PLANNING AND DEVELOPMENT MEMORANDUM
#09-13

April 23, 2009

TO: Honorable Mayor Kathleen M. Novak and City Council Members

FROM: William Simmons, City Manager WMS
James Hayes, Director of Planning and Development JH

SUBJECT: CB-1686 / Rezoning of 9777 Fred Drive from R-1-B to PUD

BACKGROUND INFORMATION

Attached to this memorandum is a proposed ordinance, which, if approved, would rezone 9777 Fred Drive from an R-1-B Residential Zone to a PUD Planned Unit Development Zone to allow for a 12-resident assisted living facility. Staff presented the application to the Planning Commission for their consideration at a public hearing on March 10, 2009. A copy of the staff report and exhibits is attached for reference purposes.

Following the public hearing before Planning Commission, staff conducted additional research, specifically related to traffic incidents at the intersection of Huron Street and Fred Drive. According to the City of Northglenn Police Department, over the past five years (2004-2008) eleven (11) traffic incidents have occurred at the intersection in question. None of these incidents involved pedestrians. Staff did confirm a reported incident involving a patrol car and child that occurred in 1998.

PROCEDURE

On March 10, 2009, the Planning Commission considered the requests for rezoning to Preliminary PUD and Final PUD for the subject site. The Planning Commission unanimously recommended approval of the Preliminary PUD based on seven findings of fact:

1. The proposed development is compatible with the surrounding area;
2. The proposed development is not inconsistent with the City's Master Plan;
3. The proposed development does not adversely affect the health, safety, and welfare of the inhabitants of the area and the City of Northglenn;
4. A need exists for the proposal;
5. There have been significant changes in the area to warrant a zone change;
6. Adequate circulation exists and traffic movement will not be impeded by the proposed development; and
7. Additional municipal service costs will not be incurred.

The Planning Commission also added a condition of approval to their recommendation:

1. Visiting hours shall be limited to 8 am to 8 pm, seven days a week.

The Planning Commission unanimously voted to table the decision on the Final PUD pending the City Council decision on the Preliminary PUD. The City Council approved the Preliminary PUD on first reading on April 9, 2009 and set the second reading and public hearing for April 23, 2009. If the City Council approves the Preliminary PUD, the Final PUD may be scheduled for reconsideration by the Planning Commission on May 12, 2009. The subsequent Planning Commission meeting would also include a public hearing, where additional testimony may be provided. However, if the City Council denies the application for rezoning to Preliminary PUD, no further action will occur and staff will notify the Planning Commission of the decision.

POTENTIAL OBJECTIONS:

Several residents came forward during the Planning Commission public hearing in opposition of the proposed request. Testimony was received from the following residents:

1. Pete Kuntz, 9766 Fred Drive - discussed concerns regarding parking & traffic, specifically associated with peak school times.
2. Randy Thompson, 9768 Fred Drive - discussed concerns regarding parking & the intersection, specifically concerning pedestrians & vision issues.
3. Brian DeRemer, 9641 Fox Court - discussed concerns regarding parking, specifically regarding vicinity to the intersection.
4. Echo Medina, no address provided - discussed concerns regarding ingress/egress, number of plumbing fixtures, and trash collection.

BUDGET/TIME IMPLICATIONS:
This rezoning request has no budgetary impacts.

STAFF REFERENCE:
If Council members have any comments or questions they may contact James Hayes, jhayes@northglenn.org or at 303-450-8937.

Case No. Z-2-09

Applicant: Oscar Salem, The Care Group of Northglenn
Location: 9777 Fred Drive
Ordinance: 11-16 and 11-37-2

9777 FRED DRIVE REZONE
STAFF REPORT AND RECOMMENDATION

REQUEST:

The applicant, Oscar Salem, requests the Planning Commission hear and recommend, to the City Council, a change of zoning of the parcel located at 9777 Fred Drive (Exhibit A) from R-1-B Residential to Planned Unit Development (PUD).

