

***Planning and Zoning Commission Communication  
City of Longmont, Colorado***

Project Title: ModernWest 2 Concept Plan Amendment

Date of Meeting: June 26, 2024

Staff Planner:

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**GENERAL INFORMATION**

Proposal: Concept Plan Amendment for a portion of the Schlagel Williams Annexation  
Location: 8876 Rogers Road  
Area: 27.25 acres  
Existing Use: Agriculture  
Zoning: Mixed Use – Employment

**SURROUNDING LAND USES AND ZONING**

North: Single-family Residential and Agriculture (Unincorporated Boulder County – Agricultural)  
South: Undeveloped/Agriculture and RV/Boat Storage (Mixed Use – Employment)  
East: Single-family Residential (Unincorporated Boulder County Agriculture and Residential – Single Family)  
West: Undeveloped/Agriculture (Mixed Use – Employment)

**COMPREHENSIVE PLAN DESIGNATION**

North: Parks, Greenways, Open Space and Rural Residential  
South: Mixed Use – Employment  
East: Parks, Greenways, Open Space; Rural Residential; and Mixed Use – Employment  
West: Mixed Use – Employment

**APPLICANT INFORMATION**

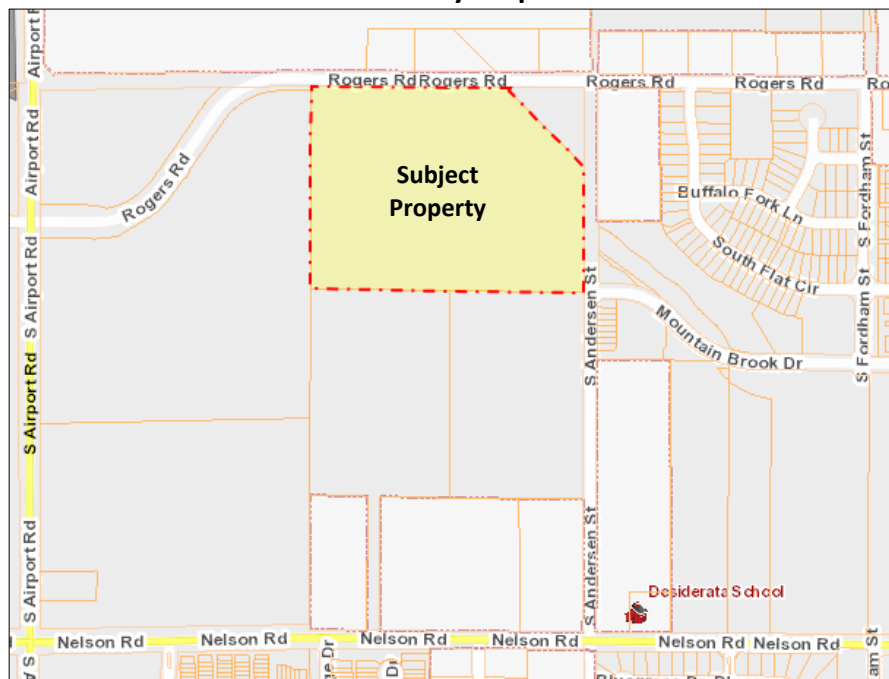
Property Owner: ModernWest Longmont LLC  
Applicant: Derek Guarascio  
Applicant Contact: Derek Guarascio  
Company: ModernWest Longmont LLC  
Address: 6185 Brigadoon Court, Longmont, Colorado  
Phone: 303-717-5309  
Email: [Derek@modernwestcolorado.com](mailto:Derek@modernwestcolorado.com)

**APPLICATION DESCRIPTION**

The applicant proposes an amendment to the approved concept plan for the Schlaegel Williams

Annexation to permit the full range of uses allowed within the Mixed Use – Employment (MU-E) zoning district, particularly residential uses. The currently approved plan only allows for uses permitted under the previous Business-Light Industrial (BLI) zoning district. The proposed concept plan would be for a second phase of the previously approved ModernWest 1 development and would provide for a mixed-use development that includes a range of residential uses, as well as commercial/light industrial uses. The Niwot Ditch bisects the property, and a greenway providing for bicycle and pedestrian connections would be built adjacent to the ditch.

