



Planning and Zoning Commission Communication City of Longmont, Colorado

Project Title Modern West Concept Plan Amendment
 (PZR 2020-8A, 8B, 8C)

Date of Meeting December 16, 2020

Staff Planner Brien Schumacher, Principal Planner, (303) 651-8764,
 brien.schumacher@longmontcolorado.gov

GENERAL INFORMATION

Proposal Concept plan amendment for approximately 16 acres located north of Nelson Road and east of Airport Road, and adjacent to the Andersen RV storage facility. The concept plan amendment would allow for a future mixed use development including industrial, commercial and residential uses.

Location North of Nelson Road and east of Airport Road, and adjacent to the Andersen RV storage facility.

Legal parcel Modern West Annexation / Parcel number 131508000052

Area Approximately 16 acres

Existing Use Agriculture

Zoning MU-E (mixed use – employment) with AI-O (airport influence overlay)

SURROUNDING LAND USES AND ZONING

North Agriculture / MU-E (mixed use - employment) zoning

South Agriculture and rural residential / residential south of Nelson Road / Agriculture (unincorporated Boulder County) and R-MN (residential – mixed neighborhood) zoning

East Andersen RV storage and agriculture and rural residential / MU-E (mixed use – employment) and Agriculture (unincorporated Boulder County) zoning

West Agriculture and rural residential / MU-E (mixed use – employment) and Agriculture (unincorporated Boulder County) zoning

Property Owner	Modern West Properties LLC
Applicant	Derek Guarascio
Applicant Contact	Erin Bagnall
Company	Sopher Sparn Architects
Address	1731 15 th Avenue, Suite 250, Boulder, CO 80302
Phone	303-442-4422 x239
Email	ebagnall@sophersparn.com

BACKGROUND

The Modern West property was annexed into the City in 2019. The zoning was originally planned as BLI (business light industrial) but was subsequently revised to MU-E (mixed use – employment) to be consistent with the Envision Longmont land use plan. The Modern West property has been part of the Longmont Area Comprehensive Plan future land use plan and has been planned for urban development since 1980s.

APPLICATION DESCRIPTION

The application includes a concept plan amendment for the Modern West property comprising approximately 16 acres. The property is located north of Nelson Road, east of Airport Road, south of Rogers Road and west of Andersen Street. The property is adjacent to the Andersen RV storage facility. See location map below.



Also attached is a vicinity map and a map showing proximity to the Vance Brand Airport runway and extended runway airspace – see Air traffic 2D map.

Concept plan amendments require review by the Planning and Zoning Commission and City Council as a major development application. The Commission is a recommending body to the Council on this application. Future applications for the site will include a preliminary subdivision plat, final subdivision plat, public improvement plans, and site development plans.

The concept plan includes:

- A mix of land use that includes light industrial, commercial and higher density residential use
- Phasing plan that shows the projected phasing for development of the property
- Transportation network that provides street connections consistent with the Envision Longmont transportation system
- Pedestrian access throughout the site and with connections to adjacent and nearby pedestrian trail systems

The concept plan includes a mix of light industrial, commercial and higher density residential land uses outlined in the MU-E zoning district and reflect the community goals established within Envision Longmont. The original concept plan approved with the annexation in 2018 for this site included one land use - light industrial that was based on the prior zoning designation of BLI (business/light industrial).

The proposed concept plan amendment will allow the applicant to propose a more sustainable and resilient project that provides a diversification of uses and businesses, allows for onsite residential, provides community benefits, and generates a supportable density within walking distance to transit services and multiuse bike and pedestrian networks. Future development will comply with all requirements of the MU-E (mixed use – employment) and AI-O (airport influence overlay) zoning districts.

The applicant is interested in creating a high quality, and energy-efficient mixed-use development. This new community will provide a mix of housing, new commercial and office spaces, amenity uses for the surrounding community, and high bay industrial spaces with office support. The property will be developed with a focus on sustainability and the promotion of the arts. The development plans to partnership with both NREL (National Research Energy Laboratory) and RMI (Rocky Mountain Institute).

The concept plan is planned with site-specific considerations of the airport, new city infrastructure, and solar access.

Airport

As a property located within the AI-O (airport influence overlay) district, the development has taken the runway and associated air traffic into consideration. Non-residential uses have been placed along the northern boundary as a buffer. To address impacts associated with the airport, residential uses were shifted away from the flight path and building heights will step down towards the north. The property owner will also grant an aviation easement that is acceptable to the City and future development is subject to applicable Airport Influence Overlay (AI-O) and Federal Aviation Administration (FAA) regulations in effect at the time of development.

Solar Access and sustainability

The development plans to partnership with both NREL (National Research Energy Laboratory) and RMI (Rocky Mountain Institute) to create a sustainable and energy efficient development. To the extent possible, buildings have been placed on the site and shaped specifically to capitalize on solar access. As a part of the development's sustainable goals to minimize energy use, buildings will be placed with an east to west orientation wherever possible, to allow for passive solar opportunities throughout the site, and specifically for the residential uses. Greenhouses on rooftops, where appropriate, will support urban farming opportunities.

