



Town of Johnstown

PLANNING & ZONING COMMISSION AGENDA MEMORANDUM

HEARING DATE: September 25, 2024

SUBJECT: Public Hearing – Subdivision Case No. SUB23-0021 which includes a Preliminary Plat and Change of Zone for Waggoner Farm

ACTION PROPOSED: Make a recommendation to the Town Council regarding Subdivision Case No. SUB23-0021

LOCATION: Northwest corner of Highway 60 and Weld County Road 13 (Colorado Boulevard). Parcel No. R4651286, 1061-01-0-00-009

APPLICANT: MIC TDC Hwy 60 Johnstown, LLC

ATTACHMENTS:

1. Vicinity Map
2. Preliminary Plat
3. Zoning Map
4. Preliminary Landscape Plan
5. Concept Plan
6. Staff Presentation

PRESENTED BY: Jeremy Gleim, AICP, Planning & Development Director

BACKGROUND & SUMMARY

The applicant, MIC TDC Hwy 60 Johnstown, LLC, submitted a Land Use application for a Change of Zone, Preliminary Plat, and Preliminary Development Plan in December of 2023. These applications were submitted for the property commonly referred to as Waggoner Farm, which is located at the northwest corner of Highway 60 and Weld County Road 13 (Colorado Boulevard). The legal description reads as follows: All that part of the Southeast $\frac{1}{4}$ of Section 1, Township 4 North, Range 68 West of the 6th P.M., County of Weld, State of Colorado, lying and being southeast of the lower or south and east bank of the canal of the Consolidated Home Supply Ditch and Reservoir Company in said Quarter Section, and south of the lateral ditch in said quarter section known as The Eberhart Lateral. The property measures approximately 17.44 acres.

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It should be noted that the application for Preliminary Development Plan, which was submitted with the application packet, is not relevant to this request and is not being considered with the application. Preliminary Development Plans (PDPs) are associated with Planned Development applications (PUD/PD). The applicant is requesting a Change of Zone from PUD-B to MU-NC (Mixed-Use Neighborhood Commercial). If approved, the subject property will be bound by the requirements set forth in the Town of Johnstown Land Use and Development Code (LUDC); therefore, a Preliminary Development Plan is not necessary or applicable to the current request.

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. A concept plan has been developed and is included in the hearing packet as Attachment No. 5.

CHANGE OF ZONE

The subject property was annexed into the Town of Johnstown via Ordinance No. 2003-702, which was originally recorded by Weld County on December 15, 2003 (Reception No. 3135239), and re-recorded with corrections on October 18, 2006 (Reception No. 3428360). In conjunction with the adopted ordinance for annexation, Ordinance No. 2003-703 was also adopted for the purpose of establishing zoning for the subject property. The subject property was zoned PUD-B (Business) pursuant to the aforementioned ordinance, which was recorded by Weld County on December 15, 2003 (Reception No. 3135240).

SURROUNDING ZONING & LAND USE

North	R-1 (Residential)	<ul style="list-style-type: none"> • Corbett Glen Neighborhood • Johnstown Elwell Cemetery
East	PUD-R (Residential)	<ul style="list-style-type: none"> • Graded Subdivision (Purvis) • Existing Single-Family Homes
South	PUD-R	<ul style="list-style-type: none"> • Vacant Land • Clearview Neighborhood
West	PUD-R (Residential) R-1 (Residential)	<ul style="list-style-type: none"> • Corbett Glen • Existing Single-Family Home

Pursuant to the Future Land Use map in the Town of Johnstown Comprehensive Plan (Comp Plan), this land is located in a Medium Density/Intensity land use area. As described in the Comp Plan, MDI areas will generally be characterized by a more balanced, and wider-ranging mix of land uses

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– incorporating walk-up apartment buildings, townhomes, small lot attached and detached single-family housing, in close proximity to neighborhood-scale shopping, personal services, restaurants, small medical facilities, and facilities such as libraries and recreational centers. Commercial uses may be developed as stand-alone sites or be grouped in small 10 to 20-acre centers or campuses. MDI areas should have attractive streetscape along major corridors and walkable, pedestrian scale commercial areas that connect to adjacent neighborhoods. The density range for MDI areas is 5 – 16 dwelling units per acre.

LAND USE HISTORY

Historically, this land has been used for agriculture and there are a number of structures in the northeast corner of the property.

REQUEST

The applicant is requesting to change the current zoning on the property to a new zoning designation of MU-NC (Mixed-Use Neighborhood Commercial). In 2023, the Town adopted an updated Land Use & Development Code (LUDC), which included significant updates to neighborhood, residential, and non-residential design standards. Changing the zone to MU-NC will provide the opportunity to use the updated LUDC as the regulatory development code.

