



# Town of Johnstown

## PLANNING & ZONING COMMISSION AGENDA MEMORANDUM

---

<b>HEARING DATE:</b>	September 25, 2024
<b>SUBJECT:</b>	Public Hearing – Zoning Case No. ANX23-0001 for the Blue Spruce Ridge Annexation
<b>ACTION PROPOSED:</b>	Make a recommendation to the Town Council regarding the zoning for Annexation Case No. ANX23-0001
<b>LOCATION:</b>	East of Larimer County Road 3E and just south of The Ridge at Johnstown Subdivision
<b>APPLICANT:</b>	Blue Spruce Ridge ManageCo, LLC
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. Vicinity Map</li><li>2. Zoning Map</li><li>3. Concept Plan</li><li>4. Letters of Support</li><li>5. Staff Presentation</li><li>6. Applicant Presentation</li></ol>
<b>PRESENTED BY:</b>	Jeremy Gleim, AICP, Planning & Development Director

---

### BACKGROUND & SUMMARY

In November of 2023, Blue Spruce Ridge ManageCo, LLC (“Applicant”), submitted a Petition for Annexation along with concurrent R-2 zoning, for approximately 41.114 acres of land in Larimer County. The subject property is located in the Southeast 1/4 of Section 26, Township 5 North, Range 68 West of the 6th P.M., More specifically, it is located east of Larimer County Road 3E and immediately south of The Ridge at Johnstown subdivision.

Ordinance 2024-246 for the annexation of this land was approved by the Town Council on the first and second reading at their meetings of April 1, 2024, and April 15, 2024, respectively. The annexation plat was recorded by Larimer County on August 27, 2024 (Reception No. 20240035785). Pursuant to C.R.S. § 31-12-115(2), zoning of the annexed land must occur within 90 days of the property becoming part of the municipality.

*The Community That Cares*

[www.TownofJohnstown.com](http://www.TownofJohnstown.com)

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

### **Town Council Actions**

A request for R-2 zoning was submitted in conjunction with the annexation application. At the regular Town Council meeting on April 1, 2024, a public hearing was opened and this item was introduced for consideration. Based on the staff report, presentation, public testimony, and discussion among council members, the project was approved.

At the regular Town Council meeting on April 15, 2023, Ordinance 2024-247 was pulled from the consent agenda, on second reading, for further discussion. Councilmembers discussed the project, which resulted in a motion to re-open the public hearing and continue the item to the May 6, 2024 regular meeting.

At the regular Town Council meeting on May 6, 2024, Ordinance 2024-247 was re-introduced for consideration. Based upon the staff report, presentation, public testimony, and discussion amongst council members, Ordinance 2024-247 was denied on a 4-3 vote.

Pursuant to Section 17-2-1(L) of the Land Use and Development Code (LUDC), when the review body takes final action to deny an application, the same or a similar application shall not be refiled for one year from the date of denial. However, there shall be no time limitation on an application that the Director determines is substantially different from a previously denied application, when considering the proposed use, scale or intensity of development, and potential impacts on adjacent property.

Based upon the foregoing, despite requesting R-2 zoning again, staff has determined that substantial changes have been made to help define future development on the subject property. New information, that was not presented, discussed, or considered with the previous request, has been submitted in conjunction with the current zoning request. An overview of the updates, changes, and considerations that have taken place since the May 6, 2024, Town Council meeting is described below, along with a summary discussion on how zoning corresponds to the Town's other adopted plans.

### **ZONING**

The purpose of zoning, or zoning districts, is to establish the character of specific areas, development patterns and context, and the type or intensity of uses and buildings. Zoning is established in conjunction with the Land Use Map in the Town's Comprehensive Plan.

Pursuant to Section 17-2-12(D)(3)(b), the Town shall consider zoning such newly annexed areas under the appropriate zoning category as follows: Requests for zoning districts other than the H-A (Holding Agriculture) District may be considered by the Town Council in conjunction with the annexation and based on the submittal of all applicable requirements for a rezoning application.

*The Community That Cares*

[www.TownofJohnstown.com](http://www.TownofJohnstown.com)

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

The Town Council shall place the newly annexed property into the most appropriate zoning district, considering the goals and objectives of the Town's Comprehensive Plan and the applicant's future development plans.

