



# Town of Johnstown

## PLANNING & ZONING COMMISSION AGENDA MEMORANDUM

---

<b>DESCRIPTION:</b>	<b>SunCatcher Outline Development Plan (ODP)</b>
<b>PROJECT NO:</b>	ZON22-0002
<b>LOCATION:</b>	Southwest corner of Telep Ave (CR 15) and CR 46, approx. 127 acres
<b>APPLICANT:</b>	Sauer South, LLC
<b>STAFF:</b>	Kim Meyer, Planning & Development Director
<b>HEARING DATE:</b>	July 13, 2022

---

### ATTACHMENTS

- 1- Vicinity Map
- 2- ODP Narrative
- 3- Outline Development Plan (ODP)

### BACKGROUND & SUMMARY

The applicant, Sauer South, LLC, requests consideration of an Outline Development Plan (ODP) encompassing approximately 127 acres of land in Weld County. The property is located on the southwest corner of Telep Ave and Weld County Road 46, south of The Granary subdivision. (Attachment 1) It is encompassed within the project areas of the SunCatcher Annexation and Establishment of Zoning (EOZ) that preceded this project to hearings, and the Preliminary/Final Subdivision Plat and Pivot Solar Use by Special Review (USR) that will follow.

The subject property is presently zoned Agricultural in unincorporated Weld County and is currently being used as farm land. The SunCatcher Annexation and Establishment of Zoning (EOZ) is to allow for mixed-use development, with proposed PUD-MU (Mixed-Use) zoning. (Attachment 2) The proposed SunCatcher Outline Development Plan (ODP) shows the intent to develop a mix of commercial and higher-density residential uses along WCR 46 approximately 600-feet south where the site will consist of lower density residential. The mixed-use areas will allow commercial, retail, office, and higher density residential uses. An interim use for a solar facility is proposed to be located on the southwest 44 acres of the site with farming operations continuing on the remaining portions until future development occurs.

**ZONING:** The pending zoning request is for PUD-MU (Mixed Use).

### SURROUNDING ZONING & LAND USE

North:	PUD-R – The Granary Subdivision – single family residential under development
South:	A – Agricultural Weld County – existing ag lands
East:	PUD-R– Residential Town of Johnstown – existing ag lands
West:	A – Agricultural Weld County – existing ag lands

*The Community That Cares*

johnstown.colorado.gov

P: 970.587.4664 | 450 S. Parish Ave, Johnstown CO 80534 | F: 970.587.0141

## **LAND USE HISTORY**

Historically, this property has been used for farming and continues as that use today.

## **OIL & GAS**

There are three existing plugged and abandoned wells on-site, per COGCC website. They are shown on the Site Plan (Attachment 3 – Sheet C.100).

## **IRRIGATION DITCHES**

The Hillsborough ditch runs through the northern portion of this site.

## **FLOODPLAIN**

The Little Thompson River runs through this parcel, and has significant floodplain areas. Approximately 15.5 acres of the current parcel sits within the floodway and 1% (100-yr) regulatory floodplain.

## **PUBLIC NOTICE & AGENCY REFERRALS**

Notice for the Planning & Zoning Commission hearing was published in the local paper of widest circulation, the Johnstown Breeze, on Thursday, June 23, 2022. This notice provided the date, time, and location of the Planning and Zoning Commission & Council hearings, as well as a description of the project. Notices were mailed to all property owners within 500 feet of the property in question. This notice included a map of the various proposed SunCatcher projects – annexation, zoning, ODP, subdivision and USR. This ODP project was referred to all Johnstown Review Committee members and Weld County. No neighborhood meeting was held for this Outline Development Plan.

This project was referred for development review to the Johnstown Review Committee, Front Range Fire Rescue District, Weld County, Weld RE5-J School District, Little Thompson Water District and several local utility providers.

## **PROJECT DESCRIPTION & ANALYSIS**

The proposed SunCatcher Outline Development Plan (ODP) provides a broad overview of future development plans for this parcel as a mixed-use development. In the short term an “interim” use of a solar farm has been included as a Use by Special Review; with the underlying use of low density residential otherwise.

The 2021 Johnstown Area Comprehensive Plan indicated this area is intended for greenway – acknowledging the Little Thompson River floodplain that borders the south portion of this parcel; with the remaining area expected to be a lower-density residential. In light of the anticipated major arterial status of CR 46 and the nearby high school location, Staff worked with the Applicant to craft an ODP that provides for a wider range of more intense/dense uses along that frontage, and lower density (2.5 units/acre) in the southern portions of the site. The northern Planning Areas PA-A1 (10 Ac.) and PA-C (14.3 ac.) both permit commercial uses as well townhome-density housing (up to 12 units/acre). Total maximum dwelling units would be 231 in the 24.3 acres along the north, and 236 homes in the 95 acres on the south.

The Mixed-Use areas permit a range of office, retail and service commercial uses. Staff has worked with the Applicant on this use list, and has only remaining reservations about the “Vehicle / Equipment Sales & Services” – which offers too broad a category for a neighborhood-scale commercial area. A modification to permit a “Same-day vehicle shop (i.e., Oil change, Tires)” may be appropriate. “Vehicle Parking” is also permitted as an accessory to any other use – this category implies a primary use for a

commercial parking lot. Staff recommends striking or revising these two uses from the list on Sheet 3. Remaining list of uses appears appropriate.

The Concept Plan illustrates the impact of the floodplain, acknowledgement of a future trail connection along the river corridor. Town water and sanitary sewer lines will be constructed in CR 46 right of way as adjacent development occurs – future reimbursements, with development of SunCatcher may be required.

Town Staff has no significant outstanding concerns and believes this ODP will promote the Town’s goals of efficient development patterns and extension of infrastructure, future trail connections, and river/floodplain protection, as development occurs.

### **RECOMMENDED PLANNING AND ZONING COMMISSION FINDINGS AND MOTIONS**

With the changes identified in this memorandum related to land uses, Staff recommends that the Planning and Zoning Commission send a recommendation for Approval to Town Council for the SunCatcher Outline Development Plan based upon the following findings:

1. The proposed project is consistent with the Johnstown Area Comprehensive Plan.
2. The proposed project is in substantial compliance with the Town’s codes, regulations, and requirements.
3. The proposed project will allow a more flexible approach to the development of the large acreage while meeting the needs of the community as it develops.

#### **Recommended Motion: Motion to Approve with Conditions**

Based on the application materials received, analysis and presentations at this hearing, and noted findings, I move that the Planning & Zoning Commission recommend to the Town Council Approval with the following Condition:

1. Prior to Council hearings, the Land Use Table is updated to remove/modify the two uses identified by Staff in this memo.

#### **Alternate Motions:**

##### **Motion to Approve, as presented**

Based on the application materials received, analysis and presentations at this hearing, and noted findings, I move that the Planning & Zoning Commission recommend to the Town Council Approval of the SunCatcher Outline Development Plan (ODP).

##### **Motion to Recommend Denial**

Based on the application materials received and analysis and presentations at this hearing, I move that the Planning & Zoning Commission recommend to the Town Council Denial of the SunCatcher Outline Development Plan (ODP).