

**COMMUNITY DEVELOPMENT MEMORANDUM**  
**#07-01**

April 16, 2007

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

**FROM:** A. J. Krieger, City Manager  
Terence Quinn, Community Development Director  
Patrick Breitenstein, Planning Director

**SUBJECT:** CB 1618, Rezoning Fox Run Open Space and Designating as a Nature Area

**RECOMMENDATION:**

Attached to this memorandum is a proposed ordinance which, if approved, would rezone the Fox Run Open Space west of Fox Run Parkway from Planned Unit Development (PUD) to Open O-1 and designate the area as a Nature Area. Staff recommends approval of this proposed ordinance.

**BACKGROUND:**

The Zoning Ordinance provides that a Nature Area is “established primarily as a conservation district to preserve the environment and natural character of the landscape within the district.” A Nature Area is a use by right in Open O-1 Zones. The Fox Run Planned Unit Development Plan was adopted before the Nature Area Designation was added to the Zoning Ordinance and accordingly the Fox Run plan makes no mention of Nature Area. Rezoning to Open O-1 is necessary before the Nature Area designation may be applied. Designation as a Nature Area would limit future use even for public purposes. The definition of Nature Area says:

“Land within the district shall be protected from development, but may also be used for unimproved trails, buffering between land uses, defining the edges of urbanization and the preservation of valuable natural features and ecosystems. Utilities and existing improvements located in a nature area may be maintained as necessary, but reasonable efforts should be used to minimize environmental impacts.”

**POTENTIAL OBJECTION:**

City Staff is not aware of any 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 Terence Quinn, [tquinn@northglenn.org](mailto:tquinn@northglenn.org), or Patrick Breitenstein, [pbreitenstein@northglenn.org](mailto:pbreitenstein@northglenn.org).

SPONSORED BY: COUNCIL MEMBER PAIZ

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1618  
Series of 2007

\_\_\_\_\_  
Series of 2007

A BILL FOR A SPECIAL ORDINANCE REZONING FROM PLANNED UNIT DEVELOPMENT (PUD) TO OPEN ZONE (O-1) CERTAIN REAL PROPERTY IN THE CITY OF NORTHGLENN COMMONLY KNOWN AS THE "FOX RUN OPEN SPACE AREA" IN THE COUNTY OF ADAMS, STATE OF COLORADO, AMENDING THE ZONING MAP OF THE CITY OF NORTHGLENN, DESIGNATING THE AREA AS A NATURE AREA, AND NAMING THE AREA THE "FOX RUN NATURE AREA."

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

Section 1. Change in Zoning Ordinance. Pursuant to the provisions of the Northglenn Zoning Ordinance, as amended, and upon the recommendation of the Northglenn Planning Commission (Case No. Z-2-07), a zoning change from Planned Unit Development (PUD) to Open Zone (O-1) is hereby allowed and granted for the real property in the City of Northglenn, Colorado, described as follows and shown on the attached Exhibit A, to-wit:

A PARCEL OF LAND IN THE WEST ONE-HALF OF SECTION 12, TOWNSHIP 2 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, DESCRIBED AS: COMMENCING AT THE WEST ONE-QUARTER CORNER OF SAID SECTION 12; THENCE N00° 40' 15" W ALONG THE WEST LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 12, A DISTANCE OF 419.82 FEET TO THE NORTHEASTERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD, AND TO THE POINT OF BEGINNING, SAID POINT OF BEGINNING BEING ON A CURVE TO THE LEFT (NON-TANGENT TO THE PREVIOUSLY DESCRIBED LINE), THE RADIUS OF SAID CURVE IS 2042.08 FEET THE DELTA OF SAID CURVE IS 07° 11' 30", THE CHORD OF SAID CURVE BEARS S47°23'09"E, 256.15 FEET; THENCE ALONG THE ARC OF SAID CURVE AND ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 256.32 FEET TO THE END OF SAID CURVE; THENCE S50°58'54"E ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 934.90 FEET TO THE NORTHWEST CORNER OF BLOCK 1, FOX RUN SUBDIVISION FILING NO. 6 AS RECORDED IN FILE 17, MAP 743, ADAMS COUNTY RECORDS, THENCE ALONG THE NORTHERLY LINE OF SAID BLOCK 1 THE FOLLOWING THREE (3) COURSES AND DISTANCES: THENCE 1) N39°01'06"E, A DISTANCE OF 115.03; THENCE 2) N83°26'56"E, A DISTANCE OF 519.09 FEET; THENCE 3) N55°02'00"E, A DISTANCE OF 357.23 FEET TO THE WESTERLY LINE OF BLOCK 2, SAID FOX RUN SUBDIVISION FILING NO. 6: THENCE ALONG THE WESTERLY LINE OF SAID BLOCK 2 THE FOLLOWING SIX (6) COURSES AND DISTANCES: THENCE 1) N35°08'29"W, A DISTANCE OF

