SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S RESOLUTION

NO. CB-1784
Series of 2012

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

A PUBLIC HEARING WILL BE HELD ON CB-1784, SERIES OF 2012, ENTITLED "A BILL FOR A SPECIAL ORDINANCE REZONING FROM PLANNED UNIT DEVELOPMENT (PUD) TO AMENDED PLANNED UNIT DEVELOPMENT (PUD) CERTAIN REAL PROPERTY IN THE CITY OF NORTHGLENN COMMONLY KNOWN AS THE "KARL'S FARM DAIRY" IN THE COUNTY OF ADAMS, STATE OF COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF NORTHGLENN" ON DECEMBER 10, 2012 AT 7:00 P.M., CITY HALL COUNCIL CHAMBERS, 11701 COMMUNITY CENTER DRIVE, NORTHGLENN.

DATED this 26th day of November, 2012.

/s/
JOYCE DOWNING
Mayor

ATTEST:

/s/
JOHANNA SMALL, CMC
City Clerk

AFFIDAVIT OF POSTING:

I, _____, certify that CB-1784 was posted at the authorized posting places in the City of Northglenn this _____ day of _____, 2012.

_____
Deputy City Clerk

PLANNING AND DEVELOPMENT MEMORANDUM
#12-36

DATE: November 26th, 2012

TO: Honorable Mayor Joyce Downing and City Council Members

FROM: William A. Simmons, City Manager WAS
Brook Svoboda, Director of Planning and Development BS

SUBJECT: CB-1784 / Karls Farm PUD Amendment **(Updated Memo from 11/26/12)**

BACKGROUND INFORMATION

Attached to this memorandum is a proposed ordinance, which, if approved, would amend an existing Planned Unit Development at 1741 E. 120th Avenue to enhance the existing allowed uses by adding all uses under C-4 Commercial and Church uses. Staff presented the application to the Planning Commission for their consideration at a public hearing on November 20th, 2012. A copy of the staff report and exhibits are attached for reference purposes (Attachment A).

PROCEDURE

On November 20, 2012 the Planning Commission considered the request for amendment of the PUD for the subject site. The Planning Commission unanimously recommended approval, via resolution, of the Amended PUD based on five 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;
- 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 conditions stated on the 11/26/12 Council memo have been incorporated into Exhibit B (PUD Document). The conditions are listed below.

1. The PUD shall conform to the performance standards prescribed in the Zoning Ordinance for C-4 uses.
2. The site shall be limited to a maximum of one church operating on the premises at any given time.
3. Uses on the site shall comply with the parking standards outlined in Article 33 of the Zoning Ordinance.
4. The applicant shall bring the Individual Sewage Disposal System into compliance and receive Tri-County Health Department approval as a condition of this PUD Amendment approval.
5. The well water system will be reviewed and approved by the Colorado Department of Public Health and Environment as a condition of this PUD Amendment approval.

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 Brook Svoboda, bsvoboda@northglenn.org or at 303-450-8937.

ATTACHMENTS

ATTACHMENT A	CB-1784 w/ Exhibits A & B
ATTACHMENT B	Planning Commission Staff Report w/Attachments & Planning Commission Resolution

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S BILL ORDINANCE NO.

No. CB-1784
Series of 2012 Series of 2012

A BILL FOR A SPECIAL ORDINANCE REZONING FROM PLANNED UNIT DEVELOPMENT (PUD) TO AMENDED PLANNED UNIT DEVELOPMENT (PUD) CERTAIN REAL PROPERTY IN THE CITY OF NORTHGLENN COMMONLY KNOWN AS THE "KARL'S FARM DAIRY" IN THE COUNTY OF ADAMS, STATE OF COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF NORTHGLENN

WHEREAS, all of the property described in **Exhibit A** is currently zoned PUD; and

WHEREAS, the City Council desires to rezone the property described in **Exhibit A** to PUD (Amended), pursuant to the PUD attached hereto as **Exhibit B**;

WHEREAS, a sanitary sewer connection wavier was granted under the previous PUD for a onsite septic system for the prescribed uses identified in the PUD;

WHEREAS, the proposed uses will require an expansion of the existing septic system, and require a waiver from the City for permitting purposes with Tri-County Health; and

WHEREAS, the applicant has requested a sanitary sewer connection waiver to the City's Sanitary Sewer System, as part of the PUD amendment.

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. A need exists for the rezoning from Planned Unit Development (PUD) to Planned Unit Development (PUD);

B. The property at 1741 E. 120th Avenue is the correct location for the proposed development;

C. Significant changes in the area have occurred to warrant the proposed zone change;

D. Adequate circulation exists and traffic movement will not be impeded by the proposed development; and

E. Additional municipal service costs will not be incurred which the City is not prepared to meet.

Section 2. Rezoning. Pursuant to the provisions of the Northglenn Zoning Ordinance, as amended, and upon the recommendation of the Northglenn Planning Commission (Case No. Z-4-12), a zoning change to Planned Unit Development (PUD) is hereby allowed and granted for the real property in the City of Northglenn, Colorado described in the attached **Exhibit A**, pursuant to the Preliminary PUD attached as **Exhibit B**.

Section 3. Sanitary Connection Waiver. The City shall affirm granting a waiver for connection to the City's Sanitary Sewer System with the following terms and conditions:

1. Any change, modification or expansion of uses and/or building footprint which requires an expansion to the proposed septic system, will result in the revocation of the waiver contemplated herein and cause the property to connect to the City's Sanitary Sewer System, at the property's sole expense, in accordance with the connection requirements prescribed in Chapter 16 of the City's Municipal Code.

2. In the event of a redevelopment of the property that would cause the PUD to either be amended and/or resubmitted as a new PUD, will result in the revocation of the waiver contemplated herein and cause the property to connect to the City's Sanitary Sewer System, at the property's sole expense, in accordance with the connection requirements prescribed in Chapter 16 of the City's Municipal Code.

Section 4. 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 this Ordinance.

INTRODUCED, READ AND ORDERED POSTED this 26th day of November, 2012.

/s/
JOYCE DOWNING
Mayor

ATTEST:

/s/
JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____, 2012.

