

# CITY COUNCIL COMMUNICATION



**MEETING DATE:** January 14, 2025

**ITEM NUMBER:** .C

**SECOND READING:** January 28, 2025

{{customfields.ResoOrdNumber}}

**TYPE OF ITEM:** Consent

**PRESENTED BY:**

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## **SUBJECT/AGENDA TITLE:**

A Bill For An Ordinance Conditionally Approving The 8902 Quail Road Annexation And Concept Plan (Generally Located In The Northwest Quarter Of Section 17, Township 2 North, Range 69 West Of The 6th Principal Meridian), And Zoning The Property Residential-Mixed Neighborhood (R-MN)

## **EXECUTIVE SUMMARY:**

An annexation petition has been filed for four (4) properties along Quail Road, generally located south of Quail Road, north of Clover Basin Drive, west of Wildfire Court and east of Airport Road. The application includes the annexation of 8800 Quail Road (4.18 acres), 8840 Quail Road (0.97 acres), 0 North 87<sup>th</sup> Lane (7.11 acres) and 8902 Quail Road (5.08 acres), totaling approximately 17.34 acres.

The properties are currently zoned Agricultural (A) in unincorporated Boulder County. The applicant proposes to zone the property R-MN consistent with its Envision Longmont land use designation of Mixed Neighborhood. Following is the current annexation review schedule:

### Annexation Review Schedule:

1<sup>st</sup> Resolution of Statutory Compliance

December 3<sup>rd</sup>, 2024

**1<sup>st</sup> Reading and Introduction of the Annexation Ordinance**

**January 14<sup>th</sup>, 2025**

2<sup>nd</sup> Resolution of Statutory Compliance

January 28<sup>th</sup>, 2025

2<sup>nd</sup> Reading and Public Hearing on the Annexation Ordinance

January 28<sup>th</sup>, 2025

## **COUNCIL OPTIONS:**

1. Approve the annexation and zoning ordinance, finding the application complies with the City's review criteria and/or state statutes regarding compliance.
2. Approve the annexation and zoning ordinance, with conditions or modifications, if necessary, to bring the application into compliance with the City's review criteria and/or state statutes regarding compliance.

3. Do not approve the ordinance, finding the annexation and zoning does not comply with the City's review criteria and/or state statutes.

**RECOMMENDED OPTIONS:**

Annexation is a discretionary act and the decision to annex the property into the City of Longmont is a policy decision. The Planning and Zoning Commission reviewed the annexation on December 18<sup>th</sup>, 2024, and voted 4-1 to recommend approval of the annexation to the City Council.

**FISCAL IMPACT & FUND SOURCE FOR RECOMMENDED ACTION:**

N/A

**BACKGROUND AND ISSUE ANALYSIS:**

This application is a request for annexation of approximately 17.34 acres and zoning to Residential-Mixed Neighborhood (R-MN) to facilitate the development of a maximum of 310 residential units. Multifamily housing is a permitted use by right in the proposed R-MN zoning district. The property currently contains single-family residential and agricultural uses and is zoned Agricultural (A) in unincorporated Boulder County.

On March 26<sup>th</sup>, 2024, City Council authorized staff to accept and process an annexation application for four (4) individual, contiguous parcels of land along Quail Road. Referral of the annexation application does not obligate Council to approve the annexation. Annexation is a discretionary, legislative act. The City shall never be compelled to annex unless otherwise required by Colorado Revised Statutes.

A formal annexation application was filed on May 16<sup>th</sup>, 2024, after a neighborhood meeting held on April 25<sup>th</sup>, 2024.

The Development Review Committee (DRC) began its review of this application for annexation in May of 2024. Three DRC reviews and numerous meetings with the development team were completed prior to this application being scheduled for a public hearing before City Council. Staff have also worked with the applicant to draft the annexation agreement that details the conditions of annexation, if approved.

As part of the DRC review, the following referral agencies were notified to provide comments on this annexation proposal.