**How the Comprehensive Plan Relates to Zoning Districts**

The Comprehensive Plan (Comp Plan) provides high-level direction for the future of the Town's 48-square mile Growth Management Area. This Plan is designed for Town leaders to guide, and for community members to understand, the future development and redevelopment considerations for the Johnstown area from now into the next 20 years. The Comp Plan is comprised of overarching policies, goals, and implementation strategies, which are the foundational policies that help guide decision-making. In addition, the Comp Plan includes a Land Use Map, which helps direct desired growth patterns by identifying the characteristics of land use categories and where those categories are distributed across the Town's 48-square mile growth management area. As described in the Comp Plan, When the Planning and Zoning Commission and Town Council are presented with land use decisions for residential and commercial development, subdivision of land, or zoning changes, the following land use categories should be discussed and applied.

- High Density/Intensity
- Medium Density/Intensity
- Low Density/Intensity
- Very Low Density/Intensity

Each of the land use categories listed above is fully described in the Comp Plan, along with other overlays such as Greenways, Activity Centers, Agricultural Preservation, and Gateways. There are four major land use categories; however, there are ten (10) zoning districts listed in the LUDC.

H-A	Holding / Agriculture	RESIDENTIAL
R-E	Rural Estate	
R-1	Single-Family Neighborhood	
R-2	Mixed-Density Neighborhood	
R-3	High Density Neighborhood	
MU-NC	Neighborhood Commercial	COMMERCIAL
MU-DT	Downtown	
MU-RC	Regional Commercial	
I-1	Industrial Light	INDUSTRIAL
I-2	Industrial Heavy	

Acknowledging the fact that there are ten zoning districts, but only four land use categories, it stands to reason that multiple zoning districts must fit into each land use category. The way to determine the appropriateness of a specific zoning district relative to the overarching land use category is to start with the intent of said land use category, as defined in the Comp Plan.

*The Community That Cares*

[www.TownofJohnstown.com](http://www.TownofJohnstown.com)

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

Regarding the Blue Spruce Ridge Annexation, the land use category is shown as Low Density/Intensity (LDI). As written in the Comp Plan (pg. 50):

A Low Density/Intensity area (LDI) will be generally characterized by a higher percentage of residential, predominantly lots for single-family detached homes, with some lower density townhomes or duplex/patio homes. Commercial will be less prominent and focused on neighborhood-level services such as a convenience store, gas station, dance/karate studio, auto shop, salon, or restaurant, and civic uses (parks, library, schools).

Low Density/Intensity areas will occur along collector and local street corridors, and are likely to be adjacent to MDI and HDI areas, which serve to buffer LDIs from major street corridors and busier commercial areas. LDI's will strive to offer complete neighborhoods with easy access to neighborhood services, parks, schools, and be connected to adjacent neighborhoods and multi-modal corridors with trails and walks.

Residential neighborhoods will provide multiple housing and lifestyle options within a more suburban setting. An LDI neighborhood may utilize winding internal streets and cul-de-sac configurations; perimeter fencing and landscaping for buffers, pocket parks and playgrounds within neighborhoods, connected to a trail system. These provide another great solution for integrating a range of lifestyles, incomes, and ages into a neighborhood.

The above information provides the fundamental core for identifying a zoning district that will support the vision. The next step in the process is to review the intentions of the zoning districts, identify the street networks that serve the property, and analyze adjacent zoning designation, developments, and land uses.

## **BLUE SPRUCE RIDGE – ZONING ANALYSIS**

Based upon the above information regarding the Comp Plan, and the ten zoning districts listed in the LUDC, the following analysis applies specifically to the subject property.

### ***Zoning Analysis***

This property is located in the Low Density/Intensity (LDI) land use category, as depicted on the Town's Land Use Map. The intent of the LDI land use category has been fully described at the top of this page.

### ***Street Network***

The subject property is primarily served by Larimer County Road 3e (LCR 3e), which is positioned along its western property line. The eastern corner of the property also lies adjacent to Larimer County Road 3 (High Plains Boulevard). Pursuant to the Town's adopted Transportation Master Plan, LCR 3e is listed as a Minor Arterial roadway, and High Plains Blvd. is listed as a Regionally

*The Community That Cares*

[www.TownofJohnstown.com](http://www.TownofJohnstown.com)

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

Significant Corridor and Major Arterial. Pursuant to the intent of the LDI land use category, LDI areas “will occur along collector and local street corridors, and are likely to be adjacent to MDI and HDI areas, which serve to buffer LDIs from major street corridors and busier commercial areas.”

