



**PLANNING AND DEVELOPMENT DEPARTMENT
MEMORANDUM 13-10**

DATE: April 22, 2013
TO: Honorable Mayor Joyce Downing and City Council Members
FROM: David Willett, Acting City Manager 
Brook Svoboda, Director of Planning and Development 
SUBJECT: CB-1798; Rezoning for Certain Real Properties at 120th & Grant –
Webster Lake Promenade Preliminary and Final PUD

BACKGROUND

Attached to this memorandum is a proposed ordinance, which if approved, would rezone the 120th and Grant St property to a Preliminary PUD (Planned Unit Development) to create a Webster Lake Promenade. Staff presented the Preliminary and Final PUD application to the Planning Commission through a Public Hearing at the April 2, 2012 Meeting. Also attached to this memorandum is a copy of the staff report with the Planning Commission recommendation.

As part of the PUD approval process, the following items will be considered at the time of second reading of this ordinance (05/13/13):

- First Addendum to the Re-Development Agreement which will provide for:
 - Identifying Public Improvement Obligations
 - Securitizing Public Improvement Infrastructure
 - Performance requirements for completion and warranty of Public Improvements
 - Display Public Art
 - Dedication for Public Park
 - Northglenn Urban Renewal Authority Monetary Contribution
 - Additional Incentive for two (Roof Top) Restaurant Users
- Final Subdivision Plat for Webster Lake Promenade
- Vacation of Community Center Drive – developer will assume maintenance of road and city shall reserve easement access rights to public infrastructure

PROCEDURE

The Planning Commission unanimously recommended approval, via Planning Commission Resolution 2013-01, the Webster Lake Promenade PUD based on five findings of fact:

- The proposed development is compatible with the surrounding area;
- The proposed development is not inconsistent with the City's Master Plan;
- The proposed development does not adversely affect the health, safety, and welfare of the inhabitants of the area and the City of Northglenn;
- Adequate circulation exists and traffic movement will not be impeded by the proposed development; and
- Additional municipal service costs will not be incurred.

Planning Commission Resolution 2013-01 also includes the following conditions for final adoption by the Council:

1. The PUD shall conform to the performance standards prescribed on the PUD.
2. The Developer shall enter into a Development Agreement that will memorialize the following:
 - a. Construction of all civil infrastructure improvements necessary to mitigate the impact of the development and required security for said improvements.
 - b. Securing a Special Use Permit from the Colorado Department of Transportation Special Use Permit, for the construction improvements on 120th St
 - c. Establishing the licensing for the display of public art on the property
3. Colorado Department of Transportation shall issue a Special Use permit for the auxiliary lane improvement to 120th prior to the issuance of building permit for the project.

BUDGET/TIME IMPLICATIONS

This ordinance amendment request has no budgetary impacts.

POTENTIAL OBJECTIONS

No objection from the public were heard at the Planning Commission meeting

RECOMMENDATION

Staff recommends Council approve CB-1798

STAFF REFERENCE

Brook Svoboda, Director of Planning and Development bsvoboda@northglenn.org or 303.450.8937

Attachment #1 Planning Commission Packet w/ Staff report & PUD Documents

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1798
Series of 2013

Series of 2013

A BILL FOR A SPECIAL ORDINANCE REZONING FROM PLANNED UNIT DEVELOPMENT (PUD), ADMINISTRATIVE AND PROFESSIONAL ZONE (C-0), AND OPEN ZONE (O-1) TO PLANNED UNIT DEVELOPMENT CERTAIN REAL PROPERTY IN THE CITY OF NORTHGLENN COMMONLY KNOWN AS THE "WEBSTER LAKE PROMENADE" IN THE COUNTY OF ADAMS, STATE OF COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF NORTHGLENN

WHEREAS, all of the property described in **Exhibit A** is currently zoned PUD with a legal description as follows:

Lots 1 & 2, Block 1, Holiday Park, A Part of McElwain Tract and Part of McElwain Tract No. 2, North Line of the Northeast One Quarter of Section 3, Township 2 South, Range 68 West of the Sixth Principal Meridian, City of Northglenn, County of Adams, State of Colorado; and

WHEREAS, the City Council desires to rezone the property described in **Exhibit A** to PUD, pursuant to the Preliminary and Final PUD attached hereto as **Exhibit B**.