- Airport Advisory Board
- Boulder County Land Use and Development
- Boulder County Open Space
- Century Link
- Comcast
- Federal Aviation Administration

- Longmont Post Office
- St. Vrain Valley School District
- USPS
- Xcel Energy
- Boulder County Health Department
- Boulder County Transportation
- U.S. Fish and Wildlife
- Colorado Parks and Wildlife
- Northern Colorado Water Conservancy District
- Left Hand Water District
- St. Vrain and Left Hand Water Conservancy District
- Mountain View Fire Protection District

Comments were received from St. Vrain Valley School District, Xcel Energy, the Federal Aviation Administration, Boulder County Long Range Planning and U.S. Fish and Wildlife.

The school district stated they will provide comments during future development steps. Xcel Energy provided a letter of “no objection” and indicated overhead electric distribution facilities are located within the areas indicated in this annexation application and requests the development team to coordinate with Xcel Energy during the design process if applicable.

The FAA provided comments two times on this proposal. The FAA has stated that given the subject properties location and the surrounding residential, they have no comments on the proposed annexation and concept plan. The FAA also stated a 4760 Obstruction Evaluation Request must be submitted during future development steps if this annexation is approved. The U.S. Fish and Wildlife Service responded by stating the subject property is not within any critical habitat for the Preble’s Meadow Jumping Mouse.

Finally, comments provided by Boulder County Long Range Planning stated the subject property is part of the Potential Annexation Area (PAA) as defined in the Comprehensive Development Plan Intergovernmental Agreement (IGA). Areas within the PAA are anticipated to be annexed into the City of Longmont, making this annexation consistent with the IGA.

Per Section 4.g of the IGA: *“The City agrees that County enclaves within the PAA should be brought into the City to ensure adequate facilities and services are provided and to ensure that any future development is consistent with the goals and policies of the City.”* This IGA was approved under Ordinance O-2024-18.

Boulder County has also provided referral comments on access, proposed multi-modal connectivity and annexation agreement language.

All referral comments received regarding this application have been included as Attachment 10.

The property is designated as Mixed Neighborhood on the *Future Land Use and Transportation System Map* within the Envision Longmont Comprehensive Plan. The proposed R-MN (Residential-Mixed Neighborhood) zoning of the property aligns with the comprehensive plan designation.

The Quail Road annexation is within the Longmont Planning Area and meets the one-sixth contiguity requirement established by C.R.S 31-21-104(a) and there is sufficient infrastructure capacity to serve these properties.

Annexation applications require review by the Planning and Zoning Commission as a recommending body. The Commission provides a recommendation on the annexation to City Council, which is the decision-making body for this type of application. The Planning and Zoning Commission held a 5-hour public hearing on this proposed annexation at their regular meeting on December 18th, 2024. The Commission's deliberations on this item focused on neighborhood compatibility, proposed density, buffering and open space, traffic impacts, impact to schools, owner occupied versus rental housing. A link to the video is attached.

<https://www.youtube.com/watch?v=coq3nsMfG4A&t=2050s>

The Planning and Zoning Commission ultimately recommended approval of this proposed annexation by a vote of 4 to 1.

### **Alignment with the Envision Longmont Comprehensive Plan**

The proposed zoning is Residential-Mixed Neighborhood (R-MN). The proposed zoning is consistent with the property's current Envision Longmont Mixed Neighborhood land use designation.

The Mixed Neighborhood land use category is characterized by the following:

- Provides residents with a mix of housing options and densities, encouraging a greater variety of housing types available in the city, as well as providing housing options for residents throughout all stages of their lives.
- Serves as a transition between single-family neighborhoods and higher density corridors, centers and employment areas.
- Secondary uses are designed in a manner that fits the scale and intensity of the surrounding residential uses or integrated into the overall design of new Mixed Neighborhood developments.

The Mixed Neighborhood land use category allows single-family detached homes on smaller lots, duplexes, triplexes, townhomes and smaller multifamily buildings as primary uses. Densities associated with these residential uses is typically between six (6) and eighteen (18) dwelling units per acre; however, developments that incorporate affordable units and/or is located with ¼ mile of a high-frequency transit stop may be eligible for greater densities as specified in the Land Development Code.

If the applicant builds 310 housing units as proposed, the gross density would be approximately 17.9 dwelling units per acre, which is consistent with the proposed R-MN zoning district and the existing land use category of Mixed Neighborhood. At this time, the development team is not requesting density bonuses.

