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## TOWN COUNCIL AGENDA COMMUNICATIONS

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**AGENDA DATE:** May 6, 2024

**SUBJECT:** Blue Spruce Ridge Annexation & Zoning – Case No. ANX23-0001

**ACTION PROPOSED:** Public Hearing – Consideration Ordinance No. 2024-247 Establishing R-2 Zoning on The Property Known as the Blue Spruce Ridge Annexation on Second Reading

**ATTACHMENTS:**

1. Council TAC – April 1, 2024
2. Resolution 2024-17-Findings of Fact and Conclusions
3. Ordinance 2024-246- Blue Spruce Ridge Annexation
4. Ordinance 2024-247-Blue Spruce Ridge Zoning
5. Annexation Agreement
6. Blue Spruce Ridge - Annexation Petition
7. Vicinity Map
8. Annexation Map
9. Zoning Map
10. Annexation Impact Report
11. Planning and Zoning Commission Staff Report
12. Blue Spruce Ridge Annexation – Staff Presentation
13. Blue Spruce Ridge Annexation – Applicant Presentation

**PRESENTED BY:** Jeremy Gleim, AICP, Planning Director

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### 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 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 vacant land to the west which is currently under review for subdivision development (Case No. SUB22-0012). The annexation map includes this parcel as well as the adjacent right-of-way for Larimer County Road 3E.

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## **TOWN COUNCIL ACTION**

At the regular Town Council meeting on April 1, 2024, a public hearing was opened and this item was introduced for consideration. Based upon the Staff report, presentation, public testimony, and discussion amongst Town Council, the project was approved.

At the regular Town Council meeting on April 15, 2023, Ordinance 2024-247 was pulled from the consent agenda, on second reading, for further discussion. Town Council discussed the project, which resulted in a motion to re-open the public hearing, continuing the item to the May 6, 2024 regular meeting.

## **ZONING**

The purpose of zoning, or zoning districts, is to establish the character of specific areas, development patterns and context, and the type or intensity of uses and buildings. Zoning is established in conjunction with the Land Use Map in the Town's Comprehensive Plan.

Pursuant to Section 17-2-12(D)(3)(b), the Town shall consider zoning such newly annexed areas under the appropriate zoning category as follows: Requests for zoning districts other than the H-A (Holding Agriculture) District may be considered by the Town Council in conjunction with the annexation and based on the submittal of all applicable requirements for a rezoning application. The Town Council shall place the newly annexed property into the most appropriate zoning district, considering the goals and objectives of the Town's Comprehensive Plan and the applicant's future development plans.

### **How the Comprehensive Plan relates to Zoning Districts**

The Comprehensive Plan (Comp Plan) provides high-level direction for the future of the 48-square mile Growth Management Area. This Plan is designed for Town leaders to guide, and for community members to understand, the future development and redevelopment considerations for the Johnstown area from now into the next 20 years. The Comp Plan is comprised of overarching policies, goals, and implementation strategies, which are the foundational policies that help guide decision making. In addition, the Comp Plan includes a Land Use Map, which helps direct desired growth patterns by identifying the characteristics of land use categories and where those categories are distributed across the Town's 48-square mile growth management area. As described in the Comp Plan, When the Planning and Zoning Commission and Town Council are presented with land use decisions for residential and commercial development, subdivision of land, or zoning changes, the following land use categories bulleted below should be discussed and applied.

- High Density/Intensity (HDI)
- Medium Density/Intensity (MDI)
- Low Density/Intensity (LDI)
- Very Low Density/Intensity (VLDI)

Each of the land use categories listed above are fully described in the Comp Plan, along with other overlays such as: Greenways, Activity Centers, Agricultural Preservation, and Gateways. There are four major land use categories; however, there are ten (10) zoning districts listed in the Land Use Development Code (LUDC).

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H-A	Holding / Agriculture	RESIDENTIAL
R-E	Rural Estate	
R-1	Single-Family Neighborhood	
R-2	Mixed-Density Neighborhood	
R-3	High Density Neighborhood	
MU-NC	Neighborhood Commercial	COMMERCIAL
MU-DT	Downtown	
MU-RC	Regional Commercial	
I-1	Industrial Light	INDUSTRIAL
I-2	Industrial Heavy	

Acknowledging the fact that there are ten zoning districts, but only four land use categories, it stands to reason that multiple zoning districts must fit into each land use category. The way to determine the appropriateness of a specific zoning district relative to the overarching land use category is to start with the intent of said land use category, as defined in the Comp Plan.

