

EXPLANATORY COVER SHEET

COUNCILMAN'S BILL NO. CB-1571

SPONSOR: MAYOR NOVAK

TITLE: A BILL FOR AN ORDINANCE REZONING FROM COMMERCIAL C-5 CONDITIONAL TO COMMERCIAL C-5 CONDITIONAL, CERTAIN REAL PROPERTY IN THE CITY OF NORTHGLENN LOCATED AT 2295 EAST 120TH AVENUE (THE NORTHEAST CORNER OF CLAUDE COURT AND 120th AVENUE), COUNTY OF ADAMS, STATE OF COLORADO, AMENDING THE ZONING MAP OF THE CITY OF NORTHGLENN, AND IMPOSING PENALTIES FOR VIOLATIONS OF THE ORDINANCE.

PURPOSE: ORDINANCE 867, BY WHICH PART OF THE PROPERTY WAS ZONED TO COMMERCIAL C-5 CONDITIONAL IN 1987, WAS ADOPTED TO ACCOMMODATE AN AUTO REPAIR CENTER WITH THE CONDITIONS THAT THE PROPERTY BE DEVELOPED IN SUBSTANTIAL CONFORMITY WITH THE SITE PLAN OR EXHIBIT 1 AND THAT THE BUILDING FINISH WOULD BE IN SUBSTANTIAL CONFORMITY WITH THE ELEVATIONS PROVIDED IN EXHIBIT 2. THIS DEVELOPMENT WAS NEVER UNDERTAKEN. THE REMAINING PORTION OF THE PROPERTY IS CURRENTLY UNZONED AND WAS PART OF THE UNION PACIFIC RAILROAD RIGHT OF WAY AND WAS TRANSFERRED TO THE CITY OF NORTHGLENN FROM THE CITY OF THORNTON.

THE APPLICANT, "MOTOSPA", WISHES TO REZONE THE C-5 CONDITIONAL DISTRICT AND UNZONED PORTION OF THE PROPERTY (CASE Z-1-06) TO C-5 CONDITIONAL. THIS WILL ESTABLISH ZONING FOR THE UNZONED PORTION OF THE PROPERTY AND RESET THE SITE PLAN AND ZONING CONDITIONS TO BUILD AND OPERATE A CAR WASH AND PLAN FOR A FUTURE OFFICE BUILDING AND DRIVE-IN RESTAURANT. CHANGING THE CONDITIONS WILL CREATE A NEW C-5 CONDITIONAL ZONE DISTRICT AND WOULD REMOVE 1987 CONDITIONS AND SITE EXHIBITS 1 AND 2. THE NEW SET OF CONDITIONS AND PLAN SET (EXHIBIT 1) ARE PRESENTED IN THIS ORDINANCE. A CAR WASH, OFFICE, AND RESTAURANT ARE ALLOWED UNDER C-5 ZONING.

ADDITIONAL EXPLANATORY REMARKS:

THE PLANNING COMMISSION CONDUCTED A PUBLIC HEARING ON THIS REQUEST ON MAY 23RD, 2006. AT THE HEARING THE APPLICANT SPOKE IN FAVOR OF THE RE-ZONING WHILE ONE RESIDENTIAL NEIGHBOR SOUTH OF 120TH SPOKE AGAINST THE PROJECT. OPPOSITION WAS ORIENTED AROUND NEGATIVE VISUAL IMPACTS, NOISE, TRAFFIC INCREASES, AND GARBAGE. FURTHER, THE NEIGHBOR FELT THAT UNACCEPTABLE HOURS OF OPERATION WOULD EXACERBATE THE IMPACTS.

BEING SYMPATHETIC WITH NEIGHBOR, THE PLANNING COMMISSION VOTED TO ADD EXTRA CONDITIONS ON NOISE AND HOURS OF OPERATION TO REDUCE NEGATIVE IMPACTS. THESE ARE INCLUDED IN THE CONDITIONS SECTION OF THE ORDINANCE. THE COMMISSION VOTE WAS 6-1 IN FAVOR, WITH COMMISSIONER REIF DECENTING.

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ORDINANCE NO.

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

Section 1. Change of Zoning District. Pursuant to the provisions of the Northglenn Zoning Ordinance as amended and upon the recommendation of the Northglenn Planning Commission (Case No. Z-1-06), a zoning change from Commercial C-5 Conditional to Commercial C-5 Conditional is hereby allowed and granted for the approximately 3.5 acres of real property in the City of Northglenn, Colorado, described as follows, to-wit:

Lot 2 of the Bunker Hill Subdivision Filing Number 2, Adams County and un-zoned City of Northglenn Parcel Number 2 from Union Pacific Railroad Title Commitment described as: A Part of the Southwest Corner of Section 36, Township 1 South, Range 68 West, City of Northglenn, Adams County Colorado.

Section 2. Conditions. The conditions established and approved by the Planning Commission of the City of Northglenn for Commercial C-5 Conditional granted in Section 1 of this Ordinance, are hereby established as the conditions of the change of zoning effected by this Ordinance, as follows:

1. The existing building exterior shall appear and be maintained in substantial conformity with the building elevations shown in Exhibit 1, Case No. Z-1-06, on file in the City of Northglenn, Planning Department.
2. The site shall be constructed, landscaped, and signed in substantial conformity with the plan set Exhibit 1, Case No. Z-1-06, on file in the City of Northglenn, Planning Department.
3. The carwash will not be operated beyond 8 P.M. daily.
4. Upon receipt of noise complaints, hours of operation will be reviewed and restricted by staff within the guidelines provided in Article 9-13, the City of Northglenn Noise Ordinance.


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 Section 1 of this Ordinance.

Section 4. Enforcement of Conditions. The conditions established by Section 2 of this Ordinance shall be construed and enforced pursuant to the provisions of Chapter 11 of the Municipal Code of the City of Northglenn, and a violation of any such condition or conditions shall be deemed a violation of this Ordinance.

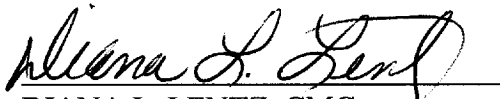
Section 5. Repeal of Existing Ordinance. The conditions of Ordinance No. 867 by which this property was previously zoned Commercial C-5 Conditional, is hereby repealed.

Section 6. 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 POSTED this 8th day of June, 2006.


KATHLEEN M. NOVAK
Mayor

ATTEST:


DIANA L. LENTZ, CMC
City Clerk


PASSED ON SECOND AND FINAL READING this _____, day of _____, 2006.

KATHLEEN M. NOVAK
Mayor

ATTEST:

DIANA L. LENTZ, CMC
City Clerk

APPROVED AS TO FORM:



City Attorney