Secondary uses within the Mixed Neighborhood land use category include accessory dwelling units, as well as small scale retail, restaurants/cafes, community gardens, community or public services, parks, recreations facilities, schools and places of worship. Aside from park/open space area, the applicants are not proposing additional secondary uses at this time.

In addition to the proposal being designed around various Mixed Neighborhood characteristics, this annexation is consistent with many of the goals and policies of the Envision Longmont Comprehensive Plan as well.

Staff have highlighted a few goals and policies below that are supported by this application.

**Goal 1.1: Embrace a compact and efficient pattern of growth.**

**Policy 1.1A: Growth Management-** *Prioritize the development of sites located within the Municipal Service Area, where infrastructure and services can be readily provided; continue to use open space buffers, agricultural easements, and other tools to ensure Longmont remains a free-standing community with a unique and separate identity from surrounding communities.*

**Policy 1.1B: Infill and Redevelopment-** *Support the adaptive reuse or redevelopment of underutilized sites and buildings and encourage higher density infill and redevelopment in centers and mixed-use corridors, and other areas of change where development can easily be accessed on foot, by bike, or using public transit.*

**Goal 1.2: Promote a sustainable mix of land uses.**

**Policy 1.2D: Development Types-** *Plan for a combination of greenfield development, infill development and redevelopment, and adaptive reuse within the Municipal Service Area to meet the needs of Longmont's residents, businesses, and people who work in Longmont.*

**Policy 1.2E: Mix of Housing Types-** *Anticipate and plan for the changing needs of the community, and diversify the City's housing stock by:*

- *Encouraging the development of a range of housing types, sizes, prices, and densities;*
- *Actively working with the private sector to promote and potentially incent the construction of housing types documented to be in short supply; and*
- *Supporting the integration of a more diverse array of attached and multifamily*

*housing types in Mixed Residential neighborhoods and in defined centers and corridors.*

**Goal 1.4: Focus infill and redevelopment in centers, corridors, and other areas of change.**

**Policy 1.4A: Reinvestment Strategies-** *Employ a range of strategies to transform centers, corridors and other areas of change into vibrant places that serve adjacent neighborhoods as well as the broader community including:*

- *Encouraging the consolidation and assemblage of properties to improve and coordinate the redevelopment of blocks or segments of centers and corridors, rather than employing a property-by-property approach.*

Staff conclude that this application can meet the above goals and policies of the Envision Longmont Comprehensive Plan and the zoning district being requested aligns with the existing land use designation.

**CRITERIA EVALUATION**

The applicant is responsible for demonstrating that the application meets the applicable review criteria. The following is staff's evaluation of the review criteria.

**Review Criteria For All Application Types- Section 15.02.055**

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 requested annexation and R-MN zoning is generally consistent with the existing Mixed Neighborhood land use designation in Envision Longmont. Conformance to previously approved concept plans, preliminary plats or PUD development plans is not required with this application because no existing concept plans, plats or PUDs exist for the subject property.

The property is located within the Municipal Service Area and is eligible for annexation based on its location and meeting the one-sixth contiguity requirement of C.R.S. 31-12-107. The property is accessible to planned or existing utility and transportation infrastructure and within an "area of change" as identified in Envision Longmont. "Areas of Change" are defined as locations where future growth could be desirable and/or beneficial to the community. "Areas of change" are considered appropriate for redevelopment.

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.**

Applicable city standards for utility and transportation improvements will be followed if this project moves through the development review process. Adequate utilities exist to serve the proposed development on this property.

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

The subject property is surrounded by residential uses of varying densities in both the City of Longmont and unincorporated Boulder County. These residential uses include single-family residential to the north, south and west. The single-family home to the west is in unincorporated Boulder County. East of the annexation area includes single-family homes and townhomes.

Access is proposed via two entrances off Clover Basin Drive along the southern property line. Accessing the site from Clover Basin Drive was a direct result of addressing concerns of the neighbors to the north, which did not want a primary entrance/exit along Quail Road, which is in unincorporated Boulder County. As proposed, only Emergency Vehicle Access is planned along Quail Road adjacent to the northern property line.

Staff conclude that this annexation and proposed future residential on site is compatible with the surrounding properties in terms of land use, design and access.

**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.**

Annexation of these properties along Quail Road will not adversely affect surrounding properties, the natural environment or existing or planned city facilities. City of Longmont utility providers have adequate capacity to serve this proposed development.