Traffic and vehicular access

The site will be accessed from the new east-west Mountain Brook Drive collector street along the north with two entrances into the Modern West site, and the new north-south local road along the west with four access points to the Modern West site. The southern parcel will provide secondary emergency access into the main portion of site from Nelson Road through a 60 foot wide parcel that is part of the Modern West property. Parking for the residential units will be a mix of surface parking, ground level multifamily covered parking and garages.

Residential uses

MU-E zoning allows for a secondary use of high density residential and live work. The introduction of residential uses into the project will help create a diversified, walkable and sustainable project. The applicant's current plan is to include both affordable market rate housing and deed restricted affordable housing.

The applicant has provided more information regarding the application in their cover letter, including a link to a short video of their project, as well as letters of recommendations from NREL and RMI and additional information regarding compliance with AI-O and FAA airport standards and regulations.

Alignment with the Envision Longmont Comprehensive Plan Land Use

The property is zoned MU-E (mixed use – employment) and is within the AI-O (airport influence overlay). The zoning was updated with the Land Development Code update in 2018 to be consistent with the Envision Longmont land use plan.

The Envision Longmont plan identifies this property as part of an area of change. The property's land use is shown as mixed use employment. Nelson Road is adjacent to the south and is a major arterial street. Mountain Brook Drive is a planned collector street that will extend west of Andersen Street to Rogers Road. The concept plan amendment is generally consistent with the Envision Longmont land use plan.

DEVELOPMENT REVIEW COMMITTEE PROCESS

The Development Review Committee (DRC) initiated review of this project in May. Two DRC reviews were completed prior to the application being submitted for review by the Commission.

Substantive topics discussed during the reviews included:

- Airport impacts and land use mix
- Habitat conservation plan review
- Traffic assessment and pedestrian access
- Future infrastructure design including stormwater detention and water quality compliance

Airport impacts and land use mix

This property is located within the Vance Brand Municipal Airport AI-O (airport influence overlay) zone. Modern West will comply with all requirements of the MU-E and AI-O zoning districts. The project is a mixed-use development which will contain commercial and light industrial uses, with multifamily residential uses being a secondary use. Staff had expressed concern regarding the potential impacts of proximity to the airport and aircraft flying over the property while approaching or taking off from the airport. The applicant has indicated that they will work with the City to ensure the needs of the airport and air traffic relative to ongoing operations of the airport are not compromised by the proposal. Future development is subject to applicable AI-O and Federal Aviation Administration (FAA) regulations in effect at the time of development. These regulations typically address use restrictions, such as electrical interference with navigation, impairing visibility in vicinity of the airport, or otherwise create a hazard or endanger aircraft using the airport; the regulations also address height limits as part of the airport airspace. The applicant will also grant an aviation easement that is acceptable to the City. The aviation easement is similar to easements the City has negotiated with developers of property near the airport. The easement runs with the land and is applicable to future development and property owners. Aviation easements typically acknowledge activities and noise associated with the airport operations, right of

passage over the property, and restrictions regarding the height of structures and other objects. The aviation easement will help ensure that the proposed development will remain compatible with the airport into the future, and that the investment of the City and FAA in the airport will remain secure. The concept plan also notes that noise mitigation, such as building construction design, will be addressed with the subdivision plat and site plans – a mixed use development with commercial and light industrial uses will also likely have additional background noise than a residential development.

The applicant has provided more information regarding the application in their cover letter, including additional information regarding compliance with AI-O and FAA airport standards and regulations.

Habitat conservation plan analysis and mitigation

The habitat conservation plan submitted by the applicant for this property indicated that no threatened or endangered species or their obvious habitat were observed on the subject site. Additionally, no wetlands or Waters of the U.S. subject to regulation under Section 404 of the Clean Water Act occur on the project.

Site landscaping will be designed to be compatible with wildlife habitat in the surrounding area and appropriate plantings consistent with the City recommended planting list.

Colorado Parks and Wildlife, US Fish and Wildlife, and Army Corps of Engineers were sent referrals. No comments were received. City natural resources staff reviewed the habitat conservation plan and generally agreed with the findings and recommendations of the plan. Staff recommended the following bird nest mitigation procedures be followed. Since no development is proposed with the concept plan stage, these recommendations will be included with the subdivision plat and site plan applications.

Considering the vegetation on and adjacent to the property, the developer should follow these bird nest mitigation procedures:

- Avoidance – To the extent practicable, conduct habitat-disturbing activities (e.g., tree removal, grading, scraping, and grubbing) September 1 through March 1, outside of the nesting season.
- Habitat manipulation/removal – If work activities are planned during the nesting season (March 1 - August 31), remove or alter vegetation within construction footprints and road right-of-ways prior to March 1 to discourage nesting within areas scheduled for summer construction. Note that some early nesting species such as hawks and owls begin nesting in February and March and may require specific clearance surveys or avoidance activities. Removal or alteration of vegetation will also discourage nesting in areas adjacent to the construction footprints and encourage birds to nest in more suitable habitat outside of the project area. Vegetation-altering activities can include mowing and/or trimming to a height of four inches or less, grazing vegetation to a

