

CITY COUNCIL COMMUNICATION



MEETING DATE: November 30, 2021

ITEM NUMBER: 9.G

SECOND READING: N/A

{{customfields.ResoOrdNumber}}

TYPE OF ITEM: Consent

PRESENTED BY:

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Glen Van Nimwegen, Planning Director, glen.vannimwegen@longmontcolorado.gov

SUBJECT/AGENDA TITLE:

Rivertown Annexation First Resolution of Statutory Compliance

EXECUTIVE SUMMARY: An annexation petition has been filed for an approximately 21-acre property at 21 S. Sunset Street (west side of Sunset Street, north of Boston Avenue), immediately south of the St. Vrain Creek. The property is zoned General Industrial in unincorporated Boulder County. The applicant proposes to zone the property consistent with its Envision Longmont land use designation of Mixed-Use Employment. A forthcoming concept plan will accompany the annexation ordinance for Council's consideration.

Before Council considers the annexation ordinance at its December 14th meeting, the Colorado Revised Statutes require the City Council to determine if the annexation petition meets the applicable eligibility requirements. City Council's action and authority at this stage of the annexation review is limited to determining if the annexation materials meet the State Statute requirements for completeness of the petition and annexation eligibility. The petition properly conforms to state statutes and the property is contiguous, therefore making it eligible for annexation.

This item was initiated by the customer but the purpose of the annexation, which is to provide a mixed-use development, falls into alignment with Council Work Plan Objective B3.6: Enhance economic vitality along the St. Vrain corridor in an environmentally sustainable and sensitive manner. Below is the proposed annexation review schedule:

Annexation Review Schedule:

1st Resolution on statutory compliance	November 30, 2021
1st Reading of the annexation ordinance	December 14, 2021
2nd Resolution and public hearing on statutory compliance	January 11, 2022
2nd Reading and public hearing on the annexation ordinance	January 11, 2022

A resolution has been prepared finding the annexation petition in compliance with the Colorado Revised Statutes annexation procedures. Approval of this resolution is appropriate unless one or more of the criteria listed below in the Background section are not met. Approval of the



resolution finds that the petition is in compliance with the Colorado Revised Statutes and that the property is eligible for annexation. Approval of the resolution does not annex the property or obligate the City Council to annex the property.

COUNCIL OPTIONS:

1. Approve the resolution finding the annexation substantially complies with State Statutes.
2. Do not approve the resolution finding the annexation does not substantially comply with State Statutes.

RECOMMENDED OPTIONS: Staff recommends approval of the resolution finding the Rivertown Annexation petition in compliance with the Colorado Revised Statutes. The second resolution of statutory compliance and public hearing will be held on January 11, 2022.

FISCAL IMPACT & FUND SOURCE FOR RECOMMENDED ACTION: N/A

BACKGROUND AND ISSUE ANALYSIS: In June 2018, City Council approved an annexation referral for the Rivertown property, an approximately 21-acre, General Industrial-zoned parcel at 21 S. Sunset Street (northwest of the corner of Boston Avenue and Sunset Street) in unincorporated Boulder County. A formal annexation application was filed in December of 2020 after a neighborhood meeting was held.

The property is designated on the Envision Longmont Comprehensive Plan as Mixed-Use Employment. A wide range of employment-related land uses are permitted in this land use designation, including small-scale manufacturing, processing, wholesaling, storage, office, flex space and commercial services. Allowable secondary uses in this zone include high density residential, live/work units, hotels, supporting retail shops, cultural facilities and civic/government uses. The proposed zoning of the property (Mixed-Use Employment) aligns with the property's comprehensive plan land use designation.

Planning & Zoning Commission held a public hearing on the matter on August 18, 2021, and recommended conditional approval of the annexation on a 6-1 vote.

The Colorado Revised Statutes require the City Council to determine if the annexation petition meets the applicable eligibility requirements. City Council's action and authority at this stage of the annexation review is limited to determining if the annexation materials meet the State Statute requirements for completeness of the petition and annexation eligibility.

Staff has completed a review of the annexation petition and finds that the annexation petition meets the criteria of the Colorado Revised Statutes for eligibility to be annexed as follows:

- Not less than one-sixth of the perimeter of the proposed territory for annexation is contiguous with the existing boundaries of the City of Longmont, Colorado.



- Because the property meets the State contiguity requirements for annexation, it also meets the State Statute requirement of having a community of interest.
- At least 51% of the landowners of the property have petitioned the City for annexation.
- The property is inside the Longmont Planning Area and will be integrated with City services and utilities.
- The annexation petition has been properly executed. The names and signatures of all landowners, description of the property, and the proper affidavit of the circulator of the petition have been submitted.

ATTACHMENTS:

1. Resolution of Statutory Compliance
2. Annexation Petition
3. Vicinity Map
4. Annexation Map