

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

Project Title: Annexation of 11386 Rogers Road

Date of Meeting: September 20, 2023

Staff Planner:

Jennifer Hewett-Apperson, Planning & Development Services,  
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**GENERAL INFORMATION**

Proposal: Annexation and zoning to Mixed-Use – Employment (MU-E) for development of up to 355 multifamily dwelling units. Property is currently within unincorporated Boulder County and zoned General Industrial (GI).

Location: 11386 Rogers Road

Area: 9.24 acres

Existing Use: Open Storage

Zoning: Unincorporated Boulder County GI

**SURROUNDING LAND USES AND ZONING**

North: MU-E and Mixed-Use – Corridor (MU-C)

South: Boulder County GI

East: MU-E and Boulder County GI

West: MU-C, MU-E and GI

**COMPREHENSIVE PLAN DESIGNATIONS**

North: Mixed-Use – Corridor and Mixed Employment

South: Mixed Employment

East: Mixed Employment

West: Mixed Employment

**APPLICANT INFORMATION**

Property Owner: Roger Storage LLC

Applicant: Kairoi Development

Applicant Contact: Kristin Dean

Company: Norris Design

Address: 1101 Bannock Street, Denver, CO 80204

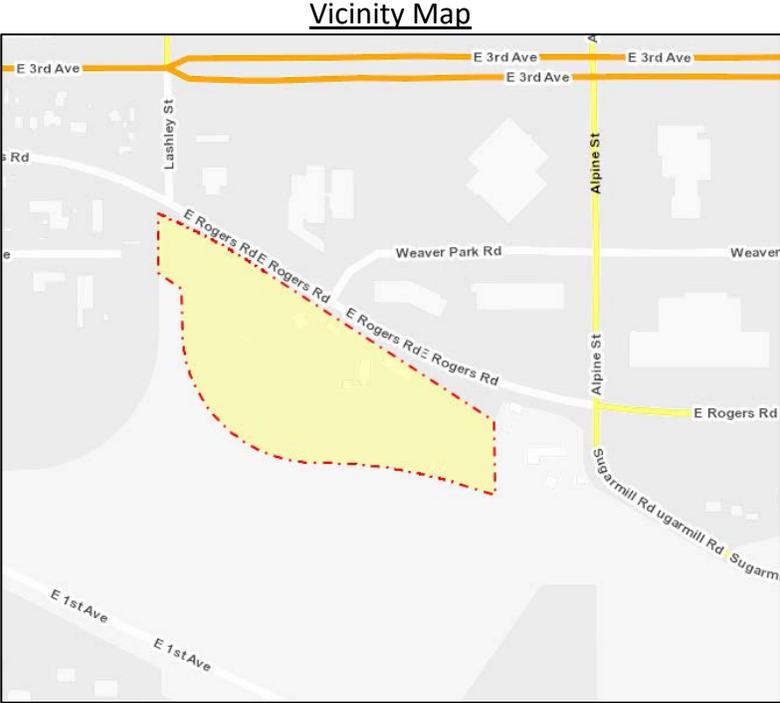
Phone: 303-892-1166

Email: [kdean@norris-design.com](mailto:kdean@norris-design.com)

**APPLICATION DESCRIPTION**

This application is a request for annexation of 9.24 acres located at 11386 Rogers Road and zoning to Mixed-Use – Employment (MU-E) to facilitate development of approximately 355 units