- height of four inches or less, disking, or herbicide application. The most appropriate treatment will depend on site conditions and level of potential nesting activity.
- Habitat maintenance – Once vegetation has been removed and/or trimmed, appropriate measures (i.e., repeated mowing/trimming) should be implemented to assure vegetation does not grow to more than four inches high.
 - Clearance surveys – If the avoidance described above cannot be completed, preconstruction clearance surveys shall be conducted during the nesting season by a qualified biologist to identify any active nests and implement avoidance measures. Clearance surveys should be conducted less than 1 week prior to the planned disturbance. Clearance surveys for mowed areas should be conducted during the nesting season to ensure no ground-nesting species have moved in.
 - Nest buffers – if active nests of song bird species are found no work shall be allowed within 50 feet of any active nest. The buffer would be delineated and marked (by flagging or a barrier) prior to construction activities. If active nests of raptors are found within ½ mile of the project site, Colorado Parks and Wildlife should be consulted on recommended buffer distances and time periods.
 - Noxious weeds on property need to be controlled including Russian olives.

Environmental assessment

A phase one environmental site assessment from 2017 (during the annexation review) was provided by the applicant – see attached. This assessment found no evidence of recognized environmental conditions (REC's) in connection with the property. Since no changes have occurred to the property since 2017, no updates to the assessment have been requested for the concept plan amendment.

Traffic and streets

The proposed concept plan shows planned future and existing right-of-way outlined in the Envision Longmont Plan. Access to the existing City street network is illustrated in the concept plan and will be further refined through the preliminary and final subdivision and site plans process at the time the property is developed.

Traffic volumes and turning movements associated with future development are generally expected not to have an adverse impact on level of service. The City's quality of life benchmark for transportation facilities which requires movements at signalized intersections to operate at LOS D or better is expected to be met. Additional review and analysis will be done with the preliminary and final subdivision plats and site plans to confirm compliance with the benchmark.

Mountain Brook Drive on the north side of the Modern West property will be constructed west to Rogers Road and east to Andersen Street. The north-south local street on the west side of this property will be connected to Nelson Road based on transportation impact study and connectivity requirements. An emergency access to Nelson Road may also be required with future development – this would be provided along the narrow portion of the property. The applicant will be required to participate in future traffic signal improvements at the

Airport Road and Rogers Road intersection. Any additional improvement requirements will be addressed at the time of future subdivision and development.

Pedestrian access and multimodal transportation

Future development of the property will provide sidewalks on the proposed streets and internal pedestrian path links to the perimeter transportation and trail system as appropriate. Existing fixed route RTD bus service is currently available along Nelson Road, and the addition of a bike lane along the collector road to the north and future pedestrian connection to the St. Vrain greenway to the north will allow for transit supportive development. RTD FlexRide service is also currently available for those needing public transit services.

Utilities

Utility capacity is anticipated to be adequate for this development with installation per city standards. Water, sanitary sewer, electrical and other infrastructure improvements will also be designed to comply with city standards.

Emergency services

Emergency response times to this development will comply with the City's benchmark. Future development will comply with fire code and emergency services requirements.

School capacity

Although the number of residential units is not specified on the concept plan, the school district confirmed that at this point in time that none of the schools that would serve the Modern West property (Blue Mountain Elementary, Altona Middle and Silver Creek High Schools) are near the school capacity benchmark. The district will review future preliminary and final subdivision plats and site plans to confirm school capacity when the property is closer to development.

Storm drainage, water quality and floodplain compliance

Storm drainage and water quality infrastructure will be designed to comply with city, state and federal storm drainage, water quality and floodplain standards, consistent with the Lower Lykins Gulch drainage study.

Referral Agency Review

As part of the DRC review the following referral agencies were notified:

- St. Vrain Valley School District – although the number of residential units is not specified on the concept plan, the school district confirmed that at this point in time that none of the schools that would serve the Modern West property (Blue Mountain Elementary, Altona Middle and Silver Creek High Schools) are near the school capacity benchmark. The district will review future preliminary and final subdivision

plats and site plans to confirm school capacity when the property is closer to development.

- CenturyLink – no comments received
- Xcel Energy – no comments received
- Comcast – no comments received
- Longmont Economic Development Partners – no comments received
- Federal Aviation Administration – no comments received
- Colorado Parks and Wildlife – no comments received
- US Fish and Wildlife Service – no comments received
- US Army Corps of Engineers – no comments received

NEIGHBORHOOD INPUT – NOTIFICATIONS AND SIGN POSTING

Notice Type	Date Sign Posted	Date Mailed/Postmarked
Neighborhood Meeting Notice	December 4, 2019	December 4, 2019
Notice of Application	May 22, 2020	May 22, 2020
Mineral Estate Hearing Notice	NA	NA
Public Hearing Notice	December 2, 2020	December 1, 2020

A neighborhood meeting was held on December 18, 2019 at Front Range Community College. Notices for the meetings were mailed to property owners within a 1,000-foot radius of the perimeter of the property. Five persons attended the neighborhood meeting. Primary questions were related to the project schedule and potential uses for the property. No substantive concerns or issues were mentioned during the meeting. A copy of the neighborhood meeting summary is attached.

After the application was submitted, notice of application was mailed to property owners within a 1,000-foot radius of the perimeter of the property and signs were posted on the property in May 2020 notifying the public that the application was under review. Certifications of sign posting and mailing are attached.

