CITY COUNCIL COMMUNICATION

MEETING DATE: January 11, 2022 **ITEM NUMBER:** 9.**A**

SECOND READING: January 25, 2022 **{{customfields.ResoOrdNumber}}**

TYPE OF ITEM: Consent

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

SUBJECT/AGENDA TITLE:
A Bill For An Ordinance Conditionally Approving The Zlaten Commercial Center Rezoning From N-PE (Non-Residential Primary Employment) To PUD (Planned Unit Development), Generally Located At The Northeast Corner Of State Highway 119 And Zlaten Drive

EXECUTIVE SUMMARY:
The City has received a land use application requesting to rezone an 11.5-acre parcel at the northeast corner of State Highway 119 and Zlaten Drive from Non-Residential Primary Employment (N-PE) to Planned Unit Development (PUD). The accompanying concept plan proposes a 7-11 gasoline fueling station with a retail convenience store and sit-down restaurant.

The current zoning of the property favors primary-employment types of businesses, however, due to significant site constraints on this property, out of 11.5-acres, there is realistically only 2.5-acres of developable land. This developable area is not conducive to large campus primary employers. The site is an unusually-shaped parcel with topographic and floodplain challenges, and borders a City greenway on the east (Spring Gulch #2) which requires land dedication and a 150-foot riparian setback where development is prohibited. The property owner has approached the City with a market study which concludes that a fueling station with retail convenience store and sit-down restaurant is the highest and best use of the property. Because fueling stations are not permitted in the Primary Employment zone, the applicant seeks to rezone the property from Primary Employment to allow a smaller commercial center and has submitted an Overall PUD Plan for the site in conjunction with the PUD rezoning request.

The property was formerly part of the Dickens Farm Homestead, circa 1885. The site still has a farmhouse and associated farm outbuildings which are proposed to be demolished due to building safety and asbestos concerns, as well as to facilitate development on the site. The Historic Preservation Commission reviewed the demolition request at their July 12 and September 9, 2021 meetings and recommended that this project not move forward until a better historic preservation plan is in place, because it is a significant property under all four

criteria for historic designation, making it eligible for the National Register of Historic Places (see Attachment 7).
Planning & Zoning Commission held a public hearing on the rezoning, Overall PUD Plan and a Preliminary Subdivision Plat at their November 17, 2021 meeting and voted on a 7-0 vote (see Attachment 4) to recommend conditional approval of the rezoning to Council, finding that the application met the review criteria for approval with a condition that the applicant develop a plan for acknowledging the site's agrarian history.

COUNCIL OPTIONS:
The following options are presented for Council's consideration when reviewing the ordinance to rezone the property:

1. Approve the ordinance, finding the rezoning in compliance with the Longmont Municipal Code review criteria.

2. Approve the ordinance with conditions that would make the rezoning in compliance with the Longmont Municipal Code review criteria.

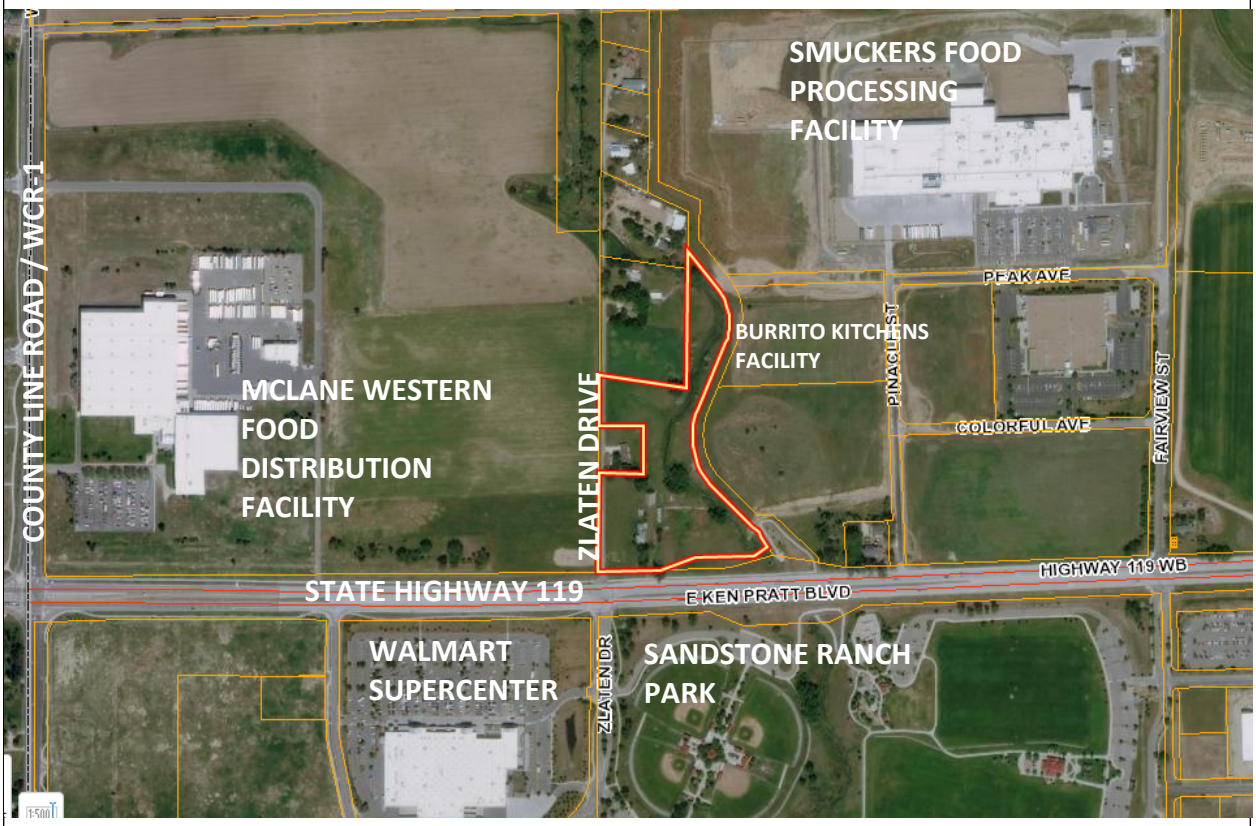
3. Deny the ordinance, finding the rezoning not in compliance with the Longmont Municipal Code review criteria.