48.00 FEET; THENCE 2) N67°43'07"W, A DISTANCE OF 164.30 FEET; THENCE 3) N19°08'02"W, A DISTANCE OF 120.00 FEET; THENCE 4) N13°32'23"E, A DISTANCE OF 83.99 FEET; THENCE 5) N43°49'43"E, A DISTANCE OF 100.58 FEET; THENCE 6) N68°37'31"E, A DISTANCE OF 180.61 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF FOX RUN PARKWAY AS DESCRIBED IN THE PLAT OF FOX RUN SUBDIVISION FILING NO. 10A RECORDED IN FILE 18, MAP 126, ADAMS COUNTY RECORDS, THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) COURSES AND DISTANCES: THENCE 1) BEING A CURVE TO THE RIGHT, THE RADIUS OF SAID CURVE IS 423.54 FEET, THE DELTA OF SAID CURVE IS 29°24'25", THE CHORD OF SAID CURVE BEARS N06°40'17"W, 215.00 FEET; THENCE ALONG THE ARC OF SAID CURVE 217.38 FEET TO THE END OF SAID CURVE; THENCE 2) N08°01'55"E, A DISTANCE OF 95.83 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT, THE RADIUS OF SAID CURVE IS 330.00 FEET; THE DELTA OF SAID CURVE IS 61°06'53", THE CHORD OF SAID CURVE BEARS N22°31'31"W, 335.54 FEET; THENCE 3) ALONG THE ARC OF SAID CURVE, A DISTANCE OF 352.00 FEET TO THE END OF SAID CURVE; THENCE 4) N53°04'58"W, A DISTANCE OF 3.77 FEET TO THE SOUTHERLY LINE OF BLOCK 1 SAID FOX RUN SUBDIVISION FILING NO. 10A AS RECORDED IN FILE 18 AT MAP 126, ADAMS COUNTY RECORDS: THENCE ALONG SAID SOUTHERLY LINE THE FOLLOWING FIVE (5) COURSES AND DISTANCES: THENCE 1) S36°55'02"W, A DISTANCE OF 302.26 FEET; THENCE 2) S89°19'45"W, A DISTANCE OF 840.66 FEET; THENCE 3) N51°17'15"W, A DISTANCE OF 224.53; THENCE 4) N00°40'15"W, A DISTANCE OF 107.53 FEET; THENCE 5) S89°19'45"W, A DISTANCE OF 500.00 FEET TO THE WEST LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 12; THENCE S00°40'15"E ALONG SAID WEST LINE, A DISTANCE OF 637.53 FEET TO THE POINT OF BEGINNING. CONTAINS 39.767 ACRES MORE OF LESS.

Section 2. Designation as Nature Area. The above-described area is hereby designated a "Nature Area" pursuant to sections 11-28-2.5 and 11-28-3(i) of the City of Northglenn Zoning Ordinance, and is hereby named the "Fox Run Nature Area."

Section 3. Conditions. The Fox Run nature area shall be maintained pursuant to the City of Northglenn Noxious Weed Management Plan (April 2005) and the Northglenn Open Space Management Plan (2004), as they may be amended from time to time. City staff is authorized to take measures to improve the vegetation through noxious weed management using mechanical, biological and chemical intervention, and seeding of favorable native grasses. Capital improvement projects and development in the Fox Run Nature Area may not occur without prior authorization by the Northglenn City Council.

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 \_\_\_\_ day of \_\_\_\_\_,  
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

