PLANNING COMMISSION

Mike Simone, Chairperson
Bruce Davis
Lynne Derby
Dan Parrish
Lucas Marone
Bushrod White

Planning Commission Agenda
Regular Meeting
Tuesday, August 9, 2016
6:00 P.M.
(Order & Contents Subject to Change by Action of the Commission)

Call to Order – Roll Call

Approval of Agenda

Consent Agenda – Consent Agenda items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda items unless a Commission member so requests, in which case the item may be removed from the Consent Agenda and considered at the end of the Consent Agenda.

a. Approval of the Minutes of the March 8, 2016 meeting

Discussion Items

b. **P2016-004** Special Use Permit for Family Child Care Home at 745 S. Grand Avenue

c. **P2016-005** Zoning Regulations Amendments to Article II of Chapter 16

d. Election of Vice-Chairperson

e. Upcoming land use applications and updates

Future Business

MINUTES

RECORD OF PROCEEDINGS
FORT LUPTON PLANNING COMMISSION
March 8, 2016

The Planning Commission of the City of Fort Lupton met in session at the City Complex, 130 South McKinley Avenue, the regular meeting place of the Planning Commission, on Tuesday, March 8, 2016. Chairperson Mike Simone called the meeting to order at 6:00 p.m.

ROLL CALL

Planning Technician Mari Peña called the roll. Those present were Chairperson Mike Simone, Commission members Barbara Duncan, Bush White, Dan Parrish, Lynne Derby and Tim Hoskens. Also present were Planning Director Todd Hodges, Planner Alyssa Knutson, Planning Technician Mari Peña, Planning Technician Jennifer Cupp and City Attorney Andy Ausmus.

APPROVAL OF AGENDA

It was moved by Tim Hoskens and seconded by Bush White to approve the agenda as submitted.

Motion carried unanimously by a voice vote.

CONSENT AGENDA

It was moved by Barbara Duncan and seconded by Bush White to approve the Consent Agenda as submitted. The following item was part of the Consent Agenda:

Approval of the Minutes of the January 19, 2016 meeting.

Motion carried unanimously by a voice vote.

DISCUSSION ITEMS

Due to the amount of public in the audience, the Planning Chair explained the process of the public hearing.

P2016-002 Fulton Village Annexation and Initial Zoning
P2016-003 Fulton Village Sketch PUD Plan

The Planning Chair asked the Planning Director Todd Hodges, to explain the subdivision process along with the description for the project.

The Planning Director, Todd Hodges, stated the project is for an annexation and initial zoning as well as a sketch plan with the adjacent property already in the City. The subdivision process is a three step process. The sketch plan being presented is not a vesting project but rather a direction. It is not a public hearing it's a public meeting because the applicants are receiving direction. The Planning Commission will be reviewing the annexation and initial

zoning and provide a recommendation of the sketch plan to City Council with comments. If successful, there will be another public hearing for a preliminary and final PUD plan. The process would then start again. If the multifamily portion of this project is successful then it must go through the site plan review process that will be reviewed before the Planning Commission and City Council. The main item for this project is annexation and zoning. This is an infill project where services surrounding the property are available and would raise property values. The property is owned by Fulton Village LLC, with the Weld County zoning as R-2. The Lambert property is currently in the City limits; however, a small strip of land on this property along S. McKinley Avenue was not originally annexed in. The current zoning of the Lambert property is R-1A. If this project proceeds, the next step would be the preliminary plat followed by the final plat for a PUD. All referral comments have been reviewed with comments in the resolution. After staff reviewed the project, a meeting was held with Aaron Thompson, the representative for Fulton Village to discuss and review several items. The concept that will be presented tonight is an updated concept based on staff's direction. The updated concept that was presented is attached to these minutes. The sketch plan is not a vesting concept but it is appropriate to comment on the project. The annexation is a clear boundary of the proposal with the unplatted portion that is already part of the City. Peaceful Acres is located on the east and is zoned R2, with Lone Pine Estates as single family to the west. The general layout fits within the purview of the area. Residential is needed in the city, with diversity near the school. A park and trail area are being proposed as part of the Plan. The applicants are present and have provided a presentation.

Aaron Thompson with Aperio Property Consultants LLC, representative for Fulton Village LLC, presented a PowerPoint on the project. Mr. Thompson stated that Fulton Village is a 14 acre site that includes a piece of property that was not annexed by the City during the first annexation of the Lambert property. Of the 14 acres, about 3 acres will be dedicated right of way. The proposed project is residential with single family and multi-family dwellings as well as a proposed park that includes a regional trail that is keeping with the City's parks and trails master plan. Mr. Thompson continued that the project site is bordered by S. Fulton Avenue on the west; Kahil Street on the north; Lone Pine Street on the south; and S. McKinley Avenue on the east. Lone Pine Estates Subdivision is across the street to the west; Country Day Estates Subdivision to the south; Peaceful Acres Subdivision to the east; and the school to the north. He also noted that Lone Pine Street and S. McKinley Avenue are mainly in the county. He indicated the revised lay out of the plan is still in the concept stage. The concept being developed includes many different product types; multi-family, single family, as well as a park. On 12 acres it is difficult to get too many types of uses on the space efficiently. The proposed design is for three different residential housing types. The revisions from the original plan eliminated the need for cul-de-sacs. The Fire Marshall did not want the cul-de-sacs. Also, Mr. Hodges had talked about S. Hoover Avenue connecting all the way through to Kahil, but there are a few reasons for not connecting. First, traffic in and out of this subdivision doesn't need to use Lone Pine Street. The width of Lone Pine Street is about thirty feet wide. Also, we feel that most of the traffic goes to S. Fulton Avenue and onto Highway 52. A through street from S. Fulton Avenue to S. Hoover Avenue would cause traffic issues, particularly with the trail. The concept for the apartments has changed to a more

efficient layout and more segregation of traffic versus the traffic for residential. The trail will start at Kahil Street and go through the park to end at Lone Pine Street. The park will consist of a playground. The smaller lots are much like the homes in a project called Parkview in Golden, Colorado. Homes in the subdivision are age restricted to fifty-five plus but this is not being proposed here. The alleyway on the plan consists of garage doors that are front loaded doors. Front doors and garages are accessed from the front. The alley that is being proposed will be thirty feet wide. The proposed homes are to be about 1500 to 1800 square feet with the possibility of a basement. The prices would range between high $200,000 and the low $300,000.

