



# Town of Johnstown

## PLANNING & ZONING COMMISSION REGULAR MEETING

7:00 PM, Wednesday, August 10, 2022

### SUMMARY MINUTES

The meeting was called to order by Chair Weber at 7:00 P.M. Roll call attendance was taken. Present were Commissioners Flores, Grentz, Salo, Singh, and Weber. Campbell and Hayward were not in attendance, and excused from the meeting.

Agenda was approved unanimously. 5/0. Motion made by Grentz, 2<sup>nd</sup> by Weber

June 8, 2022 Minutes approved by Flores, Singh, Salo, and Weber (Grentz was not in attendance).

July 13, 2022 Minutes approved by Grentz, Salo, and Weber (Flores and Singh were not in attendance).

No public comments on items not on the agenda.

The Public Hearing for **East Ledge Rock Center Subdivision Filing No. 2 (SUB21-0025)** was opened. Kim Meyer, Planning & Development Director, presented an overview and staff's analysis for this proposed subdivision.

C. Weber asks about the traffic study, impact from the proposed Buc-ee's, and Hwy 60 signalization and development timing. Meyer indicates a study has been reviewed by the Town, and explains the typical timeline between breaking ground, constructing infrastructure, and foundations. A Certificate of Occupancy won't be issued before full infrastructure improvements are accepted. Meyer states that not a lot of traffic is expected to carry over to the Ledge Rock development from the proposed Buc-ee's, as that is largely highway-generated traffic. C. Grentz asked if CDOT will operate independently on the signalization. Meyer explains that the Town is working closely with CDOT to signalize multiple intersections and explains that traffic has to meet signal warrants. Grentz expresses concern for the count shown for 2025 in the traffic study due to current developments already increasing traffic significantly.

Jim Shipton, engineer, Point Consulting, LLC, represents the Applicant. Shipton discussed High Plains Blvd. and explains that once occupancy occurs, they will begin preparation for signaling to be installed. Ultimate improvements are planned with this development. C. Grentz asked about the impacted ditch company and the proposed piping of the ditch. Shipton states that they are providing construction details to the ditch company and feels as though they are on track.

Public comment:

- Lorraine Brown, 3458 Sandalwood Ln - noted that there is significant frustration with so much growth and the area being a food desert and inquired about prospects for a grocery store.

Public hearing closed.

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Motion was made to Recommend Approval to the Town Council per findings and language provided in the staff memo by Grentz / 2<sup>nd</sup> Flores.

Vote: 5/0 in favor of approval.

Motion carries and the recommendation for approval will go to Council.

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The Public Hearing for **North Ridge Outline Development Plan (ODP) Amendment No. 1 (ZON22-0007)** Plan was opened. Kim Meyer, Planning & Development Director, presented an overview and staff's analysis for this proposed development. Staff recommends denial, per findings noted in the staff report.

C. Singh inquired if this proposal is denied for increased residential, does demand still exist for the higher ratio of commercial. Meyer stated that the Town would anticipate demand for commercial areas to increase over time, and typically the demand for residential and multi-family precedes commercial. Meyer mentions that the Comprehensive Plan is focused on long-term horizons and future build out of the overall community, and not on short-term development trends, and attempts to establish an overall balance of uses throughout the Growth Management Area.

Mark Hunter, attorney with Hunter & Goodhue, represents CaliberCos, the applicant. Hunter explained that North Ridge is just a portion of the master-planned Ridge community and explains the importance of "rooftops" in bringing in future commercial and retail development. He explained that this Outline Development Plan (ODP) amendment is request would result in a more comparable mix to other portions of The Ridge. Hunter emphasized that rooftops are necessary for viable commercial development. Further, he argued that the Town's comprehensive plan is a guiding policy document, and is advisory only. He argues that no specific density exists in the code in the PUD-MU zone, and that PUD-MU is supported by the comprehensive plan. He noted that multifamily units are more affordable than single family home rentals. Hunter also noted that COVID has had an impact on commercial demand.