REASON FOR REQUEST:

The applicant proposes to remodel the existing single family home located on the site into an assisted living facility, with the potential of housing up to 12 elderly residents. Although the proposed use would be allowed in an R-1-B zone with approval of a Special Use Permit, the number of occupants would be limited to 8, fewer than the applicant wishes to assist. The PUD zoning would allow for the provision for 12 residents to be listed directly on the PUD documents.

BACKGROUND:

The site has been zoned R-1-B zone since incorporation of the City. It is designated as Single Family Residential in the City's Western Planning District.

SURROUNDING LAND USES:

North: Hepp Duplex PUD and Single Family Residences
South: Multi Family Development in Thornton
West: Single Family Residences
East: Single Family Residences

CASE ANALYSIS:

The Planning and Development department has been in close contact with the applicant regarding the proposed rezoning since February of 2008. Staff has reviewed the rezoning proposal and determined that it complies with all requirements for a Planned Unit Development zoning district.

The aging population continues to increase within the City of Northglenn, while assisted living facilities within the Western Planning District are in short supply. Currently there appears to be an imminent need for such a facility in this area of the City. The proposed rezoning is compatible with the surrounding residential areas, including several multi-

family developments in Thornton and the two Hepp Duplexes directly north of the proposed site.

The applicant has provided preliminary schematics for the remodel, which includes a 2,600 square foot main floor (Exhibit B), 2,600 square foot walk-out basement (Exhibit C), and five parking spaces for staff and visitors (Exhibit D). The proposed parking configuration would include two spaces within the existing garage and three spaces at the northwest corner of the house, with one dedicated handicap space. The proposed parking was reviewed by members of the Development Review Committee and was deemed to be sufficient for the proposed use.

It is not anticipated that Huron Street will be impacted by the proposed development; however, Fred Drive may or may not be impeded throughout the day. The site is currently developed with a circular drive and two access points onto Fred Drive. The applicant is proposing to reconfigure the circular drive to accommodate the additional parking and provide a single access for Fred Drive. The proposed parking configuration and site access outlined in the PUD was reviewed by the City's traffic engineer and determined impact to Fred Drive to be less than the existing condition. No additional city infrastructure is required to serve this proposal. User rates within the city are structured such that the proposal will be paying for any service costs incurred by increased usage.

The proposed facility would be licensed by the Colorado Department of Human Services (CDHS) to accommodate up to twelve elderly residents. At least one employee would remain on site at all times to provide assistance to the residents in their daily activities. The applicant proposes to install a fire sprinkler system, fire alarms, and a chair climber as required by the CDHS. The applicant will be required to meet all code requirements from the North Metro Fire Rescue District and the City of Northglenn's Chief Building Official.

Property owners surrounding the proposed facility were notified via mail of the proposal, as required by Section 11-41-3(a) of the City's Zoning Ordinance. In addition, the property in question was posted as required by Section 11-41-3(b). As of the date of this report one anonymous phone call was received expressing concern regarding notification process of the hearing and adequate parking for the proposed use.

APPROVAL CRITERIA:

As a basis of approval Section 11-37-2(h) of the Zoning Ordinance provides that the Planning Commission "shall give consideration to and satisfy themselves to the following:

1) That a need exists for the proposal;
2) That this particular parcel of ground is indeed the correct site for the proposed development;
3) That there has been an error in the original zoning; **or**
   That there have been significant changes in the area to warrant a zone change;

4) That adequate circulation exists and traffic movement would not be impeded by development; and
5) That additional municipal service costs will not be incurred which the City is not prepared to meet.

COMMISSION OPTIONS:

In this case, the Planning Commission is making a recommendation to Council. Commission's options are as follows:

1) Recommend approval of this request, with or without conditions or stipulations;
2) Recommend denial of this request for reasons stated; or
3) Table the request for further consideration.

STAFF RECOMMENDATION:

Staff is recommending approval of the request for rezoning from R-1-B to PUD based on the seven recommended Findings of Fact.