**Vicinity Map**



The ModernWest 2 property is part of the Schlaegel Williams Annexation, which was finalized in 2000, and is comprised of approximately 107.3 acres. The approved concept plan for this annexation permitted “Industrial/Economic Development” consistent with the Business/Light Industrial (BLI) zoning district in effect at the time. This zoning district did not permit residential uses. In addition to establishing permissible uses, the Schlaegel Williams concept plan provided for a primary greenway along the Niwot Ditch that would have required setbacks of 50 feet from the center line of the ditch, as well as a future 100-foot wide airport emergency landing easement in the northwestern part of the property. (Attachment 8)

The proposed concept plan amendment for ModernWest 2 represents the second phase of the project immediately to the south known as ModernWest 1. The ModernWest 1 property was annexed into the City of Longmont in 2019. An amended concept plan was approved for this property in late 2020. This concept plan permitted a mix of industrial, commercial and high-density residential uses over approximately 16 acres. A preliminary subdivision plan was approved for this property in early 2022. There currently are a site plan, final plat and public

improvement plans under review for the first filing multifamily portion of the ModernWest 1 development.

The proposed concept plan amendment for ModernWest 2 encompasses approximately 27.25 acres of the Schlaegel Williams Annexation. The concept plan under consideration would include a mix of high-density residential uses and commercial/industrial uses consistent with the underlying MU-E zoning district. Approximately 15.5 acres of the site would contain high-density residential, 3.1 acres would have commercial/industrial uses, 3.6 acres would be set aside for greenway/open space uses, 3.4 acres would contain outlots for drainage and other purposes, and approximately 1.6 acres of right-of-way would be dedicated (Attachment 3). Access would be provided from Rogers Road to the north and the future extension of Mountain Brook Drive on the south. The commercial/industrial parcel of ModernWest 2 would be located north of the commercial parcel within ModernWest 1 and separated by the future extension of Mountain Brook Drive (Attachment 9).

ModernWest 2 is located within the Airport Influence Overlay Zone (AI-O). A 100-foot wide airport emergency landing easement crosses the southwestern corner of the property, overlapping the future extension of Mountain Brook Drive. As with the ModernWest 1 property to the south, the concept plan for ModernWest 2 does not permit residential uses within the airport emergency landing easement or its setbacks, and ModernWest 2 has further locational restrictions for residential uses in response to concerns about airport compatibility.

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

The ModernWest 2 site is within the Mixed-Use Employment (MU-E) comprehensive plan category. The MU-E plan category is intended to accommodate a range of employment uses, including small-scale manufacturing, processing, wholesaling, indoor and screened outdoor storage, office, flex-space, and commercial services. Supporting retail, high density residential, lodging, cultural and civic uses are permitted as secondary uses. Planning and Development Services' policy is that secondary uses may not comprise more than 50% of the land area in a given contiguous area with a particular zoning or comprehensive plan designation. While the MU-E area in which the ModernWest 2 parcel lies contains a relatively large number of secondary uses, it has not yet reached the 50% threshold and the proposed secondary use areas within the subject property would not result in this threshold being exceeded. The ModernWest 2 concept plan amendment proposes a mix of primary and secondary uses on the property, with a significant amount of the property designated for high-density residential uses. Additionally, proximity to transit and "enhanced pedestrian and bicycle networks" are a characteristic of MU-E designated areas. In the present case, the Niwot Ditch bisects the property and will include a future greenway trail. Additionally, a future Bus Rapid Transit stop is planned for the intersection of Nelson Road and Airport Road.

The subject property is located in an "Area of Change" as defined by Envision Longmont. Areas of Change include undeveloped areas planned for future development, such as the subject property.

