

# CITY COUNCIL COMMUNICATION



**MEETING DATE:** September 10, 2024

**ITEM NUMBER:** 9.E

**SECOND READING:** September 24, 2024

{{customfields.ResoOrdNumber}}

**TYPE OF ITEM:** Consent

**PRESENTED BY:**

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**SUBJECT/AGENDA TITLE:**

A Bill For An Ordinance Conditionally Approving The Vacation Of Two LPC Easements, Two Utility Easements, Two Sanitary Sewer And Water Easements, And Two Drainage Easements Located Within The Boundary Of Lots 5 & 6 Of Irwin Thomas First Filing Final Plat, Generally Located At 200 Bountiful Avenue, West Of Harvest Moon Drive And South Of East Ken Pratt Boulevard And Costco

**EXECUTIVE SUMMARY:**

The request is to vacate eight easements on Lots 5 and 6 of the Irwin Thomas First Filing Subdivision. These easements, currently used for utilities, water, sewer, drainage, and electric services are no longer needed due to the redevelopment of the property.

The property was annexed into the City on September 12, 2017, as part of the Irwin Thomas #1 Annexation, and designated as a PUD-MU (Planned Unit Development Mixed Use) zone. In 2021, amendments to the concept plan rezoned portions of the property for Regional Center, Multi-Family, and Mixed Neighborhood Development.

The development of the property into an affordable and attainable neighborhood project commenced in 2023. The following applications have been submitted, reviewed, and approved: a concept plan amendment, an Envision Longmont plan amendment, a rezoning request, a preliminary plat, and an overall development plan.

Vacating these easements is essential for the cleanup and development of the property, which will be transformed into a 185-unit affordable and attainable housing project, known as HousePAD. New easements are being established to serve the newly created subdivisions as part of the re-platting process.

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

1. Approve the ordinance finding the vacations are in compliance with the Longmont Municipal Code and review criteria.

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2. Approve the ordinance with additional conditions that would make the vacations in compliance with the Longmont Municipal Code and review criteria.
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 approval and recordation of the Irwin Thomas First Filing Replat B final plat. Staff has prepared the ordinance to reflect this recommendation.

## FISCAL IMPACT & FUND SOURCE FOR RECOMMENDED ACTION:

None

## BACKGROUND AND ISSUE ANALYSIS:

The property owner at 200 Bountiful Avenue has petitioned the City of Longmont to vacate eight easements. This request includes the complete vacation of two Longmont Power and Communications (LPC) easements, two utility easements, two sanitary sewer and water easements, and two drainage easements. As the property is being developed into a 185-unit affordable and attainable neighborhood, these existing easements are no longer required. New easements will be established to better serve the needs of 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 this 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. The property was approved for annexation and concept plan in 2017 with an amendment to the concept plan and a rezoning request approved in 2024. This vacation of easements enables the developer to continue to pursue development in accordance with the previously approved concept plan.*

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 the 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 these criteria. The property is adjacent to single-family detached homes on the west side, while to the south, a multi-family project is currently in development review. The easement vacation application, along with the supporting project information, demonstrates compatibility with the surrounding area in the following ways:*

- *The project will reduce density near Harvest Junction Village (single family detached – west of project site) by transitioning from single-family homes on the western portion of the development to cottage homes and townhomes to the east.*
- *It will provide access to HousePAD via Harvest Moon Drive and Bountiful Avenue.*
- *The Planned Unit Development zoning will enable an innovative, walkable neighborhood design with affordable homes (see attachment 5)."*

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 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.

*The 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 vacations will not impact the multimodal transportation in the area or as proposed to serve this development. In reference to the overall project, 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 with the approval of their final plat for the property.*

- 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 the 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. Easement Vacation Illustration
3. Irwin Thomas First Filing
4. HousePAD Multi-Modal Plan