_____
JOYCE DOWNING
Mayor

ATTEST:

_____
JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

_____/s/_____
COREY Y. HOFFMANN
City Attorney

EXHIBIT A

LEGAL DESCRIPTION

THAT PART OF LOT 19 EASTLAKE SUBDIVISION, A SUBDIVISION OF A PART OF SECTION 35, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, ADAMS COUNTY, COLORADO DESCRIBED AS: BEGINNING AT THE SOUTHWEST CORNER SOUTHEAST ONE-QUARTER SAID SECTION 35; THENCE N00DEG.05'12"W ALONG THE WEST LINE SAID SOUTHEAST ONE-QUARTER AND ALONG THE WEST LINE SAID LOT 19 A DISTANCE OF 90.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF EAST 120TH AVENUE, SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE CONTINUING N00DEG.05'12"W ALONG SAID WEST LINES A DISTANCE OF 202.40 FEET;

THENCE S89DEG.41'12"E A DISTANCE OF 467.13 FEET;

THENCE S00DEG.11'21"E A DISTANCE OF 202.20 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF EAST 120TH AVENUE;

THENCE N89DEG.42'42"W ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 467.50 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 2.170 ACRES MORE OR LESS

BASIS OF BEARINGS: THE WEST LINE SOUTHEAST ONE-QUARTER SAID SECTION 35 ASSUMED TO BEAR N00DEG.05'12"W.

EXHIBIT B

KARL'S DAIRY COUNTRY STORE LLLP

AN AMENDED FINAL PUD
FOR CHANGE OF ALLOWED USES
SHEETS 1 OF 2

LEGAL DESCRIPTION

THAT PART OF LOT 19 EASTLAKE SUBDIVISION, A SUBDIVISION OF A PART OF SECTION 35, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, ADAMS COUNTY, COLORADO DESCRIBED AS: BEGINNING AT THE SOUTHWEST CORNER SOUTHEAST ONE-QUARTER SAID SECTION 35; THENCE N00DEG.05'12"W ALONG THE WEST LINE SAID SOUTHEAST ONE-QUARTER AND ALONG THE WEST LINE SAID LOT 19 A DISTANCE OF 90.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF EAST 120TH AVENUE, SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE CONTINUING N00DEG.05'12"W ALONG SAID WEST LINES A DISTANCE OF 202.40 FEET;

THENCE S89DEG.41'12"E A DISTANCE OF 467.13 FEET;

THENCE S00DEG.11'21"E A DISTANCE OF 202.20 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF EAST 120TH AVENUE;

THENCE N89DEG.42'42"W ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 467.50 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 2.170 ACRES MORE OR LESS

BASIS OF BEARINGS: THE WEST LINE SOUTHEAST ONE-QUARTER SAID SECTION 35 ASSUMED TO BEAR N00DEG.05'12"W.

ALLOWED USES - BY - RIGHT :

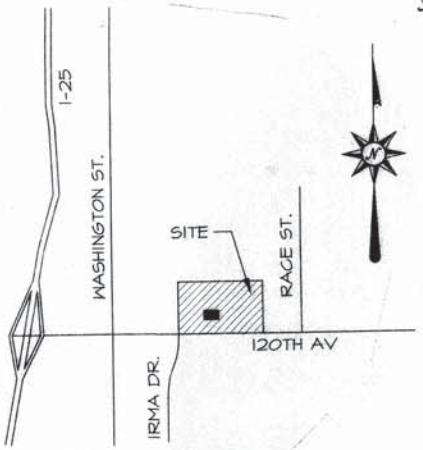
ALLOWED USES INCLUDE: AS AMENDED :

ALL USES ALLOWED UNDER C-4 ZONING OF THE CITY'S ORDINANCE INCLUDING CHURCHES (DOES NOT INCLUDE AUTOMOTIVE USES & INDOOR STORAGE)

ALLOWED USES INCLUDE: ORIGINAL PUD :

- SEASONAL SALE OF AGRICULTURAL PRODUCTS
- SALE OF DAIRY PRODUCTS
- SALE OF GROCERIES & DRY GOODS
- SALE OF CIGARETTES
- DISPLAY AND SALE OF ANTIQUES
- SALE OF GIFTS AND COLLECTIBLES
- U-HAUL SALES AND RENTALS
- SALE OF PROPANE AND KEROSENE
- OFFICE AND STORAGE SPACE
- FARM ANIMAL DISPLAY
- SALE OF ICE CREAM
- SEASONAL OUTDOOR SALES OF LANDSCAPE & AGRICULTURAL PRODUCTS

ALL INFORMATION AND REQUIREMENTS OF SHEETS 6-7 OF THE ORIGINAL KARL'S FARM DAIRY PLANNED UNIT DEVELOPMENT, RECORDED WITH ADAMS COUNTY CLERK RECORDERS UNDER REFERENCE # 00806644, SHALL CONTINUE TO BE ENFORCED.



VICINITY MAP

SCALE: 1" = 2000'

ORIGINAL PUD MAY, 2000

ARCHITECT / PLANNER:
ARCHITECTURE UNLIMITED, INC.
390 WALNUT ST SUITE 110
BRIGHTON, COLORADO 80601
(303) 654-1751

CIVIL ENGINEER:
ACKLAM ASSOCIATES, INC
1001 E. BRIDGE STREET
BRIGHTON, COLORADO 80601
(303) 654-8546

CONDITIONS FOR THE GRANTING OF A WAIVER FROM THE CITY'S EXISTING UTILITY ORDINANCE ARE OUTLINED IN THE APPROVAL ORDINANCE # OF 2012, APPROVING THIS AMENDED PUD.

Conditions are as follows:
1. The PUD shall conform to the performance standards prescribed in the Zoning Ordinance for C-4 uses.
2. The site shall be limited to a maximum of one church operating on premises at any given time.
3. Uses on the site shall comply with the parking standards outlined in Article 33 of the Zoning Ordinance.
4. The applicant shall bring the Individual Sewage Disposal System into compliance and receive Tri-County Health Department approval as a condition of this PUD Amendment approval.
5. Prior to issuance of a Certificate of Occupancy/Final Inspection, the property will connect to the City's water infrastructure system or provide other potatable water persuant to requirements set forth by the Colorado Department of Public Health and Environment.

ENGINEERS CERTIFICATE :

I, JACK M. WHITE P.E., A REGISTERED PROFESSIONAL ENGINEER, DO HEREBY CERTIFY THAT THESE PLANS AS DEVELOPED BY ME ARE TO BE USED SOLELY AS AN AMENDED FINAL PUD FOR CHANGE OF ALLOWED USES. ORIGINAL DRAWINGS USED FOR THIS PURPOSE.

