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TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: June 12, 2024

SUBJECT: Riverbend Estates Subdivision- Filing 1 – Case No. SUB21-0020

ACTION PROPOSED: Public Hearing - Consideration of Preliminary/Final Subdivision Plat and Preliminary/Final Development Plan for The Riverbend Estates Subdivision Filing No. 1

ATTACHMENTS:

1. Vicinity Map
2. Preliminary/Final Plat
3. Preliminary/Final Development Plan
4. Riverbend Planned Development (ODP)
5. Staff Presentation
6. Applicant Presentation

ZONING: PD- Riverbend Estates

PRESENTED BY: Lilly Cory, Planner I
Jeremy Gleim AICP, Planning & Development Director

AGENDA ITEM DESCRIPTION:

The Applicant, Riverbend Estates Partners LLC., requests approval of a concurrent Preliminary and Final Subdivision and Development Plan within The Riverbend Estates Planned Development (PD). Proposed is a single-family detached neighborhood intended to create a unique subdivision along the Little Thompson River. Riverbend Estates Filing 1 will provide single-family homes of varying estate lot sizes (+6,000 SF) that are interconnected by a trail system and accentuation of the surrounding natural area. A trail system along the edge of the property ensures access to residences and subdivision amenities. Proposed in the subdivision are 96 lots, the dedication of right-of-way, and utility or emergency easements.

LOCATION:

The Community that Cares

The subject property is located south of Weld Co Rd 46 and west of Parish Avenue/ Weld Co Rd 17. The subject property encompasses 76 acres located within the Town of Johnstown limits. The major vehicular access point into the subdivision is located along Weld Co Rd 46.

HISTORY:

The subject property was annexed into the Town of Johnstown in 2001 under the Riverbend Estates Annexation. It was annexed into the Town by way of Ordinance No. 2001-660. Upon annexation, Planned Development (PD) zoning was established, and the Riverbend Estates Outline Development Plan (ODP) was approved in 2001 under Ordinance No. 2001-661. This was later amended in 2021 by Resolution 2021-213 to create the Amended Riverbend Estates ODP, which acts as the current zoning document for the subject property.

ZONING & LAND USE:

Pursuant to the Land Use Map in the 2021 Johnstown Area Comprehensive Plan, the subject property is located in the 100-year Floodplain area. Were this property to be annexed and zoned today, it would be more reflective of the floodplain land use designation. Zoning for the property was established well before the current Comprehensive Plan was adopted, and the property owner has a vested right to exercise development in accordance with the approved zoning. Development in floodplains and floodways requires additional analysis and special permits from the Federal Emergency Management Agency (FEMA). These requirements are detailed later in this report.

ADJACENT ZONING & LAND USE	
NORTH	H-A – Agricultural Use - Town of Johnstown
EAST	AG – Residential and Agricultural Uses - Weld County PD – Agricultural Uses – Town of Johnstown
SOUTH	PD– Residential – Town of Johnstown
WEST	PD- Agricultural Uses – Town of Johnstown

PROJECT DESCRIPTION & ANALYSIS:

The overarching development is comprised of approximately 172 acres and is located on the north and south sides of the Little Thompson River. Filing No. 1 is confined to the north side of the river, and future Filing No. 2 is located on the south side of the river. The two filings will ultimately be connected by a pedestrian bridge that spans the river. The bridge will connect to Outlot G in Filing No. 1.

Filing No. 1, the subject of this report makes up 76 of those 172 acres. A total of 96 lots are proposed in Filing No. 1; no commercial development is proposed. Residential lots will range from 6,000 square feet to over 10,000 square feet. Right-of-way will also be platted and dedicated to the Town to provide the street network and access to new lots and the surrounding area. As depicted in the plat and final development plan, the subdivision is organized in a semi-circular layout. The design was influenced by existing constraints, such as the oil and gas facilities in the northwest portion of the plat, as well as the Little Thompson River to the south. The resulting

layout is visually interesting and takes advantage of natural land features. Cul-de-sac streets are prominent in the subdivision and generous amounts of open space and trails are planned. Outlot G, which is the buffer between the residential lots and the Little Thompson River, is nearly 30 acres in size and provides ample opportunities for planned trail systems, parks, and open space.

Tract 1, which is located in the northeast corner of the project site, and subsequently, the southwest corner of the intersection of Parish Avenue and County Road 46, is labeled for future development. At the time of this filing, there are no plans for this area, so it will remain open space. Any future platting of Tract 1 will require additional review by the Planning Commission and Town Council. The tract measures approximately seven (7) acres in size.

Oil and Gas Facilities

Within the subdivision's development area, there are multiple well sites within the subject property. Most notable of these is a PDC Energy Facility #443315-43323 which has 8 producing regularly (PR) well heads in the northwest corner of the development. All buildings are to be set back 200 feet from the operation site as agreed upon between the developer and PDC Energy Group. To ensure safety a fence will surround the operating facility. Additionally, there are two (2) Plugged and Abandoned (PA) wells that are situated within Filing One of the properties. One is located underneath 'Little Thompson Drive' in the Cul-de-sac and the other is situated in Outlot G near Filing 2 of the Development. Both wells have a 25-foot setback per development standard during the time of project submittal. No building or home is to exist within either setback to ensure the safety of residents in the proposed subdivision. Additional screening and fencing have been put into place for the following development to ensure noise in the area is mitigated.

