



Town of Johnstown

PLANNING & ZONING COMMISSION AGENDA MEMORANDUM

ITEM:	#1: Public Hearing of Riverbend Estates Change of Zoning #2: Public Hearing of Riverbend Estates Outline Development Plan Amendment (ODP)
DESCRIPTION:	Proposed Change of Zone to PUD-R zoning, with an Outline Development Plan (ODP) for 172.39 acres of single-family residential homes. 119 dwelling units are proposed in Phase 1 (1.72 DU/AC) and 244 dwelling units are proposed in Phase 2 allowing (2.53 DU/AC) for potentially 363 dwelling (2.11 DU/AC) units on this property.
LOCATION:	Portions of the Northeast Quarter (NE ¼) and The East Half (E ½) of Section 17, Township 4 North, Range 67 West.
APPLICANT:	Lee M. Lowry/Riverbend Estates Partners, LLC
STAFF:	Kristin Cote, Planner I
HEARING DATE:	September 15, 2021

ATTACHMENTS

- 1- Vicinity Map
- 2- Application
- 3- Outline Development Plan
- 4- Zoning Map
- 5- Public Comment

BACKGROUND & SUMMARY

The applicant, Lee M. Lowry/Riverbend Estates Partners, LLC, is requesting consideration of the Outline Development Plan (ODP) and zoning of PUD-R for 172.39 acres of land located in Section 17, Township 4 North, Range 67 West. This property was annexed into the Town of Johnstown on June 20, 2001 (Ordinance No. 2001-661).

The subject property is bordered on all sides by land within the Town of Johnstown, except for several small parcels directly east of the most northerly extension of this property, which is located in

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unincorporated Weld County and is zoned AG (Agricultural). All the contiguous land within Town limits is zoned PUD-R with the exception of the land to the north which is zoned Holding Agriculture (HA).

The surrounding land uses are primarily agricultural. The exception to this is the existing Stroh Farms Filing 2 Subdivision which is south of this property and three (3) residential sites directly east of northerly portion of this site located in unincorporated Weld County. This property is bordered by WCR (Weld County Road) 46 to the North and Parish Avenue (WCR 17) to the east. The Great Western Railroad and the Hillsborough Ditch borders this site on its south and southeastern sides. The Little Thompson River runs through this property and splits what the developers of this site are proposing for phases 1 and 2.

HISTORY

Historically, the use of this property has been as an agricultural site used for farming. There are existing Oil and Gas wells on the northwest corner of this site and several agricultural outbuildings on the northeast corner of WCR (Weld County Road) 46 and Parish Avenue (WCR 17). This property was annexed into the Town June 20, 2001, and designated as a PUD Mixed Use (PUD-MU) zone by Ordinance No. 2001-661. The property owner made application to develop a subdivision on the area north of the river in 2002. That application was denied by the Board of Trustees in September 2002. As part of the original review process, the Planning and Zoning Commission held a public hearing and voted to recommend approval with conditions. The Board subsequently held a public hearing on the request, and expressed several questions and concerns before denying the application. The applicant subsequently filed a lawsuit against the Town in Weld County District Court. The applicant and Town were able to address the conditions and concerns expressed during the initial review process. In December 2003 the applicant withdrew the lawsuit and worked with the Town Planner to re-submit plans and a narrative. Subsequently, the Town approved a Final Development Plan (FDP) for the northern portion of this property in 2005 that allowed for the construction of 123 single family detached dwelling units in phase 1, no final plats were ever finalized or recorded, and that approval has expired. No additional action was taken after 2005 to develop this property until 2021, being in excess of the typical three (3) year vesting provided under Colorado Revised Statutes and Johnstown Municipal Code.

