

**PLANNING AND DEVELOPMENT MEMORANDUM**  
**#10-40**

October 28, 2010

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

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

**SUBJECT:** CR-141 / Comprehensive Plan Amendment (#CP-1-10)

**BACKGROUND INFORMATION**

On July 20, 2010, the Northglenn Planning Commission approved a major update to the Comprehensive Plan. The Plan was later ratified by the City Council on August 26, 2010. The Plan document includes a detailed process for the use of the plan and future amendments. In late August, one of the proponents of the amendment met with City staff to review their land use proposal for the site. Specifically, they outlined the use of the property, and the two businesses that are seeking to relocate from another site in the City of Northglenn. Staff determined that the required zone district for both of the proposed uses shall be Planned Unit Development.

Pursuant to Section 2C of the City of Northglenn Comprehensive Plan:

“Both private landowners and the City may initiate plan amendments. A plan amendment shall be approved only if the Planning Commission makes specific findings. If approved by the Planning Commission, the amendment shall become part of the plan, and the plan shall be revised to include the changes resulting from the amendment.”

The next step in the process is: “City Council ratifies the amendment.”

On September 7, 2010, TH Automotive, Inc. and Absolute Pool Management, LLC submitted a request for an Amendment to the City of Northglenn Comprehensive Plan. Specifically, the applicant requested to amend a portion of the Future Land Use Map by changing the designation from Parks and Open Space to Light Industrial. The subject area of the amendment is an approximately 2.4 acre parcel on the southwest corner of Irma Drive and Leroy Drive.

The proponents of the amendment currently have the subject site under contract to purchase with a closing date of March 31, 2011, contingent upon a rezoning approval by the City. A detailed narrative outlining the ultimate planned use of the property was included in the request. A formal site plan was not submitted with the request. A complete copy of the proponents’ submittal is attached for reference purposes. The future use of the property is proposed as two separate businesses. The first business is a 9,000 square foot automotive repair shop and the second is a 4,000-5,000 square foot pool maintenance company.

Staff completed an analysis of the proposal and submitted a staff report to the Planning Commission for consideration at their regular meeting on October 5, 2010. Staff recommended denial of the request based on the analysis and recommended findings of fact in the staff report. At the public hearing, the proponents provided extensive testimony about their proposal for new businesses on the site. Two members of the Northglenn Urban Renewal Authority (speaking on their own behalf) spoke in favor of the amendment. The real estate broker (listing agent) for Northglenn Youth Incorporated (NYI) and an NYI board member spoke in favor of the amendment. One additional also stated support for the amendment. No citizens or other interested parties spoke in opposition to the proposal. The Planning Commission approved the Comprehensive Plan Amendment (CP-1-10) by a vote of 4-1.

Attached to this memorandum is a proposed resolution, which if approved, would ratify the decision of the Planning Commission to amend the City of Northglenn Comprehensive Plan. Specifically, the amendment changed the Future Land Use Map for a parcel of land from Parks and Open Space to Light Industrial. The subject site is located southwest of the intersection of Irma Drive and Leroy Drive. A copy of the Planning Commission staff report and exhibits is attached for reference purposes (Attachment A).

**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.

**ATTACHMENTS**

Attachment A – Planning Commission staff report (with proponents' submittal)

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-141  
Series of 2010

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

A RESOLUTION APPROVING AN AMENDMENT TO THE NORTHGLENN COMPREHENSIVE PLAN

WHEREAS, the City of Northglenn is a home rule municipal corporation organized under and pursuant to Article XX of the Colorado Constitution and the City of Northglenn Home Rule Charter;

WHEREAS, by virtue of such authority, and as further authorized by State statutes, including but not limited to C.R.S. § 31-23-206 *et seq.* and Section 11-40-9 of the Northglenn Municipal Code, the City has authority to make, adopt, and amend the comprehensive plan for the physical development of the municipality;

WHEREAS, the Planning Commission conducted a public hearing on a proposed amendment to the Northglenn Comprehensive Plan on October 5, 2010 (the "Plan Amendment"), and following said hearing the Commission, by a majority vote recorded in its official minutes, approved the Plan Amendment attached hereto; and

WHEREAS, City Council has reviewed the Plan Amendment and has determined that it is in the public interest that the Plan Amendment be adopted for the purpose of guiding growth, redevelopment, and capital investment in the City of Northglenn.

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

Section 1. The City Council hereby ratifies the adoption by the City of Northglenn Planning Commission of the Plan Amendment, attached hereto as **Exhibit A**, and incorporated herein by this reference.

Section 2. The City Manager is directed to cause an attested copy of the attached Plan Amendment to be filed with the Offices of the Adams and Weld County Clerk and Recorder in accordance with C.R.S. § 31-23-208.