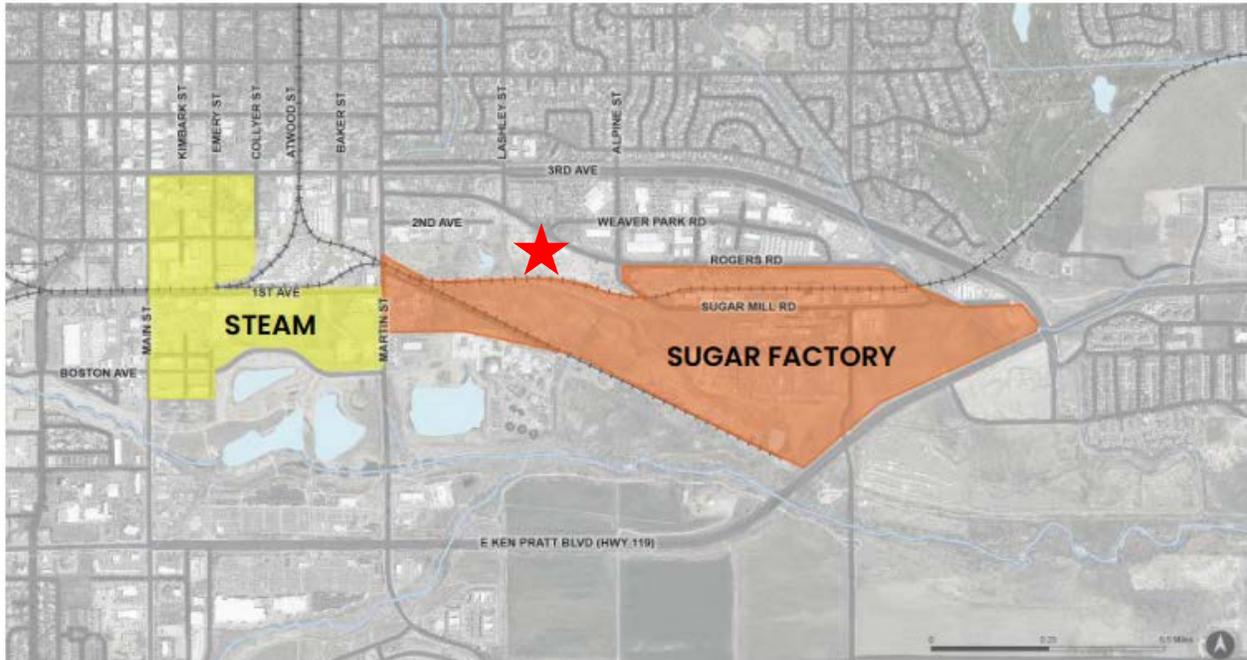
of multifamily housing. Multifamily housing is a permitted secondary use in the MU-E zoning district. The property currently contains outside storage, auto repair and auto wrecking uses, and is zoned General Industrial in unincorporated Boulder County. 11386 Rogers Road is part of a larger county enclave, though does not meet the legal standards of an enclave for annexation purposes.



The subject property is immediately north of the Sugar Factory Subarea Planning Area in an area designated as Mixed Employment in Envision Longmont. A map of this planning area is provided below. The subject property for this proposed annexation is indicated with a red star. The Sugar Factory Subarea Plan is focused on restoration and reuse of the historic sugar factory buildings, with a mix of urban scale land uses. Building a walkable community is emphasized in this area. Brownfield mitigation is an anticipated prerequisite to any development in this area.

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## Sugar Factory and STEAM Planning Area



11386 Rogers Road is within the Longmont Planning Area and meets the one-sixth contiguity requirement established by C.R.S. 31-21-104(a). As noted previously, this property is part of a larger unincorporated enclave. There is sufficient infrastructure capacity to serve this property.

Annexation applications require review by the Planning and Zoning Commission as a recommending body. The Commission provides a recommendation on the annexation to the City Council, which is the decision making body for this type of application.

City Council reviewed the applicant's request for annexation referral on October 25, 2022, and directed staff to accept the formal annexation application. 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.

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

The proposed property zoning is Mixed-Use – Employment (MU-E). The proposed zoning is consistent with the property's current Envision Longmont Mixed-Use Employment land use designation.

The Mixed Use Employment land use category includes the following characteristics:

- Promotes the diversification of older employment areas by encouraging a greater variety of employment spaces that meet the changing needs of existing businesses and startups.

- Provides flexibility for the adaptive reuse of existing industrial buildings and for the incorporation of high density residential and live/ work opportunities in close proximity to employment and supporting services in transitional areas.
- Located within walking distance of public transportation; enhanced pedestrian and bicycle networks are needed in many cases.