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. A need exists for the rezoning from Planned Unit Development (PUD) to Planned Unit Development (PUD);
- B. The property at the SW corner of Grant Street and 120th Avenue is the correct location for the proposed development;
- C. Significant changes in the area have occurred to warrant the proposed zone change;
- D. Adequate circulation exists and traffic movement will not be impeded by the proposed development; and
- E. Additional municipal service costs will not be incurred which the City is not prepared to meet.

Section 2. Rezoning. Pursuant to the provisions of the Northglenn Zoning Ordinance, as amended, and upon the recommendation of the Northglenn Planning Commission (Case No. Z-1-13), a zoning change to Planned Unit Development (PUD) is hereby allowed and granted for the real property in the City of Northglenn, Colorado described in the attached **Exhibit A**, pursuant to the Preliminary and Final PUD attached as **Exhibit B**.

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, and the Comprehensive Master Plan of the City of Northglenn shall be and hereby are ordered amended to conform with the provisions 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 22nd day of April, 2013.


JOYCE DOWNING
Mayor

ATTEST:


JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____, 2013.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:



COREY Y. HOFFMANN
City Attorney

EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

PART OF THE MCELWAIN TRACT, A SUBDIVISION RECORDED IN FILE 12 AT MAP 40, ADAMS COUNTY RECORDS, A PART OF MCELWAIN TRACT 2, A SUBDIVISION RECORDED IN FILE 12 AT MAP 153, ADAMS COUNTY RECORDS, A PART OF LOT 1 AND LOT 2, HOLIDAY PARK, A SUBDIVISION RECORDED IN FILE 16 AT MAP 427, ADAMS COUNTY RECORDS, ALL OF NORTHGLENN CIVIC CENTER SUBDIVISION, A SUBDIVISION RECORDED IN FILE 18 AT MAP 733, ADAMS COUNTY RECORDS AND A PART OF COMMUNITY CENTER DRIVE AND BEING A PART OF THE NORTH ONE HALF OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE N1/4 CORNER OF SECTION 3, T.2S., R.68W., OF THE 6TH P.M.;
THENCE S00°31'46"E ALONG THE WEST LINE OF THE NE 1/4 OF SECTION 3, A DISTANCE OF 58.00 FEET;

THENCE S89°50'25"E A DISTANCE OF 10.00 FEET TO THE **POINT OF BEGINNING**;

THENCE S89°50'25"E, ALONG THE SOUTH R.O.W. LINE OF EAST 120TH AVENUE A DISTANCE OF 490.16 FEET;

THENCE S49°50'25"E, ALONG SAID SOUTH R.O.W. LINE A DISTANCE OF 46.00 FEET TO A POINT ON THE WESTERLY R.O.W. LINE OF GRANT STREET;

THENCE THE FOLLOWING FIVE (5) COURSES ALONG SAID WESTERLY R.O.W. LINE

- 1) THENCE S05°58'56"E A DISTANCE OF 72.80 FEET;
- 2) THENCE S00°09'35"W A DISTANCE OF 302.17 FEET TO A POINT OF CURVE
- 3) THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 50°03'25", A RADIUS OF 289.67 FEET, AN ARC LENGTH OF 253.07 FEET, A CHORD BEARING OF S28°48'44"W AND A CHORD DISTANCE OF 245.10 FEET;
- 4) THENCE S53°44'58"W A DISTANCE OF 70.33 FEET;
- 5) THENCE S58°31'55"W A DISTANCE OF 243.35 FEET TO A POINT ON THE WESTERLY R.O.W. LINE OF COMMUNITY CENTER DRIVE;

THENCE ALONG THE WESTERLY R.O.W. OF COMMUNITY CENTER DRIVE THE FOLLOWING FIVE (5) COURSES;

- 1) THENCE ALONG A CURVE TO THE RIGHT, NON-TANGENT TO THE LAST DESCRIBED COURSE, HAVING A CENTRAL ANGLE OF 10°03'16", A RADIUS OF 343.20 FEET, AN ARC LENGTH OF 60.23 FEET, A CHORD BEARING OF S25°07'57"W AND A CHORD DISTANCE OF 60.15 FEET;
- 2) THENCE S30°09'35"W A DISTANCE OF 60.66 FEET TO A POINT OF CURVE;
- 3) THENCE ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 30°41'21", A RADIUS OF 330.34 FEET, AN ARC LENGTH OF 176.94 FEET, A CHORD BEARING OF S14°48'55"W AND A CHORD DISTANCE OF 174.83 FEET;
- 4) THENCE S00°31'46"E A DISTANCE OF 560.91 FEET TO A POINT OF CURVE;
- 5) THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 14°55'31", A RADIUS OF 729.58 FEET, AN ARC LENGTH OF 190.05 FEET, A CHORD BEARING OF S06°56'00"W AND A CHORD DISTANCE OF 189.52 FEET;