Envision Longmont Goal 1.2 and its associated policies promote a sustainable mix of uses in the City of Longmont. The proposed ModernWest 2 concept plan amendment is consistent with this goal. In particular, policy 1.2A states that we should strive for a balanced mix of residential, employment, retail, commercial, recreational and other uses. Additionally, policy 1.2F supports higher density housing types in MU-E and other mixed-use areas. Finally, policy 1.2G encourages the integration of complementary land uses on the same site. Specifically, ModernWest 2 proposes a mix of residential, recreational, and commercial/industrial uses in the MU-E zoning district. Proposed housing will be at densities consistent with the minimum 18 units per acre required in the MU-E district. This proposed concept plan amendment would include a mix of complementary land uses on the same site, which would further complement the previously approved ModernWest 1 mixed-use development immediately to the south.

Goal 1.4 seeks to focus infill and redevelopment in centers, corridors, and other areas of change. The ModernWest 2 property is within an area of change as defined within Envision Longmont. Additionally, policy 1.4G seeks to balance development with the needs of the City's natural resources. The proposed ModernWest 2 concept plan amendment includes a future greenway trail along the Niwot Ditch as part of the City's primary greenway network identified within Envision Longmont.

Goal 1.8 seeks to create an integrated and quality parks, recreation, greenway, and open space system, while Policy 1.8C encourages the completion of the greenway system. Policy 3.2F encourages the continued development of a usable community trail system, while Policy 5.5B seeks to preserve and enhance the multiple functions of greenways through appropriate setbacks. The proposed ModernWest 2 development would construct a portion of a primary greenway identified in Envision Longmont along the Niwot Ditch that connects to the Lykin's Gulch Greenway. There would be a 50-foot setback from the centerline of the ditch on either side.

Policy 6.3B addresses Mixed-Use Employment (MU-E) areas. While employment uses should be prioritized, this policy recognizes that diversification of land uses in these areas, including secondary uses such as high density residential, can enhance their economic vitality. In the present case, a mix of commercial/industrial and high density residential uses are proposed. This proposed development is a second phase of the previously approved ModernWest 1 development, which is currently undergoing site plan, public improvement plans and plat review. ModernWest 1 is also a mixed-use development with a combination of commercial/industrial and high density residential uses. The applicant intends for these to be complimentary projects.

Policy 6.6C states that the City of Longmont should plan for compatibility between nearby land uses and the airport through coordinated land use and airport planning. This proposed development resulted in extensive discussions between City of Longmont staff and the FAA over land use compatibility concerns. This property is located within the Airport Influence Overlay (AI-O) zone that encompasses a significant portion of the west side of Longmont. This section of the Land Development Code does not explicitly define airport compatible land uses and does not

differentiate between different parts of the AI-O based on factors such as proximity to the airport or runway approach zones. The subject property is near the runway approach zone, which raised objections from the FAA. Staff and the applicant have worked to apply recommended standards contained in an FAA advisory circular to restrict residential uses in the portion of the site nearest to the runway approach zone. Staff is of the opinion that the concept plan amendment under consideration represents a reasonable compromise that addresses concerns raised by the FAA while also ensuring that the applicant has an economically viable project, and that progress is made towards addressing Longmont's housing shortage.

#### **DEVELOPMENT REVIEW COMMITTEE PROCESS**

A pre-application meeting for the proposed ModernWest 2 concept plan amendment occurred on November 22, 2022. A neighborhood meeting was held via livestream on February 9, 2023, as part of the pre-application process. No members of the public participated in the meeting via call-in.

An application for a concept plan amendment for ModernWest 2 was submitted in March 2023. The Development Review Committee (DRC) ultimately reviewed four (4) submittals for this project before referring it to the Planning and Zoning Commission. As noted previously, as a concept plan amendment, this application does not contain the same level of detail as subsequent development review applications, so many of the DRC comments relate to future development plan requirements. Key comments and areas of discussion included fire access, general site access and future roadways, airport compatibility, drainage, and other utility and infrastructure-related issues.

