

SPONSORED BY: MAYOR DOWNING

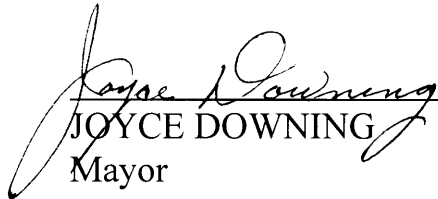
COUNCILMAN'S RESOLUTION

NO. CB-1815  
Series of 2013

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

A PUBLIC HEARING WILL BE HELD ON CB-1815, SERIES OF 2013, ENTITLED "A BILL FOR A SPECIAL ORDINANCE REZONING FROM R-1-C SINGLE FAMILY RESIDENTIAL TO C-4 COMMERCIAL RESTRICTED SERVICE, CERTAIN REAL PROPERTY IN THE CITY OF NORTHGLENN LOCATED AT 10655 WASHINGTON STREET, 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" ON JANUARY 13, 2013 AT 7:00 P.M., CITY HALL COUNCIL CHAMBERS, 11701 COMMUNITY CENTER DRIVE, NORTHGLENN.

DATED this 9<sup>th</sup> day of December, 2013.

  
JOYCE DOWNING  
Mayor

ATTEST:



  
JOHANNA SMALL, CMC  
City Clerk

AFFIDAVIT OF POSTING:

I, \_\_\_\_\_, certify that CB-1815 was posted at the authorized posting places in the City of Northglenn this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Deputy City Clerk

**PLANNING AND DEVELOPMENT DEPARTMENT  
MEMORANDUM 13-49**

**DATE:** December 9, 2013  
**TO:** Honorable Mayor Joyce Downing and City Council Members  
**FROM:** John Pick, City Manager   
Brook Svoboda, Director of Planning and Development   
**SUBJECT:** CB-1815 – Northglenn Ambulance Rezoning – 10655 Washington Street

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**BACKGROUND**

Attached to this memo is a proposed ordinance, which if approved, would rezone 10655 Washington Street from R-1-C (Single Family Residential) to C-4 (Commercial) to prepare the property for future sale. The existing structure and site has been in continuous use as an Ambulance Service Operation since before the City's Incorporation. Throughout that time, the property has maintained Single Family (R-1-C) zoning designation and was never truly considered for single-family development. In accordance with the City's adopted zoning ordinance, Fire and Police stations are allowed in Single Family zoning districts with the additional requirement of a Permitted Use Permit. As the property operated prior to incorporation, the City considered the use "grandfathered" and never formally processed it under the requirements of the zoning ordinance. The City considers it a legal, non-conforming operation that can continue operations unless major changes are proposed.

The applicant is no longer providing service to residents of the City of Northglenn and an operational center in this location no longer provides optimal response to the other areas Northglenn Ambulance serves. They will be moving their operations to an area closer to the communities they currently service. Therefore, they are looking to close operations at this location and sell the property.

**PROCEDURE**

The Planning Commission hearing was held on November 19, 2013. At that time, the Commission voted unanimously to approve the application as provided with this report and Planning Commission Resolution 2013-11. Attached is a copy of the staff report and exhibits for reference purposes (**Attachment A**).

The City Council is to consider the proposal based on the following five criteria for rezoning (11-37-2(h)):

- (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
- (4) That there have been significant changes in the area to warrant a zone change;

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

The City Council's second reading of CB-1815 is scheduled for the January 13, 2014 meeting. If the rezoning is ultimately granted by the City Council, the property will be sold with C-4 commercial zoning and will be subject to those uses as outlined in Article 11-23 of the Zoning Ordinance.

**BUDGET/TIME IMPLICATIONS:**

This ordinance amendment request has no budgetary impacts.