JACK M. WHITE P.E.
10981 ACOMA ST.
NORTHGLENN, CO. 80234
303-457-4018

COLORADO LICENSED JACK M. WHITE 10059 PROFESSIONAL ENGINEER 3-2-12

APPROVAL LIST

I, _____ HEREBY AFFIRM THAT I AM _____ OF THE PROPERTY DESCRIBED HEREIN, KNOWN AS _____

OWNER _____ DATE _____

NOTARY PUBLIC _____ DATE _____

SEAL

PROFESSIONAL RESPONSIBLE FOR AMENDED PUD _____ DATE _____

DIRECTOR OF PLANNING AND DEVELOPMENT _____ DATE _____

DIRECTOR OF PUBLIC WORKS AND UTILITIES _____ DATE _____

PLANNING COMMISSION CHAIRPERSON _____ DATE _____

MAYOR _____ DATE _____

CITY CLERK _____ DATE _____

CERTIFICATE OF CLERK AND RECORDER

THIS PLAT WAS FILED FOR RECORDING IN THE OFFICE OF THE COUNTY CLERK AND RECORDER IN THE COUNTY OF ADAMS, STATE OF COLORADO, THIS _____ DAY OF _____, 20 , AND ENTERED IN PLAT BOOK _____ AT PAGE _____, RECEPTION NO. _____

BY: _____
DEPUTY

_____
COUNTY CLERK AND RECORDER

MY COMMISSION EXPIRES: _____

INSTRUMENT NO. _____

KARL'S DAIRY COUNTRY STORE LLLP

AN AMENDED FINAL PUD FOR CHANGE OF ALLOWED USES

SHEETS 2 OF 2

ALLOWED USES - BY - RIGHT :

ALLOWED USES INCLUDE:

ALL USES ALLOWED UNDER C-4 ZONING OF THE CITY'S ORDINANCE INCLUDING CHURCHES (DOES NOT INCLUDE AUTOMOTIVE USES & INDOOR STORAGE)

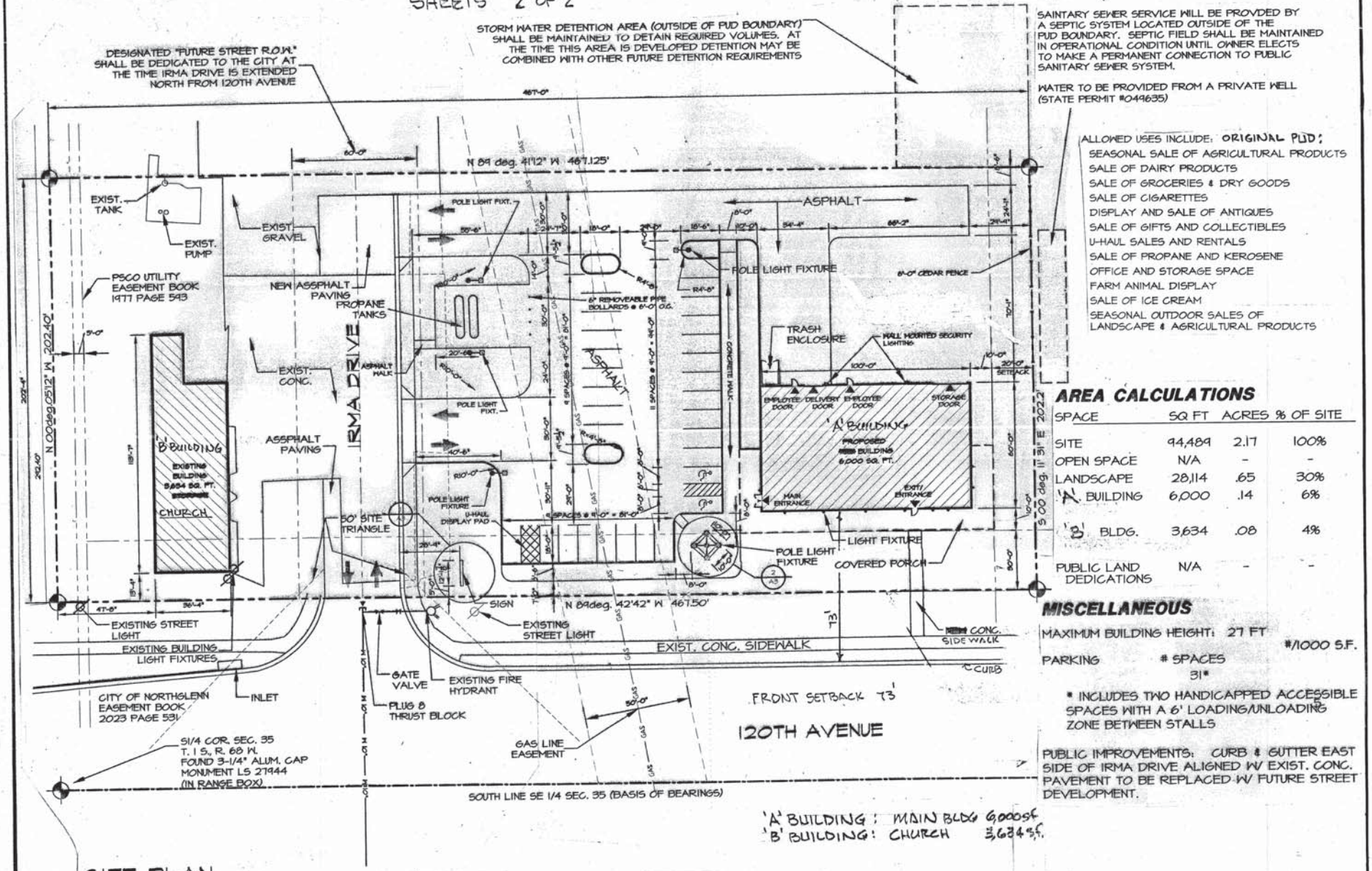
SAINTARY SEWER SERVICE WILL BE PROVDED BY A SEPTIC SYSTEM LOCATED OUTSIDE OF THE PUD BOUNDARY. SEPTIC FIELD SHALL BE MAINTAINED IN OPERATIONAL CONDITION UNTIL OWNER ELECTS TO MAKE A PERMANENT CONNECTION TO PUBLIC SANITARY SEWER SYSTEM.