The Planning Chair opened the public hearing at 6:21 p.m.

Luke Johnson resides at 871 S. Hoover Avenue and stated concerns with the proposed apartments and the type of people that they will attract. He also stated concerns with additional traffic on S. Fulton Avenue and that property values in the area may decrease due to lower cost homes being constructed. He stated that the area would rather see parks, walking and bicycle trails. He was also concerned with water sources and drainage for the development, stating that drainage is already an issue in the area. He felt that developing the property was not bad, but that he would like to see more comparable single-family homes be constructed.
[Applause]
Mary Anne Merritt resides at 920 S. Fulton Avenue. She stated concerns with the proposed lot sizes, because they are smaller than the lots across from the development on S. Fulton Avenue. Ms. Merritt also expressed concerns about access roads and that additional traffic would go past her property. She stated that additional traffic was a concern because there are already cars that go too fast along S. Fulton Avenue and there is no traffic control from Lone Pine Street to County Road 27. She also stated that children would not be able to go to school in Fort Lupton because she heard there is not room for additional students. She stated again that safety would be an issue with additional traffic and kids walking to school in the area. She stated that the homes in the area are brick or stone and that she would not like frame homes built in the area. Ms. Merritt felt that the park was exciting, but that a bigger park was needed. She also stated that the area needs sidewalks and not a trail.
[Applause]
Deb Demille resides at 856 S. McKinley Avenue and stated that she will follow up on the previous public comments. She stated that this proposed development has not changed from the previous proposal from six or seven years ago for the property with respect to infrastructure. She stated concerns that the City does not have a large police force in order to accommodate the development. She stated concerns with 99 families moving into a small area, with drainage, with the schools being unable to accommodate that many additional students. She stated that the area is a tight-knit community. Ms. Demille had concerns with property values decreasing in the area. She stated that proposed apartments would cause her home price to decrease and asked that that be taken into consideration by the Commission.
[Applause]

Jim Jones resides at 855 S. Fulton Avenue. Mr. Jones stated that the redesign presented by the applicants addressed some of his concerns. However, he stated concerns with additional traffic on the roadways and that repairs were needed on Kahil Street and S. Fulton Avenue. He stated that there are bottlenecks at Lone Pine Street and S. Fulton Avenue and that this will need to be addressed. He stated there is a need for nice homes but that this proposal is "putting ten pounds of potatoes in a five pound bag." *[Applause]* Mr. Jones notes that this is the second or third time that the applicants have tried to develop the same thing. He stated that although the townhomes are nice, the surrounding properties should be compatible with them. He stated concerns with school traffic and that the rental properties will bring more problems to the area.
[Applause]
Jeremy Campbell resides at 865 S. Fulton Avenue. He inquired on the type of zoning that the applicants were applying for. Planning Director, Todd Hodges, stated that the zoning would be to PUD with single-family and multifamily uses in accordance with the R-1 up to R-3 zone districts. Mr. Campbell expressed concerns with the R-3 uses and stated that the City could allow low-income housing on the entire site with that type of zoning permitted. He stated that while he understood the applicants' need to make money on the development by proposing smaller houses, removing the small houses and apartments from the proposal would be a huge benefit and would assist in gaining approval from the neighbors.
[Applause]
Edward Engle resides at 870 S. Hoover Avenue. He stated concerns regarding on-street parking, especially with the patio homes and having enough space for visitors to park. Mr. Engle noted that in the Lancaster area there is hardly any parking to accommodate any visitors. He was also concerned with the use of the dedicated alley behind Peaceful Acres going away. Finally, he stated that condensed traffic was going to be a problem, especially with the small lot sizes.
[Applause]
Lester Dean resides at 655 S. McKinley Avenue. He stated that the project backs up to his backyard at Lot 24 in Peaceful Acres. He expressed concerns with the alley behind his home and would like to continue to use it. He stated he would like the development to be all single-family homes and dislikes the apartments. Mr. Dean had concerns that the alley use was going to be taken away, but Weld County shows an easement.
[Applause]
Charles Gordon Emery resides at 880 S. Fulton Avenue. He expressed concerns with home values depreciating in the area, which would cause the town to depreciate. He indicated he would like to see homes selling due to the new development from $400,000 to half a million like in Brighton. He stated that he agrees with previous comments on traffic concerns in the area.
[Applause]
Steve Koeckeritz resides at Lot 23 in Peaceful Acres. Mr. Koeckeritz stated his home is directly east of what is shown as Hoover Circle. He stated that he had concerns with headlights shining directly into his home, but the updated design resolves that issue. He added that he has concerns with the proposed multi-family residential and requested more

information on these buildings, including how many units would be included, how tall the buildings would be, and if traffic access going to S. McKinley Avenue. He stated that he believes multi-family residential does not fit with the surrounding neighborhood.
[Applause]

The applicants' representative, Aaron Thompson, responded that there would be about 20 to 30 multi-family residential units.

Michele Jahrman resides at 805 S. Fulton Avenue. She stated that she has lived next to apartments before and it was nothing but trouble and that 20 to 30 multi-family residential units would compact too many people in a small area. She also stated concerns with people speeding along S. Fulton Avenue and with the additional traffic. Ms. Jahrman expressed that the area would like to see single-family homes. She expressed concerns with the new development destroying a peaceful community.
[Applause]
David Heiser resides at 950 S. McKinley Avenue. Mr. Heiser stated concerns with small lots sizes and the amount of parking. He stated that his street is already like a parking lot. He also stated concerns with the density being too high.
[Applause]
Jay Herrick resides at 950 S. Hoover Avenue. Mr. Herrick stated that he is a construction consultant and is excited about the annexation and proposed development. He stated concerns with the density of the development and also traffic onto S. Fulton Avenue, especially with no traffic control. He also expressed concerns with the ability of police and fire to provide services. He also is concerned the multi-family residential will become the "recreational pharmacy" across from the school. Mr. Herrick also stated concerns about quality of life and property values in the area and believes there should be single-family residences with larger lots and higher values constructed.
[Applause]
Richard Struck resides at 81 Kahil Place. He stated that his lot is 71 feet across and 97 to 98 feet deep and is too small. Mr. Struck expressed that the City must put a light or overpass at Highway 52 and S. Fulton Avenue. He expressed concerns that the proposed development would be similar to 9th Street across from the school where there are low income apartments and "every deadbeat" has moved into. He stated that more exits are needed out of the development. He was concerned that if a similar tornado event occurred like the one in the 1970s that people would be unable to vacate the area due to an increase in traffic and limited accesses. He also stated that streets need to be reworked throughout the City and the development won't work.
[Applause]
Beverly Andrews resides at 930 S. Hoover Avenue. Ms. Andrews stated that she has lived in Fort Lupton for 17 years. She expressed concerns with drainage and stated that when a downpour occurs that rain comes from Elizabeth Street to the driveway at 920 S. Hoover Avenue and because of the lack of proper drainage, everything settles to the north. She expressed concerns that there won't be room at the schools for additional children. Ms. Andrews stated that she knows of someone that was told to take their children to a charter