RECOMMENDED OPTIONS:
Planning & Zoning Commission recommended conditional approval of the rezoning t by a 7-0 vote at their November 17, 2021 meeting, finding the rezoning in compliance with the Longmont Municipal Code review criteria with the condition that the applicant develop a plan for preservation of the site's history through incorporation of appropriate references to be included with the development of the site, with implementation in accordance with the Historic Preservation Commission and City staff.

FISCAL IMPACT & FUND SOURCE FOR RECOMMENDED ACTION:
There would be no fiscal impact to the City as a result of approving this rezoning.

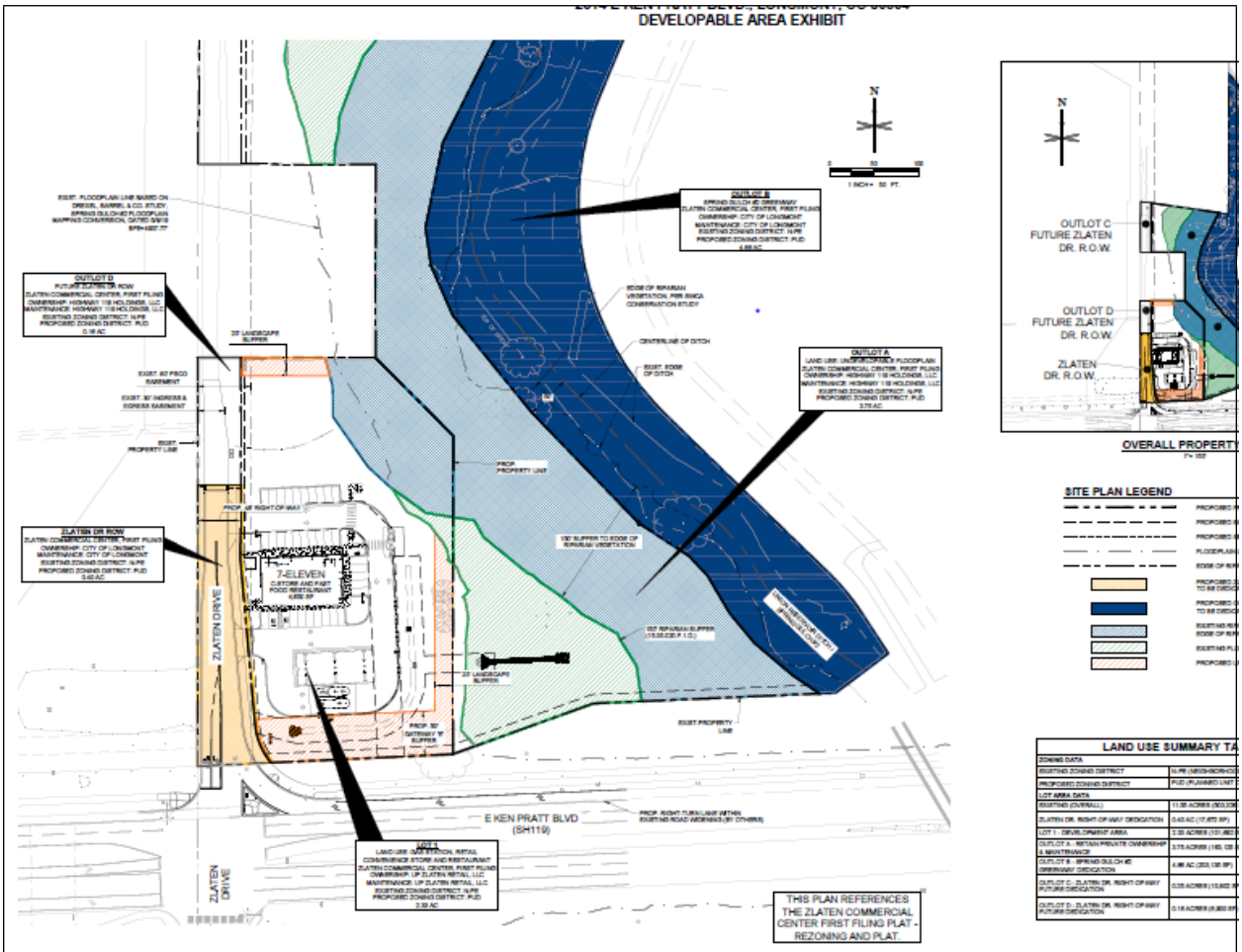
BACKGROUND AND ISSUE ANALYSIS:

The City has received a land use application requesting to rezone an 11.5-acre parcel at the northeast corner of State Highway 119 and Zlaten Drive from Non-Residential Primary Employment (N-PE) to Planned Unit Development (PUD). The accompanying concept plan proposes a 7-11 gasoline fueling station with a retail convenience store and sit-down restaurant. Below is an aerial map of the site:



The current zoning of the property favors primary-employment types of businesses, however, due to significant site constraints on this property, out of 11.5-acres, there is realistically only 2.5-acres of developable land. This developable area is not conducive to large campus primary employers.

The property, while 11.5 acres, has been difficult to develop in the past due to several encumbrances on the property. For example, it is an oddly-configured parcel and is adjacent to Spring Gulch #2 Greenway. Any proposed development on this property requires a nearly five-acre dedication of land on the east side for the greenway. In addition, no development is permitted within 150-feet of the riparian setback along Spring Gulch #2. Moreover, a portion of the property lies within the 100-year floodplain on the north and southeast portion of the property, making this area difficult to develop without a conditional letter of map revision (CLOMR) from FEMA. In addition, the property is separated by a separate parcel on the north side, leaving the northern part of this parcel difficult to develop due to its location in the flood plain and significant grading and slope issues. This leaves about two acres of developable land on the southern end of the property adjacent to the highway. An Exhibit is provided below graphically depicting the actual developable area of this property.



The property is currently zoned N-PE (Non-Residential Primary Employment) and permissible land uses in this zone are geared toward primary employment facilities such as manufacturing, distribution, research and development, and the types of businesses that attract a high volume of employees. However, due to the site constraints noted above, it has been challenging to find a user who can develop a primary employment center on only two acres of developable land.

The applicant has provided a market study in support of this application which concludes that the highest and best use for this property given its small area of developability adjacent to a state highway is a gasoline fueling station with convenience store and a sit-down restaurant. A copy of the market study is provided with the applicant's submittal materials in Attachment 8. The report concludes that this would be an ideal location for a supporting business to provide services to the nearby hospital and medical campus staff, the adjacent food manufacturing employees, and the patrons of the Sandstone Ranch District Park across the street. Gasoline fueling stations are not a permitted land use in the N-PE zone (though retail

stores and restaurants are an allowable secondary use), therefore, the applicant is requesting a rezoning to PUD.

The site is a former agricultural farm dating back to 1885 (Dickens Farm/Mary A. Allen Homestead) and the property contains a farm house constructed in 1885 and several outbuildings. A historic inventory/cultural resources survey was completed for the property in February 2021. It was determined that this property qualifies for historic preservation under four different criterion under the National Register for Historic Places. The applicant proposes to demolish all existing structures on the property due to their dilapidated nature and safety risk for congregation of homeless. The Historic Preservation Commission reviewed the report at their July 12, 2021 and September 8, 2020 meetings and at the September meeting the commission wished to acknowledge the historical significance of the property with its connection to the Dickens Family and their significant role in Longmont's history and, because the farm is eligible for historic designation under four criterion for the National Register of Historic Places, the HPC recommended that this proposal not move forward without a better preservation plan for the site given the historic nature of the property. See Attachment 7 for minutes from the September 9, 2021 HPC meeting.

Planning & Zoning Commission held a public hearing on the Rezoning, Overall PUD Plan and a Preliminary Subdivision Plat at their November 17, 2021 meeting and voted on a 7-0 vote (see Attachment 4) to recommend conditional approval of the rezoning to Council, finding that the application met the review criteria for approval with a condition that the applicant develop a plan for preservation of the site's history through incorporation of appropriate references to be included with the development of the site, with implementation in accordance with the Historic Preservation Commission and City staff. Minutes from that public hearing are provided in Attachment 5 and the staff report to the Commission, along with other packet materials, are provided in Attachment 6 for your reference.

ATTACHMENTS:
Att 1 - Ordinance
Att 2 - Vicinity Map
Att 3 – Rezoning Map and Concept Plan
Att 4 - Planning & Zoning Commission Resolution 2021-12B
Att 5 - Minutes from November 17, 2021 Planning & Zoning Commission Meeting
Att 6 – Staff Report and Attachments from 11-17-2021 P & Z Meeting
Att 7 – Minutes from September 9, 2021 Historic Preservation Commission Meeting
Att 8 – Applicant's Market Study