MU-NC Zoning Designation

Pursuant to Section 17-4-1 of the LUDC, the MU-NC District provides for small-scale and low-intensity uses that complement, support, and are integrated into surrounding neighborhoods and other higher-intensity commercial areas. It may exist in compact, walkable formats in close proximity to neighborhoods, or alternatively, if automobile oriented, the impacts of access and operations on adjacent areas are limited and mitigated by the small-scale format and lower intensity of the uses. The general application of this zoning designation is within Activity Centers or commercial areas in the Moderate Intensity Area.

The MU-NC zone allows for a wide range of uses, including residential, retail, office, lodging, food & beverage, and civic uses, amongst many others. The full list of permitted and conditionally permitted uses is provided in Table 4-2 of the LUDC. Given the underlying land use designation of Medium Density/Intensity, the MU-NC zoning designation is appropriate for this location.

PRELIMINARY PLAT

A preliminary plat was submitted as part of the application packet. Pursuant to Section 17-2-2(D) of the LUDC, any subdivision not eligible as a minor plat is a major subdivision that shall require approval of a preliminary plat and a final plat. In accordance with Section 17-2-2(D)(4), the Town Council's ultimate approval of the preliminary plat does not constitute an acceptance of the subdivision but authorizes preparation of the final plat. An approved preliminary plat shall be effective for two years. If a final plat is not submitted in that timeframe, the preliminary plat shall expire.

The preliminary plat proposes to subdivide the property into eight (8) lots, two (2) tracts, and right-of-way. Lot 1 is the largest of the proposed lots at 290,407 square feet (6.6 acres). This lot comprises most of the north half of the property and is planned for residential multi-family development. This could be a viable location for an affordable housing project. Lots 2 – 8 are slated for commercial development and range in size from 27,085 square feet to 62,124 square feet (0.6 acres to 1.4 acres). The two tracts are being created for open space, drainage, utility, access, and irrigation easements. Right-of-way for the project measures 58,415 square feet (1.3 acres).

The lots slated for commercial development (Lots 2 – 8) are oriented on the south and east portions of the lot, which are positioned along Highway 60 and Colorado Boulevard, respectively. There are two access point which will serve the project site, one on Highway 60 and one on Colorado Boulevard; neither access point will be signalized.

Access and Circulation

The access point along Highway 60 will be a 3/4 movement, meaning that vehicular traffic will be able to make right turns into the project, right turns out of the project back onto the highway, and left turns into the project while traveling east on the highway. This access point is located approximately 1,100 feet west of the Highway 60/Colorado Boulevard intersection.

The access point along Colorado Boulevard is not restricted to a 3/4 movement, meaning drivers will be able to turn left and right, into and out of the project site. This may be revised in the future if traffic patterns and/or volumes constitute the need to restrict movements for safety purposes. This access point is located approximately 575 feet north of the Highway 60/Colorado Boulevard intersection.

Internal circulation is proposed as a private driveway that traverses the site, generally speaking, on an east-west alignment. This private drive connects to both access points described above. The internal circulation is housed in an access easement that will be maintained by the HOA in perpetuity. The private drives provide access to each of the proposed lots.

Lot Design and Layout

The preliminary plat proposes the creation of eight (8) developable lots. The table below provides information regarding the size and intention of each lot:

	Size (Square Feet)	Size (Acres)	Intended Use
Lot 1	290,407	6.7	Multi-Family Residential
Lot 2	60,510	1.4	Commercial
Lot 3	27,085	0.6	Commercial
Lot 4	37,186	0.9	Commercial
Lot 5	42,284	1.0	Commercial

Lot 6	47,617	1.1	Commercial
Lot 7	51,791	1.2	Commercial
Lot 8	62,124	1.4	Commercial
LOT TOTALS	619,004	14.2	

Table 6-1 of the LUDC prescribes non-residential lot and building standards for the MU-NC zone (image below). As shown, lot sizes are prescribed between 2,000 and 40,000 square feet with 80% maximum lot coverage. These standards assume a development pattern wherein lots are arranged around a shared or common parking area. These standards do not lend so well to projects that are developed on a lot-by-lot basis wherein parking is included within the bounds of individual lots.

Table 6-1: Non-residential Lot & Building Standards							
Zoning District	Minimum Lot Standards		Minimum Setbacks [5]				Building Height (max)
	Area	Lot Coverage (max.)	Front [1]	Interior Side [2]	Corner Side	Rear [3]	
MU-NC	2K – 40K s.f.	80%	10' – 25'	5'	20'	10'	40' / 3 stories

Although some of the proposed commercial lots exceed the 40,000 square foot maximum size, it should be noted that when landscape buffers, utility and access easements, and setbacks are considered, none of the lots exceed the 40,000 square foot threshold. This is an important distinction, because the threshold exists to promote pedestrian-scale development that serves neighborhood functions. This is not intended to be a destination/regional commercial center; rather, it is intended to provide everyday services that will support nearby residents and community members.

