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TOWN COUNCIL AGENDA COMMUNICATIONS

AGENDA DATE: April 15, 2024

SUBJECT: Yellow Roof Annexation – Case No. ANX23-0002

ACTION PROPOSED: Public Hearing – Consideration of the Following:

- A. Resolution 2024-18: Accepting the Findings of Fact and Conclusions for the Yellow Roof Annexation;
- B. First Reading of Ordinance 2024-250: Approving the Annexation of Certain Unincorporated Lands Located in Larimer County Known as the Yellow Roof Annexation;
- C. First Reading of Ordinance 2024-251: Approving the Establishment of I-1 (Industrial, Light) Zoning on the Property Known as the Yellow Roof Annexation

ATTACHMENTS:

- 1. Resolution 2024-18 – Findings of Fact and Conclusions
- 2. Ordinance 2024-250 – Approving the Yellow Roof Annexation
- 3. Ordinance 2024-251 Approving I-1 Zoning for the Yellow Roof Annexation
- 4. Annexation Petition
- 5. Vicinity Map
- 6. Annexation Map
- 7. Zoning Map
- 8. Presentation

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

BACKGROUND & SUMMARY

The applicant, Yellow Roof Development, LLC, requests annexation and I-1(Industrial, Light) zoning for approximately 5.7 acres of land in Larimer County. The property is located on the north side of Larimer County Road 16 (LCR 16), just west of Interstate 25 (I-25). This project was presented to the Planning & Zoning Commission (PZC) on April 10, 2024. The preparation of this report preceded the PZC hearing, so a summary of the PZC meeting will be presented orally to the Town Council during the public hearing on this item.

The Community that Cares

SURROUNDING ZONING & LAND USE

North: RR2 (Rural Residential) – Larimer County – Agricultural Uses
South: RR2 (Rural Residential) and CN (Commercial Neighborhood) – Larimer County
– Agricultural Uses; and,
Town of Johnstown – Johnstown Corner Annexation No. 2
East: I-25 and PUD Zoning – Town of Johnstown – Industrial Uses
West: RR2 (Rural Residential) – Larimer County – Agricultural Uses

PUBLIC NOTICE & AGENCY REFERRALS

The Town Council approved Resolution No. 2024-10, on March 4, 2024. With the approval of said resolution, the Town Council found that the Petition for Annexation was in substantial compliance with C.R.S. § 31-12-107(1). In addition, Resolution No. 2024-10 set the public hearing date for the annexation for April 15, 2024.

Subsequent to the March 4, 2024, Town Council meeting, and pursuant to C.R.S. § 31-12-108, notice for the public hearing was published for four consecutive weeks in the Johnstown Breeze. This notice provided the date, time, and location of the Town Council hearing, as well as a description of the project. The annexation packet was sent via certified mail to the Larimer County Board of County Commissioners, the Larimer County Attorney, and other responsible agencies. Notices were mailed to all property owners within 800 feet of the property in question.

PROJECT DESCRIPTION & ANALYSIS

The subject property is presently zoned CN (Commercial Neighborhood) in unincorporated Larimer County. There is an existing office building on the property, which was constructed in 1968 and which measures 4,536 square feet. The project is partially bordered by incorporated areas of Johnstown to the east and south. The land to the north, west, and partially to the south is in unincorporated Larimer County.

Zoning & Development Standards

The current zoning for the property is CN – Commercial Neighborhood in Unincorporated Larimer County. There are no known conditional uses or uses by special review for the property.

The applicant requests I-1 (Industrial, Light) zoning upon annexation, in order to support the future development of a gas station/convenience mart on the property. As described in the Town’s adopted Land Use & Development Code (LUDC), the I-1 district provides primarily service, employment, manufacturing, and distribution uses at a scale, intensity and format that will not have significant impact on adjacent uses, and which can mix with supporting and compatible service and retail uses characteristic of mixed and flex business areas.

Table 4-2: Permitted Principal Land Uses, in the LUDC, identifies gas stations as permitted uses in the I-1 zone. This application does not include the consideration or development of a gas station/convenience mart; however, since it was mentioned as a potential future land use on the subject property, it is worth mentioning that the I-1 zone would support that.

The Future Land Use Map in the 2021 Johnstown Area Comprehensive Plan (Comp Plan) identifies the subject property as being within the High Density/Intensity land use area. As described in the Comp Plan, High Density/Intensity areas (HDI) will be generally characterized by a high percentage of nonresidential uses, with some residential possibly integrated into larger development areas. These HDI corridors and nodes will accommodate and experience larger volumes of traffic and be located along busy arterial and highway corridors, and especially at interchanges and intersections. These areas are intended to provide high-quality, high-visibility locations for retail, office, and employment activities, with some light industrial uses that can appropriately mitigate impacts and contribute to the employment base.

COMPREHENSIVE PLAN ALIGNMENT

The Johnstown Comprehensive Plan (Comp Plan) creates a long-term vision for the development of the Town. The Comp Plan identifies the Town's Growth Management Area (GMA), which includes incorporated lands within the current Town limits, as well as certain unincorporated lands within Larimer and Weld counties. The GMA can be likened to a growth boundary, which represents the logical expansion of the Town over time. The property which is the subject of this annexation is contiguous to lands within the corporate boundary of Johnstown and exists within the GMA. The Future Land Use Map identifies this area as a High Density/Intensity area, which is consistent with the proposed I-1 (Industrial, Light) zoning. Staff finds that the proposed annexation represents a logical expansion of Johnstown's corporate boundary, in alignment with the goals and strategies of the Johnstown Comp Plan.

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 annexation and zoning is consistent with the goal and strategy referenced above, pursuant to the adopted Johnstown Strategic Plan.

LEGAL ADVICE:

The Town Attorney drafted the associated documents required for consideration.

FINANCIAL ADVICE:

NA

RECOMMENDED ACTION: There are three actions associated with this project and each one must be voted on separately. The resolution establishes the findings of fact and conclusions for the proposed annexation; therefore, it should be voted upon prior to a vote on the ordinances to recommend approval of the annexation and zoning. If the resolution fails, the findings to support

the ordinances would dissolve, and the ordinances would automatically fail. Staff recommends approval of all three actions.

SUGGESTED MOTIONS:

RESOLUTION 2024-18

For Approval: I Move to Approve Resolution No. 2024-18, Accepting the Findings of Fact and Conclusions for the Yellow Roof Annexation.

For Denial: I Move to Deny Resolution No. 2024-18.

ORDINANCE 2024-250

For Approval: I Move to Approve Ordinance No. 2024-250, Approving Annexation of Approximately 5.7 Acres, Known as the Yellow Roof Annexation.

For Denial: I Move to Deny Ordinance No. 2024-250.

ORDINANCE 2024-251

For Approval: I Move to Approve Ordinance No. 2024-251, Approving I-1 Zoning for the Property Known as the Yellow Roof Annexation.

For Denial: I Move to Deny Ordinance No. 2024-251.

Reviewed and Approved for Presentation,



Town Manager