ready for highway use" means that it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and has no permanently attached additions.
      - ii. Occupancy for any individual term of lodging shall not exceed thirty (30) days.
    - b. Tent camping use shall be restricted to Special Events for a total of three (3) weekend tent camping events per year, each operating on the following schedule: Thu – camper arrival and setup; Fri through Sun – festivating; and, Mon – breakdown, cleanup and camper departure.
  6. Event center, small use, subject to the following conditions:
    - a. Outdoor music performed by live entertainment shall not include amplified instruments.
    - b. Outdoor amplified background music, vocals and public address system announcements shall be carefully limited to the minimum functional sound level. The property owner agrees to immediately reduce or eliminate any outdoor amplified sounds subsequently found to be objectionable by the Town Administrator or designee.
  7. Gallery.
  8. Hotel or motel.
  9. Parking garage or lot.
  10. Personal and business service shop.
  11. Professional office.
  12. Recreational facility.
  13. Restaurant, bar or other eating and drinking place.
  14. Retail establishment.

- C. The proposed PUD-C district would incorporate the following dimensional standards:
1. Minimum setbacks:
    - a. Front yard - twenty-five (25) feet
    - b. Side yard - ten (10) feet
    - c. Rear yard – twenty-five (25) feet
  2. Maximum building height: forty (40) feet
- D. The PUD-C zone district would include waivers from Town of Lyons development standards as follows:
1. Access roads must be designed and installed to support the fire protection apparatus equipment requirements of the International Fire Code and the Lyons Fire Protection District. A study prepared by a licensed Geotechnical Engineer must be submitted presenting the required preparation of sub-grades, pavement type and pavement thickness for any fire department and town access road. All roads must have an all weather surface and be designed for maintaining water runoff quality and air quality. It is the Applicant's intent to maintain the historic rural park-like character of the Site and to follow the Town's example in their redevelopment of Meadow Park. The Applicant requests a waiver of the Town's requirement for hard paving of roads and parking areas, subject to the Town Engineer's review and approval of the specifications and engineering design for proposed drainage, water quality control and paving on the Site.
  2. All existing outdoor lighting fixtures that are not cut-off / downcast shielded luminaires shall be immediately replaced with code compliant shielded fixtures, ~~excepting light bulb strings used for minimal decorative, safety, and security lighting in event production and camping areas.~~ All new outdoor lighting fixtures shall be cut-off / downcast shielded luminaires.
  3. The Lyons Municipal Code requires separate sewer service lines for the different uses on the property: Single Family Residence; Tiny Homes; and, Event Production. In order to accommodate this requirement, the Applicant requests a waiver allowing construction of a private 8" sewer main to which these three separate services would connect. The proposed private sewer main would connect to the 8" public sewer main at its terminal manhole. The private sewer main would be constructed to the Town of Lyons standards but would be the responsibility of the property owner.

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**Comment [JM1]:** The property is well shielded from light spill by mature trees and cliff walls. There have been no complaints related to light levels or light spill from neighboring property owners.

RATIONALE

The subject property, improvements and existing use were substantially impacted by the September 2013 flood event. The demonstrated actual event, coupled with the likelihood of future changes in flood plain extent, make the existing medium density residential (R2) zoning unsuitable. A change to a more diversified and flexible zone district designation is both warranted and timely in order to meet the Town's long term public safety and economic development goals. We believe these conditions comply with the intent of the following paragraphs of the Official Zoning Map amendment approval criteria (Sec 16-15-40):

- (2) *To rezone an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the Town generally.*
- (3) *The area requested for rezoning has changed or is changing to such a degree that it is in the public interest to encourage development or redevelopment of the area, and the rezoning will be consistent with the goals and policies of the Comprehensive Plan.*