Pursuant to Table 5-1 in the LUDC, residential lots for large lot/large complex apartments require a minimum lot size of 30,000 square feet, with no upper limit. Therefore, Lot 1 complies with this standard, provided it remains as a lot for large complex apartment development. If this lot becomes the subject for commercial development, rather than residential development, it shall be re-platted to conform with the standards listed above.

Landscaping Buffers

Landscape buffers are proposed along the public streets. In partnership with the Colorado Department of Transportation (CDOT), in February of 2023 the Colorado Highway 60 System Feasibility Study (Study) was published to investigate Highway 60 between Interstate 25 and Weld County Road 19. Although this section of roadway is in the Town of Johnstown, CDOT has jurisdiction over its development. Street sections for Highway 60 were included in the Study and are being used to evaluate new proposals.

The updated street section for the westbound half-width of Highway 60, between High Plains Blvd. and Telep Ave. depicts two through lanes, a five (5) foot wide bike lane, and a 12-foot right turn/acceleration lane. A 10-foot landscape area is positioned between the pavement and a 10-foot-wide sidewalk. Since the Study was focused on roadway functionality, and not aesthetics, a review of the Town's adopted Transportation Master Plan (TMP) is required to understand any landscape buffers associated with this segment of roadway. Pursuant to the exhibit on page 33 of said TMP, labeled *Four-Lane Divided: I-25 to Telep Ave*, the landscape buffer is not specified numerically and simply indicates that it will vary. The typical major arterial street section in the TMP specifies a 30-foot landscape buffer beyond the right-of-way.

Regarding the typical street section for this segment of roadway, as shown in the Study, it was determined that it would be safer to remove the on-street bike lane in favor of an off-street facility that could accommodate all forms of pedestrian movement. Therefore, with the removal of the five (5) foot wide on-street bike lane, an additional four feet is being added to the required 10-foot-wide sidewalk, resulting in a 14-foot-wide concrete path for pedestrian travel.

The applicant is proposing landscape buffers along Highway 60 that vary from 20 – 30 feet in width. At the western extent of the project along Highway 60, where the 20-foot buffer is proposed, there would still be approximately 45 feet of landscaping between the edge of street pavement and any lot development. This complies with the standards set forth in the Study, the TMP, and the LUDC.

Pursuant to the TMP, Colorado Blvd. is listed as a Regionally Significant Major Arterial; however, due to existing constraints north of the subject property, alternative street design standards were created specifically for the segment of roadway adjacent to the subject property. Pursuant to the revised standards, a 30-foot landscape buffer is required along this length of roadway. The preliminary plat depicts a varying buffer of 20 – 30 feet. In order to comply with adopted standards, a 30-foot landscape buffer shall be required across this entire frontage.

NEIGHBORHOOD MEETING

A neighborhood meeting regarding this project was held on August 13, 2024, at the Senior Center in downtown Johnstown. Notices advertising this meeting were mailed to all property owners within 800 feet of the project site. The meeting was well attended, with 30 – 40 attendees. The applicant provided an overview of the project and then opened for discussion. A number of questions were asked, and a couple issues of concern were raised; they are summarized as follows:

Questions:

1. *Widening of Colorado Boulevard*
2. *The type of housing product being considered*
3. *Pedestrian crossing across Highway 60*
4. *Internal access connecting to property immediately west of the project site*

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5. *HOA maintenance of common areas*
6. *Right-of-way dedications*
7. *Design guidelines*
8. *Re-routing of the ditch*
9. *Water use/dedication*
10. *Car washes and water waste*
11. *Timing of the project*
12. *Size of the buildings that would be developed*

Concerns:

1. *Vacancy/occupancy concerns given existing available commercial space*
2. *Visibility when exiting the project onto Colorado Boulevard*

The applicant responded to all questions and concerns and spoke with interested parties after the conclusion of the meeting. Staff has received one inquiry about the project since the neighborhood meeting. The inquiry came from the property owners to the immediate west of the subject property regarding shared access/circulation. Staff provided contact information to all parties so that they could schedule time to discuss options. It should be noted, staff is not opposed to a shared access point between the two properties, specifically to reduce access points along Highway 60; however, it is not required that the two property owners coordinate a shared access point.

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, September 12, 2024. 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 800 feet of the property. This notice included a map of the proposed project.

COMPREHENSIVE PLAN ALIGNMENT:

- Goal L1 – Ensure neighborhood character and amenities contribute to the health and wellbeing of diverse residents.
- Goal W2 – Balance more intense commercial uses along major highway corridors while having neighborhood-scale commercial in the downtown and throughout the community to ensure convenient access to jobs, goods, and services for all residents.