A traffic study was submitted and accepted as part of the review process. The traffic study found the proposed development could be incorporated into the existing and future roadway network in Longmont. This study is included as Attachment 13. Future development review processes will incorporate updates to this study and design of needed improvements.

**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 subject properties are not within a designated riparian area.

- 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.**

A traffic study and multi-modal plan were submitted as part of this application. These documents show proposed transportation access and connectivity where appropriate. Both of these documents will require updates if proposed development moves through subsequent review processes. Future applications will require a revised multi-modal plan further detailing appropriate improvements, including connections, sidewalks, trails and similar features.

#### **Additional Review Criteria for Annexation – Section 15.02.060.A**

Annexations shall also comply with the following additional criteria. However, annexation is a discretionary, legislative act. The city shall never be compelled to annex, unless otherwise required by state law, even if all these review criteria have been satisfied.

- a) The annexation complies with the Municipal Annexation Act of 1965, as amended (C.R.S. § 31-12-101 et seq.). The proposed annexation complies with the Municipal Annexation Act of 1965, as the property boundaries are contiguous with the City of Longmont city limits along at least one-sixth of the boundaries.**

The proposed annexation complies with the Municipal Annexation Act of 1965. The property boundaries are contiguous with the City of Longmont city limits along at least one-sixth of the perimeter of the property.

- b) The property is within the municipal service area (MSA) or the Longmont Planning Area (LPA) as stated in the comprehensive plan. No property outside of the MSA or LPA shall be considered for annexation unless the city council finds that, consistent with the comprehensive plan, the best interests of the city would be served by annexation of such property, and a land use plan for the area proposed to be annexed is submitted together with the annexation application.**

The subject property is within the municipal service area as shown on the Envision Longmont Future Land Use and Transportation System Map.

- c) The proposed zoning is appropriate, based upon consideration of the following factors:**



- i. **The proposed zoning is consistent with the comprehensive plan designation of the property; and**
- ii. **The proposed land uses are consistent with the purpose and intent of the proposed zoning district.**

The proposed R-MN zoning district is consistent and appropriate giving that the property is located within an area designated as Mixed-Neighborhood in the Envision Longmont Comprehensive Plan. The anticipated multifamily development on site is permissible as a permitted use within the R-MN zoning district.

- d) **The annexation will not limit the ability to integrate surrounding land into the city or cause variances or exceptions to be granted if the adjacent land is annexed or developed.**

The annexation of this parcel will not limit the ability to integrate surrounding land into the City of cause variances or exceptions to be granted if adjacent land is annexed or developed. Adjacent unincorporated properties remain eligible for annexation.

- e) **Unless otherwise agreed to by the city, the landowner has waived in writing any preexisting vested property rights as a condition of such annexation.**

This criterion has been met. The annexation agreement will include conditions relating to preexisting vested property rights and existing uses.

- f) **The property to be annexed meets the environmental requirements of section 15.02.140.**

The property to be annexed meets the environmental requirements of Section 15.02.140. The applicant has provided a Phase 1 Environmental Assessment that revealed no Recognized Environmental Conditions in connection with the site.

- g) **City-initiated annexations shall conform to C.R.S. § 31-12-106 and the annexation ordinance shall include an annexation map meeting the requirements of C.R.S. § 31-12-107(1)(d).**

This annexation is not being initiated by the City of Longmont

## **ATTACHMENTS:**

- Attachment 1 – Annexation Ordinance
- Attachment 2 – Annexation Agreement
- Attachment 3 – PZR 2024-10A
- Attachment 4 – Applicant Letter
- Attachment 5 – Annexation Map
- Attachment 6 – Concept Plan
- Attachment 7 – Multimodal Transportation Plan
- Attachment 8 – Neighborhood Meeting Summary
- Attachment 9 – Public Comments
- Attachment 9A – Additional Public Comments
- Attachment 10 – Referral Agency Comments
- Attachment 11 – Planning Commission Staff Report (without attachments)
- Attachment 12 – Annexation Petitions
- Attachment 13 – Environmental Site Assessment
- Attachment 14 – Traffic Impact Report
- Attachment 15 – Certificate of Posting (PZ)