

# CITY COUNCIL COMMUNICATION



**MEETING DATE:** April 22, 2025

**ITEM NUMBER:** 9.{{item.number}}

**SECOND READING:** May 06, 2025

{{customfields.ResoOrdNumber}}

**TYPE OF ITEM:** Consent

**PRESENTED BY:**

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**SUBJECT/AGENDA TITLE:**

A Bill For An Ordinance Approving The Vacation Of An Utility Easement On Parcels A, B, And C Of A Tract Of Land North Of Sunset Diagonal Business Park And West Of Fletcher Minor Subdivision Plat, Generally Located Southeast Of The Intersection Of Nelson Road And Fairgrounds Road

**EXECUTIVE SUMMARY:**

This easement vacation is requested to facilitate the development of a project known as Enclave at the Peaks, which will be a 97-unit townhouse community north of the Village at the Peaks and south of the Boulder County Fairgrounds. Two easements were previously vacated for this proposed development on November 12, 2024, though this easement, known as the "Longmont Easement" required CenturyLink/Lumen approval for vacation prior to scheduling a public hearing before City Council. The Planning and Zoning Commission approved the preliminary plat for this proposed development on December 12, 2022.

**COUNCIL OPTIONS:**

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

**RECOMMENDED OPTIONS:**

Staff recommends that City Council approve the ordinance vacating the Longmont Easement subject to the following conditions:

1. Removal and relocation of any CenturyLink or City of Longmont facilities that may be found within the easement to be vacated.

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

None.

## **BACKGROUND AND ISSUE ANALYSIS:**

This easement vacation is requested to facilitate the development of a project known as Enclave at the Peaks, which will be a 97-unit townhouse community north of the Village at the Peaks and south of the Boulder County Fairgrounds (Vicinity Map included as Attachment 3). The subject easement is located on parcels A, B, and C of a tract of land north of Sunset Diagonal Business Park and west of Fletcher Minor Subdivision Plat, and generally known as the "Longmont Easement". The Longmont Easement is a three-foot-wide electrical and telephone easement (Attachment 1). Additional easements and right-of-way will be dedicated as part of the final plat to accommodate required infrastructure, including drainage and utilities. The Planning and Zoning Commission approved the preliminary plat for this proposed development on December 12, 2022, and the site plan and final plat are under review by the Development Review Committee (DRC). Two easements on this site were previously vacated by the Longmont City Council on November 12, 2024.

The DRC found the vacation in compliance with the Longmont Municipal Code and the review criteria for easement vacations. CenturyLink/Lumen provided a "No Objection" letter dated March 6, 2025, regarding the proposed easement vacation (Attachment 2). The request is being forwarded to City Council for action. Staff reviewed the request to vacate the easement and made the following evaluation based on the review criteria in Land Development Code Section 15.02.055 and 15.02.060.H.2.

### **Section 15.02.55**

**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 easement vacation does not change any of the approved land uses for this property and will comply with all applicable statutes, codes, ordinances and regulations.

**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 easement vacation will not impact required street and utility access to the site or adjacent properties, nor will urban-level services be impacted.

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

The proposed easement vacation is within an area that is zoned Mixed Use - Regional (MU-R) and includes the Village at the Peaks. The proposed vacations are within the Twin Peaks Mall Area Urban Renewal Plan area. This plan identifies townhouses as an appropriate use in portions of the URA that are not within the retail center. The proposed vacations will facilitate the development of this parcel in a manner consistent with surrounding properties and the URA plan.

**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 easement will not adversely affect surrounding properties, the environment, transportation, or utility services. Area utility providers have confirmed that their facilities will not be impacted by the proposed vacation, and transportation networks will not be impacted given that any required easements and right-of-way will be dedicated as part of the final plat currently under review.

**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.**

All requirements regarding riparian areas, Dry Creek in the present case, are being met.

**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 transportation plan was not required for the proposed easement vacation due to its location. Any future additional development of this property will likely require a transportation plan. A transportation plan has been provided as part of other development applications for this property.

## **Section 15.02.060.H.2**

**A. The 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.**

Substitute easements will be provided as part of the final plat.

**B. The vacation does not create an irregular easement configuration which could create difficulty in the provision of services or installation of public improvements.**

The proposed vacation will not create an irregular easement that would create any difficulty for public services or improvements.

**C. The public benefits and utility of the vacation request outweigh any adverse impacts of the vacation.**

DRC did not identify any adverse impacts resulting from the proposed easement vacation.

**D. The applicant will relocate, if necessary, the public facilities located within the easement.**

Any existing public facilities will be relocated into other easements to be dedicated as part of the final plat.

**ATTACHMENTS:**

Ordinance

Att 1 – Longmont Easement Legal Description

Att 2 – Lumen No Objection Notice

Att 3 – Vicinity Map