**RECOMMENDATION**

Staff recommends Council approve CB-1815

**STAFF REFERENCE**

Brook Svoboda, Director of Planning and Development [bsvoboda@northglenn.org](mailto:bsvoboda@northglenn.org) or 303.450.8937

**ATTACHMENTS**

**Attachment A**      Planning Commission Staff Report w/ Exhibits

# ATTACHMENT A

Case No. Z-4-13

Applicant: Rick Lindsey, CEO, Northglenn  
Ambulance, Inc.  
Location: 10655 Washington Street  
Ordinance: 11-37-2

## NORTHGLENN AMBULANCE REZONING PROPERTY REZONING FROM R-1-C SINGLE FAMILY RESIDENTIAL TO C-4 COMMERCIAL STAFF REPORT AND RECOMMENDATION

### **REQUEST:**

The applicant, Northglenn Ambulance Inc. requests the Planning Commission hear and recommend, to the City Council, an amendment to the existing zoning of the parcel located at 10655 Community Center Drive (Exhibit A).

### **REASON FOR REQUEST:**

The applicant is no longer providing service to residents of the City of Northglenn and will be moving their operations to an area closer to their current service area. They are preparing to market the property for future sale.

### **BACKGROUND:**

Northglenn Ambulance has operated out of the existing site and structure since 1963, prior to incorporation of the City of Northglenn. On December 1, 2011, the North Metro Fire Rescue District assumed the ambulance transportation requirements for the City of Northglenn. An operational center in this location no longer provides optimal response to the other areas Northglenn Ambulance services. Therefore, they are looking to close operations at this location and sell the property.

### **PROCESS:**

In accordance with the City's Ordinance regarding rezoning (11-37-2), the Planning Commission must provide a recommendation for the rezoning of property to the City Council for consideration and action.

### **SURROUNDING LAND USES:**

North:	Gethsemane Lutheran Church
South:	City of Northglenn Open Space
West:	City of Northglenn Open Space
East:	Single Family and Multi-Family Residential

## **CASE ANALYSIS:**

### Land Use

The existing structure and site has been in continuous use as an Ambulance Service Operation since before the City's Incorporation. Throughout that time, the property has maintained Single Family (R-1-C) zoning designation and was never truly considered for single family development. In accordance with the City's adopted zoning ordinance, the Fire and Police stations are allowed in Single Family zoning districts with the additional requirement of a Permitted Use Permit. As the property operated prior to incorporation, the City considered the use "grandfathered" and never formally processed it under the requirements of the zoning ordinance. The City considers it a legal, non-conforming operation that can continue operations unless major changes are proposed.

The property's proximity to a main arterial provided beneficial access to the greater transportation network for emergency service calls and the station existed in harmony with the surrounding land uses germane to a large suburban arterial roadway.

The requested Commercial zoning (C-4) would avail the property to a series of new commercial uses that are typically located on arterial roadways within the City. ATTACHMENT B outlines the uses that would be allowed by right under a C-4 zoning. Staff feels that these would be appropriate provided the proximity to Washington Street.

Under a C-4 zoning classification, the property would generally have the following setbacks and height restrictions:

- Front Setback            25'
- Side Setback             0'
- Rear Setback            15'
  
- Height Limitation       60'

Based on the size of the site (0.54 acres) and the site standards required under Commercial zoning, staff calculates that the largest structure that could be built on the site as the following under the related category:

General Retail	~6,000 sq. ft. building
General Office	~8,000 sq. ft. building

### Non- Conforming Status

A similar use to the current Ambulance operation could occupy the building under the tenets of the current zoning ordinance's Supplemental regulations that speak to non-conforming uses.

Article 11-36-4 Discontinuance discusses the continuance of uses deemed non-conforming.

*Section 11-36-4. Discontinuance. Discontinuance of a nonconforming use for a period of more than six months shall terminate the nonconforming use, and any future use shall be carried on in compliance with the provisions of this Ordinance and amendments hereto.*

After six months of discontinuance of the use, all provisions of the Ordinance will apply to the property and a similar use would be required to apply for and be granted a Permitted Use Permit for operation if zoned Residential or Commercial.

### Administration

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).

### **APPROVAL CRITERIA:**

Section 11-37-2-Zone Changes requires that the following be satisfied prior to approval of a rezoning:

(h) Basis for Approval. The Commission and Council 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
- (4) That there have been significant changes in the area to warrant a zone change;
- (5) That adequate circulation exists and traffic movement would not be impeded by development; and
- (6) That additional municipal service costs will not be incurred which the City is not prepared to meet.