DATED, at Northglenn, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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

ATTEST:

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JOHANNA SMALL, CMC  
City Clerk

APPROVED AS TO FORM:

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COREY Y. HOFFMANN  
City Attorney

**Case No. CP-1-10**

Applicant: TH Automotive / Absolute Pool Mgmt.  
Location: SW corner of Irma Drive and Leroy Drive

## **STAFF REPORT AND RECOMMENDATION**

### **REQUEST:**

TH Automotive, Inc. and Absolute Pool Management, LLC have submitted a request for an Amendment to the City of Northglenn Comprehensive Plan. Specifically, the applicant is requesting to amend a portion of the Future Land Use Map by changing the designation from Parks and Open Space to Light Industrial. The subject area of the amendment is an approximately 2.4 acre parcel on the southwest corner of Irma Drive and Leroy Drive.

The proponents of the amendment currently have the subject site under contract to purchase with a closing date of March 31, 2011, contingent upon a rezoning approval by the City. A detailed narrative outlining the ultimate planned use of the property was included in the request. A formal site plan was not submitted with the request. A complete copy of the proponents' submittal is attached for reference purposes. The future use of the property is proposed as two separate businesses. The first business is a 9,000 square foot automotive repair shop and the second is a 4,000-5,000 square foot pool maintenance company.

### **STAFF ANALYSIS:**

On July 20, 2010, the Northglenn Planning Commission approved a major update to the Comprehensive Plan. The Plan was later ratified by the City Council on August 26, 2010. The Plan document includes a detailed process for the use of the plan and future amendments. In late August, one of the proponents of the amendment met with City staff to review their land use proposal for the site. Specifically, they outlined the use of the property, and the two businesses that are seeking to relocate from another site in the City of Northglenn. Staff determined that the required zone district for both of the proposed uses shall be Planned Unit Development.

Pursuant to Section 2C of the City of Northglenn Comprehensive Plan:

"Both private landowners and the City may initiate plan amendments. A plan amendment shall be approved only if the Planning Commission makes specific findings"

The proponents included their response to the amendment criteria in their submittal to the City (attached). Staff has completed the following analysis:

1. Development patterns or factors have substantially changed in ways that necessitate or support the amendment, and the plan is not adequate to address the changes.

The subject site is currently vacant with the exception of a recreational trail that runs through the southern end of the property adjacent to Grange Hall Creek. The property has been vacant since the development of Northglenn in the 1960s. Since that time, the City has developed a public park (Al Thomas Park) directly to the west and drainage and trail improvements along Grange Hall Creek to the south. Directly to the east, the City has developed Jaycee Park and the Goodspeed Happy Tails Dog Park. Property to the north and south are zoned I-2 with commercial/industrial development to the north and a church overflow parking lot to the south across Grange Hall Creek. Although there has

been some commercial/industrial development in the area, most of the development adjacent to this property supported the continued use of the subject site as open space.

2. The proposed amendment shall promote the public good and is in compliance with the overall purpose, intent, goals and policies of the plan.

Although the subject site has not been developed as an active recreation space, there is benefit to the public good keeping the future land use designation as open space. A recreational trail exists on the property and provides a regional connection from Northglenn through Thornton and east to the South Platte River regional trail. In addition, Chapter 8 of the Comprehensive Plan (Parks, Recreation, and Open Space) contains several policies and strategies that may be in conflict with the development of the subject site. Specifically, the Plan includes the following policies and strategies (on pages 43-47):

- Policy 8B1 – Provide for the recreational and tourism needs of city residents and visitors
- Policy 8B2 – Continue to implement the City of Northglenn Parks Master Plan
- Policy 8B3 – Preserve open space to enhance the quality of life, shape urban areas, avoid development of environmentally sensitive areas and preserve critical wildlife habitat
- Policy 8B4 – Encourage partnerships between and among municipalities, other jurisdictions, and the private sector to promote open space conservation, parkland creation, trailways and corridors.

All four of the Comprehensive Plan policies related to Parks, Recreation, and Open Space are in conflict with the proposed amendment.

3. The proposed amendment shall be compatible with existing and planned surrounding land uses.

Existing parks and recreation uses have been developed to the west, east, and through the subject site. Light industrial has been developed to the north, but the Plan projects preservation of open space areas, not reducing them due to the incursion of industrial land uses. The subject site also has two trail segments that impact the site. Specifically, there is a trail connection on the south end of the property and a trail on the east side of the site adjacent to Irma Drive. New development of this site may adversely impact the trail system, which is an existing land use.

The Parks and Recreation Advisory Board discussed the amendment at their regular meeting on September 13, 2010. Although a formal vote was not taken, the Board stated their opposition to the amendment.

4. The proposed amendment shall not overburden the City's existing or planned infrastructure systems, or else shall provide measures to mitigate such impacts.

No impacts were identified.

It is important to note that this amendment shall be considered a legislative process by the Planning Commission even though there is an applicant and the request is for a specific parcel

of land. The only question for the Planning Commission to consider with this amendment is whether or not the Future Land Use Map of the Comprehensive Plan should be changed from Parks and Open Space to Light Industrial. If the amendment is approved, staff anticipates a subsequent rezoning and/or subdivision application for the site. At that time, the Planning Commission will take on a quasi-judicial role in the review of the proposal.

