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TOWN COUNCIL AGENDA COMMUNICATIONS

- AGENDA DATE:** April 1, 2024
- SUBJECT:** Blue Spruce Ridge - Annexation and Establish Zoning
- ACTION PROPOSED:**
1. Public Hearing - Consideration of Resolution 2024-17: Findings of Facts and Conclusions Based Thereon with Respect to the Blue Spruce Ridge Annexation.
 2. First Reading of Ordinance 2024 – 246: Annexing Certain Unincorporated Lands Located in Larimer County, Consisting of 41.1 Acres, Known as the Blue Spruce Ridge Annexation.
 3. First Reading of Ordinance 2024 – 247: Approval of Mixed Density Neighborhood (R-2) Zoning of the Property Known as the Blue Spruce Ridge Annexation, Located in the County of Larimer, Consisting of Approximately 41.1 Acres
- ATTACHMENTS:**
1. Resolution 2024-17-Findings of Fact and Conclusions
 2. Ordinance 2024-246- Blue Spruce Ridge Annexation
 3. Ordinance 2024-247-Blue Spruce Ridge Zoning
 4. Annexation Agreement
 5. Blue Spruce Ridge - Annexation Petition
 6. Vicinity Map
 7. Annexation Map
 8. Zoning Map
 9. Annexation Impact Report
 10. Planning and Zoning Commission Staff Report
 11. Blue Spruce Ridge Annexation – Staff Presentation
 12. Blue Spruce Ridge Annexation – Applicant Presentation
- PRESENTED BY:** Tyler Smith, Planner II

AGENDA ITEM DESCRIPTION:

In November of 2023, Blue Spruce Ridge ManageCo, LLC (“Applicant”), submitted a Petition for Annexation (Attachment 5) 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. The property is presently zoned Rural Residential (RR-2) in Unincorporated

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Larimer County and the property is currently being used for agricultural purposes. It is partially bordered by incorporated areas of Johnstown to the North and West, know as the Ridge at Johnstown Subdivision and Future South Ridge to the west. The annexation map includes this parcel as well as the adjacent right-of-way for Larimer County Road 3E.

SURROUNDING ZONING & LAND USE

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

LAND USE HISTORY

Historically, this property has been used for agriculture and will continue as agriculture until future development is proposed.

PROJECT DESCRIPTION & ANALYSIS

Annexation: This annexation is being considered by the Town for the following reasons:

1. At least 1/6 of the area to be annexed for each individual annexation is contiguous to the Town of Johnstown boundary.
2. The property is located within the Town of Johnstown Growth Management Area.
3. The Town is authorized to annex the area without an election under Section 30(b) of Article II of the Colorado Constitution.

This proposed annexation meets the eligibility and contiguity requirements pursuant to C.R.S. § 31-12-104 and C.R.S. § 31-12-105 and is bordered by Johnstown along the northern and western boundaries. A Resolution to this effect was approved by Council on February 21, 2024, to set annexation proceedings and set a meeting for April 1, 2024.

PUBLIC NOTICE & AGENCY REFERRALS

The first reading for this annexation was republished for four consecutive weeks in the local paper, the Johnstown Breeze, starting on Thursday, February 29, 2024. The notice provided the date, time, and location of the 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 annexation and R-2 zoning.

Pursuant to C.R.S. § 31-12-108.5, Staff sent the annexation packet to the Larimer County Board of County Commissioners (“BOCC”) on March 7, 2024, via certified mail.

PLANNING COMMISSION SUMMARY

A public hearing before the Planning Commission was held on March 13, 2024. Notices for said meeting were mailed to all property owners within 800 feet of the property. This notice included a map of the proposed annexation and R-2 zoning. Notices were sent out on March 1, 2024.

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At the Planning & Zoning Commission meeting, Staff provided an overview of the proposed annexation and R-2 zoning request and answered questions from the Commission and members of the public.

Multiple members of the public spoke about the project, asking questions and citing various concerns, which are summarized below:

- More information was requested, specifically regarding the number of lots being created, the housing types and locations, heights of structures, and view protection.
- There was opposition to the proposed R-2 zoning and questions as to why the R-1 zone was not being proposed.
- A request was made to reschedule the meeting so additional information could be had.
- Questions about drainage, flood plain, and oil & gas issues.
- Safety concerns regarding the irrigation ditch and pedestrian activity around them.
- A comment was made regarding the unavailability of the project information on the Town's website due to issues with web links.

Commissioner Urban thanked the public for their comments and applauded their participation. Chair Grentz informed the public that it was a bit premature to answer many of the design related questions, because the subject applications were only for annexation and the establishment of zoning. Therefore, questions regarding the number of lots, product types, drainage patterns, etc. could not be answered. He further stated that when a project was proposed for this site, after the annexation, it would again be presented at a public hearing before the Planning Commission and Town Council. Staff added that a future subdivision project would also require a neighborhood meeting prior to any public hearings, to give interested parties an opportunity to review and comment on the project early in the review process.

Regarding the comments related to the unavailability of project information, Commissioner Flores stated that the links were active and working on the Town's website, and that he was able to access the packet from his phone at that moment.