This property is located in the Little Thompson River 1% ("100-year") floodplain and the floodway. In the catastrophic rain event that occurred in 2013, flooding occurred within the entire northern portion of this property, in the location of proposed phase 1. This prompted FEMA to designate additional land adjacent to the Little Thompson River as Regulatory Floodway and Floodplain (FIRM Panel 08069C1410G/Effective Date 1/15/21). FEMA defines the Regulatory Floodway as "the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height." The developers are currently in process of seeking FEMA approval of a Conditional Letter of Map Revision (CLOMR) which would, if deemed acceptable, remove portions of this land from the "Floodway" and "Floodplain" designation, permitting development to occur. Without FEMA granting either a CLOMR (Conditional Letter of Map Revision) or a Letter of Map Revision (LOMR) this property will not be able to be developed as is being proposed in this ODP. Staff has had conversations with the developer regarding this matter

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and they understand that the potential to develop this site is dependent on meeting the Town and FEMA's Floodplain rules and regulations.

NOTICE

Notice for the Planning & Zoning Commission hearing was published in the local paper of widest circulation, the Johnstown Breeze, on Thursday, August 26, 2021. This notice provided the date, time, and location of the Planning and Zoning Commission hearing, 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 proposed ODP and zoning map.

ANALYSIS

Johnstown Comprehensive Plan Alignment

Goal CF-2: Beautiful Town gateways and entries at major intersections - Gateways.

This ODP sits at the intersection of WCR 46 and Parish Avenue (WCR 17). Both of these are significant roadways; Parish Avenue is the Town's main street. The Riverbend Estates ODP would further enhance this important roadway and the gateway into the Town from the south.

Goal PG-2: Provide a variety of recreational opportunities for all ages and abilities that will draw the community together.

The proposed ODP sets aside 72.11 acres of open space/park land as well as provides for the continuation of a regional trail from the northeast corner of the property to the west property line. This helps the Town move forward with the establishment of our safe and comprehensive trail system that will provide regional connections and links to neighborhoods.

Goal PG-3: Preserve wetlands, wildlife habitats and natural areas, especially in conjunction with development along the Little and Big Thompson River corridors.

The proposed ODP preserves a large area of permanent open space, which encompasses the Little Thompson River. This will help to protect and enhance the integrity and quality of the natural environment within that river corridor.

Zoning

The current zoning for the property is PUD-MU as was established in 2001. The applicant requests that zoning designation be changed to PUD-R. The ODP would allow for the construction of single family detached houses. The PUD-MU zone does not allow for the construction of single family detached homes, per municipal code. The overall density requested is 2.11 DU's per acre.

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ODP Development Standards

This ODP sets forth some basic development standards regarding setbacks, building heights, and lot sizes. More detailed design guidelines will be completed with the subdivision and development plan process. Development standards for residential uses across both residential planning areas will be consistent with one another. A minimum lot size of 6,000 square feet is proposed to be established as part of this ODP.

Proposed Infrastructure Concept

An existing 12-inch Town waterline runs north to south along Parish Avenue (WCR 17). A 12-inch loop will be made within each future phase, and continuing the water line in CR 46 for future development to the west. Both filings will likely propose planting drought resistant native prairie grasses and shrubs with a xeric drip irrigation system as part of the 30-foot arterial landscape buffer at the project boundaries and along WCR 46 and Parish Avenue (WCR 17).

The project is located within the Central Interceptor sewer service area under current Town sewer planning. The proposed sewer service will discharge to a future offsite 21-inch sanitary sewer main at the Parish Avenue (WCR 17) and WCR 46 intersection, which will flow northeast of the property to the proposed Johnstown Farm's lift station south of the Mountain View West development on WCR 46 ½. At the Town's request, with future construction and engineering design the proposed WCR 46 sewer main will be oversized to ensure this leg is sized for future flows from the west as well as require stubs for future connections for development on adjacent western properties.