RECOMMENDED FINDINGS OF FACT:

8. The proposed development is compatible with the surrounding area;
9. The proposed development is not inconsistent with the City's Master Plan;
10. The proposed development does not adversely affect the health, safety, and welfare of the inhabitants of the area and the City of Northglenn;
11. A need exists for the proposal;
12. There have been significant changes in the area to warrant a zone change;
13. Adequate circulation exists and traffic movement will not be impeded by the proposed development; and
14. Additional municipal service costs will not be incurred.

STIPULATIONS:

1) Prior to recording the document with the Adams County Clerk & Recorder, the applicant shall provide a corrected Site Plan (page A1.3), with all boundaries, footprints, and dimensions drafted to an appropriate scale.

RESPECTFULLY SUBMITTED:

_____

Shannon Turk
Planner

WHAT'S NEXT: In this case, the Planning Commission is making a recommendation to Council. First reading before City Council is tentatively scheduled for April 9, 2009.

Exhibit A

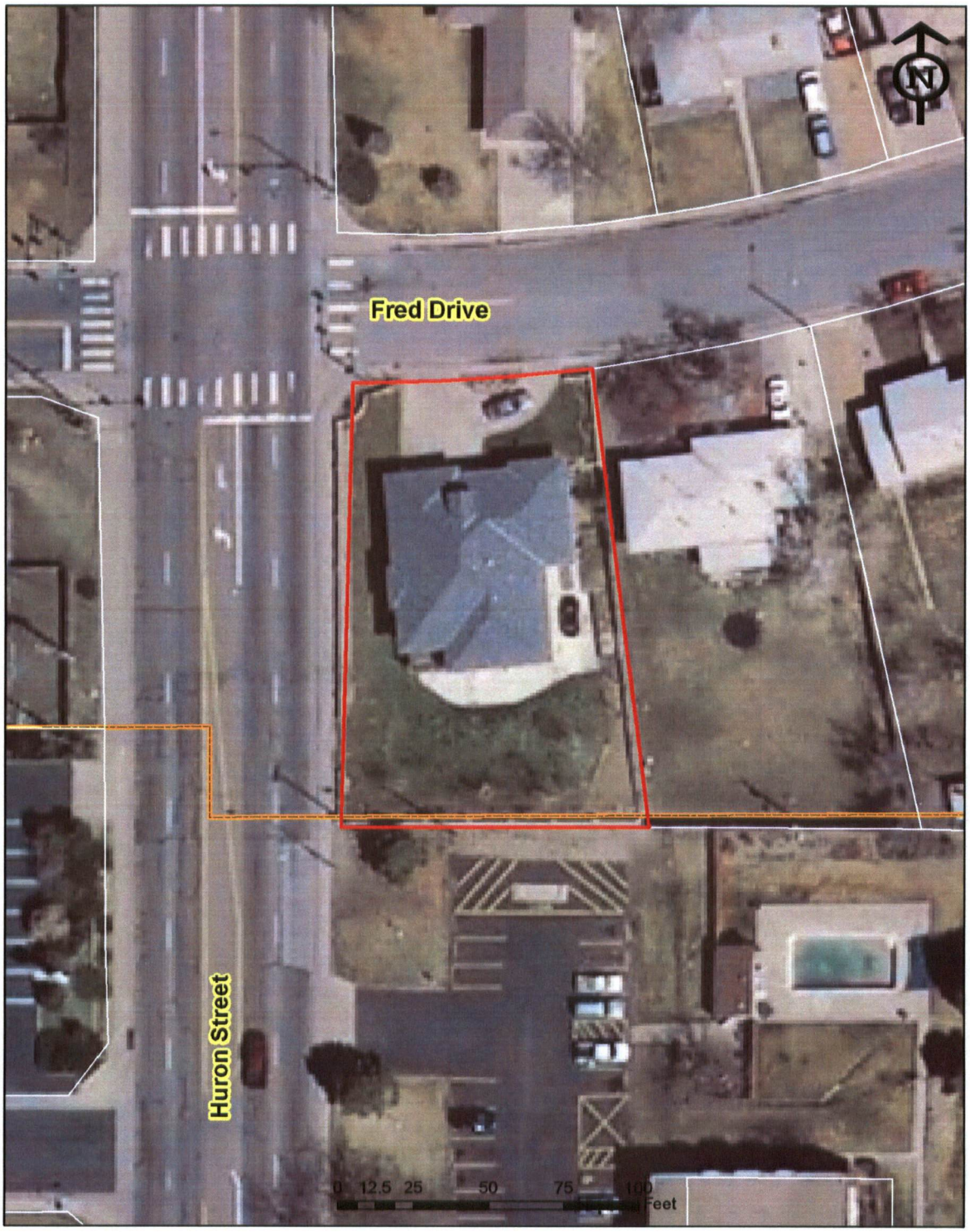
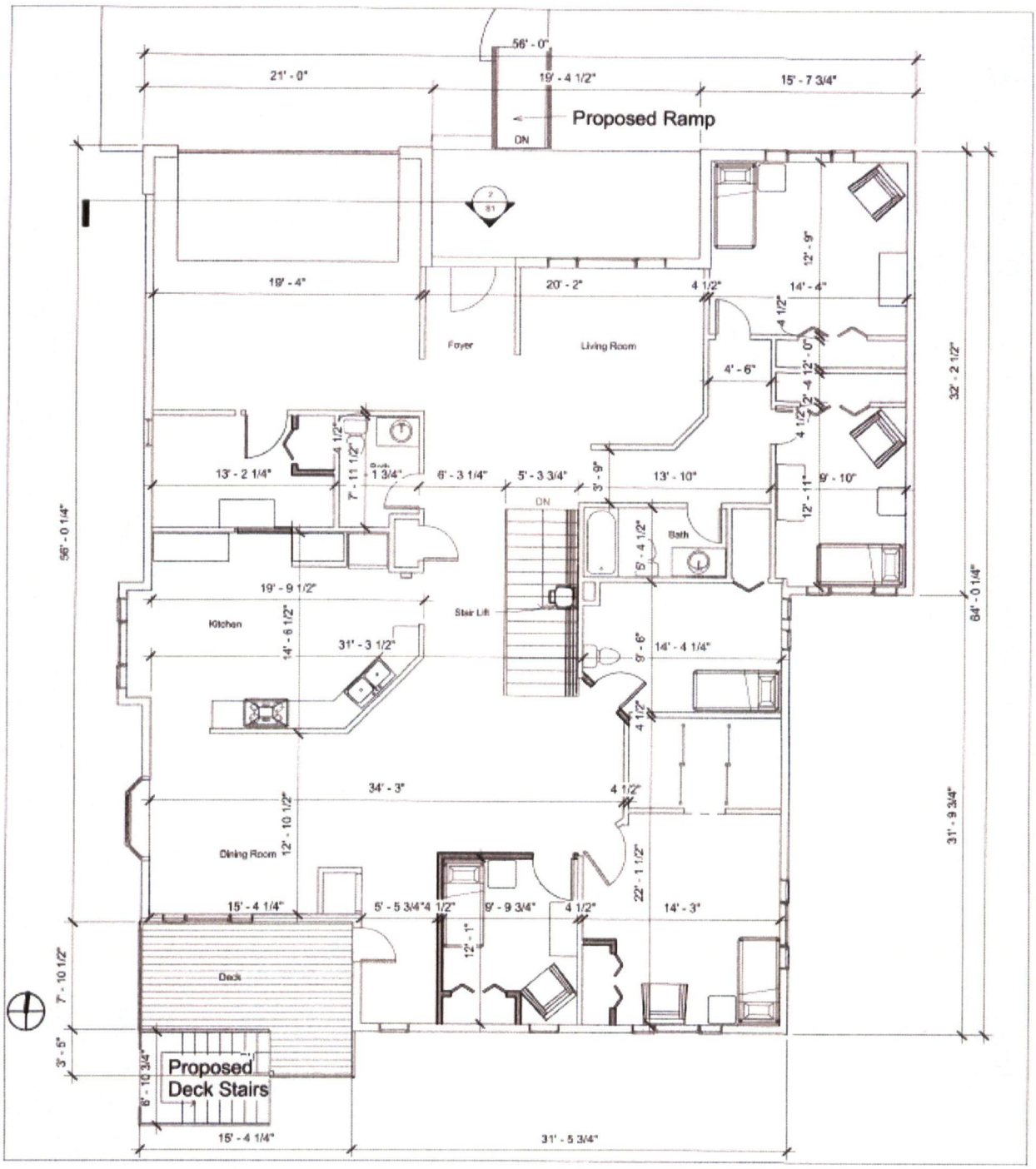