THENCE THE FOLLOWING THREE (3) COURSES ALONG THE SOUTHERLY LINE OF NORTHGLENN CIVIC CENTER SUBDIVISION;

- 1) THENCE N84°33'21"W A DISTANCE OF 223.32 FEET;
- 2) THENCE S75°45'59"W A DISTANCE OF 445.46 FEET;
- 3) THENCE N84°33'21"W A DISTANCE OF 210.00 FEET TO A POINT ON THE EASTERLY R.O.W. LINE OF INTERSTATE HIGHWAY 25;

THENCE THE FOLLOWING SIX (6) COURSES ALONG THE EASTERLY R.O.W. LINE ON INTERSTATE HIGHWAY 25;

- 1) THENCE N01°14'09"W A DISTANCE OF 330.41 FEET;
- 2) THENCE N02°58'03"E A DISTANCE OF 380.04 FEET;
- 3) THENCE N00°48'29"E A DISTANCE OF 131.27 FEET;
- 4) THENCE N26°38'47"E A DISTANCE OF 67.78 FEET;
- 5) THENCE N03°14'33"E A DISTANCE OF 79.80 FEET;
- 6) THENCE N28°48'35"E A DISTANCE OF 229.93 FEET;

THENCE THE FOLLOWING FIVE (5) COURSES ALONG THE NORTHERLY LINE OF NORTHGLENN CIVIC CENTER SUBDIVISION;

- 1) THENCE S09°14'56"W A DISTANCE OF 117.28 FEET;
- 2) THENCE S21°57'47"E A DISTANCE OF 107.97 FEET;
- 3) THENCE N68°02'13"E A DISTANCE OF 132.40 FEET;
- 4) THENCE N73°03'59"E A DISTANCE OF 268.00 FEET;
- 5) THENCE S89°50'25"E A DISTANCE OF 130.00 FEET;

THENCE THE FOLLOWING SIX (6) COURSES ALONG THE EASTERLY LINE OF THAT PARCEL OF LAND DESCRIBED IN INSTRUMENT RECORDED AT RECEPTION NO. 20050113000049660;

- 1) THENCE N00°09'35"E A DISTANCE OF 329.98 FEET;
- 2) THENCE S89°50'25"E A DISTANCE OF 285.92 FEET TO A POINT OF CURVE;
- 3) THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 90°00'00", A RADIUS OF 25.00 FEET, AND ARC LENGTH OF 39.27 FEET, A CHORD BEARING OF S44°50'25"E AND A CHORD DISTANCE OF 35.36 FEET TO A POINT ON THE WEST R.O.W. LINE OF COMMUNITY CENTER DRIVE;
- 4) THENCE N00°09'35"E ALONG SAID WEST R.O.W. LINE A DISTANCE OF 80.00 FEET TO A POINT OF CURVE;
- 5) THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 90°00'00", A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 39.27 FEET A CHORD BEARING OF S45°09'35"W AND A CHORD DISTANCE OF 35.36 FEET;
- 6) THENCE N89°50'25"W A DISTANCE OF 285.92 FEET;

THENCE N00°09'35"E ALONG THE SAID EASTERLY LINE AND ALONG THE EASTERLY LINE OF A PARCEL OF LAND DESCRIBED IN INSTRUMENT RECORDED AT RECEPTION NO. 20050113000049650, A DISTANCE OF 322.33 FEET;

THENCE N76°37'46"E ALONG THE SOUTHERLY LINE OF SAID PARCEL RECORDED AT RECEPTION NO. 20050113000049660, A DISTANCE OF 143.76 FEET TO A POINT ON THE WEST LINE OF MCELWAIN TRACT;

THENCE N00°31'46"W ALONG SAID WEST LINE, A DISTANCE OF 72.63 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS (1,360,435 SQUARE FEET) 31.2313 ACRES

EXHIBIT B

[ATTACH PRELIMINARY PUD]