The Mixed Use Employment land use category allows for residential uses as a secondary use at a minimum density of 18 dwelling units per acre, with no maximum density. Primary uses include a range of employment uses, including small-scale manufacturing, processing, wholesaling, indoor and screened outdoor storage, office, flex-space, and commercial services. Secondary uses include supporting retail, hotel, cultural facilities, civic and government facilities, high density residential and live/ work uses. If the applicant builds 355 dwelling units as proposed, the gross density at 11386 Rogers Road will be approximately 38 units per acre, which is consistent with the MU-E zoning district and land use category.

Development in Mixed Use Employment areas will generally be 1 to 4 stories; however, development that incorporates affordable units, a vertical mix of residential and non-residential uses, and/or is located within 1/4 mile of a high-frequency transit stop may be eligible for greater building heights as specified in the LDC. Development abutting lower-intensity, established residential neighborhoods should provide transitions in massing and height.

The proposed annexation is consistent with the goals and policies of Envision Longmont. Goal 1.1 seeks to embrace a compact and efficient pattern of growth, while Policy 1.1B encourages infill and redevelopment, particularly higher density infill and redevelopment in centers, mixed-use corridors and other accessible areas of change. 11386 Rogers Road is located within an area of change identified by Envision Longmont. The surrounding area is an underutilized industrial area that is largely unincorporated Boulder County.

Goal 1.2 promotes a sustainable mix of land uses. 1.2D seeks to plan for a combination of greenfield development, infill development, and adaptive reuse, while policy 1.2E encourages a mix of housing types and 1.2F encourages higher density housing. As noted previously, the subject property is immediately north of the Sugar Factory planning area. This planning area, as well as adjacent properties, contains a number of sites that are prime locations for infill and redevelopment. The proposal for 11386 Rogers Road would build the type of higher density housing encouraged by policy 1.2F.

As noted previously, 11386 Rogers Road is in a designated area of change. Goal 1.4 seeks to focus infill and redevelopment in such areas. Policy 1.4A encourages targeted infill and redevelopment on vacant lots or where existing structures and uses are no longer viable. Policy 1.4B promotes “activity-generating uses” such as the multifamily development proposed for this property. The subject property currently contains both outside and inside storage, with a large number of inoperable vehicles onsite. This is not the kind of use promoted by the policies related to Goal 1.4.

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

The Development Review Committee (DRC) began its review of this application for annexation in November 2022. Three DRC reviews and follow up informal reviews were completed prior to the application being scheduled for review by the Commission. Staff has also worked with the applicant to draft an annexation agreement that details conditions of annexation.

A Phase 1 Environmental Site Assessment was conducted for this property. The assessment revealed no environmental conditions that would warrant further assessment.

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

- St. Vrain Valley School District
- Boulder County Land Use Department
- Great Western Railroad
- CenturyLink
- Colorado Parks and Wildlife
- Comcast
- U.S. Fish and Wildlife Service
- Xcel Energy

Comments were received from the St. Vrain Valley School District and Xcel Energy. The school district indicated that they have the capacity to serve the proposed development, and Xcel had no comments beyond coordination with the agency during the design process if natural gas service is planned. These comments are included as Attachment 8.

**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	October 26, 2022	October 24, 2022
Notice of Application	December 2, 2022	December 1, 2022
Planning & Zoning Commission	September 6, 2023	September 5, 2023

A neighborhood meeting was held via livestream on November 10, 2022. There were no members of the public who participated, though as of the date of this communication, there had been 56 views of the neighborhood meeting. The neighborhood meeting is available for viewing at [https://www.youtube.com/watch?v=2k9\\_oxBgn90](https://www.youtube.com/watch?v=2k9_oxBgn90).

Notices were sent to all property owners within a 1,000-foot radius prior to the neighborhood meeting, upon application receipt, and in advance of the Planning and Zoning Commission meeting. In addition, signs were posted at the subject property. Certificates of these mailings are included as Attachment 9. Staff has received no public comment on this proposal.

## **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 MU-E zoning is generally consistent with the existing Mixed Use-Employment designation in Envision Longmont. The property is located within the Municipal Service Area, and is eligible for annexation based on its location within a county enclave, 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" identified in Envision Longmont that is appropriate for the type of infill and redevelopment proposed here.