### **ADJACENT LAND USES:**

North – Light industrial land uses, zoned I-2

South – Grange Hall Creek floodplain and church parking lot, zoned I-2

West – Al Thomas Park, zoned O-1

East – Jaycee Park and Goodspeed Happy Tails Dog Park, zoned O-1

### **PLANNING COMMISSION OPTIONS:**

The Commission's options in this case are as follows:

1. Amend the Future Land Use Map of the Comprehensive Plan to change the designation of the subject site from Parks and Open Space to Light Industrial;
2. Deny the amendment to the Comprehensive Plan; or
3. Table/Continue the matter to a future meeting for additional analysis.

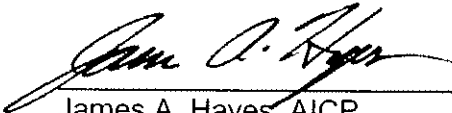
### **STAFF RECOMMENDATION:**

Staff recommends DENIAL of the Comprehensive Plan Amendment based on the following recommended findings of fact.

### **RECOMMENDED FINDINGS OF FACT:**

1. Development patterns or factors have not substantially changed in ways that necessitate or support the amendment and the Plan.
2. The proposed amendment does not promote the public good and is not in compliance with the overall purpose, intent, goals and policies of the Plan.
3. The proposed amendment is not compatible with existing and planned surrounding land uses.

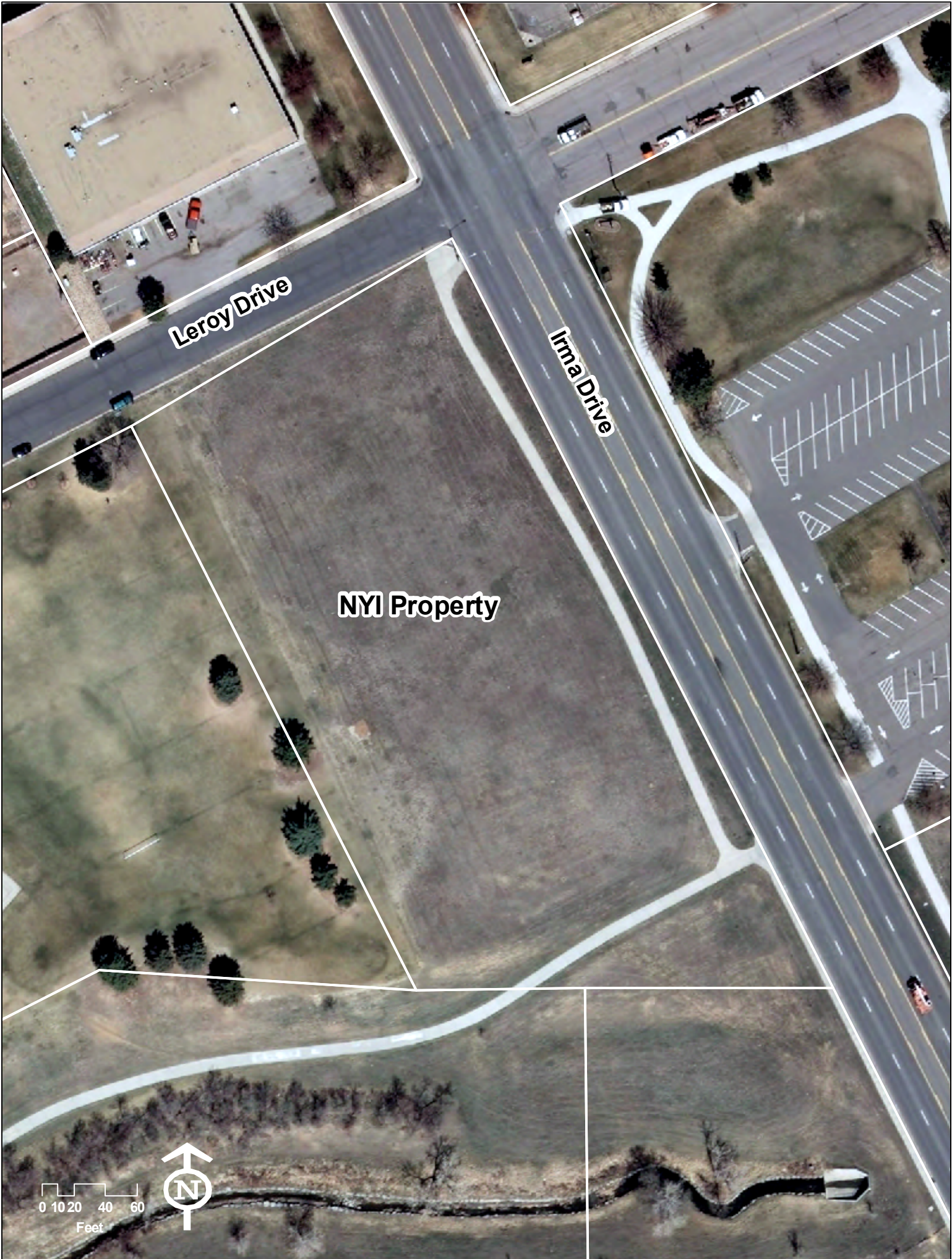
RESPECTFULLY SUBMITTED:



James A. Hayes, AICP  
Director of Planning and Development

***WHAT'S NEXT: If the amendment is approved by the Planning Commission, it will be considered by the City Council for ratification at a future meeting. If the amendment is denied, the Planning Commission shall communicate its findings to the City Council, which shall have the power to overrule such disapproval by a recorded vote of not less than two-thirds of its entire membership.***





Leroy Drive

Irma Drive

NYI Property

0 10 20 40 60  
Feet





**CITY OF NORTHGLENN  
Development Application  
&  
Plan Amendment**

**Site Description:** TRACT 34 [2.397 Acres – Vacant Land]  
**Current Land Use Classification:** **OPEN SPACE**  
**Proposed Land Use Classification:** **C-5 – LIGHT INDUSTRIAL**

Respectfully submitted to  
the Northglenn Planning Commission  
seeking a Plan Amendment  
to  
2009 City of Northglenn Comprehensive Plan

**September 7, 2010**



Timothy G. Hawpe – Owner  
T.H. Automotive, Inc.  
10750 Irma Drive – Units 5 & 6  
Northglenn, Colorado 80233  
(303) 255 - 8487

**CITY OF NORTHGLENN**  
**Development Application**  
**&**  
**Plan Amendment**

**Site Description:** 2.397 Acres – Vacant Land  
**Current Land Use Classification:** OPEN SPACE  
**Proposed Land Use Classification:** C-5 – LIGHT INDUSTRIAL

**Location:** Southwest Corner of Irma Drive and LeRoy Drive; adjacent to Alvin B. Thomas Memorial Park [eastside of soccer field] and northside of City of Northglenn Greenway Trail System [creekbed]; west across Irma Drive from Dog Park and Wastewater Treatment Facilities

**Legal Description:** Tract 34 – PLAT File 11 – Map 22; Section 11, T.2 S., R.68W of the 6<sup>th</sup> P.M.; NG 14<sup>th</sup> Filing

**Status:** Deed Restriction (dated October 3, 1969) released by Jordan Perlmutter at request of "North Glenn Youth, Inc." (Dwayne Tidwell-President) signed by Jordan Perlmutter March 5, 2010

Contract to Buy and Sell Real Estate dated August 9, 2010 by and between North Glenn Youth, Inc. [Seller] and T.H. Automotive, Inc./Absolute Pool Management, LLC [Buyer] with closing to occur March 31, 2011, contingent upon Zoning change

**Facts in Evidence:** Former Deed Restriction's 41-year intended use solely for youth activities has outlived its useful application – requested to be vacated/lifted by North Glenn Youth, Inc. and agreed to by signatory of donated land [Mr. Jordan Perlmutter]

North Glenn Youth, Inc. as *Seller* posted for sale sign with Real Estate Broker; *Buyer* responded with Real Estate representative to consummate Purchase/Sale Agreement [terms = confidential]

Annual Property Tax – \$36.00

Northglenn Comprehensive Plan shows site as 'Open Space' Zoning

Remarks/Narrative:

- Current zoning north to south along *entirety of westside of Irma Drive*, from 104<sup>th</sup> Avenue to 112<sup>th</sup> Avenue, has C-5 (light industrial zoning) except this parcel's 530 feet. Most all of the eastside of Irma Drive [across the street] is zoned heavy industrial.
- Both T.H. Automotive (Timothy G. Hawpe) and Absolute Pool Management (Brian Crofer & John Hollick) are existing, **committed Northglenn employers** whose companies have operated in Northglenn for decades. Collectively, their sales taxes represent nearly \$25,000 annually.
- Both businesses provide a regional draw in terms of their respective customer base. By way of example, T.H. Automotive has repeat customers from Wyoming, Nebraska, Kansas, Texas and Arizona – over 10,000 active clients. This **interstate-regional market trade base** is important as sales tax revenues flow into Northglenn from distant sources as well as local ones. Also, Mr. Hawpe is a well-known 'volunteer consumer advocate' appearing routinely on 850 KOA reaching out to its 1.8 million radio listeners discussing auto-repair and providing popular "car-talk" mechanical insights and exchanges.
- These two Northglenn companies' long-term strategic plans intend to expand their facilities by relocating to this site. **Business retention** in Northglenn is an increasingly important component to a strong economic city such as Northglenn. Vital to stabilizing as well as growing Northglenn's economy is to assist existing businesses in their efforts to: (a) become more profitable; (b) add jobs; (c) expand their facilities; (d) purchase new equipment; (e) and expand their services. All five (5) of these attributes apply to these two existing companies.
- Northglenn will benefit from **increases in sales taxes AND property taxes** – the City needs to both encourage business growth and business retention. Retaining these Northglenn businesses in Northglenn is a top priority for City Council via its new hire Economic Director who started working with the City Staff August 9, 2010. Council's new **Economic Development Strategic Plan** is slated for adaptation later this year. Its 'call-to-arms' is to promote a more formalized and "robust economic development."
- Changing the land use classification **promptly identifies and encourages these businesses to stay in Northglenn**. While these companies would rather choose to stay in Northglenn, it is important to know that without the ability to grow plus expand to own their land and buildings, the City runs the risk of their leaving.