FLOODPLAIN REQUIREMENTS

As mentioned previously, developments located within floodplains and floodways demand additional analysis, are subject to greater regulatory oversight, and require special permits. The information listed below is somewhat technical but provides insight into the Federal Emergency Management Agency (FEMA) requirements for floodplain development. To better understand acronyms/terminology, the following definitions are provided to preface the information.

***CLOMR: Conditional Letter of Map Revision** – FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA.*

***LOMR: Letter of Map Revision** - Once a project has been completed, the community must request a revision to the Flood Insurance Rate Map (FIRM) to reflect the project. "As-built" certification and other data must be submitted to support the revision request. The "As-built" depicts any physical measures that were implemented which affected the*

hydrologic or hydraulic characteristics of a flooding source, and thus modified the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the FIRM.

This project is currently mapped inside FEMA's Special Hazard Area (SFHA) as depicted on FEMA Flood Insurance Rate Map (FIRM) Panel 08069C1410G, effective date 1-15-2021. The SFHA designation may be removed by the formal LOMR Process approved by FEMA's designee, based on the proposed improvements and placement of fill. The CLOMR Case No. is 22-08-0777R.

Construction of the subdivision improvements proposed within the FEMA regulatory 100-year Special Flood Hazard Area, Zone AE, and Zone AE w/floodway is not allowed until, and only if, the CLOMR is approved by FEMA. As noted in the CLOMR application, a final approved LOMR then would be required prior to the construction of homes within the current floodplain and/or floodway boundaries. Note that FEMA's issuance of a CLOMR states that a LOMR "may" be approved if the improvements to remove the SFHA designation are constructed as represented in the CLOMR submittal. If the LOMR is not approved by FEMA, homes may not be placed in the regulatory floodway. In addition to the above, a Floodplain Development Permit is required before the commencement of construction activity of any kind.

PUBLIC NOTICE:

Notice for the Town Council public hearing was published in the Johnstown Breeze, on Thursday, May 21, 2024. This notice provided the date, time, and location of the town Council hearing, as well as a description of the project. Notices were mailed to all property owners within 800 feet of the subject property. This notice included a vicinity map and the proposed subdivision map.

COMPREHENSIVE PLAN ALIGNMENT:

The 2021 Comprehensive Plan (Comp Plan) identifies this area as a 100-year Floodplain. This designation is primarily intended for floodplain areas, as established by the adopted FIRM/FEMA maps and studies. These areas are natural areas for flooding - —to capture and channel stormwater in large storm events, offer high habitat and ecosystem value, and should be avoided when considering areas for new development or redevelopment to protect life, property, and natural assets. These areas offer opportunities for the conservation of natural areas and landscapes, as well as low-impact recreational trails. Greenways may also be located adjacent to irrigation ditches, reservoirs, wetlands, and other ecologically significant areas.

The greenway/floodplain areas include natural open space, trails, and river access. While sections of this land use may be on private land, efforts should be made to increase and maintain public access and to enhance connections for regional recreation and wildlife movement.

This subdivision complies with the Riverbend Development Plan wherein land uses have been carefully designed with the Little Thompson River in mind. Care has been taken in the design of the project to protect residential lots from flooding and Filing 1 provides significant trails and open-space corridors in alignment with the stated goals of the Comprehensive Plan. Staff finds

that this project aligns with the adopted Comprehensive Plan and will help create a unique subdivision that honors and complements the natural environment.

WATER & SERVICE SEWER AGREEMENT:

NA

DEVELOPMENT AGREEMENT:

NA

STRATEGIC PLAN ALIGNMENT:

- Natural & Built Environments
 - *Expect and encourage community-centered design.*
- Quality Infrastructure & Facilities
 - *Ensure future viability of infrastructure and facilities.*

FINDINGS:

1. The proposed subdivision is consistent with the Johnstown Comprehensive Plan.
2. The proposed subdivision complies with the previously approved Preliminary Plat and Riverbend Estates Planned Development (PD).
3. Unique character to the project that meets the integrity of a Planned Development.

The proposed subdivision will meet the needs of the community by creating new lots for residential development which is intended to expand the community for its residents, businesses, and visitors alike.

LEGAL ADVICE:

NA

FINANCIAL ADVICE:

NA

RECOMMENDED ACTION: RIVERBEND ESTATES FILING 1

Staff recommends that the Commission approve the preliminary/final subdivision plat and preliminary/final development plan for The Riverbend Estates Subdivision Filing No. 1- Case No. SUB21-0020.

SUGGESTED MOTIONS:

For Approval:

I Move to Approve Case No. SUB21-0020 for Riverbend Estates Filing No. 1

For Denial:

I Move to Deny Case No. SUB21-0020 for Riverbend Estates Filing No. 1