school or Quest due to lack of space. She also was concerned that the other apartments and duplexes in the City look like "ghetto areas" and doesn't want that to happen in the neighborhood.
[Applause]
Connie Herrick resides at 950 S. Hoover Avenue. She stated that since no one approves of the multi-family residences, that the applicants should remove them from the plan. Ms. Herrick stated that the lots are too small and they should be made to be as large as the lots along S. Fulton Avenue. Ms. Herrick stated that the patio home lots should also be larger to match the surrounding neighborhood and that more brick should be incorporated into the designs. If those items are addressed, Ms. Herrick believed that the neighbors would be willing to approve the project.
[Applause]
Koreen Turskey resides at 630 S. McKinley Avenue. Her property is Lot 22 of the Peaceful Acres Subdivision and is located across from the proposed park. Ms. Turskey stated concerns over parking at the park and noted that none is shown on the current plan. She stated that her street is narrow and that during graduation vehicles are parked on both sides of the street. Ms. Turskey is concerned that there will be no parking for those coming to the park, which will cause issues on her street.
[Applause]

The Planning Chair closed the public hearing at 6:55 p.m. and asked the Applicant if he would like to respond to the public's comments.

The representative for Fulton Village, Aaron Thompson, elected to respond to concerns and objections. He stated the main concern is the apartments which will be a two story product. The multi-family concepts must go through the additional step of the site plan process. He added that comments from the public indicate that nobody likes apartments. He appreciates wide open spaces as much as anybody. The owners wouldn't have a problem building more single family, but discussions with the City have indicated a need for multi-family homes, as well as a variety of types of home products besides single family. The proposed location of the apartments keeps them away from the existing single family residences as much as possible. This product is a new approach to the property with single-family and multi-family. He heard from the public that there was some concerns about the smaller lot sizes.

Due to the amount of noise and abrupt comments from the public, the Planning Chair asked the public to be respectful.

The smaller lots are 40 feet wide maintenance free lots. The lots at 65'x100' are what is typically built for an infill piece and builders want density. Builders can't sell properties in town with larger lot sizes as easily. He indicated that there were concerns over the school and the developers don't have any control over the schools. Not all buyers will be moving into the City, some may be existing residents. Other concerns were with regards to the trail. The trail is on the City's parks and trails master plan. As far as the parking for the trail and playground, parking could be reviewed.

The Planning Chair explained the Planning Commission's purpose on these projects. The Commission must determine if the project meets the City's development requirements. The concerns from the public may not be addressed because they are not pertinent to the Commission. City Council will have the same type of hearing where the public can attend and address any concerns.

The Planning Chair opened the discussion among members.

Commission Member Dan Parrish indicated concerns about the capacity of the school.

Mr. Thompson indicated he has met with school representatives to discuss a school impact fee and there has been no indication that the school is full.

The Planning Chair added that there have been more people leave the district than those coming in. A letter from John Hoag was in the packet distributed to the Commission and did not state an objection to the application.

Mr. Parrish asked if drainage was taken into consideration.

Mr. Thompson answered that curb and gutter will be placed at S. Fulton Avenue and Lone Pine Street and both will be widened, which should help with traffic concerns. He also indicated that S. McKinley Avenue is unpaved and Lone Pine Street to the east is unpaved. The packet contained a concept utility plan and he explained the drainage flow to drain towards the pond on Highway 85. The pond has a lot of capacity and it will be updated to standards.

Member Bush White indicated concerns over the roads and drainage.

Mr. Thompson responded that Roy Vestal with Public Works and the City Engineer will be reviewing the submittal. At this time the amount of water into the pond is lacking but it will be taken into consideration. A preliminary drainage report will be required as part of the future submittal.

The Planning Director Todd Hodges added that this is a conceptual plan and the item will be discussed at the next stage.

Mr. White asked if there is a requirement for a HOA for maintenance of the properties so they don't affect property values. Mr. Thompson stated that this development is going without a HOA. If the City accepts the park as public property, there are no common areas to maintain therefore no HOA is required.

Mr. White noted his concerns over parking, painting and maintenance of houses. Mr. Hodges added that these issues are resolved through Zoning Compliance as part of the Planning Department.

Member Tim Hoskens inquired about the intention of the City to obtain the parks. Mr. Hodges added that this will be part of an agreement with the City. The City won't take property that is not fully developed. An improvements agreement will be required and funds must be put in place to fulfill development requirements.

Mr. Hoskens also inquired about the dead end streets and the radius. Mr. Hodges indicated that the street was discussed. The layout shows that only two properties will access the dead end street where a cul-de-sac may be accessed by more than two. The fire district preferred this type of street over the cul-de-sac. The sketch plan is the time to discuss concerns regarding the application, then the applicants can proceed based on feedback from the meetings.

Member Lynn Derby stated concerns over the parking for the single family and multifamily.

Mr. Thompson indicated that each house will have a two car garage with a driveway length of 25', which is the setback.

The Planning Director indicated that these lots will be wider than in comparison of the older parts of town.

The Planning Chair asked if the City will require a certain percentage of architectural features.

The Planning Director noted that this is up to the developer because of the PUD zoning. The PUD regulations allow for deviation from standard zoning.

Discussion occurred over front architectural features whether stone or brick. The Commission Members agreed these features should be required in PUD regulations as the project develops.

The Planning Chair noted the many of the concerns were regarding police coverage and indicated the Chief of Police was present at the hearing and has heard the concerns.

The Planning Chair asked if a traffic study was conducted. Planner Alyssa Knutson indicated this wasn't a requirement at this time.