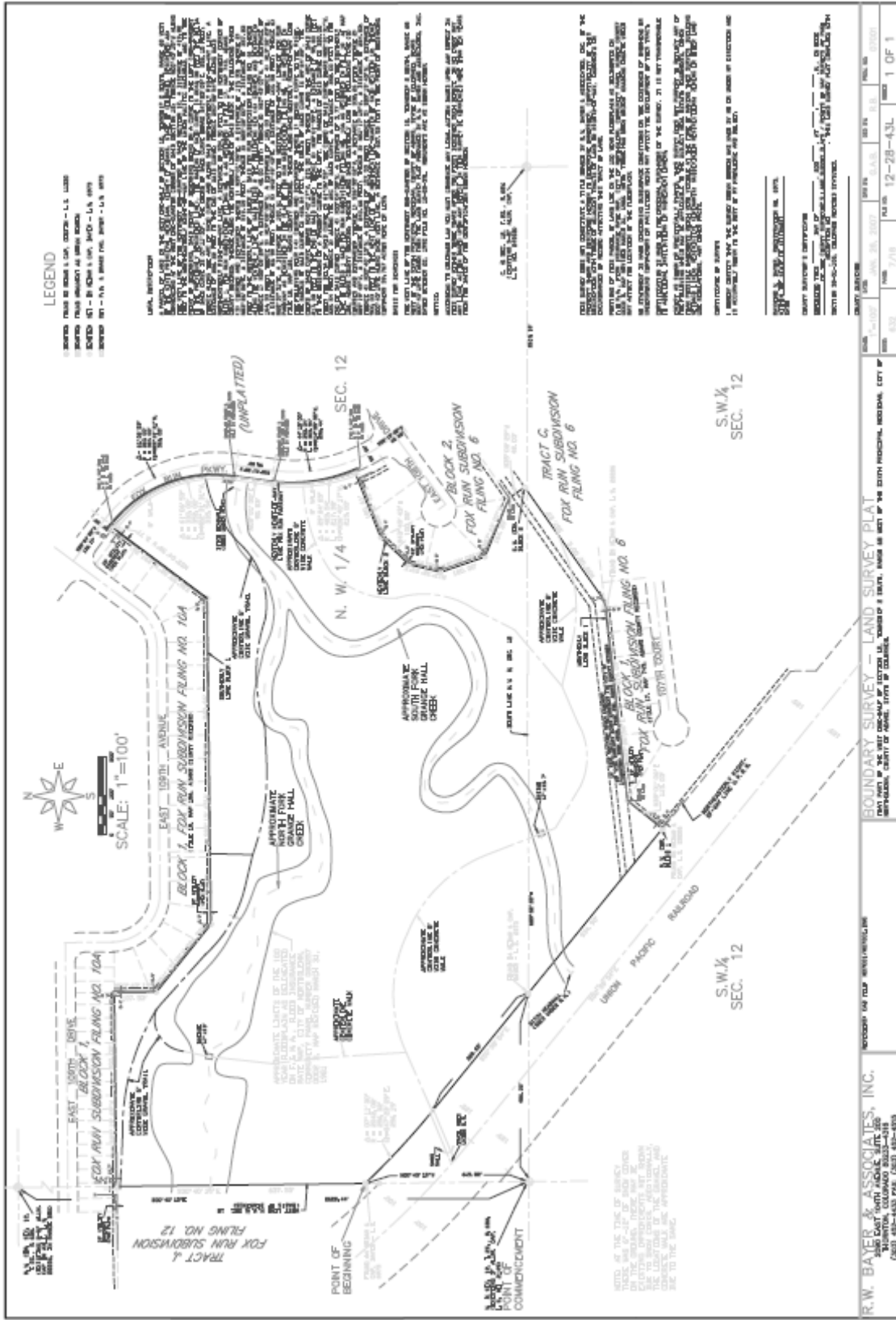
ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
COREY Y. HOFFMANN  
City Attorney

# EXHIBIT A



**LEGEND**

- BOUNDARY OF BLOCK 1, FOX RUN SUBDIVISION - U.S. 100
- BOUNDARY OF BLOCK 2, FOX RUN SUBDIVISION - U.S. 100
- BOUNDARY OF BLOCK 3, FOX RUN SUBDIVISION - U.S. 100
- BOUNDARY OF BLOCK 4, FOX RUN SUBDIVISION - U.S. 100
- BOUNDARY OF BLOCK 5, FOX RUN SUBDIVISION - U.S. 100
- BOUNDARY OF BLOCK 6, FOX RUN SUBDIVISION - U.S. 100

**LEGAL DESCRIPTION**

THESE ARE THE ORIGINAL SURVEY RECORDS OF THE FOX RUN SUBDIVISION, BLOCK 1, FOX RUN SUBDIVISION, FILING NO. 104, BLOCK 2, FOX RUN SUBDIVISION, FILING NO. 6, BLOCK 3, FOX RUN SUBDIVISION, FILING NO. 6, BLOCK 4, FOX RUN SUBDIVISION, FILING NO. 6, BLOCK 5, FOX RUN SUBDIVISION, FILING NO. 6, BLOCK 6, FOX RUN SUBDIVISION, FILING NO. 6, TRACT A, FOX RUN SUBDIVISION, FILING NO. 6, TRACT B, FOX RUN SUBDIVISION, FILING NO. 6, TRACT C, FOX RUN SUBDIVISION, FILING NO. 6, AS SHOWN ON THE PLAT HEREIN, AND THE BOUNDARIES THEREOF ARE HEREBY ESTABLISHED AND CONFIRMED BY THESE INSTRUMENTS AND THE RECORDS THEREOF.

**WARRANTY OF SURVEY**

THE SURVEYOR WARRANTS THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF SURVEYORS AND THE RECORDS THEREOF, AND THAT THE BOUNDARIES SHOWN ON THE PLAT ARE TRUE AND CORRECT.

**NOTICE TO THE PUBLIC**

THIS SURVEY WAS MADE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF SURVEYORS AND THE RECORDS THEREOF, AND THE BOUNDARIES SHOWN ON THE PLAT ARE TRUE AND CORRECT.

**NOTICE TO THE PUBLIC**

THIS SURVEY WAS MADE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF SURVEYORS AND THE RECORDS THEREOF, AND THE BOUNDARIES SHOWN ON THE PLAT ARE TRUE AND CORRECT.

R.W. BAYER & ASSOCIATES, INC.		BOUNDARY SURVEY - LAND SURVEY PLAT		SHEET 1 OF 1	
1100 EAST 10TH AVENUE, SUITE 100, DENVER, COLORADO 80202-1010		BLOCK 1, FOX RUN SUBDIVISION, FILING NO. 104		SHEET 12-28-43L	
PHONE: 303-733-1500		DATE: 12-28-43L		SHEET 1 OF 1	