***Adjacent Zoning***

Zoning designations for the properties immediately adjacent to the subject property are listed in the table below:

North	PUD – Residential Town of Johnstown – Ridge at Johnstown Subdivision
East	RR-2 – Unincorporated Larimer County – Rural Residential
South	RR-2 – Unincorporated Larimer County – Rural Residential
West	PUD – Residential Town of Johnstown – South Ridge Subdivision

The property to the north of the subject property is zoned PUD (Planned Unit Development) and was regulated by The Villages at Johnstown Performance Standards when it was approved for development. Pursuant to the Performance Standards, the property immediately north of the subject property was zoned for single-family residential development.

The property to the west of the subject property is zoned PUD. An Outline Development Plan (ODP) was approved in 2022 upon annexation of that land into the Town. The ODP specifies single-family residential development for that property.

***Adjacent Land Use***

Single-family residential development exists on the land to the immediate north. West of the project site is a residential subdivision called Southridge, which was approved by the Town Council earlier this year. That project is currently under construction. Unincorporated lands to the south and east have been used historically for farming purposes. There is also an oil and gas facility on the property to the immediate east.

Articles 3 and 5 of the LUDC create the framework and guidelines for residential subdivision development and provide extremely detailed requirements for street layouts, block and lot sizes, open space, residential building types, and neighborhood design. It is important to note, that while the base zone provides for the types of housing and other uses that would be permitted on an individual lot, there are extensive guidelines that dictate neighborhood design. The following section provides a summary of the intent of residential development, pursuant to the LUDC.

Section 17-5-1(A) provides that residential development standards have the following intent:

1. Provide housing variety within neighborhoods and among different neighborhoods and ensure compatible transitions between different residential building types.
2. Improve the appearance and livability of neighborhoods with good civic design.

3. Design and locate parks, trails, and other open spaces as focal points that shape neighborhood character.
4. Design neighborhoods with slow-speed streetscapes, well-connected sidewalks and trails, and shade, and enclosure provided by street trees.
5. Reinforce the distinct character of different neighborhoods based on their context:
  - a. Prioritize housing and walkable neighborhoods with convenient access to services, amenities, and destinations.
  - b. Promote lower-density rural neighborhoods with access to large, contiguous open spaces and natural areas.
6. Orient all buildings and lots to the public street or to common open spaces, and locate active social spaces along the streetscape.
7. Design buildings with human-scale details such as entry features, windows and doors, massing elements, and ornamental features, particularly where these features create compatibility among a mix of building types.
8. Promote lasting and sustained investment in neighborhoods with quality design.

Any future subdivision on the subject property would have to comply with the above intentions. Moreover, any future subdivision would be reviewed pursuant to the strict guidelines listed in Articles 3 and 5 of the LUDC, along with all other applicable regulations. When a subdivision is proposed, it will flow back through the review process, which will require a neighborhood meeting, a Planning & Zoning Commission hearing, and ultimately, a public hearing before the Town Council.

### ***Zoning Conclusion***

1. Pursuant to the Land Use Map, this property is in an LDI area.
2. Pursuant to the Transportation Master Plan, this property is positioned between two arterial roadways, suggesting that higher volumes of traffic are meant to flow past the property.
3. Pursuant to the Comp Plan, LDI areas will be generally characterized by a higher percentage of residential, predominantly lots for single-family detached homes, with some lower-density townhomes or duplex/patio homes.
4. Pursuant to Table 4-2 in Section 17-4-2 of the LUDC, the R-1 zone prohibits attached one-unit and multi-unit dwellings.
5. Pursuant to Table 4-2 in Section 17-4-2 of the LUDC, The R-2 zone provides the opportunity for one-unit detached, one-unit attached, and limited multi-unit dwellings.
6. Pursuant to Section 17-5-1(A)(1), residential developments should provide housing variety within neighborhoods and among different neighborhoods and ensure compatible transitions between different residential building types.

### **NEIGHBORHOOD MEETINGS**

Subsequent to the May 6, 2024, Town Council meeting, two neighborhood meetings were conducted regarding this zoning proposal. The purpose of the neighborhood meetings is to present

*The Community That Cares*

[www.TownofJohnstown.com](http://www.TownofJohnstown.com)

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

new information to interested parties, to solicit feedback from the community in a less formal setting than that of a public hearing, and to encourage open discussion. Both meetings were held at the YMCA. The first meeting was held on July 16, 2024, and the second meeting was held on August 6, 2024; both meetings were on a Tuesday, and both started at 6pm. Notices were mailed to all property owners within 800 feet of the project site for both meetings.

