

**PLANNING AND DEVELOPMENT MEMORANDUM**  
**#10-14**

June 10, 2010

**TO:** Honorable Joyce Downing and City Council Members

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

**SUBJECT:** CB-1722 / Rezoning of 9777 Fred Drive from R-1-B to PUD

**BACKGROUND INFORMATION**

This is a re-application for a case that was acted upon by City Council in April of 2009.

Originally, in March of 2009, the Planning Commission heard the case and recommended approval of rezoning the property to the City Council pursuant to a public hearing. When, later, the City Council heard the case and held a public hearing for the rezoning to PUD, the vote was 4-3 in favor of the rezoning. However, a clause in Article 37- Amendments and Public Hearings of the Northglenn Zoning Ordinance rendered the vote invalid, ultimately defeating the proposal.

Article 37, Section 11-37-2(g) Council Action indicates the following:

*"In case of protest against such zone change signed by the owners of 20 percent or more, either of the area of the lots included in such proposed change or of those immediately adjacent to the side and in the rear thereof extending 100 feet therefrom or of those directly opposite thereto extending 100 feet from the street frontage of such opposite lots, such zone change shall not become effective except by the favorable vote of three-fourths of the entire voting membership of Council.*

At the City Council public hearing, a petition was presented and signed that exceeded the thresholds as stated above in 11-37-2-(g). In light of the submitted petition and in accordance with the article above, 7 out of 9 members of the "entire voting membership of Council" would have had to vote in the affirmative. Therefore, the application was not approved.

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 May 18, 2010. A copy of the staff report and exhibits is attached for reference purposes (Attachment A).

## **PROCEDURE**

On May 18, 2010, the Planning Commission considered the requests for rezoning to Preliminary PUD for the subject site. The Planning Commission unanimously recommended approval of the Preliminary and Final PUD based on six 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;
- A need exists for the proposal;
- Adequate circulation exists and traffic movement will not be impeded by the proposed development; and
- Additional municipal service costs will not be incurred.

The Planning Commission also added recommended conditions of approval to their formal recommendation:

1. If at any point the waste generated from the facility exceeds the allowed capacity of a regular single family structure, the owner may be required to contract for private waste services.
2. Upon final approval of any PUD the applicant will submit final, to scale drawings.

The Planning Commission did not take action on any conditional approval of a Final PUD upon any rezoning approval by the City Council. If the rezoning to PUD is ultimately granted by the City Council, a Final PUD hearing would be scheduled for the Planning Commission at a later date.

## **POTENTIAL OBJECTIONS:**

No objections from the public were heard at the Planning Commission meeting.

## **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](mailto:jhayes@northglenn.org) or at 303-450-8937.

## ATTACHMENT A

**Case No. Z-1-10**

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 & B) 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:**

This is a re-application of a case that was ultimately denied by City Council in April of 2009. Originally, the Planning Commission recommended approval to the City Council pursuant to a public hearing. When, later, the City Council heard the case and held a public hearing for the rezoning to PUD, the vote was 5-2 4-3 in favor of the rezoning. However, an obscure clause, in Article 37- Amendments and Public Hearings, of the Northglenn Zoning Ordinance rendered the vote invalid, ultimately defeating the proposal.

Article 37, Section 11-37-2(g) Council Action indicates the following:

*"In case of protest against such zone change signed by the owners of 20 percent or more, either of the area of the lots included in such proposed change or of those immediately adjacent to the side and in the rear thereof extending 100 feet therefrom or of those directly opposite thereto extending 100 feet from the street frontage of such opposite lots, such zone change shall not become effective except by the favorable vote of three-fourths of the entire voting membership of Council."*

At the City Council public hearing, a petition was presented and signed that exceeded the thresholds as stated above in 11-37-2(g). In light of the submitted petition and in accordance with the article above, 7 out of 9 members of the "entire voting membership of Council" would have had to vote in the affirmative. Therefore, the application was not approved.

As stated, this is a re-application of the same proposal. 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 a 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 3,000 square foot main floor (Exhibit C), 2,600 square foot walk-out basement (Exhibit D), and five parking spaces for staff and visitors (Exhibit E). 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. Further, the intersection of Fred Drive and Huron Street is equipped with a left turn lane on

southbound Huron Street. The intersection is signalized, but no specific “left turn” arrow exists to control eastbound turns off of Huron Street onto Fred Drive (Exhibit B).

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). No comments have been received as of the report date.

### **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:**

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.

**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:



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Travis Reynolds, AICP  
Senior 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 June 10, 2010.***