### **APPROVAL CRITERIA ANALYSIS**

- (1) That a need exists for the proposal

*Staff finds that the direct proximity to the Washington Street arterial is an appropriate location for Commercial development. Based on the size of the site, a residential designation in that location does not make sense. The property, under a Commercial zoning designation, would still be clustered with other Commercial properties in the general vicinity.*

- (2) That this particular parcel of ground is indeed the correct site for the proposed development;

*Staff finds that the direct proximity to the Washington Street arterial is an appropriate location for the proposed Commercial uses of the C-4 category. Other Commercial properties in the vicinity are zoned at the C-4 level.*

- (3) That there has been an error in the original zoning; or

*Staff finds that the original zoning designation should have been compatible with the existing use (ambulance) under an Institutional category or a Commercial zone designation in proximity to the Washington Street arterial.*

- (4) That there have been significant changes in the area to warrant a zone change;

*Staff finds that increases of volume along the Washington Street corridor lend themselves to Commercial development and no longer to Residential development as prescribed by the current zoning.*

- (5) That adequate circulation exists and traffic movement would not be impeded by development; and

*Future development proposals will be augmented through staff review to maintain similar access to Washington Street that is currently there.*

- (6) That additional municipal service costs will not be incurred which the City is not prepared to meet.

*Staff finds that there will be no additional municipal service costs incurred.*

### **COMMISSION OPTIONS:**

The Planning Commission is making a recommendation for rezoning to the City Council. The Commissions options are as follows:

- 1) Approve the request, with or without conditions or stipulations;
- 2) Deny the request for reasons stated; or
- 3) Table the request for further consideration.

### **STAFF RECOMMENDATION:**

Staff recommends approval of the rezoning based on the above six recommended Findings of Fact per the criteria of Section 11-37-2 of the Northglenn Zoning Ordinance and outlined in Planning Commission resolution 13-11.

RESPECTFULLY SUBMITTED:

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Travis Reynolds, AICP  
Senior Planner

***WHAT'S NEXT: The recommendation will be carried forward to the City Council for action at a future meeting.***



ATTACHMENT A



## ATTACHMENT B

### General Commercial

Section 11-19-3. Uses-by-Right.

(a) General offices, excluding the sale of goods or products at wholesale or retail, directly or indirectly.

(b) Medical offices, dental offices, and pharmacies.

(c) Telephone exchanges.

(d) Special sales and promotions, which could not otherwise be conducted in conformance with this Zoning Ordinance, when conducted in accordance with the following restrictions and limitations:

(1) Special sales and promotions may be conducted by any business permanently located in the City on the site permanently occupied by said business.

(2) The special sale or promotion may only include those goods and services normally sold or provided by the business.

(3) Special sales or promotions may be conducted from noon any Friday until noon the next following Monday.

(4) All necessary permits, licenses, and approvals shall be obtained from the City Building Department, the North Metro Fire Rescue District, the Tri-County Health Department, or other local or State agencies prior to start of the sale or promotion.

(5) During the conduct of the special sale or promotion, goods and merchandise may be displayed and services performed outside of totally enclosed buildings and structures.

(6) Temporary signs advertising special sales or promotion will be allowed, without a sign permit, during the sale period of time allowed for special sales and promotions, but limited to the type, size, and location requirements of Section 11-35-5(a)(4) of the Sign Code.

(7) No merchandise, promotional displays, or other obstructions or encroachments of any type are allowed in the following areas:

(a) In designated fire lanes.

(b) In entry drives from any public street.

(c) In any landscaped area if damage to trees, shrubbery, groundcovers, or other plant materials results.

(d) In any sidewalk, public or private, so as to reduce the usable width of the walk to less than three (3) feet.

(e) In any fifty (50) foot vision triangle at the intersection of two public streets or a public street and any private driveway.

(f) Attached to any public property, including signs, light poles, and trees in a public right-of-way.

(g) On any public right-of-way.

(h) Within ten (10) feet of any pedestrian access doorway.