Regarding the subject annexation, the land use category is shown as Low Density/Intensity (LDI). As written in the Comp Plan (pg. 50):

A Low Density/Intensity area (LDI) will be generally characterized by a higher percentage of residential, predominantly lots for single-family detached homes, with some lower density townhomes or duplex/patio homes. Commercial will be less prominent and focused on neighborhood-level services such as a convenience store, gas station, dance/karate studio, auto shop, salon, or restaurant, and civic uses (parks, library, schools).

Low Density/Intensity areas will occur along collector and local street corridors, and are likely to be adjacent to MDI and HDI areas, which serve to buffer LDIs from major street corridors and busier commercial areas. LDI's will strive to offer complete neighborhoods with easy access to neighborhood services, parks, schools, and be connected to adjacent neighborhoods and multi-modal corridors with trails and walks.

Residential neighborhoods will provide multiple housing and lifestyle options within a more suburban setting. An LDI neighborhood may utilize winding internal streets and cul-de-sac configurations; perimeter fencing and landscaping for buffers, pocket parks and playgrounds within neighborhoods, connected to a trail system. These provide another great solution for integrating a range of lifestyles, incomes, and ages into a neighborhood.

The above information provides the fundamental core for identifying a zoning district that will support the vision. The next step in the process is to review the intentions of the zoning districts, identify the street networks that serve the property, and analyze adjacent zoning designation, developments, and land uses.

## **BLUE SPRUCE RIDGE – ANNEXATION AND ZONING ANALYSIS**

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Based upon the above information regarding the annexation process, the Comp Plan, and the ten zoning districts listed in the LUDC, the following analysis applies specifically to the subject proposal.

### **Annexation Analysis**

The subject property is currently located in unincorporated Larimer County and also in the Town's GMA. The subject property is bounded by lands within the Town's corporate boundary on the north and west, and is bounded by unincorporated lands in Larimer County on the east and south. The property meets the State's eligibility requirements for annexation, which is memorialized in Resolution 2024-17 (Attachment No. 2).

### **Zoning Analysis**

This property is in the Low Density/Intensity (LDI) land use category, as depicted on the Town's Land Use Map. The intent of the LDI land use category has been fully described at the top of this page.

### **Street Network**

The subject property is primarily served by Larimer County Road 3e (LCR 3e), which is positioned along its western property line. The property also lies adjacent to Larimer County Road 3 (High Plains Boulevard) to the east. Pursuant to the Town's adopted Transportation Master Plan, LCR 3e is listed as a Minor Arterial roadway, and High Plains Blvd. is listed as a Regionally Significant Corridor and Major Arterial. Pursuant to the intent of the LDI land use category, LDI areas "will occur along collector and local street corridors, and are likely to be adjacent to MDI and HDI areas, which serve to buffer LDIs from major street corridors and busier commercial areas."

### **Adjacent Zoning**

Zoning designations for the properties immediately adjacent to the subject property are listed in the table below:

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

The property to the north of the subject property is zoned PUD (Planned Unit Development) and was regulated by The Villages at Johnstown Performance Standards when it was approved for development. Pursuant to the Performance Standards, the property immediately north of the subject property was zoned for single-family residential development.

The property to the west of the subject property is zoned PUD. An Outline Development Plan (ODP) was approved in 2022 upon annexation of that land into the Town. The ODP specifies single-family residential development for that property.

### **Adjacent Land Use**

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Single-family residential development exists on the land to the immediate north. Case No. SUB22-0012, a proposal for single-family residential development, has been submitted and will be considered for the property to the west. Unincorporated lands to the south and east have been used historically for farming purposes. There is also an oil and gas facility on the property to the immediate east.

***Article 3. Subdivision, Development, and Community Design (LUDC)***

Article 3 of the LUDC is dedicated entirely to subdivision design. The Council has not had the benefit of reviewing a project that is subject to these requirements, because the LUDC was adopted in 2023 and a new subdivision project has not yet been submitted. Upon annexation, this property would be subject to Article 3.

***Article 5. Residential Development and Design (LUDC)***

Article 5 of the LUDC is dedicated entirely to residential design. Again, the Council has not had the benefit of reviewing a project that is subject to these requirements, because the LUDC was adopted in 2023 and a new subdivision project has not yet been submitted. Upon annexation, this property would be subject to Article 5.