WATER TO BE PROVIDED FROM A PRIVATE WELL (STATE PERMIT #049635)

ALLOWED USES INCLUDE: ORIGINAL PUD:
- SEASONAL SALE OF AGRICULTURAL PRODUCTS
- SALE OF DAIRY PRODUCTS
- SALE OF GROCERIES & DRY GOODS
- SALE OF CIGARETTES
- DISPLAY AND SALE OF ANTIQUES
- SALE OF GIFTS AND COLLECTIBLES
- U-HAUL SALES AND RENTALS
- SALE OF PROPANE AND KEROSENE
- OFFICE AND STORAGE SPACE
- FARM ANIMAL DISPLAY
- SALE OF ICE CREAM
- SEASONAL OUTDOOR SALES OF LANDSCAPE & AGRICULTURAL PRODUCTS

DESIGNATED "FUTURE STREET R.O.W." SHALL BE DEDICATED TO THE CITY AT THE TIME IRMA DRIVE IS EXTENDED NORTH FROM 120TH AVENUE

STORM WATER DETENTION AREA (OUTSIDE OF PUD BOUNDARY) SHALL BE MAINTAINED TO DETAIN REQUIRED VOLUMES. AT THE TIME THIS AREA IS DEVELOPED DETENTION MAY BE COMBINED WITH OTHER FUTURE DETENTION REQUIREMENTS



'A' BUILDING : MAIN BLDG 6,000 S.F.
'B' BUILDING : CHURCH 3,634 S.F.

AREA CALCULATIONS

SPACE	SQ FT	ACRES	% OF SITE
SITE	94,489	2.17	100%
OPEN SPACE	N/A	-	-
LANDSCAPE	28,114	.65	30%
'A' BUILDING	6,000	.14	6%
'B' BLDG.	3,634	.08	4%
PUBLIC LAND DEDICATIONS	N/A	-	-

MISCELLANEOUS

MAXIMUM BUILDING HEIGHT: 27 FT

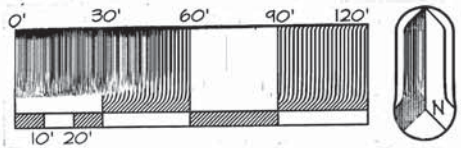
PARKING # SPACES #/1000 S.F.
31*

* INCLUDES TWO HANDICAPPED ACCESSIBLE SPACES WITH A 6' LOADING/UNLOADING ZONE BETWEEN STALLS

PUBLIC IMPROVEMENTS: CURB & GUTTER EAST SIDE OF IRMA DRIVE ALIGNED W/ EXIST. CONC. PAVEMENT TO BE REPLACED W/ FUTURE STREET DEVELOPMENT.

SITE PLAN

SCALE: 1" = 30'-0"



Case No. Z-4-12

Applicant: Daneen Rucki
Location: 1741 E 120th Avenue
Ordinance: 11-16 and 11-37-2

KARL'S FARM
PLANNED UNIT DEVELOPMENT (PUD) AMENDMENT
STAFF REPORT AND RECOMMENDATION

REQUEST:

The applicant, Daneen Rucki, requests the Planning Commission hear and recommend, to the City Council, an amendment to the Planned Unit Development (PUD) located at 1741 E 120th Avenue (Exhibit A) allow uses that are allowed in C-4 zoning and allow the use of churches on the property.

REASON FOR REQUEST:

The applicant is requesting that the uses allowed under C-4 zoning pursuant to the City Ordinance and allow the use of churches on the property to expand the potential tenant pool. Currently there is a boxing club fitness center interested in leasing the space; however, the restrictive uses allowed under the PUD will not allow this type of tenant to move in.

BACKGROUND:

In the year 2000 Karl's Farm applied and was approved for a rezoning from Commercial C-4 Conditional to PUD in order to allow construction of a new 6000 square foot dairy store located on the east of the site. The PUD approved at that time allowed the following uses:

- Seasonal sale of agriculture products
- Sale of dairy products
- Sale of groceries and dry goods
- Sale of cigarettes
- Display and sale of antiques
- Sale of gifts and collectibles
- U-haul sales and rentals
- Sale of propane and kerosene
- Farm animal display
- Sale of ice cream
- Seasonal outdoor sale of landscape and agricultural products

This very specific list of allowed uses does not allow Karl's Farm much flexibility in finding users for the site.

The site is 2.170 acres and improved with two buildings and a parking area. The building on the western side of the site is currently operating as a church under a Special Use Permit. The former Karl's Farm Dairy Store on the eastern side of the site is not currently being used. The site has a total of 63 parking spaces; 32 are designated around the church and 31 in front of the currently vacant building.

The applicant has requested that the Planning Commission hear and make recommendation on an Amendment to the PUD to allow uses as are allowed under C-4 zoning pursuant to the City Ordinance and to allow the use of a Church, so that the existing church can operate as a use-by-right so that they can appeal to a greater variety of users. Currently the user they are entertaining should this amendment pass is named TITLE Boxing Club and Fitness Center.

The Planning Commission must recommend approval of the Amendment to the PUD based on the criteria from Sections 11-16-2, 11-16-8 and 11-37-2 of the Northglenn Zoning Ordinance, outlined in the Approval Criteria Section below.

SURROUNDING LAND USES:

North and East:	Karl's Farm Dairy zoned Agricultural A-1;
South:	120th Avenue, Calvary Community Baptist Church and R-1-C Residential;
West:	Multi-family housing in the City of Thornton

CASE ANALYSIS:

The analysis of the case was completed with the review of submitted materials for the Amendment to the PUD.

The property owners, Karl's Farm Dairy, propose to add uses as allowed under C-4 zoning pursuant to the City Ordinance and allow the use of churches on the property. The addition of C-4 uses will expand the commercial rental pool to help the owners keep the building occupied. They are currently hoping to lease the building on the east side of the site to a TITLE Boxing and Fitness Center. The building on the west side of the property is currently being used by a church under a Special Use Permit. Adding churches to the list of uses will allow the church to continue operating without having to renew the permit each year.

