



450 S. Parish Avenue  
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JohnstownCO.gov

## Planning and Zoning Commission Agenda Memorandum

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**AGENDA DATE:** September 25, 2024

**SUBJECT:** Removal of Certain Property from Maxfield ODP and Zone Change from PUD-MU to I-1

**ACTION PROPOSED:** Public Hearing to Consider the following:  
A. Recommendation for removing property from the Maxfield ODP Zoned as PUD-MU and Rezone to I-1.

**LOCATION:** A Parcel of Land Located in that part of the Northwest Quarter of the Southwest Quarter of Section 13, Township 5 North, Range 68 West of the 6<sup>th</sup> P.M., Larimer County, Colorado.  
652 N County Rd. 3, Johnstown, CO 80534

**APPLICANT:** Titan Development (Titan Property Management, LLC)

**ATTACHMENTS:**

1. Justification Letter
2. Owner Support Letter
3. Traffic Analysis
4. Vicinity Map
5. Maxfield ODP
6. Staff Presentation

James Shrout, Planner I

**PRESENTED BY:**

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### BACKGROUND & SUMMARY

The applicant, Titan Property Management, LLC is seeking to remove a parcel of land from the approved Maxfield ODP, zoned as PUD-MU, and rezone the property to I-1, Industrial Light. The property subject to this rezone is approximately 13.7 acres and is south of the Great Western Railway on the east side of North County Rd. 3 (CR 3) and north of East County Rd. 20C.

The subject property was annexed into the Town of Johnstown under Ordinance 2007-787 and zoned by way of Ordinance 2007-788. Prior to the annexation and zoning of the Maxfield Property, the subject property had been zoned by Larimer County as Agriculture 1. Approval of the Maxfield

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Annexation and ODP indicates that the area is designated as PUD-MU to allow for a mixture of office, retail/commercial, and residential uses.

The Maxfield ODP comprised lands on both sides of CR 3. The lands subject to the Maxfield ODP which are located on the west side of CR 3 were developed in 2015 as Thompson Crossing 2. Lands on the east of CR 3 which are subject to the Maxfield ODP have not been developed.

## **SURROUNDING ZONING & LAND USE**

North: PUD-MU (Mixed Use) - Johnstown – Iron Horse (Ordinance 2006-772)  
South: Agricultural – Unincorporated Larimer County  
East: PUD-MU (Mixed Use) - Maxfield (Ordinance 2007-788)  
West: PUD-R (Residential) – Johnstown - Thompson Crossing II (Resolution 2014-05)

## **PUBLIC NOTICE & AGENCY REFERRALS**

Notices were mailed to all property owners within 800 feet of the property subject to this public hearing on September 5, 2024. This notice provided the date, time, and location of the Planning and Zoning Commission hearing, as well as a description of the project. Notice for the Planning & Zoning Commission hearing was published in the local newspaper of widest circulation, the Johnstown Breeze, on Thursday, September 12, 2024. On September 13, 2024, a notice of public hearing sign was placed on the subject property by the applicant to provide notice to passing motorists of the public hearing.

## **PROJECT DESCRIPTION & ANALYSIS**

Prior to the current zoning of the land, the subject property was zoned agricultural in Larimer County and included upwards of 160 acres. The subject property contains a few improvements including residential and accessory structures to support the prior agricultural needs of the land.

Titan Property Management, LLC, has identified a potential use of the land as a warehouse facility. Under the current zoning, a warehouse/storage facility is not a permitted allowable use, thus necessitating this rezone request. Except for the residential subdivision on the west side of County Rd. 3, much of the surrounding area is zoned light industrial or agricultural. The architectural design of the warehouse facility would be similar to what currently exists within a one-mile radius of the subject property. Under a rezone, the development of the parcel would need to meet all the zoning standards of the Johnstown Land Use and Development Code.

After due consideration of the approved traffic study from the Maxfield ODP zoning, the subject property would have significantly less traffic as indicated in the updated traffic analysis as a warehouse facility. Under the current PUD-MU zoning, the traffic study indicated that residential uses would have an average traffic count of 2,267 daily trips, while the proposed Industrial Light zoning would yield an average traffic count of 770 daily trips. An automated railroad crossing guard may be required as part of the public roadway improvements to further protect public safety, as there are no current safety measures in place. Consideration and determination on railroad safety features would be analyzed subsequent to the rezone as part of a future Site Plan Development application.

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## **NEIGHBORHOOD MEETING**

On August 7, 2024, a neighborhood meeting was held at the Loveland Fire Rescue Authority Station Number 10. Notices advertising this meeting were mailed to all property owners within 800 feet of the subject property. Three (3) members of the community attended this neighborhood meeting to ask questions and raise concerns about the proposed change in zoning. During the neighborhood meeting, the applicant team indicated that the plans for land use include manufacturing, general warehousing, and experimental testing and research laboratories. Further conversations included the use of the structure as a life science, research laboratory, and distribution (Class A Industrial), which was described to those in concern as a very clean type of manufacturing facility. Titan Property Management indicated that the ideal tenant for the buildings would include the likes of those nearby including building supplies, food and beverage (Swire Coca-Cola, Molson-Coors, King Soopers Distribution), and general distribution, such as Amazon or the FedEx Ground building to the north. Titan Property Management indicated to the concerned residents they are not interested in heavy industrial users that would pour malodorous plumes into the air, as that would not be supported by the Town of Johnstown.