The Planning Chair asked the Planning Director if the project isn't approved, could the project be reevaluated. The Planning Director indicated yes the project could come back for further review.

The Planning Chair inquired about the alley between the patio homes. Mr. Thompson indicated that the alley connects to Hoover and Paden Place. The standard width of the alley is 30 feet and parallel parking is available in front of the garage.

The Planning Chair asked the City Attorney, Andy Ausmus, if there were any legal aspects that should be considered for review by the Commission. Mr. Ausmus answered no.

Mr. Parrish inquired about the Anadarko letter. The Planning Director indicated that the letter was received today and that the concerns stated is between the mineral interest and the property owner.

The Planning Chair asked if these apartments were for co-op, sale, rental or subsidized. Mr. Thompson indicated that the intent is for rental since the town has expressed a need for rentals.

The Planning Chair closed the discussion among the Commission.

Tim Hoskens made a motion to approve Resolution P2016-002 for the Fulton Annexation and Initial Zoning and Bush White seconded the motion.

Motion passed on voice vote.

Tim Hoskens made a motion to approve Resolution P2016-003 for Fulton Village Sketch PUD Plan and Bush White seconded the motion.

Motion passed on voice vote.

The Planning Chair thanked the public for attending the hearing and gave a five minute recess at 7:29.

The meeting reconvened at 7:35 p.m.

2016 Three Mile Plan
The Planning Director indicated the Three Mile Plan was adopted. The Plan went before City Council and was not required to go before Planning Commission. The Plan is based on the existing City limits and a 3-mile border extended past the City limits. If any development proposals occur within three miles of the City limits, Weld County should be referring those to the City. Property owners within 3-miles of the City limits could potentially annex into the City or proceed with the County process. Annexation is not forced upon any owners.

Upcoming land use applications and updates
Planner Alyssa Knutson indicated there are no current land use applications.

Prior to the meeting, the Planning Chair had inquired about the Parks and Trails Master Plan and Planner Knutson presented the members with a map of the proposed trails through the City.

She indicated the Comprehensive Plan will be updated this year and once the proposal is complete the project will be bid and it will be brought before the Commission members. Also, a commission training class is scheduled later this month in Golden and an email will be forwarded to Commission members, all are encouraged to attend.

Member Bush White expressed interest in updating the design standards.

Discussion occurred regarding the fence for the solar farm. Planner Alyssa Knutson will review the fence design along Highway 52.

ADJOURNMENT

Bush White made a motion to adjourn the meeting at 7:54 p.m. and Barbara Duncan seconded the motion.

Motion passed on voice vote.

_____
Mari Peña, Planning Technician

Approved by Planning Commission

_____
Mike Simone, Chairperson

SPECIAL USE PERMIT APPLICATION FOR FAMILY CHILD CARE HOME

STAFF REPORT

CITY OF Fort Lupton EST 1836
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Fort Lupton, CO 80621 Fax: 303.857.0351
www.fortlupton.org

TO: **PLANNING COMMISSION**

FROM: **ALYSSA KNUTSON, PLANNER**

SUBJECT: **SPECIAL USE PERMIT TO OPERATE A FAMILY CHILD CARE HOME AT 745 S. GRAND AVENUE – KNOWN AS HARGETT HEROES CHILDCARE**

MEETING DATE: **AUGUST 9, 2016**

I. Attachments

1. Resolution No. P2016-004
2. Application Materials
3. Vicinity Map
4. Referral Responses
5. Legal Notifications

II. Location

The property address is 745 S. Grand Avenue, Fort Lupton, Colorado. The site is legally described as:

LOT 10, BLOCK 2, LONE PINE ESTATES, COUNTY OF WELD, STATE OF COLORADO.

See the vicinity map included in the application packet for more information on the site location.

III. Project Description

1. The applicant, India Hargett, is applying for a special use permit to operate a family child care home at 745 S. Grand Avenue. The property is located within the R-1A Residential Zone District, which allows the proposed use subject to special use review and approval. The family child care home is limited to caring for no more than five children that are not related to the applicant, unless the applicable provisions of the International Fire Code are met and evidence is provided to the Planning Department and Fort Lupton Fire Protection District.

Please see the application packet for more information on the proposed development. Additional application documents not included in the application packet are available for review at City Hall.

VI. Findings/Conclusions

The application is for a special use permit to operate a family child care home at 745 S. Grand Avenue, which is located within the R-1A Residential Zone District. This Zone District allows the proposed use subject to special use review and approval.

The City notified nearby neighbors and of this application and of the public hearing dates and times. There were no public comments received. Notice of the public hearing dates and times were posted at the property and published in the Fort Lupton Press.

The submitted application generally complies with the submittal requirements for the R-1A zone district and the Zoning Regulations related to special uses. The applicant is required to submit proof of obtaining a State license to the Planning Department prior to operating the family child care home, as well as evidence that all requirements of the Fort Lupton Fire District have been met.

V. Recommendation

Staff recommends conditional approval of the application for a family child care home located at 745 S. Grand Avenue as listed in the proposed Resolution No. P2016-004.

RESOLUTION NO. P2016-004

RESOLUTION NO. P2016-004

A RESOLUTION OF THE PLANNING COMMISSION OF FORT LUPTON RECOMMENDING TO CITY COUNCIL APPROVAL OF A SPECIAL USE PERMIT FOR INDIA HARGETT TO OPERATE A FAMILY CHILD CARE HOME (DAYCARE) LOCATED AT 745 S. GRAND AVENUE, FORT LUPTON, COLORADO.

WHEREAS, the Planning Commission held a public hearing on August 9, 2016, for the purpose of reviewing the Special Use Permit for India Hargett to operate a family child care home in the R-1A Residential District located at 745 S. Grand Avenue; and

WHEREAS, after review of the application for a family child care home and supporting information, the Planning Commission finds that the application to operate a family child care home generally conforms with City codes and requirements and policies therein; and

WHEREAS, all legal requirements for the public hearing have been met, including mailing of public hearing notices to adjacent property owners within 500 feet.