No correspondence was received in response to the notice of application.

The applicant submitted certification that the mineral estate has not been severed from the surface estate and there are no current mineral leases on the property. Notices of the December 16, 2020 public hearing were mailed to property owners within a 1,000-foot radius of the perimeter of the property on December 1, 2020. Signs giving notice of the December 16, 2020 public hearing were posted on the site on December 2, 2020. Copies of the certifications of sign posting and mailing are attached. Legal notice of the December 16, 2020 hearing was published in the Times-Call newspaper.

Subsequent to the public hearing notices being mailed and the property posted with hearing signs, one email has been received addressing concerns with potential traffic impacts in the neighborhood. Any additional correspondence received prior to the hearing will be forwarded to the Commission.

CRITERIA EVALUATION

The applicant is responsible for demonstrating that the application meets the applicable review criteria.

Review Criteria for All Application Types – Section 15.02.055

No application shall be approved unless it meets the following review criteria plus any additional criteria for the application(s):

- 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 concept plan with a mix of light industrial, commercial and higher density residential uses is generally consistent with the existing MU-E (mixed use – employment) zoning district - the purpose of the MU-E district is to provide areas appropriate for diverse employment by encouraging a greater variety of employment spaces in close proximity to attached residential and supporting services. The MU-E district offers flexibility in terms of the types of uses and the adaptive reuse of existing buildings to promote employment and live-work opportunities, as well as multifamily residential uses. The MU-E district is intended to accommodate a wide range of business opportunities in a pedestrian-friendly environment with easy access to public amenities including parks, open space, and public transit.

This property is also within the AI-O (airport influence overlay) district of the Vance Brand Airport. The purpose of the AI-O district is to allow the airport to serve the city's

air transportation needs and protect the public investment in the airport; minimize risks to public safety and hazards to airport users; protect property values and restrict incompatible land use; and promote appropriate land use planning and zoning in proximity to the airport.

Modern West will comply with all requirements of the AI-O zoning district. The applicant will work with the City to ensure the needs of the airport and air traffic relative to ongoing operations of the airport are not compromised by the proposal. The project is a mixed-use development which will contain commercial and light industrial uses, with multifamily residential uses being a secondary use. Future development is subject to applicable AI-O and Federal Aviation Administration (FAA) regulations in effect at the time of development. These regulations typically address use restrictions, such as electrical interference with navigation, impairing visibility in vicinity of the airport, or otherwise create a hazard or endanger aircraft using the airport; the regulations also address height limits as part of the airport airspace. The applicant will also grant an aviation easement that is acceptable to the City that will help ensure that the proposed development will remain compatible with the airport into the future, and that the investment of the City and FAA in the airport will remain secure. The aviation easement will run with the land and is applicable to future development and property owners. Aviation easements typically acknowledge activities and noise associated with the airport operations, right of passage over the property, and restrictions regarding the height of structures and other objects. The concept plan also notes that noise mitigation, such as building construction design, will be addressed with the subdivision plat and site plans – a mixed use development with commercial and light industrial uses will also likely have additional background noise than a residential development.

The concept plan is generally consistent with the Envision Longmont land use designation of mixed use employment for the property. Envision Longmont goals and policies related to this proposal include the following:

Goal 1.1 - Embrace a compact and efficient pattern of growth

Policy 1.1A - Growth Management

Prioritize the development of sites located within the Municipal Service Area, where infrastructure and services can be readily provided; continue to use open space buffers, agricultural easements, and other tools to ensure Longmont remains a free-standing community with a unique and separate identity from surrounding communities.

The project site is located within the Municipal Service Area, adjacent to existing and planned utility and transportation infrastructure, within an area designated as anticipated Mixed Use Employment development.

Goal 1.2 - Promote a sustainable mix of land uses

Policy 1.2A - Overall Mix of Uses

Strive for a balanced mix of residential, employment, retail, commercial, recreational, and other uses that allow residents to live, work, play, learn, and conduct much of their daily business within the City and increase the self-sufficiency of the community.

Policy 1.2D - Development Types

Plan for a combination of greenfield development, infill development and redevelopment, and adaptive reuse within the Municipal Service Area to meet the needs of Longmont's residents, businesses, and people who work in Longmont.

Policy 1.2E - Mix of Housing Types

Anticipate and plan for the changing needs of the community, and diversify the City's housing stock by:

- Encouraging the development of a range of housing types, sizes, prices, and densities
- Actively working with the private sector to promote and potentially incent the construction of housing types documented to be in short supply
- Supporting the integration of a more diverse array of attached and multifamily housing types in Mixed Residential neighborhoods and in defined centers and corridors.

Policy 1.2F - Higher Density Housing

Support the incorporation of higher density housing types, such as townhomes, multifamily apartments and condominiums, live-work options—and housing for special populations such as seniors or people with specialized needs—in centers, corridors, Downtown, and Mixed-Use Employment Areas where transit and a range of services, employment opportunities, and amenities are accessible today, or are planned for the future.

Policy 1.2G - Integration of Uses

Encourage the integration of complementary uses within the same building (i.e., residential or office above retail) or on the same site (i.e., residential adjacent to employment and/or retail uses) as a way of revitalizing centers, corridors, and employment areas and improving access to services.