**Project Description:**

**T.H. Automotive** intends to build a 9,000 square foot, single story, steel building to eventually double its current production capacity as well as potentially increasing its labor force from 10 FTE's [full-time employees @ 2,080 hours/year] by half-again this number [NOTE: all but 2 of these employees live in Northglenn]. **Absolute Pool Management** currently services fifty-five [55] public pools throughout the Denver metropolitan area will build its own separate 4,000sf-5,000sf, single story, steel building. C-5 zoning parking requirements for these two companies will easily be accommodated on this 2.4-acre land tract.

**Economic Impact [Two Companies Combined Pro Forma Financials]:**

	<u>Current</u>	<u>"Estimated"</u>
Annual Gross Revenues	\$1.7 Million	\$2.5 Million
Sales Tax Generation	\$ 25,000	\$ 37,000
Number of Workers	20.5 FTE's	30.5+ FTE's
Property Tax Generation	\$ 36	\$ 000's? (tbd)
Geographic Target Market	Regional	Multi-State

**REQUIRED AMENDMENT RESPONSES – 4 Findings/Questions Answered**

1. **Substantial Change** – Changing the Land Use Classification from Open Space – ostensibly used for youth activities [evidenced as a 41-year hiatus of unused, vacant land] – has had a change of venue once envisioned by those who 'gifted' the property to the 'North Glenn Youth, Inc.' Non-existent transportation will commence with new on-and-off the property traffic patterns. As well, utility extensions will need to be made inclusive of new commercial building construction and infrastructures, etc.

Admittedly, there will be **substantial change in the land-use character** given that the existing, unused, weed-cut, 'vacant-land' will engage new economic enterprise in keeping with all other land-use venues north and south of this 2.4-acre land tract. As such, the recently adapted *2009 City of Northglenn Comprehensive Plan* approved by the Planning Commission is deemed out-of-date with respect to Tract 34 described herein. It better serves the greater public interest to retain and eventually increase sales tax proceeds specific to the two businesses to be located here. As well, property taxes never-before-seen-in-evidence will be provided to Northglenn's tax rolls.

2. **In Compliance** – The Proposed Amendment to C-5 – **Light Industrial** land use (changed from an open-space classification) not only is in keeping with the existing character of the adjacent properties up and down, along Irma Drive, north and south, on the westside of this main thoroughfare, it does not otherwise invade residential and other common-area public uses located eastward across the street. The “Public Good” can be interpreted with ease as being equally served in proximate and like use of other commercial enterprises located up and down Irma Drive from 104<sup>th</sup> to 112<sup>th</sup> Avenues.
3. **Compatibility** – In the evaluation of this anomaly of Tract 34’s 530 linear feet along Irma Drive as compared to nearly 8 blocks of C-5 Light Industrial Zoning, it would appear at first glance to be an oversight in not designating this parcel in like manner [C-5 Light Industrial] with all of the other land tracts in this commercially-oriented neighborhood. Throughout Northglenn, this stretch is commonly referred to as the “Industrial Park” area of Northglenn. Logically, there is **definite compatibility with existing land uses**.
4. **Not Overburden** – At first exchanges of descriptions, uses and intentions, in meetings with the Public Works resource staff in Northglenn City Offices, as regards utilities and existing infrastructures, it was indicated **little or no untoward, or unforeseen, ill-effects with respect to the ‘build-out’** of these two businesses at Tract 34 would take place.

The only potential element of mitigation may arise with the relocation of the pavement at the southern reaches of the property whereat the ‘City of Northglenn Greenway Trail System’ seemingly has been built on this property *without* securing an easement from the current property-owner. It is clearly deemed an oversight by the potential Buyer/s. Rough estimates of the extent of this concrete walkway that diagonally slants uphill above the natural contour of the land – alongside the creek’s banks below the sidewalk – exists at an estimated length of between 75 to 80 yards [please see below the measure that the Buyer/s are willing to consider to mitigate the impact of this sidewalk].

#### **SUMMARY – REQUESTED PLAN AMENDMENT**

Request is made for Planning Commission to amend the 2009 Comprehensive Plan specific to **Tract 34 – revising its Land Use Classification from “OPEN SPACE” to a Land Use Classification of “C-5” [Light Industrial]**. In so doing, designate two [2] plats – one at approximately 1.397 acres designated for Absolute Pool Management, LLC and a second, at approximately 1.0 acres for T.H. Automotive, Inc. The new owners would provide an easement along the southern edge of the property that would follow the natural contour of the creek bed for the “Greenway Trails” continuation to Irma Drive intersecting its current north-south placement.

