

CITY COUNCIL COMMUNICATION



MEETING DATE: September 10, 2024

ITEM NUMBER: 9.C

SECOND READING: September 24, 2024

{{customfields.ResoOrdNumber}}

TYPE OF ITEM: Consent

PRESENTED BY:

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SUBJECT/AGENDA TITLE:

A Bill For An Ordinance Conditionally Approving The Vacation Of One Access And Utility Easement And One General Utility Easement Located Within The Boundaries Of Westview Acres Subdivision, Generally Located At 8791 North 87TH Street, West Of Airport Road And South Of Glenneyre Drive

EXECUTIVE SUMMARY:

The request is to vacate one access and utility easement (40' x 80') and one general utility easement (20' x 614.82') located on the property under review for the Westview Acres subdivision. This property, approved for annexation into the City of Longmont with R-SF (residential single family) zoning on December 20, 2022 (recorded April 20, 2023), no longer requires these easements due to its redevelopment. Vacating these easements will facilitate the cleanup and redevelopment of the property into 24 lots in preparation for the new subdivision. Appropriate easements to serve the newly created subdivision will be established with the plat of Westview Acres.

COUNCIL OPTIONS:

The following options are presented for the Council's consideration when reviewing the ordinance for the vacation of the easements:

1. Approve the ordinance finding the vacations in compliance with the Longmont Municipal Code and review criteria.
2. Approve the ordinance with additional conditions that would make the vacations in compliance with the Longmont Municipal Code and review criteria.
3. Deny the ordinance finding the vacation not in compliance with the Longmont Municipal Code and review criteria.

RECOMMENDED OPTIONS:

The Development Review Committee recommends that City Council conditionally approves the ordinance subject to the approval and recordation of the Westview Acres Final plat. Staff has prepared the ordinance to reflect this recommendation.

FISCAL IMPACT & FUND SOURCE FOR RECOMMENDED ACTION:

None

BACKGROUND AND ISSUE ANALYSIS:

The owner of the property at 8791 N 87th Street has petitioned the City of Longmont to vacate two easements. The request seeks to vacate the entire 40' x 80' access and utility easement and 20' x 614.82' general utility easement on this property. The property is being redeveloped into a twenty-four-lot single-family residential subdivision, and these easements are no longer necessary. The redevelopment will establish new easements that better serve the needs of the development. The Development Review Committee (DRC) has found the vacation request to be in compliance with the Longmont Municipal Code and review criteria. The request is being forwarded directly to City Council for action.

Staff has reviewed the request to vacate the easements and made the following evaluation based on the review criteria:

Section 15.02.055 - No major, minor, or administrative development application shall be approved unless it meets the following review criteria, except that individual types of applications described in this land development code specifically may include exceptions to these criteria or impose additional criteria:

1. The application is consistent with the comprehensive plan and the purpose of the code and zoning district; conforms to any previously approved concept plan, preliminary plat, or PUD overall development plan; and complies with all applicable statutes, codes, ordinances and regulations.

The proposed vacation requests are consistent with Envision Longmont and the purpose of the Land Development Code. The property was approved for annexation and concept plan in 2022 with an amendment to the concept plan approved in 2024. This vacation of easements enables the developer to continue to pursue development in accordance with the previously approved concept plan.

2. The application complies with applicable city standards, including for street and utility design and layout, and adequate utilities are available or will be provided for appropriate urban-level services.

The proposed vacation request complies with all applicable city standards and the property can be served with urban level services. The existing easements will not be necessary to support future development on the property. Adequate utilities are available to serve this site as planned.

3. The application proposes development compatible with surrounding properties in terms of land use, site and building layout and design, and access.

The proposed vacations will allow for compatible development of the property in terms of land use, site and building layout and design, and access. Adjacent properties have been developed offering single family detached development to the north, south and west and is in the contiguous R-SF (residential single family) zoning district.

4. The application will not adversely affect surrounding properties, the natural environment, existing or planned city transportation, or utility services or facilities, or the adverse impacts of the use will be mitigated to the maximum extent feasible.

The proposed vacation will not adversely affect the surrounding properties, the natural environment, existing or planned city transportation, or utility services or facilities.

5. The application, where required, complies with the sustainability evaluation system requirements to mitigate impacts of development within the city's riparian areas, and as applicable to other projects as determined by separate agreement.

The proposed vacation request does not impact any of the City's riparian areas.

6. The application includes an appropriate transportation plan, including multi-modal transportation access, and is integrated and connected, where appropriate, with adjacent development through-street connections, sidewalks, trails and similar features.

The proposed vacations will not impact the multimodal transportation in the area or as proposed to serve this development.

Section 15.02.060.H.2 - Review Criteria for Vacations

Vacations shall also comply with the following additional review criteria:

a. The right-of-way or easement will not be used in the short or long term, or the city receives conveyance or dedication of substitute easements or rights-of-way appropriate to satisfy the continuing municipal need;

The proposed development will provide appropriate easements, where necessary, that will satisfy the needs of the development with the approval of their final plat for the property.

b. The vacation does not create an irregular right-of-way or easement configuration which could create difficulty in the provision of services or installation of public improvements;

The proposed vacations do not create any irregular configurations that would create difficulty in providing services to the public.

c. The public benefits and utility of the vacation request outweigh any adverse impacts of the vacation; and

The DRC has not identified any adverse impacts associated with the vacation request.

d. The applicant will relocate, if necessary, the public facilities located within the right-of-way or easement.

As a part of the redevelopment of the site public facilities will be relocated, as needed, by the developer and placed in new easements that are acceptable to the City of Longmont.

ATTACHMENTS:

1. Ordinance
2. Easement Vacation Illustration
3. Westview Acres Subdivision (Boulder County – 1980)
4. Westview Acres Annexation Ordinance
5. Westview Acres Annexation Map