Referral agency comments were received from the U.S. Fish and Wildlife Service (FWS), Xcel Energy, and the FAA. Comment letters are included as Attachment 7. FWS did not have any concerns regarding the proposed development, and Xcel provided a note related to utility easements for inclusion on future plats for the subject property. The FAA Denver Airport Districts raised concerns with land use compatibility that prompted significant discussions regarding this project and also general city policies. It should be noted that the applicant submitted an Airspace Acoustic Analysis demonstrating that the project was consistent with FAA noise standards as well as a "7460" letter from the FAA Southwest Regional Office stating that the proposed ModernWest 2 development would present no hazard to air navigation.

Staff received a letter dated June 13, 2023, from the FAA Denver Airport Districts Office regarding the ModernWest 2 proposal. In particular, FAA staff raised objections to the ModernWest 2 proposal, particularly its residential components, as incompatible with airport operations and contrary to the FAA Grant Assurances. City staff and the applicant team met with FAA representatives on several occasions to discuss their objections, and City staff had additional discussions with FAA staff regarding policy concerns relative to Longmont's housing needs and the FAA's land use compatibility concerns.

A significant challenge is that the Airport Influence Overlay (AI-O) zone within the Land Development Code lacks specificity with regard to particular uses that may be incompatible with

airport operations aside from identifying factors such as electromagnetic interference, building height, and wildlife attractants. Additionally, the AI-O encompasses 5,859 acres, or more than 9 square miles, on the west side of the Longmont Planning Area, and includes much of the remaining developable land in the area. The Land Development Code does not include any further breakdown of the AI-O into subareas for purposes of evaluating land use compatibility, so this effectively happens on a case-by-case basis. FAA staff directed City staff to Advisory Circular 150/5190-4B Airport Land Use Compatibility Planning for guidance. This circular provides dimensions for specific subzones in airport influence areas based on proximity to runways as well as sample ordinances. This guidance enabled staff to identify a geographic area in close proximity to the runway approach zone where residential and other uses would not be appropriate. Staff then worked with the ModernWest 2 applicant to revise their concept plan to reflect this area and preclude residential uses from being built there. While this approach may not fully satisfy the FAA’s objections, staff is of the opinion that it represents a reasonable compromise that balances FAA concerns with the City’s housing needs and the applicant’s ability to have a viable project. Staff is now looking at amendments to the AI-O section of the Land Development Code in light of the land use compatibility concerns raised by the FAA.

**NEIGHBORHOOD INPUT – NOTIFICATIONS AND SIGN POSTING**

<b><u>Notice Type</u></b>	<b><u>Date Sign Posted</u></b>	<b><u>Date Mailed/Postmarked</u></b>
Neighborhood Meeting	January 25, 2023	January 25, 2023
Notice of Application	March 28, 2023	March 28, 2023
Notice of Public Hearing	June 7, 2024	June 7, 2024

**CRITERIA EVALUATION**

All applications must be consistent with the following review criteria contained in Section 15.02.055 of the Longmont Municipal Code:

- 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.**

As detailed previously, the proposed concept plan amendment is consistent with Envision Longmont as well as the Mixed Use – Employment zoning district. The concept plan approved as part of the 2000 Schlage Williams Annexation encompasses a larger area and pre-dates the current Land Development Code and comprehensive plan. The applicant proposes a mixed-use development that incorporates commercial/industrial uses, high density residential uses and primary greenway.

- 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.**

Adequate public services exist or will be provided for the proposed ModernWest 2 development. The developer will be responsible for providing the necessary infrastructure to serve this project. Given that this is a concept plan, specific street and utility design and layout is not yet known. These details will be evaluated as part of the preliminary plat (if required), site plan, final plat and public improvement plans processes.

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

The surrounding properties generally share the same MU-E zoning or Envision Longmont designation as the subject property. At this time a number of these properties are undeveloped. The applicant and city staff have worked to establish a concept plan that addresses airport compatibility concerns.