STRATEGIC PLAN ALIGNMENT:

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

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FINDINGS OF FACT

Findings of fact for the Change of Zone and Preliminary Plat are listed separately below.

Change of Zone

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 eliminate the current PUD zoning on the property in favor of MU-NC zoning, which is fully regulated and governed by the adopted Land Use and Development Code. Additionally, this Change of Zone would better integrate with the Town's Comprehensive Plan and provide the regulatory framework to help execute the visions set forth therein.

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 (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 plat has been designed to accommodate neighborhood businesses and not destination retail/commercial users.

c. the compatibility and transition with other complementary uses and development in the vicinity, because; MU-NC zoning is intended to serve neighborhood functions in a pedestrian-scale format. As proposed, this project is designed for neighborhood scale users which would provide services to the immediate and surrounding neighborhoods. MU-NC uses are intentionally limited to integrate with neighborhood development.

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 since this property was initially zoned, and the change to MU-NC zoning will help implement the goals and strategies set forth within said documents.

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 current Johnstown

Area Comprehensive Plan was not adopted at the time of initial zoning, nor was the current Land Use and Development Code. These two documents provide visioning and implementation regulations which are much more developed than the current zoning of the property.

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 development.

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 Change of Zone 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 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.

Preliminary Plat

Pursuant to Section 17-2-2(D)(2), A preliminary plat shall be reviewed according to the following criteria.

a. The application is in accordance with the Comprehensive Plan, and in particular, the physical development patterns and concepts of the plan, because; it has been reviewed pursuant to adopted plans and policies and has been found to meet the requirements of the Johnstown Area Comprehensive Plan and the adopted Land Use and Development Code.

b. The development and infrastructure are arranged in a manner to minimize impacts on geologic hazards, environmentally sensitive areas, wildlife habitat, or other natural features of the land. There are no known geologic hazards, environmentally sensitive areas, wildlife habitat, or other natural features of the land that will be negatively affected by the preliminary plat.

c. The arrangement and proposed design of streets, open spaces, and blocks meet the development and design standards of this code and are coordinated with existing or potential development on adjacent property, because; the project has been reviewed for consistency with the Town's adopted plans and policies. Additionally, the applicant is proposing an internal drive stub to the property immediately west of the project site, which could aid in circulation for that property when it develops.

d. The proposed blocks and lots are capable of meeting all development and site design standards of the applicable zoning district, because; the preliminary plat application was submitted with a concurrent change of zone application, and the proposed preliminary plat was designed for adherence with the MU-NC zoning designation.

e. The application demonstrates preliminary feasibility of being able to meet the design, construction, performance, and maintenance requirements for all required improvements, because; the applicant has submitted public and private construction drawings which demonstrate the feasibility of being able to meet the improvement requirements.

f. Phasing is clearly indicated and demonstrates a logical and coordinated approach to development, and the timing, location, and construction of amenities is consistent throughout phases. No phasing is proposed with this preliminary plat application.

g. Any impacts identified by specific studies or technical reports, including a review of stormwater, are mitigated with generally accepted and sound planning, engineering, and urban design solutions that reflect long-term solutions and sound fiscal investments, because; the project has been review and commented on by professional staff engineers and planners, as well as the Town's consulting engineers.

h. The design does not impede the construction of anticipated or planned future public infrastructure or other development within the area, because; the applicant is coordinating with the Town on public infrastructure improvements as part of this application.

i. The plat has addressed issues of professional staff, or any other public entity or review agencies asked to officially review the preliminary plat and received positive recommendations. The applicant has responded to all comments in a manner that results in a positive recommendation for this preliminary plat.

RECOMMENDED ACTION: Pursuant to the content in the staff report, including the Findings of Fact presented above, staff is recommending **APPROVAL** of the request for Change of Zone and Preliminary Platting associated with Subdivision Case No. SUB23-0021. There are two actions associated with this project and each one must be voted on separately. The first is the consideration of the Change of Zone, and the second is the consideration of the Preliminary Plat.

SUGGESTED MOTIONS:

CHANGE OF ZONE

For Approval: I move that the Planning and Zoning Commission recommend that the Town Council **APPROVE** of a change of zone for the subject property from PUD-B to Mixed-Use Neighborhood Commercial - MU-NC

For Denial: I move that the Planning and Zoning Commission recommend that the Town Council deny the change of zone pursuant to the following finding(s)...

PRELIMINARY PLAT

For Approval: I move that the Planning and Zoning Commission recommend that the Town Council **APPROVE** the preliminary plat for Subdivision Case No. SUB23-0021

For Denial: I move that the Planning and Zoning Commission recommend that the Town Council deny the preliminary plat for Subdivision Case No. SUB23-0021 pursuant to the following finding(s)...