

# CITY COUNCIL COMMUNICATION



**MEETING DATE:** November 30, 2021

**ITEM NUMBER:** 9.E

**SECOND READING:** December 14, 2021

**{{customfields.ResoOrdNumber}}**

**TYPE OF ITEM:** Consent

**PRESENTED BY:**

Brien Schumacher, Planning, [Brien.Schumacher@longmontcolorado.gov](mailto:Brien.Schumacher@longmontcolorado.gov)

Glen Van Nimwegen, Planning, [Glen.Vannimwegen@longmontcolorado.gov](mailto:Glen.Vannimwegen@longmontcolorado.gov)

**SUBJECT/AGENDA TITLE:**

A Bill For An Ordinance Conditionally Approving The Vacation Of A Portion Of Emery Street Right-Of-Way Associated With The 210 Emery Street Minor Subdivision Plat And Site Plan Generally Located At The Northeast Corner Of 2nd Avenue And Emery Street

**EXECUTIVE SUMMARY:**

320 Granary Owner LLC has submitted an application to vacate a portion of the Emery Street right-of-way adjacent to the 210 Emery parcel that is part of the South Main Station redevelopment. The existing Emery Street right-of-way is 100 feet wide and part of the eastern portion of the right-of-way has historically been used for parking and other vehicle activities associated with the 210 Emery parcel. 7.5 feet of the 100 foot wide right-of-way is proposed to be vacated to facilitate redevelopment plans for the property, including 20 townhome style apartments fronting onto Emery Street and 2<sup>nd</sup> Avenue. The right-of-way frontages will be improved with pedestrian paths and landscaping.

The Enhanced Multi-Use Corridor Plan was created and accepted by City Council in 2018, and the plan identified Emery Street as one of the multi-use corridors. With additional development planned in the South Main Station project east of Emery Street, including adaptive redevelopment of existing industrial buildings and additional residential construction, staff has worked with the property owner on the design of the Emery Street multi-use corridor and pedestrian connection along 2<sup>nd</sup> Avenue between Main Street and Collyer Street.

This request was customer-driven, however, the objective of the request aligns with Council Work Plan Goal B1 to have a diverse housing stock with higher densities, access to high quality public transportation, food, and jobs.

**COUNCIL OPTIONS:**

The following options are presented for Council's consideration when reviewing the ordinance for the vacation of right-of-way:

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:**

The Development Review Committee recommends that City Council approve the ordinance, finding the right-of-way vacation in compliance with the Longmont Municipal Code review criteria.

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

There would be no fiscal impact to the City as a result of the right-of-way vacation.

**BACKGROUND AND ISSUE ANALYSIS:**

The Development Review Committee (DRC) found the vacation request in compliance with the Longmont Municipal Code and the review criteria for right-of-way vacations. The request is being forwarded to City Council for action.

Staff reviewed the request to vacate the portion of Emery Street right-of-way and made the following evaluation based on the review criteria in Land Development Code Section 15.02.055 and 15.02.060.H.2:

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 of right-of-way does not change any of the approved land uses for this property. The proposed right-of-way vacation will comply with all applicable plans, codes, statutes, ordinances and regulations pertaining to this property.

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.

Vacation of the portion of right-of-way will not impact required street, access, utility and drainage layout and will not impact provision of adequate utilities to the site or the subdivision. Emery Street will be designed with an enhanced multi-use corridor design for pedestrian access.

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

The proposed vacation of right-of-way is part of a mixed use development that is consistent with the surrounding neighborhood and mixed use-downtown zoning.

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 of right-of-way will not adversely impact surrounding properties, the environment, nor city transportation and utility services. The enhanced multi-use corridor design along Emery Street and other pedestrian connections in the area will allow for adequate transportation 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 of right-of-way is related to a proposed mixed use development that is not located within close proximity to a riparian area or other projects subject to the sustainability evaluation system.

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 of right-of-way will facilitate redevelopment of the 210 Emery site while still providing an appropriate multi-modal transportation layout. The enhanced multi-use corridor design along Emery Street and other pedestrian connections in the area will allow for adequate transportation facilities.

7. The right-of-way will not be used in the short- or long-term, or the City receives conveyance or dedication of substitute right-of-way appropriate to satisfy the continuing municipal need.

The right-of-way to be vacated is not anticipated to be used by the City or other service providers in either the short or long term. The applicant will design an

appropriate multi-use transportation corridor along Emery Street and additional pedestrian connections along 2<sup>nd</sup> Avenue.

8. 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 right-of-way configuration which would create difficulty in the provision of services. The Emery Street right-of-way will be designed consistent with the enhanced multi-use corridor designation to provide appropriate pedestrian facilities.

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

The proposed vacation of right-of-way creates a public benefit for mixed use development consistent with the comprehensive plan and approved mixed use – downtown zoning while still providing appropriate multi-use pedestrian access connections.

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

There are no existing public facilities located within the right-of-way that need to be relocated. The proposed pedestrian path alignment will be along Emery Street and 2<sup>nd</sup> Avenue as part of the enhanced multi-use corridor.

No compensation is expected for the existing portion of right-of-way that is being vacated since the right-of-way was dedicated at no cost to the City when the Original Town of Longmont was platted. Adequate right-of-way will be retained along Emery Street for public infrastructure and Emery Street and 2<sup>nd</sup> Avenue right-of-way will be designed with multi-use pedestrian connections. The vacation will facilitate additional redevelopment within the South Main Station project east of Emery Street.

The vacation of right-of-way is conditioned upon approval of the 210 Emery minor subdivision plat and site plan.

## **ATTACHMENTS:**

Ordinance

Vicinity Map