These two articles (Articles 3 and 5, respectively) would create the framework and guidelines for future development on the site, and they provide extremely detailed requirements for street layouts, block and lot sizes, open space, residential building types, and neighborhood design. It is important to note, while the base zone provides for the types of housing and other uses that would be permitted on an individual lot, there are extensive guidelines that dictate neighborhood design. The following section provides a summary of the intent of residential development, pursuant to the LUDC.

Section 17-5-1(A) provides that residential development standards have the following intent:

1. Provide housing variety within neighborhoods and among different neighborhoods and ensure compatible transitions between different residential building types.
2. Improve the appearance and livability of neighborhoods with good civic design.
3. Design and locate parks, trails, and other open spaces as focal points that shape neighborhood character.
4. Design neighborhoods with slow-speed streetscapes, well-connected sidewalks and trails, and shade, and enclosure provided by street trees.
5. Reinforce the distinct character of different neighborhoods based on their context:
  - a. Prioritize housing and walkable neighborhoods with convenient access to services, amenities, and destinations.
  - b. Promote lower-density rural neighborhoods with access to large, contiguous open spaces and natural areas.
6. Orient all buildings and lots to the public street or to common open spaces, and locate active social spaces along the streetscape.
7. Design buildings with human-scale details such as entry features, windows and doors, massing elements, and ornamental features, particularly where these features create compatibility among a mix of building types.

8. Promote lasting and sustained investment in neighborhoods with quality design.

Although premature based on the current application, it is important to understand that any future subdivision on the subject property would have to comply with the above intentions. Moreover, any future subdivision would be reviewed pursuant to the strict guidelines listed in Articles 3 and 5 of the LUDC, along with all other applicable regulations. The subject request for annexation and zoning is only the first step in development. When a subdivision is proposed, it will flow back through the review process, which will require a neighborhood meeting, Planning & Zoning Commission hearing, and ultimately, a public hearing before the Town Council.

### **Zoning Conclusion**

1. Pursuant to the Land Use Map, this property is in an LDI area.
2. Pursuant to the Transportation Master Plan, this property is positioned between two arterial roadways, suggesting that higher volumes of traffic are meant to flow through past the property.
3. Pursuant to the Comp Plan, LDI areas will be generally characterized by a higher percentage of residential, predominantly lots for single-family detached homes, with some lower density townhomes or duplex/patio homes.
4. Pursuant to Table 4-2 in Section 17-4-2 of the LUDC, the R-1 zone prohibits attached one-unit and multi-unit dwellings.
5. Pursuant to Table 4-2 in Section 17-4-2 of the LUDC, The R-2 zone provides the opportunity for one-unit detached, one-unit attached, and limited multi-unit dwellings.
6. Pursuant to Section 17-5-1(A)(1), residential developments should provide housing variety within neighborhoods and among different neighborhoods and ensure compatible transitions between different residential building types.

### **CONCLUSION**

The Comp Plan provides guidance for the development of the Town, including visioning for land use decisions. LDI areas are intended to provide multiple housing options in low-density formats, including townhouses and duplex/patio houses. The R-2 zone provides the baseline for this type of development, creating opportunities for housing diversity while maintaining a low-density look and feel to the neighborhood. Any future subdivision project will be reviewed for compliance with the intent of the LDI land use category, the strict application of the LUDC (specifically, Articles 3 and 5), and the context of neighboring developments.

### **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. Staff finds that the R-2 zone would best support the goals and objectives of the Town's Comprehensive Plan and the applicant's future development plans.

**STRATEGIC PLAN ALIGNMENT:**

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

**LEGAL ADVICE:**

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

**FINANCIAL ADVICE:**

N/A

**RECOMMENDED ACTION:** Approve Ordinance No. 2024-247, establishing R-2 zoning for approximately 41.1 acres, known as the Blue Spruce Ridge.

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**SUGGESTED MOTIONS:**

**ORDINANCE 2024-247:**

**For Approval:** I Move to Approve Ordinance No. 2024-247, Establishing R-2 Zoning for Blue Spruce Ridge, Case No. ANX23-0001

**For Denial:** I Move to Deny Ordinance No. 2024-247.

*Reviewed and Approved for Presentation,*



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Town Manager

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