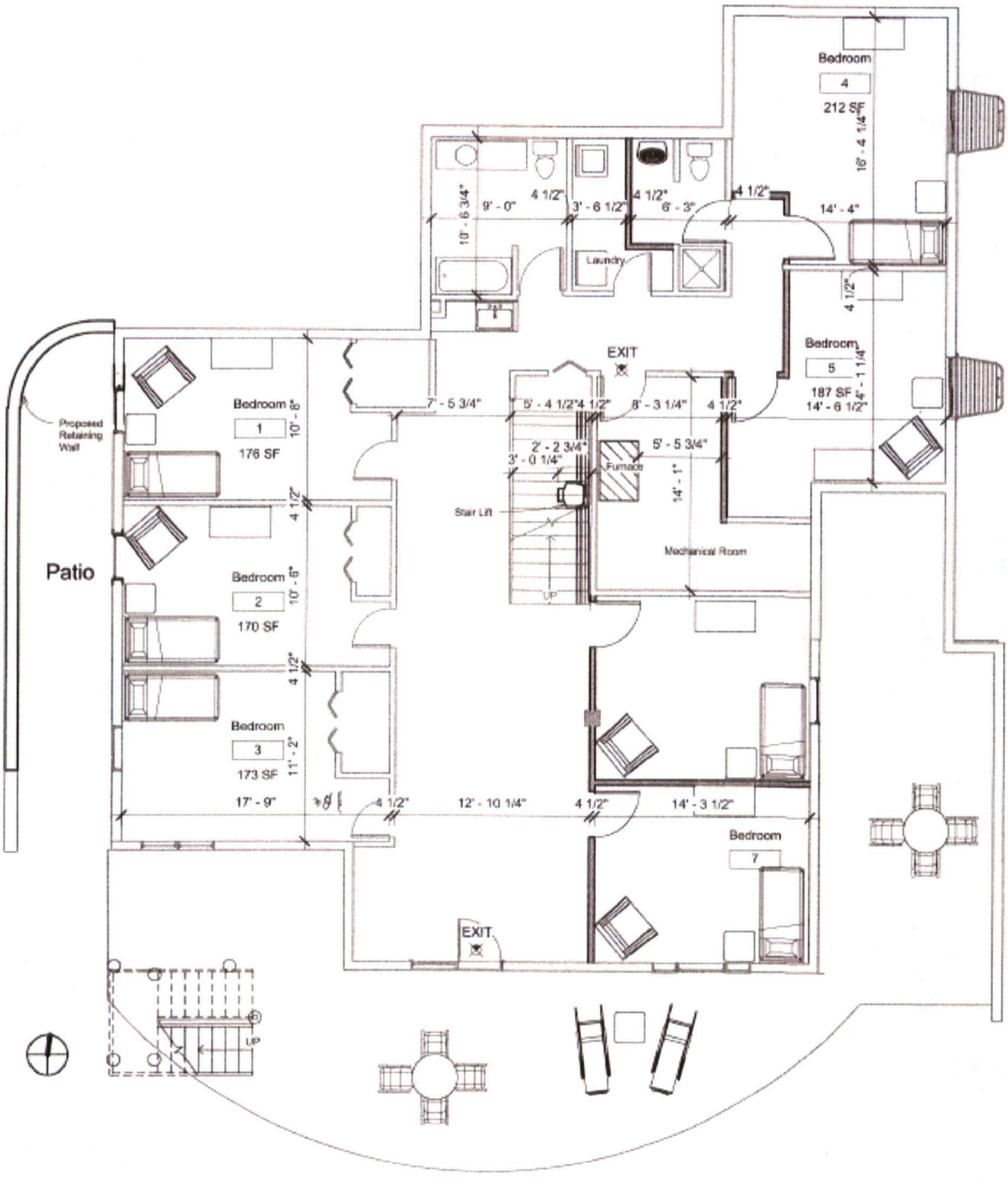
EXHIBIT B



1 Main Level

3/16" = 1'-0"