**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 feasible extent.**

The proposed ModernWest 2 development will not adversely impact surrounding properties, the natural environment, transportation or utility facilities. The proposed development will include construction of a primary greenway segment, as well as necessary road and infrastructure improvements. The surrounding area contains similarly zoned properties, and though several are currently undeveloped, others are developed with a variety of uses or have uses under development review that would be compatible with the proposed development under consideration.

**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.**

It is not known at this stage of the development review process whether the proposed development will be required to comply with the sustainability evaluation system. The applicant intends to meet all required setbacks from the Niwot Ditch and Lykin's Gulch Greenway.

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

The proposed concept plan amendment includes existing and future rights-of-way and access points for roadways identified in Envision Longmont. Multimodal connections, including a primary greenway trail along the Niwot Ditch, are also shown. Access points, internal linkages and circulation will be further refined as part of future development applications for ModernWest 2.

In addition to the criteria for all application types, concept plans and their amendments shall be meet the following standards established in Section 15.02.060.A.3:

**a. Appropriate land use, utility, and transportation design, including multi-modal transportation access, given the existing and planned capacities of those systems;**

The proposed concept plan amendment is a high-level plan that does not include the level of detail that would be contained within subsequent development applications such as a preliminary plat. The proposed plan includes construction of a primary greenway segment identified in Envision Longmont, bicycle and pedestrian access points, and identifies future road connections. There will be the capacity to serve this development.

**b. Mitigation of potential adverse impacts on surrounding properties and neighborhoods;**

The FAA raised concerns regarding compatibility with the proposed land uses with Vance Brand Airport operations. In particular, the FAA is concerned about high-density residential uses within the Airport Influence Overlay zone. Staff worked with the applicant to locate residential uses away from the portion of the property closest to the runway approach path. This approach balances the FAA's concerns about the proximity of residential uses to the airport, Longmont's documented need for housing, and the economic viability of the proposed development. Specific additional measures to mitigate potential impacts on surrounding properties will be identified as part of future development review applications. The concept plan amendment includes stormwater outlots on the eastern side of the property that would provide a buffer from less intense uses to the east of the property. Mitigation measures will be required to meet the standards contained in the Land Development Code.

**c. Mitigation of potential adverse impacts on the environment.**

A Species and Habitat Conservation Plan (SHCP) was submitted and reviewed as part of this application. Recommendations of the plan will be followed throughout the development process. Additionally, a raptor nest survey will be performed prior to any construction activity, and Colorado Parks and Wildlife bird nest mitigation standards shall be followed in the event that any nests are found. Additional environmental issues and conservation measures may be identified by staff at future stages of the development review process.

**Planning and Zoning Commission Options**

The Planning and Zoning Commission may consider the following options when reviewing the ModernWest 2 Concept Plan Amendment:

1. Recommend approval of the Concept Plan Amendment for ModernWest 2 to City Council.
2. Recommend approval the Concept Plan Amendment for ModernWest 2 with conditions to be determined by Planning and Zoning Commission.



3. Recommend denial of the Concept Plan Amendment to City Council.

**Recommendation**

Staff recommends that the Planning and Zoning Commission consider option 1 and recommend approval of the Concept Plan Amendment to City Council.

**Attachments**

Attachment 1 – PZR-2024-4A, 4B, and 4C

Attachment 2 – Letter from Applicant

Attachment 3 – Concept Plan Amendment

Attachment 4 – Conceptual Drainage Letter

Attachment 5 – Traffic Technical Memorandum

Attachment 6 – Airspace Acoustical Analysis

Attachment 7 – Referral Agency Comments

Attachment 8 – Schlaegel Williams Annexation Concept Plan

Attachment 9 – ModernWest 1 Approved Preliminary Plat

Attachment 10 – Notices and Certificates of Mailing and Posting

**Project File Number**

DV-CONCEPT PLAN-23-00005