- 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 as this project moves through the development review process. Adequate utilities exist to serve the proposed development of 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 located within a county enclave that includes a number of vacant and underutilized parcels. Uses within the City of Longmont to the north include a number of commercial and enclosed small-scale industrial uses. The properties to the west are in an area zoned Mixed-Use – Corridor, and are currently in review for multifamily development. The Sugar Factory Planning Area is immediately south of the adjacent property, and is proposed for a mix of urban scale uses. The proposed multifamily development is compatible with existing and proposed surrounding uses.

- 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 11386 Rogers Road will not adversely affect surrounding properties, the natural environment, existing or planned city facilities. City of Longmont utility providers have adequate capacity to serve the proposed developments. A Phase 1 Environmental Site

Assessment (ESA) has been completed for this property, as well as an initial concept drainage letter, and an initial raptor nesting survey. The Phase 1 ESA did not identify any conditions that would warrant further study. The raptor study did not identify any active raptor nests onsite, and the concept drainage letter identified existing conditions and preliminary methods for stormwater conveyance. Both the drainage study and raptor survey will be updated as part of future development review processes. Additional studies including a detailed drainage study, tree appraisal and preservation plan, as well as a full Species and Habitat Conservation Survey will be required as part of the preliminary plat and other development review processes.

A traffic study was submitted and accepted as part of the review process. The traffic study found that the proposed development would be successfully incorporated into the existing and future roadway network in Longmont. This study is included as Attachment 11. 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.**

DRC staff identified potential wetlands south of this property through the DRC review process, and the applicant has submitted a Memorandum of Understanding that a full assessment of any wetlands on or near the site, and findings from this assessment will be included and reviewed as part of the site planning process. Required buffers would mitigate any potential impacts, though at this time, the southern portion of the site is reserved for on-site detention and there are no proposed drive lanes, permanent structures, or pedestrian circulation routes in this area that could conflict with required wetland setbacks, should any wetlands be identified.

**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 has been submitted as part of this application. This study will require updates as the proposed development moves through subsequent review processes. Future applications will require a multimodal plan, and appropriate improvements, connections and sidewalks will be incorporated.

**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 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 MU-E zoning district is appropriate given that the property is located within an area designated as Mixed-Use Employment in the Envision Longmont comprehensive plan. The proposed multifamily development for this property is permissible as a secondary use within the MU-E zoning district. This particular area of MU-E zoning and land use has not yet approached the 50% maximum threshold for secondary uses.

- 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 property will not limit the ability to integrate surrounding land into the City or cause variances if adjacent land is annexed or developed. Adjacent unincorporated properties are 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 continuance of the existing use.

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

The applicant has provided a completed Phase 1 Environmental Assessment that did not identify any Recognized Environmental Conditions. No additional assessment was recommended.

- 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.

**Planning and Zoning Commission Options**

The Planning and Zoning Commission may consider the following options when reviewing the 11386 Rogers Road Annexation:

1. Recommend approval of the 11386 Rogers Road Annexation application, finding that the review criteria have been met, as reflected in PZR-2023-9A.
2. Recommend conditional approval of the 11386 Rogers Road Annexation application, finding that the review criteria have been met, with conditions, as reflected in PZR-2023-9B.
3. Recommend denial of the 11386 Rogers Road Annexation application, finding that the review criteria have not been met, as reflected in PZR-2023-9C.

**Recommendation**

Staff recommends that the Planning and Zoning Commission recommend approval of the 11386 Rogers Road Annexation application, as reflected in PZR-2023-9A.

**Attachments**

- Resolutions
- Att 2 Applicant Letter
- Att 3 Annexation Petition
- Att 4 Annexation Map
- Att 5 Concept Plan
- Att 6 Character Study
- Att 7 Neighborhood Meeting Summary
- Att 8 Referral Agency Comments
- Att 9 Certificates of Sign Postings and Mailings
- Att 10 Environmental Site Assessment
- Att 11 Traffic Study

**Project File Number**

DV-ANNEX-22-00011