NOW THEREFORE BE IT RESOLVED, the Planning Commission has considered the application and has taken into consideration staff comments, the applicant presentation, all referral comments and any citizen testimony in response to this application. Based upon the review of applicable policies and goals in the Fort Lupton Comprehensive Plan, review of the Zoning Regulations, and the facts presented on this date, the Planning Commission hereby recommends approval for India Hargett to operate a family child care home located at 745 S. Grand Avenue, Fort Lupton, Colorado, with the following conditions:

1. The applicant must acquire a State license prior to beginning operation and shall submit evidence to the Planning Department.

2. The family child care home shall care for no more than five children that are not related to the applicant, unless the applicable provisions of the 2012 International Fire Code and any State requirements are met and evidence is provided to the Planning Department and Fort Lupton Fire Protection District.

3. The applicant shall provide evidence that the comments from the Fort Lupton Fire Protection District's referral response have been addressed.

DONE THIS 9th DAY OF AUGUST, 2016, BY THE PLANNING COMMISSION FOR THE CITY OF FORT LUPTON, COLORADO.

_____

Chairman

ATTEST:

_____

Planning Director

VICINITY MAP

Legend

Project Site

Fort Lupton City Limits

Vicinity Map

Hargett Heroes Childcare
745 S. Grand Ave

n

1:2,000

Fort Lupton

LAND USE APPLICATION
& PROJECT DESCRIPTION

SUP 2016-001

CITY OF Fort Lupton EST 1836

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130 S. McKinley Avenue
Fort Lupton, CO 80621
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Greeley: 970.346.0326
Fax: 303.857.0351

DATE: 7/1/16	PROJECT NAME: Hargett Heroes Childcare
ADDRESS / LOCATION OF PROJECT: 745 S. Grand Ave	
LEGAL DESCRIPTION (LOT, BLK, TWNSHP, RNG.): Parcel:	

PLEASE CHECK THE APPROPRIATE ITEM(S):

ANNEXATION	SKETCH PLAT	ADMIN SITE PLAN
INITIAL ZONING	PRELIMINARY PLAT	SITE PLAN
CHANGE OF ZONE	FINAL PLAT	PUD SITE PLAN
PUD PLAN	AMENDED PLAT	COMP PLAN AMENDMENT
SPECIAL USE ✓	BOARD OF ADJUSTMENT	OIL & GAS DEVELOPMENT
MINOR SUBDIVISION		

PRESENT ZONING: Res.	AREA IN ACRES: Parcel: Annexation area: —
PROPOSED ZONING: —	PRESENT USE: —
PROPOSED # OF LOTS: —	PROPOSED # OF DU'S: —
PROPOSED GROSS FLOOR AREA:	MIN LOT SIZE: AVG. LOT SIZE: —

PROPERTY / MINERAL OWNER:	PROJECT CONTACT:
NAME: India Hargett	NAME: India Hargett
ADDRESS: 745 S. Grand Ave	FIRM / COMPANY: —
PHONE: 303. 710. 0948	ADDRESS: 745 S. Grand Ave.
SIGNATURE: India Hargett	PHONE: 303. 710. 0948 FAX: EMAIL: indiaholton@gmail.com
TITLE: DATE: 7/1/16	

FOR OFFICE USE ONLY	DATE RECEIVED: 7/5/16

CITY OF FORT LUPTON
GENERAL FEE DEPOSIT SCHEDULE

ANNEXATION FEE DEPOSITS:

1. ONE TO TEN ACRES	$ 750.00 PLUS $10.00 / ACRE
2. ELEVEN TO FIFTY ACRES	$ 1,000.00 PLUS $ 8.00 / ACRE
3. FIFTY-ONE TO ONE HUNDRED ACRES	$ 1,500.00 PLUS $ 6.00 / ACRE
4. OVER ONE HUNDRED ACRES	$ 2,000.00 PLUS $ 4.00 / ACRE

OIL AND GAS EXPLORATION AND DEVELOPMENT PERMIT:

5. REVIEW / PERMIT FEE	$ 1,100.00

MINING OR EXTRACTION OF MINERALS PERMIT:

6. THE FIRST TWENTY-FIVE ACRES	$1,000.00 PLUS $10.00 / ACRE OR FRACTION THEREOF IN EXCESS OF TWENTY-FIVE ACRES

ZONING FEE DEPOSITS:

7. ZONING CHANGE	$ 900.00
8. SPECIAL USE PERMIT (GENERAL)	$ 900.00
9. SPECIAL USE PERMIT (GRAVEL MINING)	$ 1,500.00
10. SPECIAL USE PERMIT (DAYCARE)	$ 250.00
11. BOARD OF ADJUSTMENT	$ 300.00

SUBDIVISION (PLAT) FEE DEPOSITS:

12. SKETCH PLAT	$ 900.00
13. PRELIMINARY PLAT	$ 1,500.00
14. FINAL PLAT	$ 900.00
15. MINOR SUBDIVISION	$ 1,500.00
16. PUD (PRELIMINARY AND FINAL)	$ 2,400.00

SITE PLAN

17. PRELIMINARY SITE PLAN	$ 900.00
18. FINAL SITE PLAN	$ 1,500.00

COMPREHENSIVE PLAN AMENDMENT:

19. COMP PLAN AMENDMENT	$ 1,500.00

OTHER DEPOSITS:

20. ADMISTRATIVE REVIEW (MINOR)	$ 500.00
21. AMENDED PLAT (REPLAT) FOR DRAINAGE & UTILITY EASEMENTS	$ 500.00

22. AMENDED PLAT (LOT LINE ADJUSTMENTS ONLY)	$ 500.00
23. DEVELOPMENT REVIEW TEAM (DRT)	$ 250.00 PLUS CONSULTANT EXPENSES
24. OTHER SERVICES PROVIDED BY CITY STAFF	$ 55.00 / HOUR
25. CITY CONSULTANT SERVICES	AT COST (Escrow) initial amount to be paid at submittal: $ 250 . Escrow will be maintained based on work completed.