The applicant intends to establish a new, architecturally distinct, high quality, and energy-efficient mixed-use development. The concept plan as proposed will allow for a more sustainable and resilient project that provides a diversification of uses and businesses, allows for onsite mix of residential housing types, provides community benefits, and generates a supportable density within walking distance to transit services and multi-use bike and pedestrian networks.

Goal 2.1 - Integrate land use and transportation planning to enhance the overall quality of life in the City

Policy 2.1A - Multimodal Connections

Provide effective multi-modal connections within and between existing and developing neighborhoods, and mixed-use centers and corridors, parks, city facilities, and schools.

Policy 2.1B - Transit Supportive Development

Encourage Transit-Supportive Development—or development that emphasizes pedestrian and bicycle connectivity and a broader mix of uses at higher densities than may exist today in all centers and corridors to enhance community livability and expand transportation options.

The Modern West site is located between a new collector street to the north and an existing arterial street to the south. Existing bus transit on Nelson Road and the addition of a bike lane along the collector road to the north and future pedestrian connection to the St. Vrain greenway to the north will allow for transit supportive development. Future development of the property will provide internal links to the perimeter transportation system as appropriate. The proposed concept plan is consistent with planned right-of-way outlined in the Envision Longmont plan.

Policy 2.2I - Airport

Ensure that the Vance Brand Airport continues to provide for the current and future general aviation needs of the community; providing efficient multimodal surface transportation connections to the airport and surrounding land uses.

Policy 6.6B - Airport Operations

Administer airport operations in accordance with the Airport Master Plan:

- Managing airport operations to ensure their continued compatibility with other land uses in the airport environs;
- Operating the airport as a community asset and improve the facilities to increase its use and revenues;
- Mitigating airport-related noise impacts on development in the airport environs; and
- Allowing residential uses only in compatible areas around the airport

This property is also within the AI-O (airport influence overlay) district of the Vance Brand Airport. Modern West will comply with all requirements of the AI-O zoning district. The applicant will work with the City to ensure the needs of the airport and air traffic relative to ongoing operations of the airport are not compromised by the proposal. The project is a mixed-use development which will contain commercial and light industrial uses, with multifamily residential uses being a secondary use. Future development is subject to applicable AI-O and Federal Aviation Administration (FAA) regulations in effect at the time of development. These regulations typically address use restrictions, such electrical interference with navigation, impairing visibility in vicinity of the airport,

or otherwise create a hazard or endanger aircraft using the airport; the regulations also address height limits as part of the airport airspace. The applicant will also grant an aviation easement that is acceptable to the City that will help ensure that the proposed development will remain compatible with the airport into the future, and that the investment of the City and FAA in the airport will remain secure.

Goal 5.1 - Protect and conserve Longmont's natural resources and environment

Policy 5.1G - Sustainable Development Practices

Encourage the creative use of sustainable development practices in all public and private development projects, focusing on practices with the ability to minimize the short and long-term impacts of future growth on the natural environment and improve the efficiency of City operations in measurable ways, such as:

- Expanded use of active and passive solar, and other renewable energy sources;
- Use of water- or energy-conserving fixtures;
- Use of Low Impact Development (LID) principles;
- Promoting the use of LEED or other green building standards; and
- Other techniques as applicable to new construction or the rehabilitation of existing buildings or facilities.

The applicant has established development partnerships with both NREL (National Research Energy Laboratory) and RMI (Rocky Mountain Institute) regarding future sustainable development on the property. As a part of the developments sustainable goals, buildings will be placed with an east to west orientation wherever possible, allowing for passive solar opportunities throughout the site, and specifically for the residential uses. Greenhouses on rooftops support the urban farming capabilities, and architecturally denote the intentions of the community to support sustainable agriculture and community food production.

Policy 6.2 A - Work Spaces

Encourage the creation of new businesses and growth of small businesses and ensure there are ample building sites and spaces for these businesses to start and grow into by:

- Planning for and investing in public and private spaces in regional centers and employment areas that facilitate the interaction of local businesses, workers and residents; and
- Cooperating with the private sector in establishing an environment for nurturing small and start-up businesses.

The concept plan as proposed will allow for flexible, light industrial space and live work opportunities within the community. The plan is for high quality buildings, flexible enough to be used by a variety of tenant sizes, and incorporating high bay ceilings and loading docks, will fill a specific need known to the market for light industrial use. Live work opportunities will allow small business owners to live and work in their community.

Policy 6.3 B - Mixed Use Employment Areas

Prioritize employment uses within Mixed-Use Employment areas—such as the St. Vrain Creek Corridor and the Sugar Mill—while supporting their diversification and enhancing their economic vitality by:

- Encouraging a range of secondary uses that benefit employees, but do not hamper the ability of existing businesses to operate—such as public gathering spaces, parks, trails, and recreational facilities, retail and restaurants, and multifamily housing;
- Reinvesting in and improving public infrastructure, such as streets, sidewalks, bikeways, and transit;
- Facilitating the development, rehabilitation, and/or adaptive reuse of existing properties to meet the contemporary needs of emerging businesses while making a positive contribution to the appearance of the City;
- Encouraging a mixture of building types and sizes; and
- Supporting the incorporation of multifamily housing and live/work opportunities to increase the number of households located near employment and transit corridors.