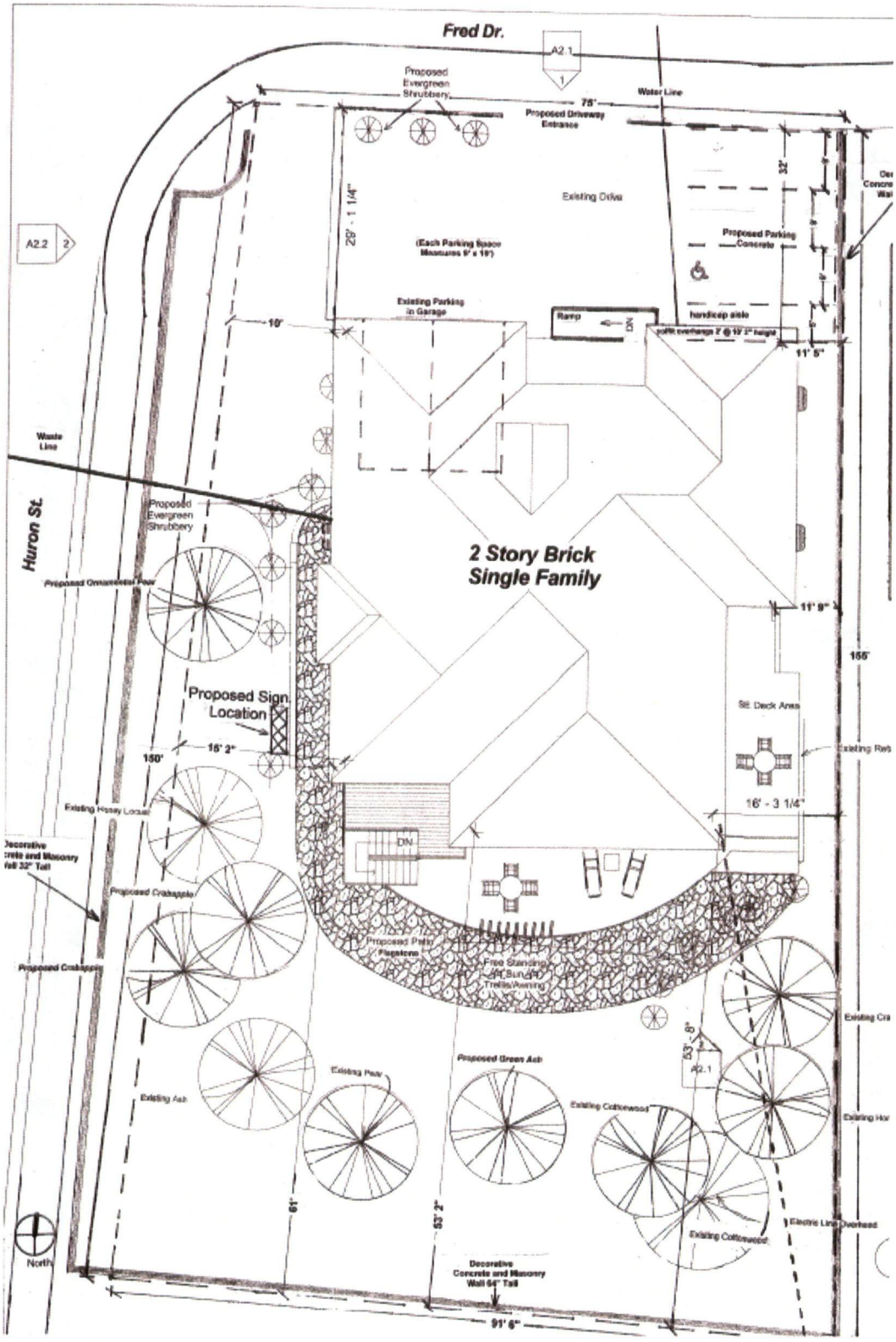
EXHIBIT C



1 **Lower Level**

3/16" = 1'-0"

EXHIBIT D



Fred Dr.
A2.1
Proposed Evergreen Shrubbery
75'
Proposed Driveway Entrance
Water Line
Existing Drive
29' - 1 1/4"
(Each Parking Space Measures 9' x 19')
Proposed Parking Concrete
Existing Parking in Garage
Ramp
handicap aisle
10'
11' 5"
A2.2
Waste Line
Huron St.
Proposed Evergreen Shrubbery
2 Story Brick Single Family
Proposed Ornamental Pear
11' 9"
155'
Proposed Sign Location
15' 2"
150'
St. Deck Area
16' - 3 1/4"
Existing Honey Locust
Proposed Crabapple
Proposed Patio Flagstone
Free Standing Sun Trellis/Awning
Existing Ash
Existing Pear
Proposed Green Ash
Existing Cottonwood
53' - 8"
61'
53' 2"
Electric Line Overhead
North
Decorative Concrete and Masonry Wall 64" Tall
91' 6"

SPONSORED BY: MAYOR NOVAK

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1686
Series of 2009

Series of 2009

A BILL FOR A SPECIAL ORDINANCE REZONING FROM RESIDENTIAL R-1-B TO PLANNED UNIT DEVELOPMENT PUD, CERTAIN REAL PROPERTY IN THE CITY OF NORTHGLENN LOCATED AT 9777 FRED DRIVE, CITY OF NORTHGLENN, COUNTY OF ADAMS, STATE OF COLORADO, AMENDING THE ZONING MAP OF THE CITY OF NORTHGLENN, AND IMPOSING PENALTIES FOR VIOLATIONS OF THE ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Findings of Fact. The City Council hereby makes the following findings of fact:

A. The proposed development is compatible with the surrounding area;
B. The proposed development is not inconsistent with the City's Master Plan;
C. The proposed development does not adversely affect the health, safety, and welfare of the inhabitants of the area and the City of Northglenn;