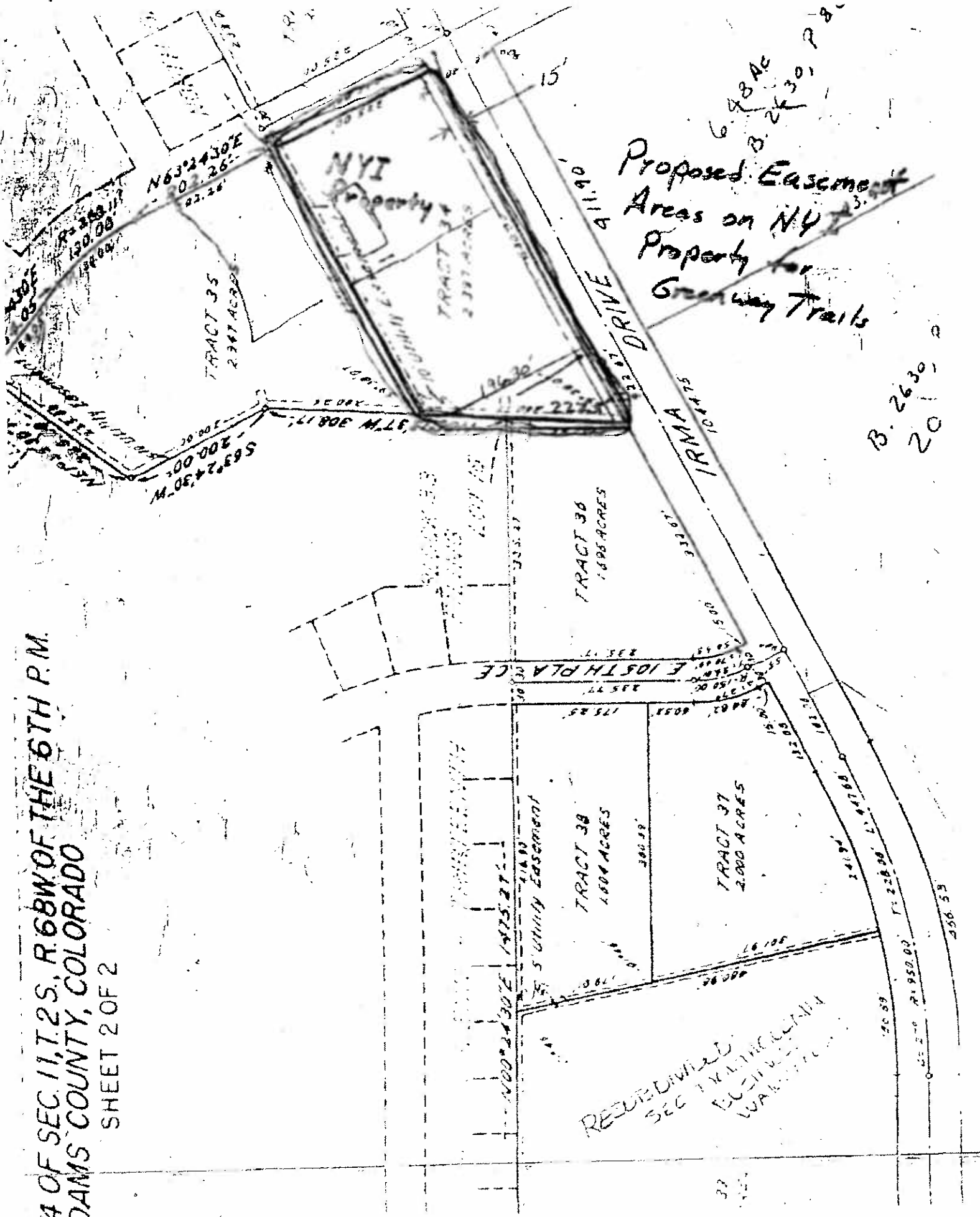
**Good Faith:** The new Buyers would not only be willing to discuss: (1) the land easement vis-à-vis the Greenway Trail concrete walkway; (2) as well as, assignment of land, plus demolition and subsequent relocation build-out of concrete sidewalk; but also, (3) consider providing night-time lighting to the westerly side of the property that is adjacent to the Alvin B. Thomas Memorial Park soccer field.

**Extenuating Circumstances/Observances:**

- It is anticipated that the ownership of T.H. Automotive, Inc. will be a family business handed down to the next generation of "Northglenners" – two sons who have attended schools in Northglenn intend to follow Mr. Hawpe's fatherly-trained/guided footsteps.
- The Hawpe family has long been associated/identified with Northglenn ties – both business-wise and personally. Measuring time in Northglenn since the mid-1960's, Northglenn is this family's hometown.