The concept plan will provide a mix of housing, live work opportunities, new commercial and office spaces, amenity uses for the surrounding community, and high bay industrial spaces with office support, while supporting connectivity to bicycle, pedestrian and mass transit.

Future development intends to comply with applicable statutes, codes, ordinances and regulations. Storm drainage and water quality infrastructure will be designed to comply with city, state and federal storm drainage, water quality and floodplain standards.

MU-E zoning allows for a secondary use of high density residential and live work. The introduction of residential uses into the project will help create a diversified, walkable and sustainable project. The applicant's current plan is to include both affordable market rate housing and deed restricted affordable housing.

Secondary uses shall also meet the additional criteria of subsection 15.04.030.A.1.c as follows:

- i. The secondary use as proposed is of a scale and design and in a location that is compatible with surrounding uses and potential adverse impacts of the use will be mitigated to the maximum extent feasible.

The residential uses proposed will be integrated into the mixed use development with residential uses being secondary to the light industrial and commercial uses. Potential adverse impacts associated with residential at this location are primarily related to airport related noise impacts. The applicant will work with the City to ensure the needs of the airport and air traffic relative to ongoing operations of the airport are not compromised by the proposal. Future

development is subject to applicable Airport Influence Overlay (AI-O) and Federal Aviation Administration (FAA) regulations in effect at the time of development. These regulations typically address use restrictions, such electrical interference with navigation, impairing visibility in vicinity of the airport, or otherwise create a hazard or endanger aircraft using the airport; the regulations also address height limits as part of the airport airspace. The applicant will also grant an aviation easement that is acceptable to the City that will help ensure that the proposed development will remain compatible with the airport into the future, and that the investment of the City and FAA in the airport will remain secure. The concept plan also notes that noise mitigation, such as building construction design, will be addressed with the subdivision plat and site plans – a mixed use development with commercial and light industrial uses will also likely have additional background noise than a residential development.

- ii. The secondary use as proposed is consistent with the comprehensive plan and the purpose and intent of the code and underlying zoning district.

The higher density residential uses and live/work uses proposed are consistent with the secondary uses identified in the Envision Longmont mixed-use employment land use and the MU-E zoning district.

- iii. The secondary use as proposed will not substantially diminish the availability of land within the underlying zoning district for primary uses, or reduce the availability of land for primary uses below a minimum level necessary to meet the intent of the district.

The residential uses proposed will be integrated with the light industrial and commercial uses on the property and will not substantially diminish the availability of land within the MU-E zoning district for primary uses or reduce the availability of land for primary uses below a minimum level necessary to meet the intent of the district.

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 concept plan establishes a basic framework for future development of the property. At the time the property is developed it will comply with applicable city standards for public infrastructure and adequate utilities and services, including street and utility design and layout. Utilities and other infrastructure improvements will be designed to provide appropriate urban-level services consistent with city standards and compliance with adequate public facilities standards and quality of life benchmarks.

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

Surrounding uses and zoning

Adjacent properties to the north, east, and west are zoned MU-E (mixed use employment) and include either agricultural or commercial storage uses. There are also several unincorporated parcels to the south on the north side of Nelson Road that are designated as mixed employment land use in the Envision Longmont land use plan. South of Nelson Road there are residential neighborhoods with a mix of single family detached and single family attached housing.

This property was annexation and zoned in 2018. This neighborhood has been part of the Longmont Area Comprehensive Plan and planned for urban level development since the 1980s. The proposed development is generally consistent with the current Envision Longmont land use plan and current zoning for the property in terms of a mix of employment, commercial and residential uses.

Potential adverse impacts associated with residential at this location are primarily related to airport related noise impacts. The applicant will work with the City to ensure the needs of the airport and air traffic relative to ongoing operations of the airport are not compromised by the proposal. Future development is subject to applicable Airport Influence Overlay (AI-O) and Federal Aviation Administration (FAA) regulations in effect at the time of development. These regulations typically address use restrictions, such electrical interference with navigation, impairing visibility in vicinity of the airport, or otherwise create a hazard or endanger aircraft using the airport; the regulations also address height limits as part of the airport airspace. The applicant will also grant an avigation easement that is acceptable to the City that will help ensure that the proposed development will remain compatible with the airport into the future, and that the investment of the City and FAA in the airport will remain secure. The concept plan also notes that noise mitigation, such as building construction design, will be addressed with the subdivision plat and site plans – a mixed use development with commercial and light industrial uses will also likely have additional background noise than a residential development.

Site and building layout and design

Future development on the site is intended to be compatible with surrounding properties. The applicant intends to establish a new, architecturally distinct, high quality, and energy-efficient mixed-use development. The concept plan as proposed will allow for a more sustainable and resilient project that provides a diversification of uses and businesses, allows for onsite mix of residential housing types, provides community benefits, and generates a supportable density within walking distance to transit services and multi-use bike and pedestrian networks. The site and building layout and design will

comply with the City dimensional (building setbacks and height) standards. The site design will also comply with City parking, landscaping and common area standards.