FLOODPLAIN DEVELOPMENT:

26. PERMIT FEE AND REVIEW	$ 750.00 UP TO TEN ACRES $ 1,500.00 OVER TEN ACRES

Total: $ 500.00

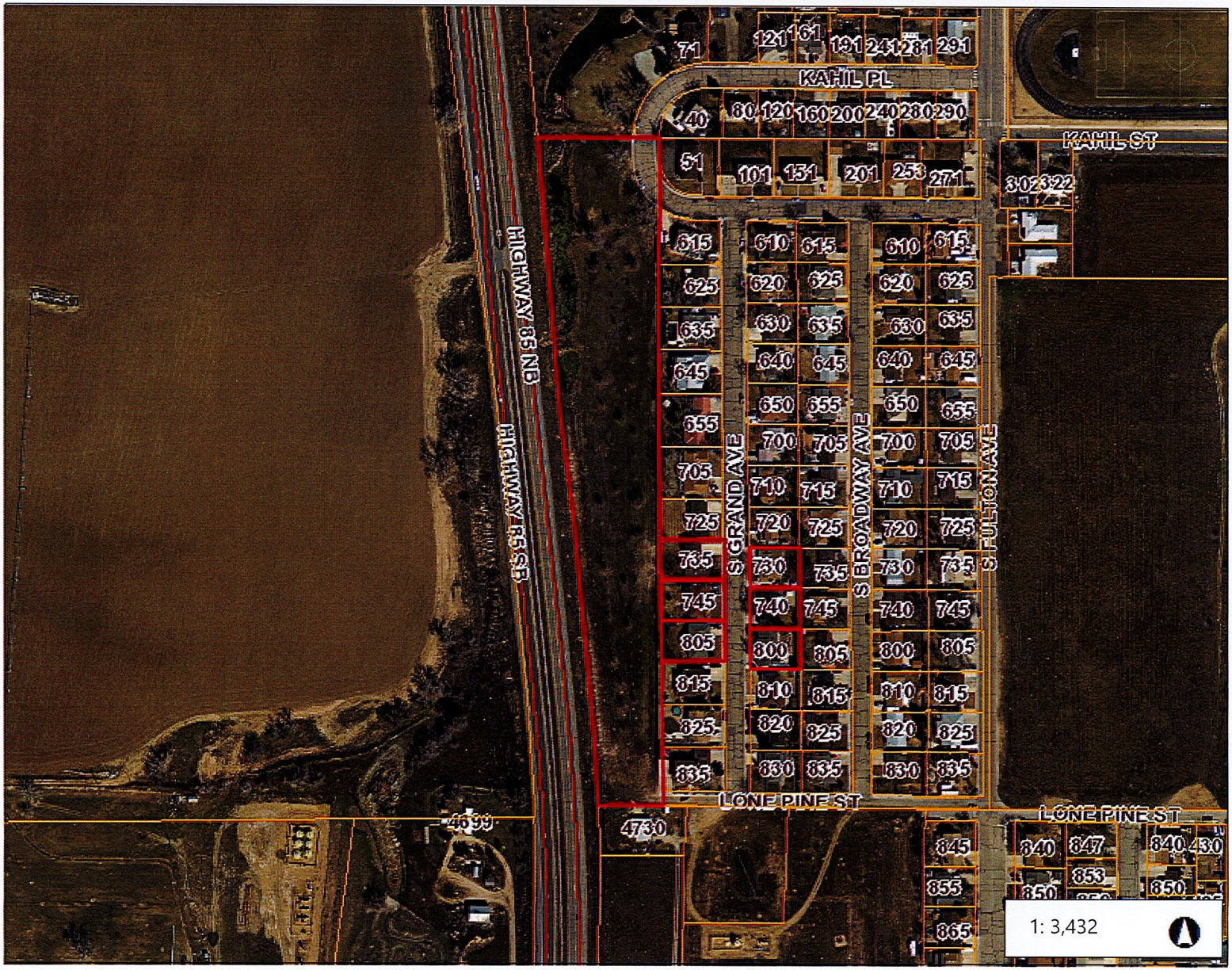
FEES ARE NON-REFUNDABLE AND DUE AT TIME OF APPLICATION SUBMITTAL. FEES ARE SET BY CITY COUNCIL BY RESOLUTION. CITY STAFF IS NOT AUTHORIZED TO NEGOTIATE FEES AND CANNOT, UNDER ANY CIRCUMSTANCES, CHANGE, REDUCE, OR AMEND THE FEES SET FORTH IN EXHIBIT A WITHOUT CITY COUNCIL AUTHORIZATION. ESCROW FEES SHALL BE TRACKED THROUGHOUT THE COURSE OF THE APPLICATION PROCESS. ONCE THE INITIAL ESCROW HAS BEEN USED THE CITY WILL REQUIRE ADDITIONAL FUNDS TO COVER CITY CONSULTANT SERVICES.

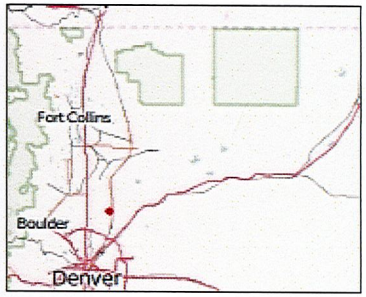
Written Description for Special Use Permit: India Hargett

I intend to operate a home daycare out of my residence at 745 S. Grand Avenue. This childcare facility will operate within the regulations set forth by the Colorado Office of Early Childhood. I will have 4 children in my care in addition to my own child, with the possibility of taking on two more school-aged children before and after school. My hours of operation may change according to the schedules of the children in my care, but the childcare will not open before 7:00 AM and will not be open after 6:00 PM. 4-6 cars will visit the residence 2x daily during drop-off and pick-up. Parents will be able to briefly park along the street in front of my home during these times. No excessive noise is expected as a result of the opening of this daycare.

WELD COUNTY ONLINE MAPPING

SPO map





Legend

- Parcels
- Highway
- County Boundary

Notes

Enter Map Description

572.0 0 285.98 572.0 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

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SPECIAL USE PERMIT APPLICATION

CITY OF
Fort Lupton
EST 1836
COME PAINT YOUR FUTURE WITH US

Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621
Phone: 303-857-6694
Fax: 303.857.0351
www.fortlupton.org

APPLICATION FOR SPECIAL USE PERMIT

A preapplication conference and site visit may be required prior to submitting the Special Use Permit Application. The applicant may meet with representatives from the Planning Department to discuss the applicant's intended submittal, the City's application requirements and processes and other information relevant to the proposed application. Please contact the Planning Department at 720-466-6128.

Applicant should provide the following:

1. Plat of area with proposed zoning with vicinity map identifying site and surrounding area. If you are constructing a new building or adding to an existing building as part of this application, you must also submit a plot plan, construction plans, and a drainage plan. Approval of the special use permit will be based upon the drawings submitted unless changes are recommended by the engineer, planning commission, or city council.
2. Information as requested.