### **Neighborhood Meeting #1 – July 16, 2024**

Participation at the first neighborhood meeting was good, with 40-50 members of the community in attendance. The applicant presented a concept plan to the attendees and discussed some of the strategies that could be implemented to help alleviate concerns that were discussed at the Town Council meeting. Upon reviewing the concept plan, the primary concerns cited by the participants included:

- Lack of park space
- Concern about R-2 zoning, specifically regarding some of the land uses and residential typologies that are allowed
- Protection of existing houses and properties adjacent to the project site
- Unhappiness with The Ridge at Johnstown's lack of amenities
- Lack of confidence in the developer
- View protection
- Traffic problems resulting from the project
- Safety concerns regarding the ditch

The applicant received all comments and stated that a follow-up meeting would occur, wherein an updated plan would be presented.

### **Neighborhood Meeting #2 – August 6, 2024**

Participation at the second meeting was also good, with a similar turnout to the first meeting. The applicant presented the updated concept plan and opened the discussion to the public. In general, the updated concept plan was better received than the first iteration. There were still comments made regarding the concerns listed in the summary of the first meeting; however, there was also more collaboration in trying to figure out what would be best for the existing residents/community members. Much of the discussion was focused on the north edge of the project where it abuts The Ridge at Johnstown subdivision. The community asked for a one-story limitation on housing development along that edge, to which the applicant agreed. The community also asked for park facilities that could be enjoyed by residents of existing neighborhoods, along with the future residents of the proposed project...to which the applicant also agreed.

At the conclusion of the meeting, the applicant stated that they would make final revisions to the concept plan to capture the discussion that took place. The applicant collected email addresses from participants who volunteered their information and sent additional communications to that

*The Community That Cares*

[www.TownofJohnstown.com](http://www.TownofJohnstown.com)

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

group. The concept plan that is attached to this staff report (Attachment 3) represents the final iteration based on the comments and feedback from the neighborhood meetings.

## **CONCEPT PLAN**

Pursuant to Section 17-2-5(C)(2) of the LUDC, the applicant may present a preliminary sketch or Concept Plan for review by staff or the Planning and Zoning Commission and Town Council. This may be used to confirm interpretations, test basic concepts and standards, or review options for a proposed project. Review of the concept plan does not result in any inherent approvals but it provides an opportunity to receive feedback from staff, the Planning Commission, and elected officials.

The concept plan is being used as a supplemental tool to memorialize certain development restrictions that will be imposed upon the project. In this case, the base zone would be R-2; however, it would be R-2 with conditions and/or restrictions. The proposed restrictions are listed below:

1. All lots along the shared property line with The Ridge at Johnstown (north property line as denoted by stars on the concept plan) shall be limited to single-story detached development.
2. At minimum, an open space area shall be located along a portion of the shared property line with The Ridge at Johnstown (north property line), which would connect to a more centralized open space area within the project.
3. Density across the entire project is limited to five (5) dwelling units per acre.
4. A minimum of 30% open space with a central open space/amenity area shall be included in the plan.
5. The largest lots (6,000 square foot minimum) shall be located along the north and south property boundaries.
6. No apartments shall be constructed on this project site.
7. All townhomes shall be a maximum of two (2) stories in height.

It should be reiterated, that this concept plan does not approve the creation of any legal lots or plats, and does not require that this exact design be developed. This plan is simply an illustrative example of a subdivision that could be developed in conjunction with the above restrictions. Staff has not reviewed this concept plan for compliance with the LUDC and has not made formal comments on the design. Prior to any development occurring on the property, subsequent applications will have to be submitted, which will require additional review and public hearings.

## **CONCLUSION**

The Comp Plan provides guidance for the development of the Town, including visioning for land use decisions. LDI areas are intended to provide multiple housing options in low-density formats, including townhouses and duplex/patio houses. The R-2 zone provides the baseline for this type of development, creating opportunities for housing diversity while maintaining a low-density look

*The Community That Cares*

[www.TownofJohnstown.com](http://www.TownofJohnstown.com)

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



and feel to the neighborhood. Any future subdivision projects will be reviewed for compliance with the intent of the LDI land use category, the strict application of the LUDC (specifically, Articles 3 and 5), and the context of neighboring developments.

Based upon the feedback received from the two neighborhood meetings, the applicant created a concept plan that uses the R-2 zone as a base zoning designation; however, they have also agreed to impose several development restrictions that would limit how the project site develops in the future. The proposed concept plan meets the intent of the LDI land use category and satisfies the requirements of the R-2 zone.