1/4 OF SEC. 11, T. 2 S., R. 68 W. OF THE 6TH P.M.  
 DAMS COUNTY, COLORADO  
 SHEET 2 OF 2



Proposed Easement  
 Areas on NY  
 Property for  
 Greenway Trails

B. 2630  
 2013

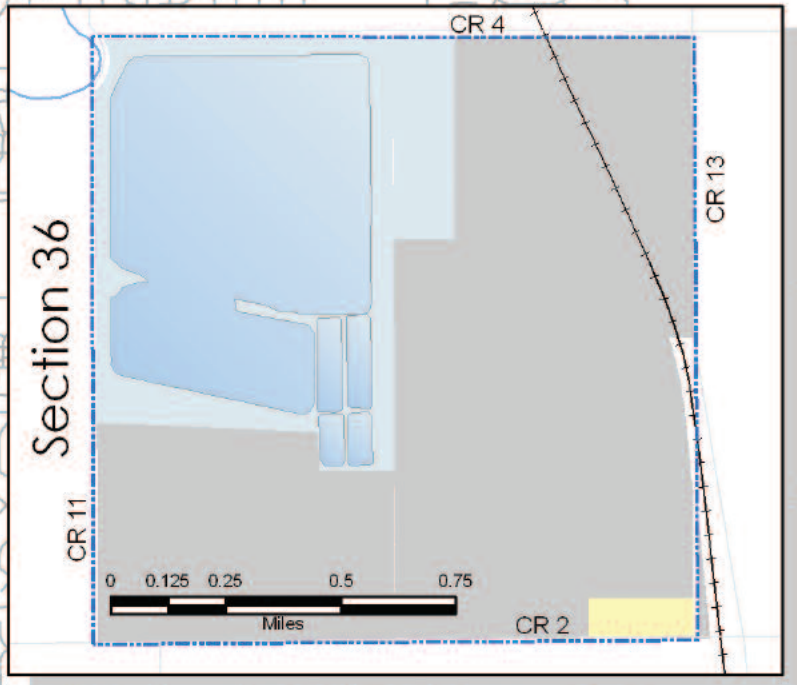
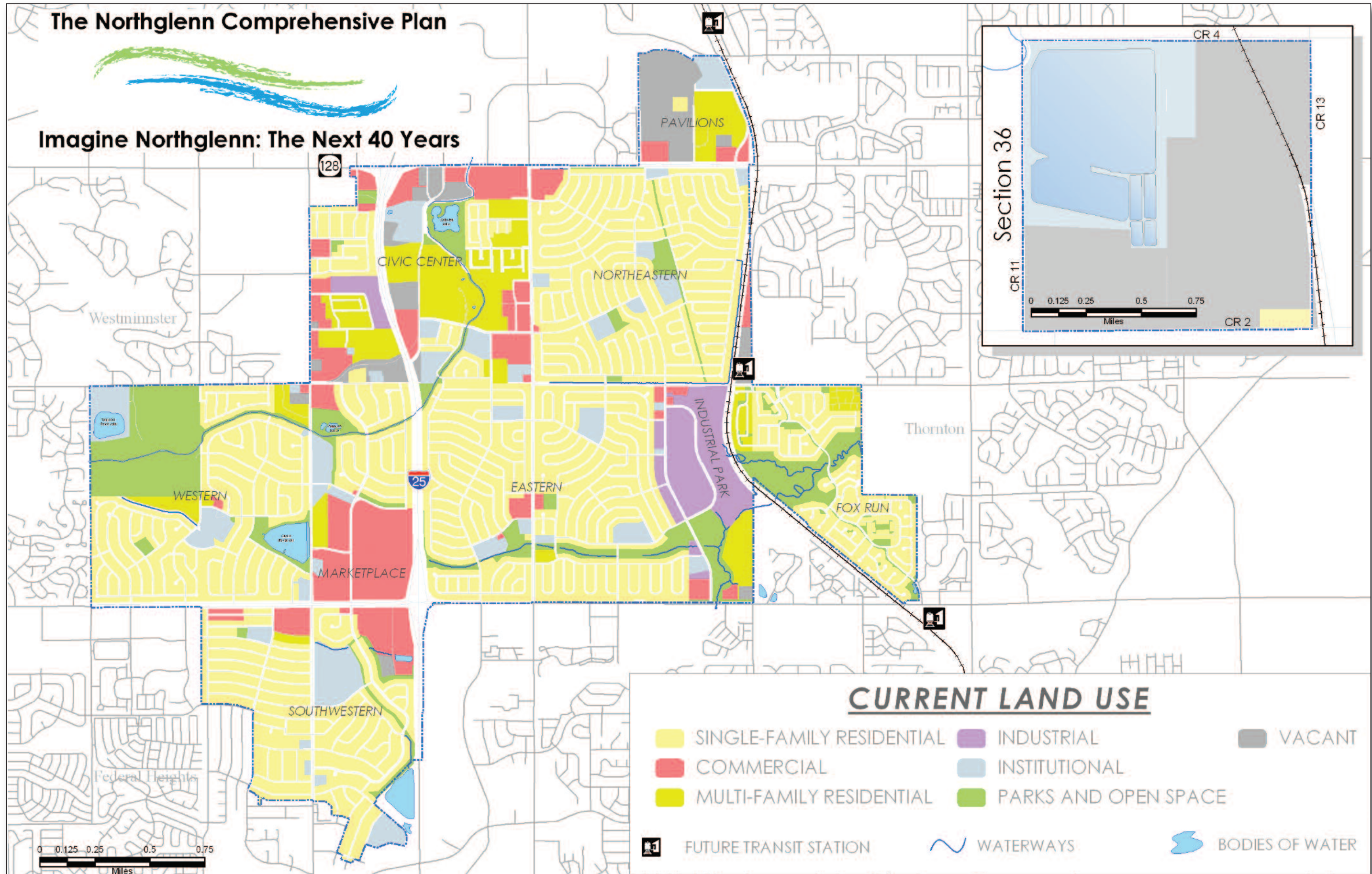
RECORDED  
 SEC. 11, T. 2 S., R. 68 W.  
 DAMS COUNTY, CO.