The TITLE Boxing and Fitness Center is estimating a maximum of 54 exercisers and 6 employees at any given time. The total occupancy at one time is sixty (60) people. The fitness center is proposing to use the 6000 square foot building in the following break out:

- Work Out Areas:1849 sq ft Total (see break out below)
- 54 Bag Stand Space: 1288 sq ft
- Boxing Ring (Personal Fitness Training): 256 sq ft
- Exercise Equipment (free weights, stationary bike, treadmill, etc.: 288 sq ft)

- Retail space 256 sq ft
- Front Desk: 144 sq ft
- Office: 178 sq ft
- Storage: 150 sq ft
- Restrooms/Showers: 300 sq ft

Allowed Uses for Amended PUD

The following are the allowed uses under the proposed amendment to the PUD:

Allowed Uses include: As Amended:

- *All uses allowed under C-4 zoning of the City's Ordinance including churches (does not include automotive uses & indoor storage).*

Allowed uses include: Original PUD:

- *Seasonal sale of agriculture products*
- *Sale of dairy products*
- *Sale of groceries and dry goods*
- *Sale of cigarettes*
- *Display and sale of antiques*
- *Sale of gifts and collectibles*
- *U-haul sales and rentals*
- *Sale of propane and kerosene*
- *Farm animal display*
- *Sale of ice cream*
- *Seasonal outdoor sale of landscape and agricultural products*

The uses-by-right under C-4 commercial includes all uses allowed under C-1 and C-3 zones. Uses permitted under C-4 zoning range from commercial retail to general offices and service oriented businesses.

Allowing the wide range of uses under C-4 zoning means that more intensive uses than the proposed TITLE Boxing Fitness Center could move into this location in the future. Staff recommends conditioning the approval so that the PUD shall conform to the performance standards prescribed in the Zoning Ordinance for C-4 uses.

In addition, staff recommends that the site be limited to allowing a maximum of one church to operate, out of one of the two onsite buildings, at any given time. The recommended condition aims to alleviate the potential of having two churches occupy the site at any given time. Churches are often one of the most parking intensive land uses. The current site is not designed for parking amenities that could accommodate two churches without significant parking area expansion.

Parking

Section 11-33-6(i) of the zoning ordinance states that stadiums, sports arenas, auditoriums, and gymnasiums shall have one (1) parking space for each three (3) seats. Pursuant to this section, the proposal for TITLE Boxing Club Fitness Center will require a minimum of 20 parking spaces. The site has 31 parking spaces for that building alone, and therefore, is compliant with the standards outlined in the code.

While the current parking is adequate for the use, there is potential that a future use could move into this location that is more parking intensive. Staff recommends a condition that any use on the site comply with the standards outlined in Article 33 of the Zoning Ordinance. Should the building change uses in the future to something that requires more parking, the applicant will be required to amend the PUD to reflect such site revisions.

Individual Sewage Disposal System (ISDS) and well water system

The change of use triggers a change of occupancy that will require the applicant to bring their ISDS into compliance with current standards established by Tri-County Health Department (TCHD) and the Colorado Department of Public Health and Environment (CDPHE)(EXHIBIT B).

TCHD has indicated that the ISDS on the site is sized for 190 gallons per day. The proposed fitness center is estimated to use 1050 gallons per day. Therefore, the applicant will be required to have the ISDS expanded. The expanded system shall be designed by a Colorado Registered Professional Engineer. The applicant will be required to bring the ISDS into compliance and receive TCHD approval as a condition of the PUD amendment approval.

The change in use to a fitness center will also change the well water system to a Transient, Non-Community Water System, as it will now be used by 25+ people. The well water system will need to be reviewed and approved by CDPHE as a condition of the PUD amendment approval.

APPROVAL CRITERIA:

Section 11-16-8 – Amendments

(a) Except as provided below for minor amendments, an approved final PUD plan may only be amended by submission of an amended final PUD plan which shall require the same review and approval of any final PUD.

(b) Minor amendments to an approved final PUD plan may be approved by the Director of Community Development provided that none of the following shall be allowed by way of a minor amendment.

9. No change in the allowed uses listed on the approved final planned unit development plan may be made.

Section 11-16-6-Approval Criteria:

(a) Prior to granting approval for any preliminary or final planned unit development plan, the Planning Commission and City Council shall give consideration to the purpose and intent of this Article 16 as listed in Section 11-16-2, above, and those criteria for any rezoning request as listed in Section 11-37-2(h) of this Chapter 11 of the Municipal Code. In addition, prior to approval of any final planned unit development plans, the Planning Commission shall find them to be in conformity with the approved preliminary planned unit development plans.

Section 11-16-2 reads as follows:

"Section 11-16-2. Purpose and Intent.

(a) The purpose and intent of this Article is to create a Planned Unit Development regulation which will maximize the land resources available within the City of Northglenn. More specifically, the purposes are as follows:

(1) To ensure that zoning decisions are directed toward achievement of community goals and objectives, as embodied in the adopted Master Development Plan, rather than satisfying arbitrary minimum standards.

(2) To recognize the unique nature of each parcel of land and allow flexibility in the planning and design response.

(3) To encourage and promote innovation in land development by allowing more variety in type, design, layout, and architectural design of buildings and site amenities.

(4) To ensure that proposed rezonings and specific proposals presented to staff and the Planning Commission are constructed as presented and not used merely as a tool to facilitate property sale or some other transfer of real estate to make it more marketable.

(5) To encourage economic development to expand the City's tax base and provide employment opportunities.

(6) To create a PUD ordinance that streamlines, consolidates and simplifies zoning and subdivision, an ordinance that expedites rather than hinders the development process.

(7) To allow for the preservation of natural site amenities such as mature trees, water bodies and channels, exceptional views, etc.

(8) To promote the judicious use of open space and landscaped areas with regard to utility and visual impact.

(9) To encourage a harmonious and integrated mix of land uses and require compatibility between new and existing development.

(10) To provide for the efficient and safe movement of vehicular and pedestrian traffic on both public and private roadways.

Section 11-37-2. Zone Changes.

(h)Basis for Approval. The Commission and Council 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

(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.

APPROVAL CRITERIA ANALYSIS

(1) To ensure that zoning decisions are directed toward achievement of community goals and objectives, as embodied in the adopted Master Development Plan, rather than satisfying arbitrary minimum standards.

The PUD Amendment is consistent with the Master Development Plan, specifically when looking at the goals of Economic Development. Specifically, the amendment works towards many of the Policies and Strategies outlined in Section 6B.

(2) To recognize the unique nature of each parcel of land and allow flexibility in the planning and design response.

The PUD amendment allows flexibility by allowing additional uses that will help the site to be better utilized.

(3) To encourage and promote innovation in land development by allowing more variety in type, design, layout, and architectural design of buildings and site amenities.