(8) Special sales and promotions may include but not be limited to: the use of tents, semi-trailers and other vehicles, temporary stands or kiosks, food service, entertainment, performers, or displays.

(9) No lights shining into any public right-of-way, either moving, flashing, pulsating, creating changing light effects, or otherwise creating any hazard, are allowed.

(10) No special public address systems, music, amplified sound or sound-making devices are permitted other than in conformance with the City's Noise Ordinance.

(11) This Section 11-19-3(d) shall not be interpreted to regulate or preclude sales and promotions that may otherwise be conducted in conformance with applicable provisions of this Zoning Ordinance. Nor shall this Section 11-19-3(d) be interpreted to preclude special sales and promotions or temporary signs requiring a Temporary Use Permit or Temporary Sign Permit as provided in Articles 29 and 35, respectively, of this Zoning Ordinance.

(e) Fund raising activities conducted by non-profit groups or civic organizations with the permission of the owner of the property where such activity is to be conducted and in conformance with the restrictions and limitations specified in Subsections (d)(4) through (d)(11), above.

## **C-1 Commercial**

Section 11-21-2. Uses-by-Right.

(a) The uses-by-right shall be subject to the following condition: Business establishments are restricted to a maximum gross floor area of 3,000 square feet each, excluding the basement and any floor area devoted to off-street parking, loading or unloading facilities.

(b) In addition to those set forth in Article 19, the following shall be uses-by-right:

(1) Art and school supply stores.

(2) Antique shops.

(3) Banks.

(4) Barber shops.

(5) Beauty shops.

- (6) Camera and photographic supply stores.
- (7) China and glassware stores.
- (8) Clothes pressing establishments.
- (9) Coin and philatelic stores.
- (10) Custom dressmaking and tailor shops.
- (11) Dry cleaning and laundry receiving stations, provided that the processing be done elsewhere.
- (12) Fabric shops.
- (13) Florist shops.
- (14) Food stores, grocery stores, meat markets, bakeries, creameries, and delicatessens.
- (15) Furniture stores with new merchandise, excluding repair or upholstering services on premises.
- (16) Furrier shops.
- (17) Garden supply and seed stores.
- (18) Gift and variety shops.
- (19) Hardware stores.
- (20) Hobby shops, for retail of items to be assembled or used away from the premises.
- (21) Home appliance stores.
- (22) Interior decorating shops, retail only.
- (23) Jewelry stores, including watch repair.
- (24) Launderettes, automatic self-service only.
- (25) Leather goods and luggage stores.
- (26) Millinery shops.
- (27) Musical instrument sales and repair.
- (28) Paint and wallpaper stores.
- (29) Pharmacies.
- (30) Photography studios.
- (31) Restaurants.
- (32) Restricted production and repair, limited to the following: art needlework; clothing (custom manufacturing and alterations) for retail only; jewelry (from precious metals); watches; dentures; and optical lenses.

- (33) Sewing machine sales and services, household machines only.
- (34) Schools (music, dance, or business).
- (35) Shoe and hat repair shops.
- (36) Shoe stores.
- (37) Sporting goods stores.
- (38) Toy shops.
- (39) Television and radio repair shops.
- (40) The above-mentioned uses are by way of example and not by way of limitation.

### **C-3 Commercial**

#### Section 11-22-2. Uses-by-Right.

(a) The uses-by-right shall be subject to the following condition: Business establishments shall be restricted to a maximum gross floor area of 8,000 square feet each, excluding the basement and any floor area devoted to off-street parking or loading facilities.

(b) In addition to those set forth in Article 19, the following shall be uses-by-right:

- (1) All uses-by-right in C-1 Zones.
- (2) Art galleries, but not including art auctions.
- (3) Carpet and rug stores.
- (4) Department stores.
- (5) Frozen food stores, but not including locker rental businesses.
- (6) Furniture stores, including upholstering and repair businesses when conducted as part of the retail operations and secondary to the principal use.
- (7) Interior decorating shops, excluding manufacturing.
- (8) Liquor stores (packaged goods only).
- (9) Radio and television broadcasting stations.
- (10) Theaters.
- (11) Undertaking establishments, funeral parlors.
- (12) Wholesale establishments with storage or display of merchandise limited to samples only, but no manufacturing.
- (13) The above-mentioned uses are by way of example and not by way of limitation.