33



# The Northglenn Comprehensive Plan

## Imagine Northglenn: The Next 40 Years



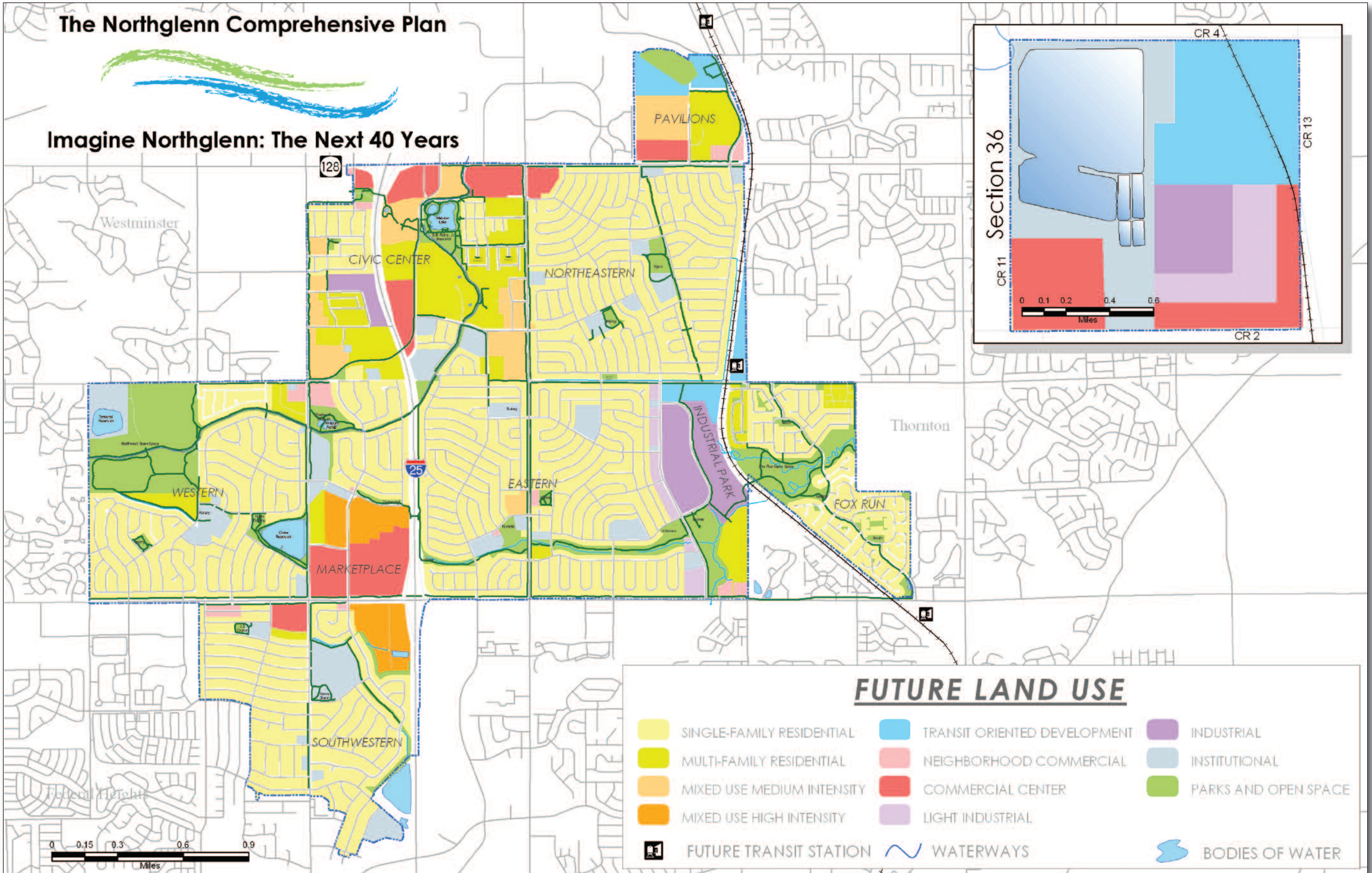
### CURRENT LAND USE

- SINGLE-FAMILY RESIDENTIAL
- COMMERCIAL
- MULTI-FAMILY RESIDENTIAL
- INDUSTRIAL
- INSTITUTIONAL
- PARKS AND OPEN SPACE
- VACANT
- FUTURE TRANSIT STATION
- WATERWAYS
- BODIES OF WATER



# The Northglenn Comprehensive Plan

## Imagine Northglenn: The Next 40 Years



### **FUTURE LAND USE**

- |                            |                              |                      |
|----------------------------|------------------------------|----------------------|
| SINGLE-FAMILY RESIDENTIAL  | TRANSIT ORIENTED DEVELOPMENT | INDUSTRIAL           |
| MULTI-FAMILY RESIDENTIAL   | NEIGHBORHOOD COMMERCIAL      | INSTITUTIONAL        |
| MIXED USE MEDIUM INTENSITY | COMMERCIAL CENTER            | PARKS AND OPEN SPACE |
| MIXED USE HIGH INTENSITY   | LIGHT INDUSTRIAL             |                      |
| FUTURE TRANSIT STATION     | WATERWAYS                    | BODIES OF WATER      |