Staff has received four letters of support for this project (Attachment 4). All four letters are from residents of The Ridge at Johnstown subdivision who live near the project site. Based upon the content in the staff report, staff is recommending that the Planning & Zoning Commission recommend approval of R-2 zoning, with conditions, for the property known as the Blue Spruce Ridge Annexation.

#### **COMPREHENSIVE PLAN ALIGNMENT:**

GOAL L1 | Ensure neighborhood character and amenities contribute to the health and well-being of diverse residents.

Establishing zoning that would support the development of various housing types is one way to help achieve this goal. Staff finds that the R-2 zone would best support the goals and objectives of the Town's Comprehensive Plan and the applicant's future development plans.

#### **STRATEGIC PLAN ALIGNMENT:**

- Natural & Built Environment
  - *Guide growth in the community through appropriate annexation, zoning, planning, and land use development.*

#### **FINDINGS OF FACT**

Pursuant to Section 17-2-3(B) of the LUDC, the review, recommendations, and decisions for a proposed rezone shall be based on the following criteria.

***1. The rezone furthers one or more of the purposes of these regulations in Section 17-1-3, and on balance any purposes that may be undermined are outweighed by the benefits of those purposes it furthers, because,*** the proposed rezone would implement the Goals and Strategies in the Comprehensive Plan.

***2. The proposal is consistent with the goals and objectives of the Comprehensive Plan and any other plan, policy or guidance adopted pursuant to that plan, because,*** any development on the property would be subject to, and regulated by, the adopted Land Use and Development Code

*The Community That Cares*

[www.TownofJohnstown.com](http://www.TownofJohnstown.com)

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

(LUDC). The LUDC was drafted and adopted subsequent to the update of the Town's Comprehensive Plan (Comp Plan) as a tool to implement said Comp Plan.

**3. The change is consistent with the intent of the proposed zoning district, specifically considering:**

**a. the design of streets, civic spaces and other open space, because,** the applicant shall be required to dedicate and construct right-of-way improvements that will benefit the public street network.

**b. the pattern, scale, and format of buildings and sites, because,** the R-2 zoning designation provides limitations on development, which would be consistent with existing development and the Town's adopted plans and policies.

**c. the compatibility and transition with other complementary uses and development in the vicinity, because,** the R-2 zone provides flexibility in housing types and neighborhood design and the conditions imposed upon this project site will further restrict development for compatibility with surround uses.

**4. The change is necessary for at least one of the following reasons:**

**a. There has been a material change in the character of the area or in the Town generally, such that the proposed rezone is in the public interest, because,** the Johnstown Area Comprehensive Plan and the Land Use and Development Code have been updated and development of the property will be subject to those adopted plans.

**b. The change will serve a community need or provide an amenity or benefit to the surrounding area that was not anticipated at the time of the initial zoning, because,** the restrictions imposed upon the project site will add open space and park amenities that can be used by existing residents.

**5. The Town or other agencies have the ability to provide services or facilities that may be necessary for anticipated uses in the proposed district, because,** the project was referred to responsible agencies and no comments were received stating that services could not be provided. The applicant and/or developer shall be required to dedicate the applicable water shares necessary to support future development of the property.

**6. Any reasonably anticipated negative impacts on the area or adjacent property either are mitigated by sound planning, design, and engineering practices or are outweighed by broader public benefits to the surrounding community, because,** the proposed rezone will help promote and implement the goals and strategies in the Johnstown Area Comprehensive Plan.

**7. If owner-initiated, at least two-thirds of the subject property owners within the change of zone boundary have signed the application.** This Zoning application meets the eligibility criteria for review.

**8. If owner-initiated, the subject property has not been included in a rezone action in the prior 12 months, with the exception of property in the H-A zoning district which was established**

The Community That Cares

[www.TownofJohnstown.com](http://www.TownofJohnstown.com)

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

*concurrent with annexation.* This property has not been included in a rezone action in the prior 12 months.

*9. The recommendations of any professional staff and advisory review bodies have been considered.* This application has been reviewed by professional staff and advisory review bodies.

**RECOMMENDED ACTION:** Recommend that the Town Council **APPROVE** R-2 zoning, with conditions, for the Blue Spruce Ridge Annexation.

---

**SUGGESTED MOTIONS:**

**For Approval:** I move to approve R-2 zoning, with conditions, for the Blue Spruce Ridge Annexation

**For Denial:** I move to deny R-2 zoning for the Blue Spruce Ridge Annexation