## **C-4 Commercial**

Section 11-23-2. Uses-by-Right.

(a) The uses-by-right shall be subject to the following condition: All goods produced on the premises shall be sold at retail on the premises where produced.

(b) In addition to those set forth in Article 19, the following shall be uses-by-right:

- (1) All uses-by-right in C-1 and C-3 Zones.
- (2) Amusement establishments, bowling alleys, pool halls, dance halls, gymnasiums, swimming pools, and skating rinks.
- (3) Auction rooms (indoor activities only).
- (4) Automobile accessory stores (new parts and supplies only).
- (5) Bicycle sales, rental and repair shops.
- (6) Blueprinting and photostating establishments.
- (7) Clubs and lodges (nonprofit and fraternal organizations).
- (8) Casket and casket supply sales.
- (9) Catering establishments.
- (10) Clothing and costume rental stores.
- (11) "Drive-in" type establishments offering goods and services primarily or directly to customers waiting or being served in parked motor vehicles.
- (12) Drug stores.
- (13) Dry cleaning establishments.
- (14) Exterminating shops.
- (15) Haberdasheries.
- (16) Motels.
- (17) Laundries.
- (18) Office supplies stores.
- (19) Orthopedic and medical appliance stores, but not including the assembly or manufacturing of such articles.
- (20) Pawn shops.
- (21) Pet shops and small animal hospitals, but not including the use of outdoor facilities.
- (22) Plumbing showrooms and shops.
- (23) Printing establishments.

- (24) Restaurants, lounges, and taverns.
- (25) Schools (commercial and trade).
- (26) Second-hand stores and rummage shops.
- (27) Taxidermists.
- (28) Typewriter and adding machine sales and repair shops.
- (29) The above-mentioned uses are by way of example and not by way of limitation.

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1815  
Series of 2013

\_\_\_\_\_  
Series of 2013

A BILL FOR A SPECIAL ORDINANCE REZONING FROM R-1-C SINGLE FAMILY RESIDENTIAL TO C-4 COMMERCIAL RESTRICTED SERVICE, CERTAIN REAL PROPERTY IN THE CITY OF NORTHGLENN LOCATED AT 10655 WASHINGTON STREET, 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. A need exists for the rezoning from R-1-C (Single Family Residential) to C-4 (Commercial Restricted Service);
- B. The property at 10655 Washington Street is the correct location for the proposed development;
- C. The original zoning designation should have been compatible with the existing use (ambulance) under an Institutional category or a Commercial zone designation in proximity to the Washington Street arterial.
- D. Significant changes in the area have occurred to warrant the proposed zone change;
- E. Adequate circulation exists and traffic movement will not be impeded by the proposed development; and
- F. Additional municipal service costs will not be incurred which the City is not prepared to meet.

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 R-1-C Single Family Residential to C-4 Commercial Restricted Service is hereby approved pursuant to Section 11-37-2(h) and granted for the real property in the City of Northglenn, Colorado, described as 10655 Washington Street, City of Northglenn, County of Adams, State of Colorado. The City Council determines that this change of zoning district is consistent with the Comprehensive Master Plan of the City of Northglenn.



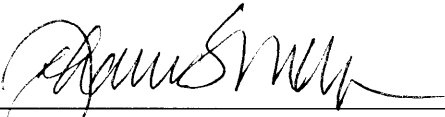
Section 3. Change of Zone Maps. The official zoning map of the City of Northglenn, pursuant to the provisions of Section 11-3-1 of the Municipal Code of the City of Northglenn, as amended, shall be and hereby is ordered amended to conform with the provisions set in Section 1 of this Ordinance.

Section 4. Violations-Penalty. Violations of the provisions of this Ordinance shall be punishable as provided in Section 1-1-10(a)(2) of the Northglenn Municipal Code.

INTRODUCED, READ AND ORDERED POSTED this 9<sup>th</sup> day of December, 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