Access

The site will be accessed from the new east-west Mountain Brook Drive collector street along the north with two entrances into the Modern West site, and the new north-south local road along the west with four access points to the Modern West site. The southern parcel will provide secondary emergency access into main portion of site from Nelson Road through a 60 foot wide parcel that is part of the Modern West property. Parking for the residential units will be a mix of surface parking, ground level multifamily covered parking and garages.

- 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 concept plan as presented outlines the general plan for future development of the property. The property will comply with applicable provisions of the land development code in effect at the time of development.

Surrounding properties

This property was annexation and zoned in 2018. This neighborhood has been part of the Longmont Area Comprehensive Plan and planned for urban level development since the 1980s. The proposed development is generally consistent with the current Envision Longmont land use plan and current zoning for the property in terms of a mix of employment, commercial and residential uses.

Adjacent properties to the north, east, and west are zoned MU-E (mixed use employment) and include either agricultural or commercial storage uses. There are also several unincorporated parcels to the south on the north side of Nelson Road that are designated as mixed employment land use in the Envision Longmont land use plan. South of Nelson Road there are residential neighborhoods with a mix of single family detached and single family attached housing. Future development on the site is intended to be compatible with surrounding properties. The applicant intends to establish a new, architecturally distinct, high quality, and energy-efficient mixed-use development. The concept plan as proposed will allow for a more sustainable and resilient project that provides a diversification of uses and businesses, allows for onsite mix of residential housing types, provides community benefits, and generates a supportable density within walking distance to transit services and multi-use bike and pedestrian networks.

Natural environment

Habitat conservation plan

The habitat conservation plan submitted by the applicant for this property indicated that no threatened or endangered species or their obvious habitat were observed on the subject site. Additionally, no wetlands or Waters of the U.S. subject to regulation under Section 404 of the Clean Water Act occur on the project.

Site landscaping will be designed to be compatible with wildlife habitat in the surrounding area and appropriate plantings consistent with the City recommended planting list.

Colorado Parks and Wildlife, US Fish and Wildlife, and Army Corps of Engineers were sent referrals. No comments were received. City natural resources staff reviewed the habitat conservation plan and generally agreed with the findings and recommendations of the plan. Staff recommended the following bird nest mitigation procedures be followed. Since no development is proposed with the concept plan stage, these recommendations will be included with the subdivision plat and site plan applications.

Considering the vegetation on and adjacent to the property, the developer should follow these bird nest mitigation procedures:

- Avoidance – To the extent practicable, conduct habitat-disturbing activities (e.g., tree removal, grading, scraping, and grubbing) September 1 through March 1, outside of the nesting season.
- Habitat manipulation/removal – If work activities are planned during the nesting season (March 1 - August 31), remove or alter vegetation within construction footprints and road right-of-ways prior to March 1 to discourage nesting within areas scheduled for summer construction. Note that some early nesting species such as hawks and owls begin nesting in February and March and may require specific clearance surveys or avoidance activities. Removal or alteration of vegetation will also discourage nesting in areas adjacent to the construction footprints and encourage birds to nest in more suitable habitat outside of the project area. Vegetation-altering activities can include mowing and/or trimming to a height of four inches or less, grazing vegetation to a height of four inches or less, disking, or herbicide application. The most appropriate treatment will depend on site conditions and level of potential nesting activity.
- Habitat maintenance – Once vegetation has been removed and/or trimmed, appropriate measures (i.e., repeated mowing/trimming) should be implemented to assure vegetation does not grow to more than four inches high.
- Clearance surveys – If the avoidance described above cannot be completed, preconstruction clearance surveys shall be conducted during the nesting season by a qualified biologist to identify any active nests and implement avoidance measures. Clearance surveys should be conducted less than 1 week prior to the planned

disturbance. Clearance surveys for mowed areas should be conducted during the nesting season to ensure no ground-nesting species have moved in.

- Nest buffers – if active nests of song bird species are found no work shall be allowed within 50 feet of any active nest. The buffer would be delineated and marked (by flagging or a barrier) prior to construction activities. If active nests of raptors are found within ½ mile of the project site, Colorado Parks and Wildlife should be consulted on recommended buffer distances and time periods.
- Noxious weeds on property need to be controlled including Russian olives.

Environmental assessment

A phase one environmental site assessment from 2017 (during the annexation review) was provided by the applicant – see attached. This assessment found no evidence of recognized environmental conditions (REC's) in connection with the property. Since no changes have occurred to the property since 2017, no updates to the assessment have been requested for the concept plan amendment.

Sustainable design features

The development plans to partnership with both NREL (National Research Energy Laboratory) and RMI (Rocky Mountain Institute) to create a sustainable and energy efficient development. To the extent possible, buildings have been placed on the site and shaped specifically to capitalize on solar access. As a part of the development's sustainable goals to minimize energy use, buildings will be placed with an east to west orientation wherever possible, to allow for passive solar opportunities throughout the site, and specifically for the residential uses. Greenhouses on rooftops will support the urban farming capabilities, and architecturally denote the intentions of the community.

