

TOWN COUNCIL
SPECIAL MEETING
PACKET

May 11, 2020



**Town Council
Agenda
Special Meeting
Monday, May 11, 2020
Remote Meeting
7:00 PM**



MISSION STATEMENT-*“The mission of the government of the Town of Johnstown is to provide leadership based upon trust and integrity, commitment directed toward responsive service delivery, and vision for enhancing the quality of life in our community.”*

*Members of the audience are invited to speak at the Council meeting. Public Comment (item No. 5) is reserved for citizen comments on items **not** contained on the printed agenda. Citizen comments are limited to three (3) minutes per speaker. When several people wish to speak on the same position on a given item, they are requested to select a spokesperson to state that position.*

- 1) **CALL TO ORDER**
 - A) Pledge of Allegiance
- 2) **ROLL CALL**
- 3) **AGENDA APPROVAL**
- 4) **PUBLIC COMMENT (three-minute limit per speaker)**
- 5) **NEW BUSINESS**
 - A) Consider Resolution 2020-13, Opposing Rock & Rail, LLC’s Application for a Change of Zone (Weld County Case No. COZ20-004)
- 6) **COUNCIL REPORTS AND COMMENTS**
- 7) **MAYOR’S COMMENTS**
- 8) **EXECUTIVE SESSION**
- 9) **ADJOURN**

TOWN COUNCIL AGENDA COMMUNICATION

AGENDA DATE: May 11, 2020

ITEM NUMBER: 5A

SUBJECT: Resolution 2020-13

ACTION PROPOSED: Consideration for a Resolution opposing the rezoning of property A to I-3 by Weld County in the Town of Johnstown GMA

ATTACHMENTS: 1. Resolution 2020-13

PRESENTED BY: Matt LeCerf, Town Manager

AGENDA ITEM DESCRIPTION:

Enclosed for your review and consideration is Resolution 2020-13 requested by the Johnstown Town Council opposing the rezoning of Weld County Case No. COZ20-004. The rezoning proposal made by Gerrard Investments, LLC to Weld County would rezone approximately 133 acres from Agricultural (A) to Heavy Industrial (I-3). The resolution if approved would be provided to Weld County as part of the information that may be submitted to them as part of their consideration of the application. The current use of the property at this time, coupled with the potential rezoning of the property does not conform with the Town's future land use plan. The property is within our Growth Management Area and adopted as part of our comprehensive plan.

LEGAL ADVICE:

The resolution was drafted by the Town Attorney

FINANCIAL ADVICE:

Not applicable

RECOMMENDED ACTION:

SUGGESTED MOTIONS:

For Approval:

I move to approve Resolution 2020-13 as presented and submit a signed copy of the resolution to Weld County to be recognized as an opposition to the application.

For Denial:

I move to deny Resolution 2020-13 as presented and submit a signed copy of the resolution to Weld County to be recognized as an opposition to the application.

Reviewed and Approved for Presentation:

Town Manager

TOWN OF JOHNSTOWN, COLORADO

RESOLUTION NO. 2020-13

**OPPOSING ROCK & RAIL, LLC'S APPLICATION FOR A CHANGE OF
ZONE (WELD COUNTY CASE NO. COZ20-004)**

WHEREAS, after multiple efforts to obtain the right to use the subject property for substantial industrial uses that are wholly incompatible with existing and anticipated land use in the surrounding area, Rock & Rail, LLC, a Colorado limited liability company and/or Gerrard Investments, LLC, a Colorado limited liability company, submitted an application for a change of zone from A (Agriculture) to I-3 (Heavy Industrial) for a 133-acre tract of land located at 27486 CR 13 & 6433 County Road 56, known by legal description as Lot B of RE-2803 & PPT SW4, County of Weld of Weld, State of Colorado, and located approximately ½ mile south of U.S. Highway 34 on Weld County Road 13 and east of Weld County Road 56 (“Property”), designated as Weld County Case No. COZ20-004 (“Application”); and

WHEREAS, being in close proximity to and within three miles of the boundaries of the Town of Johnstown (“Town”), Weld County referred the Application to the Town for review and recommendation; and

WHEREAS, the Town has adopted the “Johnstown Area Comprehensive Plan,” a copy of which may be viewed at www.townofjohnstown.com/DocumentCenter/Home/View/192 (“Comprehensive Plan”), illustrating the Town’s anticipated land uses within the Town’s boundaries and within the Town’s Growth Management Area; and

WHEREAS, the Property is within the Growth Management Area contemplated in the Comprehensive Plan, an area into which urban development and annexation is anticipated to occur in the future; and

WHEREAS, as set forth in the Comprehensive Plan, the Town anticipates the development of low-density, single-family residential homes in the area surrounding the Property; and

WHEREAS, in addition to the Town’s contemplated residential development, the proposed facility abuts the existing Indianhead residential subdivision; and

WHEREAS, the heavy industrial uses permitted in an I-3 zone, including, but not limited to, operation of an asphalt plant, cement batch plant, aggregate processing facility, asphalt storage, cement storage and fuel storage, are wholly inconsistent with residential development and with the Town’s Comprehensive Plan; and

WHEREAS, heavy industrial uses on the Property, along with increased truck traffic, negatively impact existing and future residential development by exposing residents to continuous industrial operations, forcing them to coexist with large, otherwise unplanned, industrial development and creating potential losses of property value, quiet enjoyment and quality of life; and

WHEREAS, on a broader scale, the Town envisions growth along the U.S. Highway 34 corridor to include commercial, residential and mixed use development, consistent and harmonious with the current development; and

WHEREAS, an I-3 zone is not only inconsistent with the Town's vision of the growth along the U.S. Highway 34, but has considerable potential to lead to an expanded and unplanned heavy industrial presence along the U.S. Highway 34 corridor and is, simply put, misplaced in that location; and

WHEREAS, even if certain industrial uses were compatible in the area, an I-3 zone, the most significant and impactful of all the industrial zones, is far too intense and far beyond the type of use the Town desires near its municipal boundary; and

WHEREAS, after careful review and consideration, the Town finds that a change of zone of the Property from A (Agriculture) to I-3 (Heavy Industrial) would create undesirable, offensive and harmful consequences, inconsistent with the Town's long-range planning and inconsistent with the best growth and development along the U.S. Highway 34 corridor.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, THAT:

1. The Town Council strongly opposes Rock & Rail, LLC's application for change of zone of the Property from A (Agriculture) to I-3 (Heavy Industrial).
2. The Town Council respectfully requests that the Weld County Board of County Commissioners deny Rock & Rail, LLC's application, designated as Weld County Case No. COZ20-004.

PASSED, SIGNED, APPROVED, AND ADOPTED this ___ day of May, 2020.

ATTEST:

TOWN OF JOHNSTOWN, COLORADO

By: _____
Diana Seele, Town Clerk

By: _____
Gary Lebsack, Mayor