EXHIBIT B



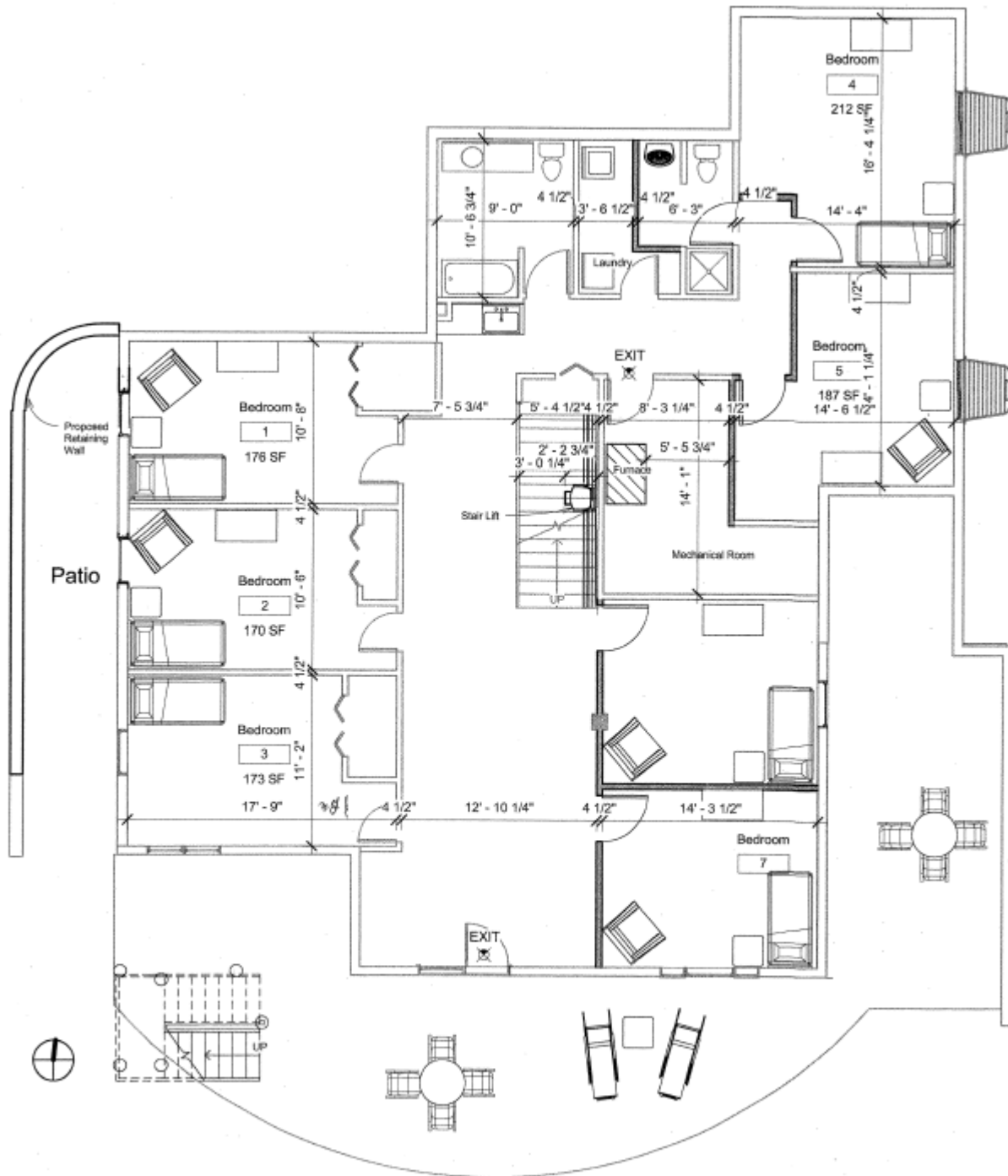
This is a detailed architectural floor plan of a residential building. The plan includes the following rooms and features:

- Proposed Ramp:** Located at the top center, with a width of 19'-4 1/2" and a length of 15'-7 3/4". It includes a circular feature labeled "2 81" and a "DN" (down) arrow.
- Foyer:** A central entry area with a width of 20'-2".
- Living Room:** A large open area with a width of 19'-4" and a length of 12'-9". It includes a fireplace and a large window.
- Kitchen:** Located on the left side, with a width of 13'-2 1/4" and a length of 14'-8 1/2". It includes a sink, stove, and refrigerator.
- Dining Room:** Adjacent to the kitchen, with a width of 12'-10 1/2" and a length of 15'-4 1/4".
- Deck:** A large outdoor area at the bottom left, with a width of 15'-4 1/4" and a length of 8'-11 3/4". It includes a "Proposed Deck Stairs" leading up to it.
- Bath:** Located in the center-right, with a width of 5'-4 1/2" and a length of 9'-6". It includes a bathtub, toilet, and sink.
- Stair Lift:** A vertical staircase in the center, with a width of 5'-3 3/4" and a length of 5'-6". It includes a "DN" (down) arrow.
- Other Rooms:** Several smaller rooms and closets are shown, including a bedroom with a width of 13'-10" and a length of 12'-11", and another bedroom with a width of 14'-4 1/4" and a length of 9'-6".
- Dimensions:** The overall dimensions of the building are 56'-0 1/4" wide by 64'-0 1/4" deep. The main living area is 31'-5 3/4" wide by 32'-2 1/2" deep.
- Structural Elements:** The plan shows various walls, doors, windows, and structural columns. A north arrow is located in the bottom left corner.

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# EXHIBIT D



1 Lower Level  
3/16" = 1'-0"



SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1722  
Series of 2010

\_\_\_\_\_  
Series of 2010

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.     Adequate circulation exists and traffic movement will not be impeded by the proposed development; and
- F.     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 \_\_\_\_\_ day of \_\_\_\_\_,  
2010.

\_\_\_\_\_  
JOYCE DOWNING  
Mayor

ATTEST:

\_\_\_\_\_  
JOHANNA SMALL, CMC  
City Clerk

PASSED ON SECOND AND FINAL READING this \_\_\_\_\_, day of \_\_\_\_\_,  
2010.

\_\_\_\_\_  
JOYCE DOWNING  
Mayor

ATTEST:

\_\_\_\_\_  
JOHANNA SMALL, CMC  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
COREY Y. HOFFMANN  
City Attorney