The PUD amendment allows more variety in the use of the site, thereby, encouraging more diversity in the uses.

(4) To ensure that proposed rezonings and specific proposals presented to staff and the Planning Commission are constructed as presented and not used merely as a tool to facilitate property sale or some other transfer of real estate to make it more marketable.

NA – The site is already developed; the PUD Amendment will only allow additional uses and does not physically change the site.

(5) To encourage economic development to expand the City's tax base and provide employment opportunities.

The amendment furthers this goal by expanding the allowed use, thereby increasing the utilization of site and growing the City's tax base and employment opportunities.

(6) To create a PUD ordinance that streamlines, consolidates and simplifies zoning and subdivision, an ordinance that expedites rather than hinders the development process.

The current PUD is prohibitive to the site. The amendment will make the site easier to use by allowing more uses.

(7) To allow for the preservation of natural site amenities such as mature trees, water bodies and channels, exceptional views, etc.

NA

(8) To promote the judicious use of open space and landscaped areas with regard to utility and visual impact.

NA

(9) To encourage a harmonious and integrated mix of land uses and require compatibility between new and existing development.

NA

(10) To provide for the efficient and safe movement of vehicular and pedestrian traffic on both public and private roadways.

The addition of C-4 uses should not have any significant impacts to the current traffic patterns. Movement of vehicles and pedestrians will not be impacted based on the current proposal.

In addition to the findings outlined above, staff finds that the request is consistent with the basis for approval of a rezoning in Section 11-37-2(h) listed below.

(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.

COMMISSION OPTIONS:

The Planning Commission is making a recommendation for a PUD Amendment to the City Council. The Commissions options are as follows:

1) Recommend approval of the request, with or without conditions or stipulations;
2) Deny the request for reasons stated; or
3) Table the request for further consideration.

STAFF RECOMMENDATION:

Staff recommends a recommendation of approval of the PUD Amendment to the City Council following conditions and based on the recommended Findings of Fact per the criteria of Sections 11-16-2 and 11-37-2 of the Northglenn Zoning Ordinance.

RECOMMENDED CONDITIONS OF APPROVAL:

1. The PUD shall conform to the performance standards prescribed in the Zoning Ordinance for C-4 uses.

2. The site shall be limited to a maximum of one church operating out of one of the two buildings at any given time.

3. Uses on the site shall comply with the parking standards outlined in Article 33 of the Zoning Ordinance.

4. The applicant shall bring the ISDS into compliance and receive TCHD approval as a condition of this PUD Amendment approval.

5. The well water system will be reviewed and approved by the Colorado Department of Public Health and Environment as a condition of this PUD Amendment approval.

RECOMMENDED FINDINGS OF FACT:

The application is in compliance with the criteria outlined in sections 11-16-2 and 11-37-2.

RESPECTFULLY SUBMITTED:

Rebecca Mossige
City Planner

WHAT'S NEXT: The City Council will next hear the case for final approval on 12/10/2012.

FUTURE APPLICATIONS:

1. ***PUD Amendment for consideration by City Council***

EXHIBIT A

City of Thornton
Multi-family Housing
Karl's Farm PUD
120th Avenue
Calvary Community
Bapist Church
0
150
300
600 Feet

Tri-County Health Department

To: Daneen Rucki

From: Marc Yancey

CC: Monte Deatrich, TCHD

Travis Reynolds, City of Northglenn, Planning Department

Date: October 16, 2012

Re: Individual Sewage Disposal System and well water system at 1741 E. 120th Ave., Northglenn, CO

You requested information from Tri-County Health Department regarding the requirements for the Individual Sewage Disposal System (ISDS) located at 1741 E. 120th Avenue. You have proposed a change in use of the existing building from a convenience store to a karate studio. The ISDS was installed and approved in October, 2001 for 6 employees and 10 customers per day. The proposed karate studio is for a maximum of 270 students per day, 3 full time employees, laundry and a shower.

The current ISDS is sized for 190 gallons per day. The proposed karate studio water usage is 1050 gallons per day. Therefore, the current ISDS is undersized and will need to be expanded. The expanded system must be designed by a Colorado Registered Professional Engineer.

Per Tri-County Health Department Regulation No I-11, Individual Sewage Disposal Systems: "The Tri-County Health Department may refuse to issue a permit for the construction of an ISDS where a sewage treatment works (public sewer line) is available within four-hundred feet of the nearest property line and connection can be made thereto. The applicant shall provide a letter from the sewer district, municipality or county having jurisdiction, stating whether it is permissible for the Department to issue a permit for installation, alteration or repair of an ISDS."

The proposed karate studio will be served by a private well on the property. This change in use will change the well water system to a Transient, Non-Community Water System, which by definition means a non-community water system that does not serve at least 25 or more of the same people for six months per year. The well water system will need to be approved by the Colorado Department of Public Health and Environment, Water Quality Control Division. This division can be contacted at 303-692-3500.

If you have any questions, you can reach me directly at 303-439-5942 or Myancey@tchd.org.

KARL'S DAIRY COUNTRY STORE LLLP

AN AMENDED FINAL PUD FOR CHANGE OF ALLOWED USES

SHEETS 1 OF 2

LEGAL DESCRIPTION

THAT PART OF LOT 19 EASTLAKE SUBDIVISION, A SUBDIVISION OF A PART OF SECTION 35, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, ADAMS COUNTY, COLORADO DESCRIBED AS: BEGINNING AT THE SOUTHWEST CORNER SOUTHEAST ONE-QUARTER SAID SECTION 35; THENCE N00DEG.05'12"W ALONG THE WEST LINE SAID SOUTHEAST ONE-QUARTER AND ALONG THE WEST LINE SAID LOT 19 A DISTANCE OF 90.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF EAST 120TH AVENUE, SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE CONTINUING N00DEG.05'12"W ALONG SAID WEST LINES A DISTANCE OF 202.40 FEET;

THENCE S89DEG.41'12"E A DISTANCE OF 467.13 FEET;

THENCE S00DEG.11'21"E A DISTANCE OF 202.20 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF EAST 120TH AVENUE;

THENCE N89DEG.42'42"W ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 467.50 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 2.170 ACRES MORE OR LESS

BASIS OF BEARINGS: THE WEST LINE SOUTHEAST ONE-QUARTER SAID SECTION 35 ASSUMED TO BEAR N00DEG.05'12"W.