Mr. Hunter argued that the Applicant is not requesting a change in zone and that PUD-MU allows multifamily as a "permitted use by right;" and again stated that the requested modification is comparable to The Ridge. Hunter noted that the Code does not have a process for amending an ODP, so he referenced the site development plan code language, concluding that if the comprehensive plan and code conflict, the code should be followed.

C. Weber requested that Meyer provide feedback on the Applicant's presentation. Meyer acknowledged that the land use code is currently being rewritten to implement the comprehensive plan objectives, and it does not currently provide specific review criteria for an ODP amendment. Meyer noted that the PUD-MU code indicates the types of residential structures permitted by right, but not necessarily the use itself. Meyer explained that the purpose of an ODP is to identify the intent of a development, and define specific information related to uses; and that PUD-MU, although flexible, is not intended to or historically used to permit any use, anywhere, in a PUD. Meyer acknowledged that there is a need for rental housing and identified several approved multifamily developments as well as current projects under review that will introduce more than 1500 additional units to Johnstown.

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Public Comment:

- Marcia Buckley, 6163 E County Rd 18 - Expressed concern about residential uses and her ag property. Stated that commercial helps their property values. Concerns with developer and some issues on her property so far – fence and ditch. She is worried about increased traffic, and frustrated with letters requesting to buy her land. Explains that residences are going in on the west side of the development and prefers commercial development near her property.
- Lorraine Brown, 3458 Sandalwood Ln - Concerned for 4-story development backing up to residences. Concern for the frontage road being only 2 lanes. Suggests 2-story multifamily instead of 3 or 4 level. Concern that the apartments are not aesthetically pleasing. States that the apartments in 2534 are large but not blocking anyone’s view. Requests that the developer “tone it down” on large [tall] multifamily development.

C. Weber closed public comment.

C. Grentz stated that new multifamily developments in Loveland have struggled with filling units. He expresses that I-25 will likely develop from Pueblo to Wellington and that he has concern for losing valuable commercial area.

C. Salo stated that the Town developed the Comprehensive Plan to help guide the vision and decision-making of the Town. C. Salo looks to the public comments noted their concerns with too much residential, and that should be considered when we don’t otherwise have clear guidelines. C. Flores agreed with that point, and that the Planning & Zoning exists to help fill in that gray area.

C. Singh brought up the mortgage costs and explained that his personal experience has shown limited availability in Johnstown, and that options are better in Loveland. Singh points out that we don’t want to lose future residents to Loveland. C. Weber inquired about the rooftop difference between what is on the original ODP and the proposed amendment. Applicant stated it will be an increase of about 600 residents.

C. Weber addressed the applicant and suggested a compromise could be made. He disagreed that the “permitted use by right” argument is fully accurate, and acknowledged that work needs to be done on the code. Weber stated that he has a problem with making the change that the Applicant is requesting, stating that the rooftops will come, but we need to look at these issues more long-term as well as consider the residents nearby. He stated he felt the amendment is incompatible with the guidance in the comprehensive plan.

Motion was made to Recommend Denial to the Town Council per findings and language provided in the staff memo by C. Weber / 2<sup>nd</sup> by Flores.

Vote: 5/0 in favor of denial.

Motion carries and the recommendation for denial will go to Council.

The Public Hearing for **North Ridge PUD Design Guidelines (ZON22-0007)** was opened. Kim Meyer, Planning & Development Director, presented an overview of the guidelines and staff’s analysis for this proposed development, based on the staff report. No comments or questions from commissioners.

Mark Hunter, attorney with Hunter & Goodhue, represents CaliberCos, the Applicant. Hunter requested that the issue be tabled until a decision is made on the North Ridge ODP Amendment.

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Meyer suggested discussing these items as conditions. Applicant declined and requested to table the item.

Motion was made C. Weber to table this until further information is put forth / 2<sup>nd</sup> Salo.

Vote: 5/0

Meyer briefly discussed progress on the land use code and stated that drafts have been received but not fully evaluated yet.

Meeting was adjourned at 9:03 P.M.

Town Staff present: Kim Meyer, Planning & Development Director and Kara Washam, Planner I

Respectfully Submitted:

Accepted:

Kim Meyer, Director

Bruce Weber, Chair



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