




COMMUNITY DEVELOPMENT MEMORANDUM
#07-05

September 19th, 2007

TO: Honorable Mayor Kathleen M. Novak and City Council Members

FROM: A. J. Krieger, City Manager 
Travis Reynolds, Senior Planner 
Shannon Turk, Planner 

SUBJECT: CB 1635, Rezoning of 2295 E. 120th Avenue from C-5 Conditional to C-5

RECOMMENDATION:

Attached to this memorandum is a proposed ordinance which, if approved, would rezone 2295 E. 120th Avenue from C-5 General Service Zone with conditions to C-5 General Service Zone. The proposal would essentially remove the existing conditions from the previous rezoning. Staff recommends approval of this ordinance.

BACKGROUND:

This site contains 1.083 acres and is located approximately 500 feet east of the intersection of Claude Court and 120th Avenue. The property is situated on the north side of 120th Avenue, west of the Union Pacific Railroad right-of-way, and east of a proposed NAPA Auto Parts Store. (Exhibit A)

The property was rezoned or had zoning conditions changed numerous times in the past 20 years. Parcels included in the numerous rezonings and changes of conditions have only realized the construction of the Circle K/ Shell gas station.

Most recently, the site was rezoned to a C-5 Commercial with Conditions zone district in May of 2006 for a proposed Motospa facility. The conditions placed on the site in 2006 restricted development to a Motospa facility and their Site Specific Development Plan, including a site plan, a drainage plan, and building elevations. A condition regarding hours of operation was also placed on the site during that rezoning.

Staff has been in close working contact with the applicant since the beginning of this project. The previous site work that Motospa performed has allowed the applicant to purchase a partially improved site and propose a design with viable uses that will avoid conflicts with Eastlake water rights and resolve storm water drainage concerns. The proposed removal of the current conditions and rezoning to a C-5 Commercial allows greater flexibility in site design so the proposed development can include a tenant other than Motospa with additional proposed retail space. Chapter 11, Article 6.5 of the Northglenn Zoning Ordinance – Final Development Plan Review requires that applicants submit a Final Development Plan prior to construction of any new building requiring a building permit. The current requirements of a Final Development Plan exceed the standards of the previously submitted Site Specific Development Plan that conditioned

the development of the proposed Motospa. Therefore, proposed development would still go through rigorous review by staff and the Planning Commission prior to construction.

Planning Commission heard the request for rezoning on the 28th of August, 2007. They recommended the property be rezoned as depicted in the attached ordinance.

POTENTIAL OBJECTION:

A local Car Wash owner addressed the Planning Commission in objection to the rezoning based on the number of Car Washes currently in the City. City Staff is not aware of any other specific opposition to the proposed rezoning.

BUDGET/TIME IMPLICATIONS:

This rezoning request has no budgetary impacts.

STAFF REFERENCE:

If Council members have any comments or questions they may contact Travis Reynolds, treynolds@northglenn.org or Shannon Turk, sturk@northglenn.org.

EXHIBIT "A"



SPONSORED BY: COUNCIL MEMBER GARNER

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1635
Series of 2007

Series of 2007

A BILL FOR AN ORDINANCE REZONING THE CERTAIN REAL PROPERTY LOCATED AT 2295 EAST 120TH AVENUE (THE NORTHEAST CORNER OF CLAUDE COURT AND 120TH AVENUE) IN THE CITY OF NORTHGLENN BY REMOVING THE CONDITIONS IMPOSED AS PART OF THE CONDITIONAL C-5 ZONING

WHEREAS, in 2006, by Ordinance No. 1444, Series 2006, the City Council rezoned certain property with the following legal description (the "Property") to Commercial C-5 Conditional:

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;

WHEREAS, the rezoning imposed the following conditions on the Property:

- 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.**

WHEREAS, the developers of the Property have requested that the City rezone the property again by removing the conditions placed on the zoning in 2006;

WHEREAS, the Planning Commission has recommended that the City Council approve the rezoning request, and remove the conditions currently imposed upon the property; and

WHEREAS, the City Council has considered the application, the recommendation of the Planning Commission, and the rezoning criteria set forth in Section 11-37-2(h) of the City's Zoning Ordinance, which includes 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.

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

Section 1. The Property is hereby rezoned to C-5 Commercial. The conditions imposed by Ordinance No. 1444, Series 2006, are hereby removed.

INTRODUCED, READ AND ORDERED POSTED this 27th day of Sept., 2007.


KATHLEEN M. NOVAK
Mayor

ATTEST:


DIANA L. LENTZ, CMC
City Clerk

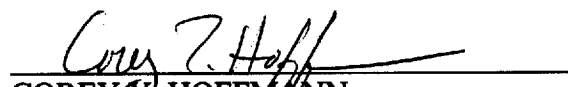
PASSED ON SECOND AND FINAL READING this ____ day of _____, 2007.

KATHLEEN M. NOVAK
Mayor

ATTEST:

DIANA L. LENTZ, CMC
City Clerk

APPROVED AS TO FORM:


COREY Y. HOFFMANN
City Attorney