## **ZONING & DEVELOPMENT STANDARDS**

Titan Property Management indicated during the neighborhood meeting that they are underwriting for four (4) buildings, but that there could be as many as six (6) buildings in total or as few as one (1) to support the proposed activity. Site development plans have not been received by the Town of Johnstown for review. Titan Development provided examples of the proposed building types during the neighborhood meeting and also pointed to the various buildings in the surrounding area of the Loveland Fire Rescue Authority Station Number 10 as the architectural types desired for future development.

The Town of Johnstown Land Use and Development Code identifies the following criteria for review of a rezone proposal decision:

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 the purposes it furthers.
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.
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;
  - b. The pattern, scale, and format of buildings and sites; and
  - c. The compatibility and transition with other complementary uses and development in the vicinity.
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.
  - 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.
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.

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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.
7. If owner initiated, at least two-thirds of the subject property owners within the change zone boundary have signed the application.
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 concurrently with annexation.
9. The recommendations of any professional staff and advisory review bodies have been considered.

### **COMPREHENSIVE PLAN ALIGNMENT**

The current zoning for the property is defined as PUD-MU, to allow for mixed-use of office, retail, commercial and residential uses. The Johnstown Future Land Use map identifies this area as Medium Density/Intensity (MDI). The MDI may serve as a transition layer between the High Density/Intensity area to the north and the lower density (agricultural) to the south, which also serves as a buffer to the greenway and 100-year floodplain area.

The Town of Johnstown Comprehensive Plan defines compatible land use as a land use which may by virtue of the characteristics of its discernible outward effects, exist in harmony with an adjoining land use of differing character. Effects often measured to determine compatibility include, but are not limited to noise, odor, light, and the presence of physical hazards such as combustible or explosive materials.

### **STRATEGIC PLAN ALIGNMENT**

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

Staff finds that the proposed rezone is consistent with the goal and strategy referenced above, pursuant to the adopted Johnstown Strategic Plan.

### **LEGAL ADVICE:**

The Town Attorney provided the Ordinance for the proposed rezone.

### **FINANCIAL ADVICE:**

NA

### **RECOMMENDED ACTION:**

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Staff recommends approval of this change of zone request pursuant to findings of fact listed below:

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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 the purposes it furthers, because:***

This rezone will ensure the long-term value and the physical, social, and economic well-being of the residents and businesses through coordinated public and private investment. This rezone will promote planning and urban design that emphasizes distinct places and unique elements of community character throughout Johnstown. The rezone will assist in the division of the town into zones and districts that promote the character, intensity, and development patterns of distinct places identified in the Comprehensive Plan. This rezone will create compatibility within the area and will be transitional between complimentary districts, uses, and buildings.

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:***

This proposal is consistent with Goal W1 of the Comprehensive Plan by strengthening employment centers to diversify the Town's economic base and provide more jobs within the corporate boundaries of the Town.

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

- a. *In the design of streets, civic spaces, and other open spaces;* High Plains Boulevard is anticipated to receive significant improvements over time that will include coordination with CDOT (Colorado Department of Transportation).
- b. *The pattern, scale, and format of buildings and sites;* With approximately 13.7 acres to be rezoned as I-1, the pattern, scale, and format of the buildings can be easily negotiated to lessen the impact on the residential area, as governed by the Land Use and Development Code.
- c. *The compatibility and transition with other complementary uses and development in the vicinity.* By virtue of the characteristics of its discernible outward effects, the property would exist in harmony with an adjoining land use of differing character. Effects often measured to determine compatibility include, but are not limited to noise, odor, light, and the presence of physical hazards such as combustible or explosive materials.

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

- 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.* There are numerous light industrial service types within a one-mile radius of the proposed rezone. This rezone would not significantly alter the character of the area due to the manufacturing and warehouse facilities in the vicinity of the proposed rezone.
- 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.* The change will serve a community need and benefit to the surrounding area by

diversifying employment options within the northeastern corporate boundaries of the Town.

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 Town and other responsible agencies have services in the vicinity of the project site and have the ability to provide said services necessary for the anticipated use in the proposed district.

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 subject property will be governed by the adopted Land Use and Development Code to lessen the impact on adjacent property owners. Similar zoning designations exist to the immediate north of the subject property, so the current request constitutes a reasonable extension of existing land use patterns. The impacts on neighboring zoning districts will be mitigated by sound planning and design to reduce visual, auditory, and olfactory impacts.

7. *If owner initiated, at least two-thirds of the subject property owners within the change zone boundary have signed the application, because:*

One property is subject to this proposed change in zoning and is owner-initiated.

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 concurrent with annexation, because:*

The subject property has not been included in a rezone action in the previous 12 months.

## **SUGGESTED MOTIONS:**

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### **ORDINANCE 2024-258**

**For Approval:** I move that the Planning & Zoning Commission recommends that the Town Council **APPROVE** Ordinance No. 2024-258; removing approximately 13.7 acres of land from the Maxfield ODP and establish I-1, Industrial Light zoning in its place.

**For Denial:** I move that the Planning & Zoning Commission recommends that the Town Council **DENY** Ordinance No. 2024-258