ALLOWED USES - BY - RIGHT :

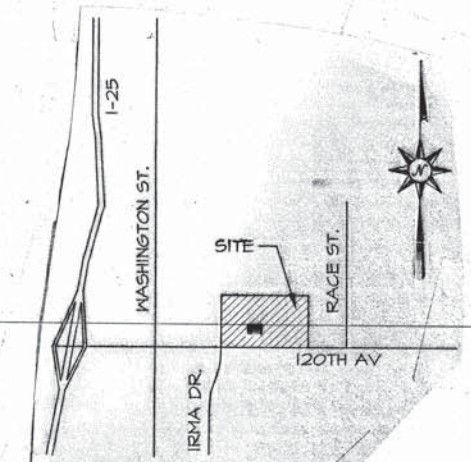
ALLOWED USES INCLUDE: AS AMENDED :

ALL USES ALLOWED UNDER C-4 ZONING OF THE CITY'S ORDINANCE INCLUDING CHURCHES (DOES NOT INCLUDE AUTOMOTIVE USES & INDOOR STORAGE)

ALLOWED USES INCLUDE: ORIGINAL PUD :

- SEASONAL SALE OF AGRICULTURAL PRODUCTS
- SALE OF DAIRY PRODUCTS
- SALE OF GROCERIES & DRY GOODS
- SALE OF CIGARETTES
- DISPLAY AND SALE OF ANTIQUES
- SALE OF GIFTS AND COLLECTIBLES
- U-HAUL SALES AND RENTALS
- SALE OF PROPANE AND KEROSENE
- OFFICE AND STORAGE SPACE
- FARM ANIMAL DISPLAY
- SALE OF ICE CREAM
- SEASONAL OUTDOOR SALES OF LANDSCAPE & AGRICULTURAL PRODUCTS

ALL INFORMATION AND REQUIREMENTS OF SHEETS 6-7 OF THE ORIGINAL KARL'S FARM DAIRY PLANNED UNIT DEVELOPMENT, RECORDED WITH ADAMS COUNTY CLERK RECORDERS UNDER REFERENCE # 00806644, SHALL CONTINUE TO BE ENFORCED.



VICINITY MAP

SCALE: 1" = 2000'

CONDITIONS FOR THE GRANTING OF A WAIVER FROM THE CITY'S EXISTING UTILITY ORDINANCE ARE OUTLINED IN THE APPROVAL ORDINANCE # OF 2012, APPROVING THIS AMENDED PUD.

ARCHITECT / PLANNER: ORIGINAL PUD MAY, 2000
ARCHITECTURE UNLIMITED, INC.
390 WALNUT ST SUITE 110
BRIGHTON, COLORADO 80601
(303) 654-1751

CIVIL ENGINEER: ORIGINAL PUD MAY, 2000
ACKLAM ASSOCIATES, INC
1001 E. BRIDGE STREET
BRIGHTON, COLORADO 80601
(303) 659-8546

ENGINEERS CERTIFICATE :

I, JACK M. WHITE P.E., A REGISTERED PROFESSIONAL ENGINEER, DO HEREBY CERTIFY THAT THESE PLANS AS DEVELOPED BY ME ARE TO BE USED SOLELY AS AN AMENDED FINAL PUD FOR CHANGE OF ALLOWED USES. ORIGINAL DRAWINGS USED FOR THIS PURPOSE.

JACK M. WHITE P.E.
10981 ACOMA ST.
NORTHGLENN, CO. 80234
303-457-4018

COLORADO LICENSED JACK M. WHITE 18000 PROFESSIONAL ENGINEER

APPROVAL LIST

I, _____ HEREBY AFFIRM THAT I AM _____ OF THE PROPERTY DESCRIBED HEREIN, KNOWN AS _____

OWNER _____ DATE _____

NOTARY PUBLIC _____ DATE _____

SEAL

PROFESSIONAL RESPONSIBLE FOR AMENDED PUD _____ DATE _____

DIRECTOR OF PLANNING AND DEVELOPMENT _____ DATE _____

DIRECTOR OF PUBLIC WORKS AND UTILITIES _____ DATE _____

PLANNING COMMISSION CHAIRPERSON _____ DATE _____

MAYOR _____ DATE _____

CITY CLERK _____ DATE _____

CERTIFICATE OF CLERK AND RECORDER

THIS PLAT WAS FILED FOR RECORDING IN THE OFFICE OF THE COUNTY CLERK AND RECORDER IN THE COUNTY OF ADAMS, STATE OF COLORADO, THIS _____ DAY OF _____, 20__, AND ENTERED IN PLAT BOOK _____ AT PAGE _____, RECEPTION NO. _____