D. A need exists for the proposal;
E. There have been significant changes in the area to warrant a zone change;
F. Adequate circulation exists and traffic movement will not be impeded by the proposed development; and
G. Additional municipal service costs will not be incurred.

Section 2. Change of Zoning District. Pursuant to the provisions of the Northglenn Zoning Ordinance, as amended, and upon the recommendation of the Northglenn Planning Commission, a change of zoning from Residential R-1-B to Planned Unit Development PUD is hereby approved pursuant to Section 11-37-2(h) and granted for the real property in the City of Northglenn, Colorado, described as 9777 Fred Drive, City of Northglenn, County of Adams, State of Colorado follows.

Section 3. Change of Zone Maps. The official zoning map of the City of Northglenn, pursuant to the provisions of Section 11-3-1 of the Municipal Code of the City of Northglenn, as amended, shall be and hereby is ordered amended to conform with the provisions set in Section 1 of this Ordinance.

Section 4. Violations-Penalty. Violations of the provisions of this Ordinance shall be punishable by a fine of not more than one thousand dollars ($1,000.00), or by imprisonment for a period of not more than one (1) year, or both such fine and imprisonment.

INTRODUCED, READ, AND ORDERED POSTED this 9th day of April, 2009.

SHERI L. PAIZ
Mayor Pro Tem

ATTEST:

JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this _____, day of _____, 2009.

KATHLEEN M. NOVAK
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney