

CITY COUNCIL COMMUNICATION



MEETING DATE: September 24, 2024

ITEM NUMBER: 9.A

SECOND READING: October 08, 2024

{{customfields.ResoOrdNumber}}

TYPE OF ITEM: Consent

PRESENTED BY:

Phil Taylor, Planning & Development Services, Phil.Taylor@longmontcolorado.gov

SUBJECT/AGENDA TITLE:

A Bill For An Ordinance Conditionally Approving The Vacation Of A Twenty-foot-wide Mutual Access Easement And A Sanitary Sewer Easement Generally Located Southwest Of The Intersection Of Highway 66 And Alpine Street

EXECUTIVE SUMMARY:

The request is to vacate two easements within Lot 2 of the 11410 Ute Highway Minor Subdivision Plat. These easements, currently used for mutual access and sewer are no longer needed due to the redevelopment of the property. The developer for the residential project currently under review for Lot 2 will provide replacement access and sewer easements.

The subject property was annexed into the City of Longmont on December 17th, 1990, as part of the Lujan Annexation, which can be found at Reception No. 01133460, and zoned Business Light Industrial (BLI). The underlying zone district was changed to Residential-Mixed Neighborhood (R-MN) through the Envision Longmont Comprehensive Plan process.

The re-development of the property began in December of 2023 when an application for a site plan was submitted. This site plan has been reviewed and revised multiple times and is now nearly complete. Vacating these easements is essential for the multi-family site plan to be approved. New easements are being established to serve the newly created multi-family development and the single-family home located on Lot 1. These new easements will be dedicated via separate easement document.

COUNCIL OPTIONS:

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

1. Approve the ordinance finding the vacations are 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.

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3. Deny the ordinance finding the vacations do not comply with the Longmont Municipal Code and review criteria.

RECOMMENDED OPTIONS:

Staff recommends that City Council conditionally approve the vacation ordinance subject to the parties of the mutual access easement vacating their interest in the easement prior to recording the vacation ordinance.

FISCAL IMPACT & FUND SOURCE FOR RECOMMENDED ACTION:

None

BACKGROUND AND ISSUE ANALYSIS:

The property owner of 2445 Yukon Drive (Lot 2, 11410 Ute Highway Minor Subdivision Plat) has petitioned the City of Longmont to vacate two easements. This request includes the complete vacation of a mutual access easement over Lot 2 to the benefit of Lot 1 and a portion of an existing sewer easement. As this property is being developed into a 24-unit multi-family project, these existing easements are no longer required. New easements will be established to provide access to the single-family home on Lot 1 and the sewer easement will be relocated to better serve the proposed development. The Development Review Committee (DRC) has reviewed the request and found it to be in compliance with the Longmont Municipal Code and relevant review criteria. The request is now being forwarded to the 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 the 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. This vacation of easements enables the developer to continue to pursue development of the subject property in accordance with the dimensional and use standards of the underlying R-MN zoning district.

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.

This request meets the criteria outlined above. The property is adjacent to single-family attached homes to the south and east, State Highway 66 to the north and common open space to the west. The site design and layout orient vehicular access and garages to the interior of the site and ground floor entrances along the north and south property lines. This central, shared access is similar to the existing single-family attached neighborhood directly south.

Access to the subject property is via Yukon Drive right-of-way directly east of the subject property.

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.

This 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.

This 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 vacation will not impact the multi-modal transportation in the area or as proposed to serve this development. The applicant has developed a multi-modal plan for this

project that provides direct connections for all modes of travel and provides connections to the surrounding pedestrian system.

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 via separate easement document.

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 result in any irregular configurations that would hinder the provision of public services.

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 these vacation requests.

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

As part of the site's development, public facilities will be relocated as needed by the developer and placed in new easements approved by the City of Longmont.

ATTACHMENTS:

1. Ordinance
2. Vicinity Map