The applicant is responsible for the following:

1. Posting a hearing notice on the property 15 days prior to the hearing.

Name of Property Owner: India Hargett Phone: 303.710.0948

Address: 745 S. Grand Ave

Applicant (if different from owner): _____

Address: _____

Home Phone: _____ Cell Phone: _____

Address or location of Property for which Special Use Permit is being requested:
745 S. Grand Ave

Legal Description _____

Current Zoning: Res.

Reason for Request:
I would like to open a home daycare.

Please answer the following questions in detail.

1. What is the proposed use?

   A home daycare

2. How will the proposed use impact the surrounding properties as it relates to the following areas:

   Noise Very little, children playing

   Dust None

   Odor None

   Safety None

   Traffic 4 cars 2x daily, Mon-Fri

   Light None

3. What are the proposed hours of operation?

   Mon-Fri 7:00AM-5:00PM

4. Are you required to obtain any special licenses or permits through any other government agency? If yes, what types of licenses and permits are required?

   Yes, Family Childcare Home license

5. If this application is for a daycare, how many children will you be caring for?

   4 with the possibility of 2 additional school-aged children before and after school

6. If this application is for an assisted living facility, how many units will you have in the facility? N/A

7. How many employees will work at the proposed facility?

   1, just myself

The applicant hereby certifies that the above information, along with the attached plans and project descriptions, is correct. The applicant agrees to comply with the provisions of the zoning ordinances, building code and all other applicable sections of the City Code, Land Use Code, City Plan and all other laws and ordinances affecting the construction and occupancy of the proposed building.

Signatures: Andrea Haught Date: 7/1/16

REFERRAL RESPONSES

Fort Lupton Fire Protection District
1121 Denver Avenue • Fort Lupton, Colorado 80621
Office: (303)857-4603 • Fax: (303)857-6619 • Website: www.fortluptonfire.org

Date: 8/1/2016
Project name: Hargett Heroes Childcare
Project address: 745 South Grand Avenue
FLFPD Project #2016-74
Plan reviewer: Randall S. Weigum

The Fire District has reviewed the submitted Special Use Permit for the Hargett Heroes Childcare located at 745 South Grand Avenue, Fort Lupton, CO 80621. The Special Use Permit was reviewed for compliance with *2012 International Fire Code (IFC)* as adopted by the Fort Lupton Fire Protection District and the City of Fort Lupton. The Special Use Permit is approved with the following requirements and conditions.

1. The Fire Code states that a day care facility that has no more than five children above the age of 2 ½ and cared for less than 24 hours per day shall be considered a part of the residential occupancy and not require an occupancy use change to an institutional occupancy.

If more than five children of any age are cared for less than 24 hours per day by persons other than parents or guardians, relatives by blood, marriage, or adoption then the residential occupancy would need to have the occupancy use changed to an institutional group four (I-4) occupancy. This would require that the residence meet the Fire Code requirements for an I-4 occupancy. Any institutional occupancy would require a fire sprinkler system be installed. *2012 IFC 202 and 903.2.6*

My recommendation would be to limit the number of children to five and not to change the occupancy use from a residential use.

2. A multipurpose dry chemical fire extinguisher with a minimum rating of 2A5BC shall be mounted three (3) feet to five (5) feet above the floor in the kitchen. The fire extinguisher shall be manufactured in 2016 or have a current inspection tag from a fire extinguisher company. *2012 IFC 906.3*

3. Smoke alarms (either hard wired into the electrical wiring with battery backup or battery only) shall be on each level of the residence, outside each bedroom, and inside each bedroom. The smoke alarms shall not be older than 10 years. If the smoke alarms are older than 10 years, new smoke alarms shall be installed. A battery operated carbon monoxide detector or an electric plug in with battery back shall be placed on the level of the residence that the children will be on. *2012 IFC 202, 2012 IRC 314 and 2012 IRC 315*

From: Roy Vestal
To: Alyssa Knutson
Cc: Todd Hodges; Mari Pena; Jennifer Cupp
Subject: RE: Hargett Heroes Childcare - Special Use Permit; Project No. SUP2016-001
Date: Wednesday, July 20, 2016 2:07:56 PM
Attachments: image001.png

PW has no concerns regarding this application

Roy V

Roy L. Vestal, P.E.
Public Works Director / City Engineer
130 S. McKinley, Fort Lupton, CO 80621
Office: 720.466.6109
Mobile: 720.966.3613

From: Alyssa Knutson
Sent: Friday, July 08, 2016 10:41 AM
Cc: Todd Hodges <thodges@fortlupton.org>; Mari Pena <mpena@fortlupton.org>; Jennifer Cupp <JCupp@fortlupton.org>
Subject: Hargett Heroes Childcare - Special Use Permit; Project No. SUP2016-001

Good Morning,

The documentation located at the link http://www.fortlupton.org/558/Hargett-Heroes-Childcare is submitted to you for review and recommendation for a special use permit to operate a daycare facility in a residential home. Any comments you consider relevant to this request would be appreciated. Please reply by **July 28, 2016** so that we may give full consideration to your recommendation. Any response not received before or on this date may be deemed to be a favorable response to the Planning & Building Department. If you have any questions, you may either contact me or Todd A. Hodges, Planning Director, at thodges@fortlupton.org or 303-857-6694.

Comments may be sent via mail, faxed to 303.857.0351 or emailed to thodges@fortlupton.org and aknutson@fortlupton.org.

Your time in this matter is greatly appreciated!

Alyssa Knutson
Planner
130 S. McKinley Ave.
Fort Lupton, CO 80621
Office: 303.857.6694
Direct: 720.466.6128
Mobile: 303.304.4498

LEGAL NOTIFICATIONS

CERTIFICATE OF MAILING

I, the undersigned, hereby certify that on the 21th day of July 2016, a true and correct copy of the foregoing Notice of Public Hearings and site plan map for Harrett's Heroes Childcare was sent via United States Mail, postage pre-paid, to the following addresses:

Nohelia Medrano & Manuel Erives
730 S. Grand Ave
Fort Lupton, CO 80621-1215

Jose G Gonzalez
740 S. Grand Ave
Fort Lupton, CO 80621-1215

Jack & Andrea Thorpe
800 S Grand Ave.
Fort Lupton, CO 80621-1217

Anthony & Christine Gibson
735 S. Grand Ave.
Fort Lupton, CO 80621-1214

Jose & Stacy Aviles
805 S. Grand Ave
Fort Lupton, CO 80621-1216

Jennifer Cupp

City Official

CITY OF

Fort Lupton

EST 1836

COME PAINT YOUR FUTURE WITH US

CITY OF FORT LUPTON
NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Fort Lupton is in receipt of an application for a special use permit for Hargett's Heroes Childcare, a family child care home, on the property located at 745 South Grand Avenue, Fort Lupton, Colorado in the R-1A Low Density Residential Zone District, pursuant to the City of Fort Lupton Municipal Code Notice Requirements.