Airport

Potential adverse impacts associated with residential at this location are primarily related to airport related noise impacts. The applicant will work with the City to ensure the needs of the airport and air traffic relative to ongoing operations of the airport are not compromised by the proposal. Future development is subject to applicable Airport Influence Overlay (AI-O) and Federal Aviation Administration (FAA) regulations in effect at the time of development. These regulations typically address use restrictions, such electrical interference with navigation, impairing visibility in vicinity of the airport, or otherwise create a hazard or endanger aircraft using the airport; the regulations also address height limits as part of the airport airspace. The applicant will also grant an avigation easement that is acceptable to the City that will help ensure that the proposed development will remain compatible with the airport into the future, and that the investment of the City and FAA in the airport will remain secure. The concept plan also notes that noise mitigation, such as building construction design, will be addressed with the subdivision plat and site plans – a mixed use development with commercial and light industrial uses will also likely have additional background noise than a residential development.

Traffic and streets

The proposed concept plan shows planned future and existing right-of-way outlined in the Envision Longmont Plan. Access to the existing City street network is illustrated in the concept plan and will be further refined through the preliminary and final subdivision and site plans process at the time the property is developed.

Traffic volumes and turning movements associated with future development are generally expected not to have an adverse impact on level of service. The City's quality of life benchmark for transportation facilities which requires movements at signalized intersections to operate at LOS D or better is expected to be met. Additional review and analysis will be done with the preliminary and final subdivision plats and site plans to confirm compliance with the benchmark.

Mountain Brook Drive on the north side of the Modern West property will be constructed west to Rogers Road and east to Andersen Street. The north-south local street on the west side of this property will be connected to Nelson Road based on transportation impact study and connectivity requirements. An emergency access to Nelson Road may also be required with future development – this would be provided along the narrow portion of the property. The applicant will be required to participate in future traffic signal improvements at the Airport Road and Rogers Road intersection. Any additional improvement requirements will be addressed at the time of future subdivision and development.

Pedestrian access and multimodal transportation

Future development of the property will provide sidewalks on the proposed streets and internal pedestrian path links to the perimeter transportation and trail system as appropriate. Existing fixed route RTD bus service is currently available along Nelson Road, and the addition of a bike lane along the collector road to the north and future pedestrian connection to the St. Vrain greenway to the north will allow for transit supportive development. RTD FlexRide service is also currently available for those needing public transit services.

Utilities

Utility capacity is anticipated to be adequate for this development with installation per city standards. Water, sanitary sewer, electrical and other infrastructure improvements will also be designed to comply with city standards.

Emergency services

Emergency response times to this development will comply with the City's benchmark. Future development will comply with fire code and emergency services requirements.

School capacity

Although the number of residential units is not specified on the concept plan, the school district confirmed that at this point in time that none of the schools that would serve the Modern West property (Blue Mountain Elementary, Altona Middle and Silver Creek High Schools) are near the school capacity benchmark. The district will review future preliminary and final subdivision plats and site plans to confirm school capacity when the property is closer to development.

Storm drainage, water quality and floodplain compliance

Storm drainage and water quality infrastructure will be designed to comply with city, state and federal storm drainage, water quality and floodplain standards, consistent with the Lower Lykins Gulch drainage study.

- 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.**

Since the property is not near a riparian area that is subject to setback requirements, the concept plan amendment is not subject to the sustainability evaluation system requirements.

- 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 concept plan reflects all planned future and existing right-of-way outlined in the Envision Longmont Plan. Access to the existing City street network is illustrated in the concept plan and will be further refined through the preliminary and final subdivision and site plans process at the time the property is developed.

Mountain Brook Drive on the north side of the Modern West property will be constructed west to Rogers Road and east to Andersen Street. The north-south local street on the west side of this property will be connected to Nelson Road based on transportation impact study and connectivity requirements. An emergency access to Nelson Road may also be required with future development – this would be provided along the narrow portion of the property. The applicant will be required to participate in future traffic signal improvements at the Airport Road and Rogers Road intersection. Any additional improvement requirements will be addressed at the time of future subdivision and development.

Future development of the property will provide sidewalks on the proposed streets and internal pedestrian path links to the perimeter transportation and trail system as appropriate.

Planning and Zoning Commission Options

The Planning and Zoning Commission may consider the following options when reviewing the Modern West Concept Plan Amendment application:

1. Approve the Modern West Concept Plan Amendment application, finding that the review criteria have been met, as reflected in PZR-2020-8A.
2. Approve the Modern West Concept Plan Amendment application, finding that the review criteria have been met, with conditions, as reflected in PZR-2020-8B.
3. Deny approval of the Modern West Concept Plan Amendment application, finding that the review criteria have not been met, as reflected in PZR-2020-8C.

Recommendation

Staff recommends that the Planning and Zoning Commission recommend approval of the Modern West Concept Plan Amendment application, as reflected in PZR-2020-8A.

Attachments

1. Resolutions – PZR-2020-8A, 8B, 8C
2. Applicant cover letter with attachments
 - a. NREL letter
 - b. RMI letter
 - c. Airport related letters
3. Neighborhood meeting summary
4. Public correspondence
5. Certifications of sign postings and mailings
6. Vicinity map
7. Concept plan amendment
8. Airport traffic 2D map
9. Habitat and species conservation plan
10. Environmental site assessment
11. Traffic study

Project number / file number: DV-CONCEPT PLAN- 20-00007 / 3488-01