BY: _____
DEPUTY

_____
COUNTY CLERK AND RECORDER

MY COMMISSION EXPIRES: _____

INSTRUMENT NO. _____

KARL'S DAIRY COUNTRY STORE LLLP

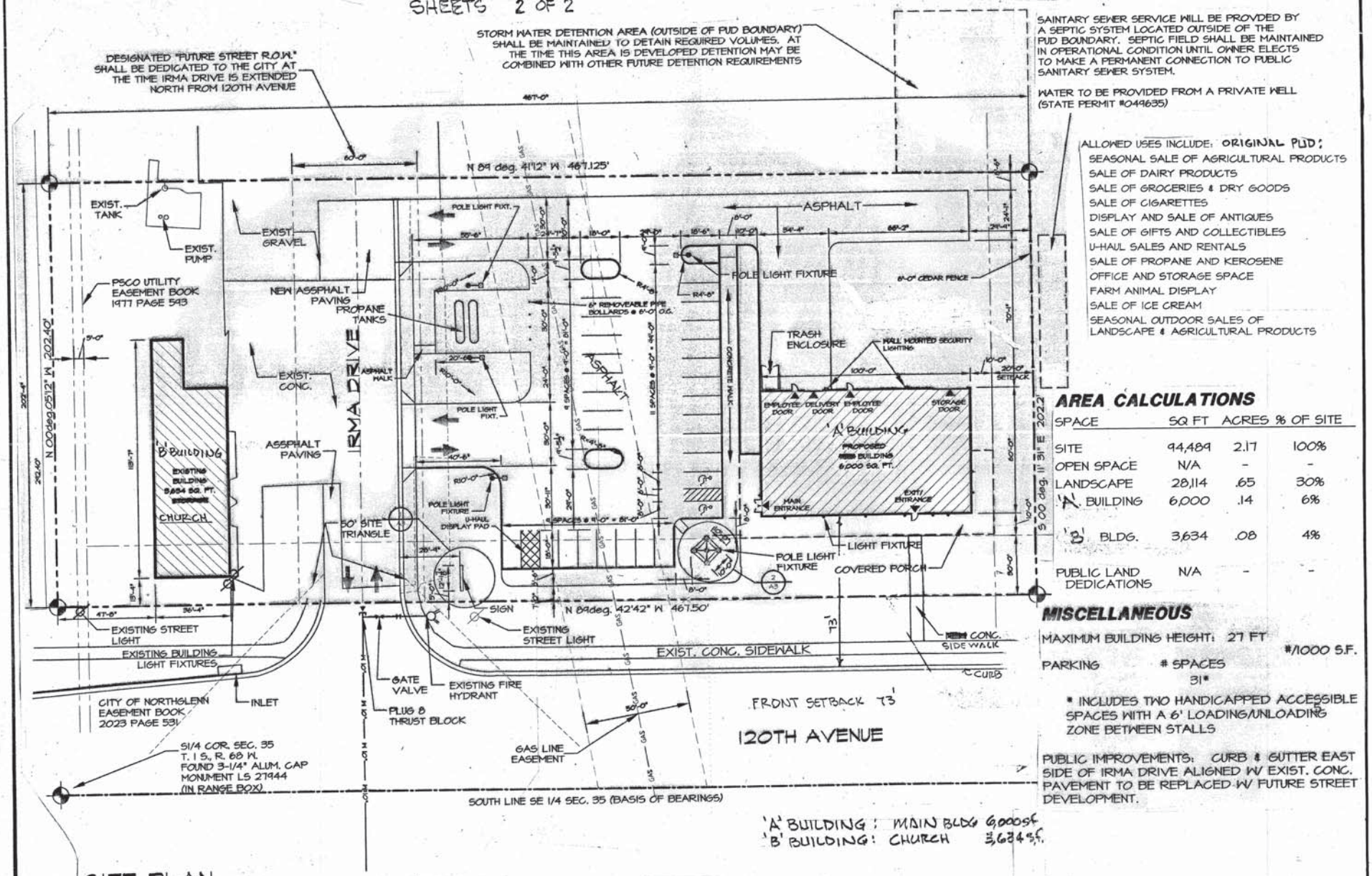
AN AMENDED FINAL PUD FOR CHANGE OF ALLOWED USES

SHEETS 2 OF 2

ALLOWED USES - BY - RIGHT :

ALLOWED USES INCLUDE:

ALL USES ALLOWED UNDER C-4 ZONING OF THE CITY'S ORDINANCE INCLUDING CHURCHES (DOES NOT INCLUDE AUTOMOTIVE USES & INDOOR STORAGE)



ALLOWED USES INCLUDE: ORIGINAL PUD:

- SEASONAL SALE OF AGRICULTURAL PRODUCTS
- SALE OF DAIRY PRODUCTS
- SALE OF GROCERIES & DRY GOODS
- SALE OF CIGARETTES
- DISPLAY AND SALE OF ANTIQUES
- SALE OF GIFTS AND COLLECTIBLES
- U-HAUL SALES AND RENTALS
- SALE OF PROPANE AND KEROSENE
- OFFICE AND STORAGE SPACE
- FARM ANIMAL DISPLAY
- SALE OF ICE CREAM
- SEASONAL OUTDOOR SALES OF LANDSCAPE & AGRICULTURAL PRODUCTS

AREA CALCULATIONS

SPACE	SQ FT	ACRES	% OF SITE
SITE	94,489	2.17	100%
OPEN SPACE	N/A	-	-
LANDSCAPE	28,114	.65	30%
'A' BUILDING	6,000	.14	6%
'B' BLDG.	3,634	.08	4%
PUBLIC LAND DEDICATIONS	N/A	-	-

MISCELLANEOUS

MAXIMUM BUILDING HEIGHT: 27 FT

PARKING	# SPACES	#/1000 S.F.
	31*	

* INCLUDES TWO HANDICAPPED ACCESSIBLE SPACES WITH A 6' LOADING/UNLOADING ZONE BETWEEN STALLS

PUBLIC IMPROVEMENTS: CURB & GUTTER EAST SIDE OF IRMA DRIVE ALIGNED W/ EXIST. CONC. PAVEMENT TO BE REPLACED W/ FUTURE STREET DEVELOPMENT.

SITE PLAN

SCALE: 1" = 30'-0"

0' 30' 60' 90' 120'

10' 20'

NORTH

RESOLUTION 2012-3
NORTHGLENN PLANNING COMMISSION

A RESOLUTION PROVIDING A FAVORABLE RECOMMENDATION TO THE CITY COUNCIL FOR APPROVAL OF THE AMENDMENT TO THE KARLS FARM PLANNED UNIT DEVELOPMENT (PUD)

WHEREAS, Northglenn Ordinance 11-37-2 requires that the Northglenn Planning Commission review and make recommendation to Council any application for rezoning; and

WHEREAS, the Northglenn Planning Commission therefore desires to make its recommendations to the City Council as required by law.

WHEREAS, the Planning Commission has found that the application satisfies the applicable criteria for rezoning and PUD criteria under 11-37-2 & 11-16-2 respectively;

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The City of Northglenn Planning Commission hereby provides a favorable recommendation to the City Council for approval of the Karls Farm PUD Amendment in accordance with the proposed Ordinance for adoption.

Section 2. The City of Northglenn Planning Commission hereby recommends that in addition to the conditions spelled out in the proposed adopting ordinance, the following conditions should be reflected on the proposed Amendment to the PUD to be recorded with the Adams County Clerk and Recorder, as required by law.

1. The PUD shall conform to the performance standards prescribed in the Zoning Ordinance for C-4 uses.

2. The site shall be limited to a maximum of one church operating out of one of the two buildings at any given time.

3. Uses on the site shall comply with the parking standards outlined in Article 33 of the Zoning Ordinance.

4. The applicant shall bring the ISDS into compliance and receive TCHD approval as a condition of this PUD Amendment approval.

5. The well water system will be reviewed and approved by the Colorado Department of Public Health and Environment as a condition of this PUD Amendment approval.

DATED this _____ day of _____, 2012

_____
Sonia Di Carlo
Planning Commission Chair

ATTEST:

_____
Travis Reynolds
Secretary