Regarding transportation networks in the area, this property abuts, on both the north and east sides, major arterials. The primary north/south road through the community is Weld County Road (WCR) 17, named Parish Avenue through Johnstown. Weld County Road (WCR) 46 is considered a high priority road for future paving due to the existing and proposed developments within that general area. The improvements to WCR 46 will improve the accessibility of the existing I-25 interchange at SH (State Highway) 56 (WCR 44) for residents in the south part of Johnstown and it will also provide some relief to SH 60 through town. A summary of the improvements required for this potential development as presented by the Town Traffic Engineer are as follows:

- It is anticipated that this development would participate in the funding of the future signal at WCR17/WCR 46;
- That an eastbound right-turn deceleration lane is needed at WCR 17/WCR 46 based on Town criteria;
- An acceleration lane on southbound WCR 17 exiting the Filing 2 access is referenced. This lane is called for based on the projected turning movement volumes relative to Town criteria;

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- The potential need for an acceleration lane at WCR17/WCR 46 and WCR 46/Filing 1 access will need to be addressed during subdivision;
- Town should consider the potential impacts of all of the proposed improvements on the existing bridge and grade crossing WCR 17;
- This project will be expected to construct the west side of WCR 17 to a 2-lane major arterial;
- This project will be expected to construct the south side of WCR 46 to a 2-lane major arterial; and
- Sufficient right of way to accommodate the ultimate 4 lane major arterial cross section will need to be reserved along both WCR 17 and WCR 46 along the Riverbend frontage.

Staff Concerns

Staff is concerned with the large amount of Floodway and Floodplain that encompasses the entire northern portion of this property. Construction of homes and subdivision improvements within the 1% (“100-year”) regulatory Floodplain and/or the Floodway is not permitted, as the property currently sits. The applicant is working with FEMA to get a CLOMR (Conditional Letter of Map Revision) approved that will eliminate the Floodplain/Floodway conflict. Applicant is aware of this situation and has had conversations with the Town in regards to this matter. No additional Town approvals or development construction, beyond this high-level ODP, shall be considered until the CLOMR (Conditional Letter of Map Revision) is approved.

RECOMMENDED PLANNING AND ZONING COMMISSION FINDINGS AND MOTIONS

Item #1 - Zoning: Riverbend Estates – Change of Zone

It is recommended that Planning and Zoning Commission send a positive recommendation to Town Council that the requested change of zoning to PUD-R for the Riverbend Estates property be approved based upon the following findings:

1. The proposed zoning is consistent with the Town of Johnstown Comprehensive Plan.
2. The proposed zoning will allow the developer to continue to pursue development of this property, until such a time as ultimate development decisions are made.

Motion

Based on the application received, associated submittal materials, and the preceding analysis, the Planning & Zoning Commission finds that the request to change the zone district from PUD-MU to PUD-R for the Riverbend Estates property furthers the *Johnstown Area Comprehensive Plan* goals, and is compatible with all other applicable Town standards and regulations, and therefore moves to recommend to the Town Council approval of the request for PUD-R zoning for the Riverbend Estates property based upon the two findings as stated in the staff report.

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Alternate Motion

Motion to Deny: "I move that the Commission recommend to the Town Council denial of the request for PUD-R zoning for the Riverbend Estates property based upon the following findings..."

Item #2 - Riverbend Estates ODP

It is recommended that Planning and Zoning Commission send a positive recommendation to Town Council that the Riverbend Estates ODP be approved based upon the following findings:

1. The proposed ODP is in agreement with the Johnstown Area Comprehensive Plan and its Future Land Use Map.
2. The level of development of the proposed ODP appears serviceable by Town systems, services and utilities, with required improvements that will be reflected in future development and construction plans.
3. The proposed ODP is in compliance with all Town codes, regulations, and standards and specifications.

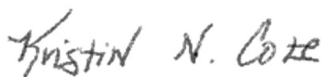
Recommended Motion

Based on the application received, associated submittal materials, and the preceding analysis, the Planning & Zoning Commission finds that the request for the Riverbend Estates ODP furthers the *Johnstown Area Comprehensive Plan* goals, and is compatible with all other applicable Town standards and regulations, and therefore moves to recommend to the Town Council approval of the Riverbend Estates ODP based upon the findings as stated in the staff report.

Alternate Motions

- A. Motion to Approve with Conditions: "I move that the Commission recommend to Town Council approval of the Riverbend Estates ODP with the following conditions..."
- B. Motion to Deny: "I move that the Commission recommend to the Town Council denial of the Riverbend Estates ODP based upon the following..."

Planner:


Kristin Cote

Planner I

Reviewed by:


Kim Meyer

Planning & Development Director