

EXPLANATORY COVER SHEET

COUNCILMAN'S BILL NO. CB-1533

SPONSOR: COUNCILMAN LINDSEY

TITLE: A BILL FOR A SPECIAL ORDINANCE REZONING FROM COMMERCIAL C-O CONDITIONAL TO COMMERCIAL C-O CONDITIONAL (CHANGE OF CONDITIONS) CERTAIN REAL PROPERTY IN THE CITY OF NORTHGLENN, LOCATED ON THE NORTHEAST CORNER OF WASHINGTON STREET AND MALLEY 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.

PURPOSE: THE OWNER OF THE PROPERTY IS THE FARMERS' HIGH LINE CANAL AND RESERVOIR COMPANY ("FHL"). FHL OBTAINED A CONDITIONAL REZONING OF THE SUBJECT PROPERTY IN 1980. CONDITION #3 OF THE AFOREMENTIONED REZONING PROVIDES THAT THE ZONING SHALL REVERT TO RESIDENTIAL R-1-C SHOULD FHL CEASE TO USE THE STRUCTURE. CONDITION #4 RESTRICTS THE USE OF THE PROPERTY TO...ADMINISTRATIVE OFFICES OF THE FARMERS' HIGHLINE CANAL AND RESERVOIR COMPANY."

FHL IS NOW CONSIDERING THE SALE OF THE SUBJECT PROPERTY AND BELIEVES THE HIGHEST AND BEST USE OF THE PROPERTY, GIVEN ITS LOCATION IS COMMERCIAL C-O.

ADDITIONAL EXPLANATORY REMARKS:

ORDINANCE 580 WAS ORIGINALLY APPLICABLE TO THIS SITE AS A MEANS OF LIMITING THE IMPACT OF REZONING A SINGLE-FAMILY RESIDENTIAL PROPERTY TO A COMMERCIAL OFFICE ZONE. THE ZONING CONDITIONS ESTABLISHED FOR ORDINANCE 580 COULD CHANGE IN THE NEAR FUTURE, NAMELY, FARMERS HIGH LINE CANAL & RESERVOIR COMPANY COULD SELL THE SUBJECT PROPERTY. BECAUSE OF CHANGES TO THE NEIGHBORHOOD, THE LOCATION OF THE SUBJECT PROPERTY AND ALTERATIONS TO THE BUILDING STRUCTURE ITSELF TO ACCOMMODATE COMMERCIAL USE, THE ESTABLISHED ZONING CONDITIONS MAY NO LONGER BE VALID.

THE PLANNING COMMISSION HELD A HEARING ON THIS REZONING REQUEST ON JUNE 14, 2005. OTHER THAN THE APPLICANT, NO ONE SPOKE IN FAVOR OF THE REQUEST. ONE PERSON SPOKE AGAINST THE REQUEST. FOLLOWING THE HEARING, THE COMMISSION VOTED UNANIMOUSLY TO RECOMMEND COUNCIL APPROVAL.

SPONSORED BY: COUNCILMAN LINDSEY

COUNCILMAN'S BILL

ORDINANCE NO.

NO. CB-1533

Series of 2005

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A BILL FOR A SPECIAL ORDINANCE REZONING FROM COMMERCIAL C-0 CONDITIONAL TO COMMERCIAL C-0 CONDITIONAL (CHANGE OF CONDITIONS) CERTAIN REAL PROPERTY IN THE CITY OF NORTHGLENN LOCATED ON THE NORTHEAST CORNER OF WASHINGTON STREET AND MALLEY 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. 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-1-05), a change of zoning from Conditional Commercial C-O to Conditional Commercial C-O (change of conditions) is hereby allowed and granted for the real property in the City of Northglenn, Colorado, described as follows, to-wit:

A tract of land located at Lot 56, Block 32, Northglenn 21<sup>st</sup> Filing, City of Northglenn, more specifically 725 Malley Drive, Northglenn.

BLOCK 1, NORTHGLENN BUSINESS PARK SUBDIVISION.

Section 2. Conditions. The conditions established and approved by the Planning Commission of the City of Northglenn for Conditional Commercial C-O zoning provided 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 parking lot shall not be expanded.
2. Employee and customer access to the building shall be limited to entry on the west side of the building.
3. Signs installed on the property shall be in conformance with all applicable requirements in Commercial Zones as specified in Section 11-35-7(c) of the Zoning Ordinance except that wall signs shall be limited to six (6) square feet, and free standing, monument signs limited to a maximum of eight (8) square feet with an overall maximum height of four (4) feet.

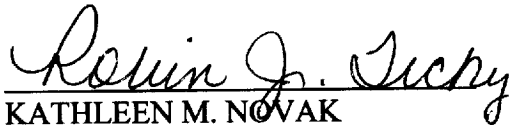
Section 3. Change of Zone Maps. The official zoning map of the City of Northglenn, pursuant to the provisions of Section 11-3-1 of the Municipal Code of the City of Northglenn, as amended, and the comprehensive Master Plan of the City of Northglenn shall be and hereby are ordered amended to conform with the provisions of Section 1 of this ordinance.

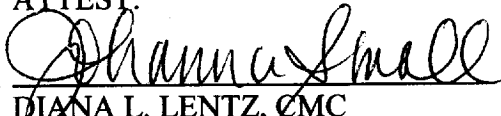
Section 4. Enforcement of Conditions. The conditions established by Section 2 of this ordinance shall be construed and enforced pursuant to the provisions of Chapter 11 of the Municipal Code of the City of Northglenn, and a violation of any such condition or conditions shall be deemed a violation of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

Section 5. Repeal of Existing Ordinance. Ordinance No. 580 by which this property was previously zoned to Conditional Commercial C-O, 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 ORDERED POSTED this 28<sup>th</sup> day of July, 2005.

FOR   
KATHLEEN M. NOVAK  
Mayor

ATTEST:  
  
for DIANA L. LENTZ, CMC  
City Clerk


PASSED ON SECOND AND FINAL READING this, \_\_\_ day of \_\_\_\_\_, 2005.

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KATHLEEN M. NOVAK  
Mayor

ATTEST:

\_\_\_\_\_  
DIANA L. LENTZ, CMC  
City Clerk

APPROVED AS TO FORM:

  
HERBERT C. PHILLIPS  
City Attorney