The Commission asked about the zoning, citing that the project site exists in the Low-Density zone pursuant to the Future Land Use Map in the Town's Comprehensive Plan. They discussed the project's location and how the zoning correlates with the land use map. Commissioners felt that the R-1 zone would be appropriate given the location. Chair Grentz discussed the project site being adjacent to High Plains Blvd. and how that street is a major arterial within the community. He stated that the R-2 zone seemed logical in the context of the circulation network.

Upon closing the public hearing, the Commission discussed the project, including the comments from the public. Based upon the materials submitted, analysis, findings, and the discussion at the meeting, the Commission made the following motions:

1. Motion by Commissioner Flores, Second by Commissioner Hayward to recommend Town Council approval of this annexation request. Motion passed 5 – 0.

2. Motion by Commissioner Hayward, Second by Commissioner Flores to recommend to Town Council approval of R-1 zoning for the project site. Motion passed 4 – 1, with Chair Grentz opposed.

ADDITIONAL ZONING ANALYSIS

After the Planning & Zoning Commission hearing, and based upon the discussion that occurred, Staff conducted additional analysis of the zoning related to this project site. The Commission was correct in their observation that the subject property is in a land use area classified as low-density. Pursuant to the Town's Comprehensive Plan,

Low Density (LDI) areas should generally be characterized by single-family detached homes, with some lower density townhomes or duplex/patio homes. LDI neighborhoods will occur along collector and local street corridors. Residential neighborhoods will provide multiple housing and lifestyle options within a more suburban setting. These provide another great solution for integrating a range of lifestyles, incomes, and ages into a neighborhood.

Density in LDI areas ranges from 4 – 10 dwelling units per acre (du/ac). The land use balance for LDI areas is 80 – 85% residential, with the balance being non-residential. Pursuant to Table 5-1 in the Town's Land Use & Development Code, the R-1 zone does not allow any type of attached residential product. The R-2 zone provides more flexibility in housing, allowing a range of large lot detached product to row houses. The full range of attached products in the R-2 zone comprises duplex/multi-unit projects (2 – 6 units), row houses (3 – 8 units), and small lot apartments (3 – 12 units). For the small lot apartments, they must be positioned along Collector or Arterial streets.

For comparative purposes, Medium Density (MDI) areas are more typically positioned along arterial roadways and major corridors and allow densities between 5 – 16 du/ac. Recognizing that the subject property is in an LDI area, and not an MDI area, it is still important to note that a major arterial (High Plains Blvd) abuts the project site.

CONCLUSION

The Planning Commission voted to approve R-1 zoning in conjunction with the annexation request. The proposal from the applicant was for a zoning designation of R-2. Zoning designations from the Town's Land Use & Development Code do not translate explicitly to the Land Use Map in the Comprehensive Plan. For example, a property located in an LDI area could very well support an R-1 or R-2 zoning designation, depending on the site and context of the surroundings. Additionally, a property in an MDI area could support an R-2 or R-3 zoning designation, based upon the context of the site.

Given the location of the project site along a major arterial roadway, and the intent of LDI areas to provide multiple housing and lifestyle options, the R-2 zone is an appropriate designation for the site. The R-2 zone provides more flexibility in housing options while still limiting overall densities to 4 – 10 du/ac. If the property was not located along a major arterial roadway, the R-1 zone would be a better fit.

COMPREHENSIVE PLAN ALIGNMENT:

The Johnstown Comprehensive Plan (Comp Plan) creates a long-term vision for the future 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. 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.

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

Establishing zoning that would support the development of various housing types is one way to help achieve this goal.

STRATEGIC PLAN ALIGNMENT:

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

While Planning Commission voted to approve R-1 zoning in conjunction with the annexation request; Staff finds that the proposed annexation and R-2 zoning is consistent with the goal and strategy referenced above, pursuant to the adopted Johnstown Comprehensive and Strategic Plans. As is customary, Ordinance 2024-247 which establishes zoning of the property is presented in its original form as a proposed zoning of R-2.

LEGAL ADVICE:

The Town Attorney drafted the Resolution and Ordinances associated with this agenda item.

FINANCIAL ADVICE:

N/A

RECOMMENDED ACTION:

Approve Resolution 2024-17 accepting the Findings of Facts and conclusions for the Blue Spruce Ridge Annexation

Approve Ordinance 2024-246, annexing approximately 41.1 acres, known as the Blue Spruce Ridge Annexation, on First Reading.

Approve Ordinance No. 2024-247, establishing R-2 zoning for approximately 41.1 acres, known as the Blue Spruce Ridge, on First Reading.

SUGGESTED MOTIONS:

RESOLUTION 2024-17:

For Approval: I move to approve Resolution No. 2024-17, Accepting the Findings of the Facts and Conclusions for the Blue Spruce Ridge Annexation.

For Denial: I move to deny Resolution No. 2024-17.

ORDINANCE 2024-246:

For Approval: I move to approve Ordinance No. 2024-246, Annexing Approximately 41.1 Acres, Known as the Blue Spruce Ridge Annexation, on First Reading.

For Denial: I move to deny Ordinance No. 2024-246.

ORDINANCE 2024-247:

For Approval: I move to approve Ordinance No. 2024-247, Establishing R-2 Zoning for Approximately 41.1 Acres, Known as the Blue Spruce Ridge, on First Reading.

For Denial: I move to deny Ordinance No. 2024-247.

Reviewed and Approved for Presentation,



Town Manager

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