The public hearings are to be held before the Planning Commission on August 9, 2016, at 6:00 P.M., and before the City Council on August 15, 2016, at 7:00 P.M. or as soon as possible thereafter.

The public hearings shall be held at City Hall, 130 South McKinley Avenue, Fort Lupton, Colorado, or at such other time or place in the event this hearing is adjourned. Further information is available through the City Planning and Building Department at (303) 857-6694, Extension 128.

ALL INTERESTED PERSONS MAY ATTEND.

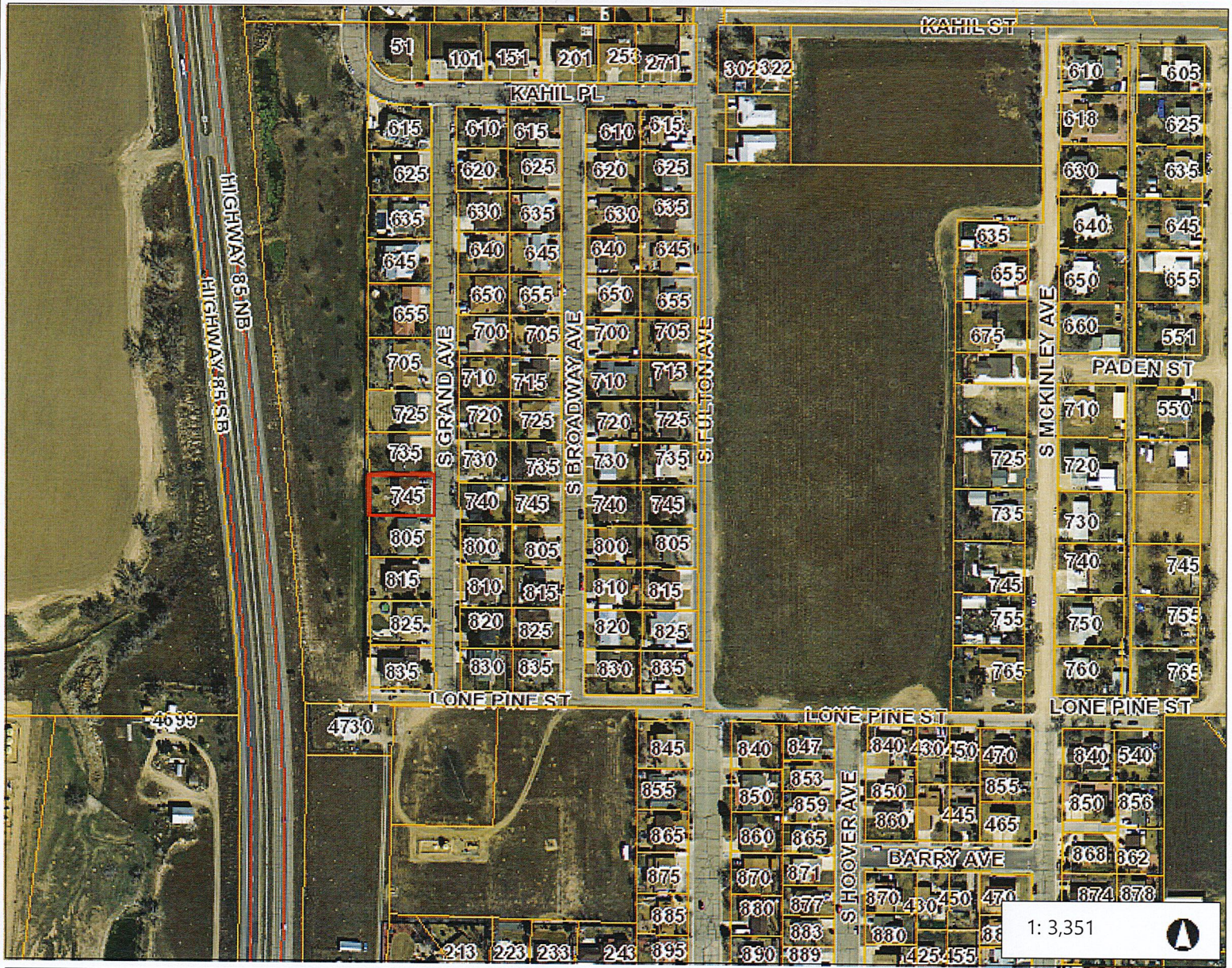
LEGAL DESCRIPTION

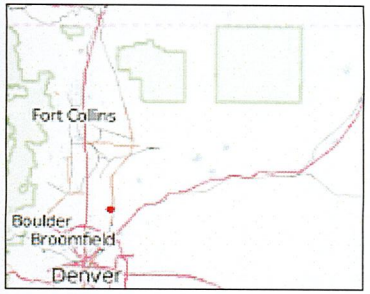
LOT 10, BLOCK 2, LONE PINE ESTATES, COUNTY OF WELD, STATE OF COLORADO.

130 S. McKinley Avenue, Fort Lupton, CO 80621
303.857.6694 ♦ Fax: 303.857.0351 ♦ www.fortlupton.org

Weld County Online Mapping

745 S Grand Ave





Legend

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Notes

Enter Map Description

558.6 0 279.28 558.6 Feet

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PROOF OF PUBLICATION
FORT LUPTON PRESS
COUNTY OF WELD SS.
STATE OF COLORADO

I, Tim Zeman, do solemnly swear that I am the Publisher of the **Fort Lupton Press** is a weekly newspaper printed and published in the County of Weld State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said county of Weld for a period of more than fifty-two consecutive weeks prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the act of March 3, 1879, or any amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado. That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said weekly newspaper for the **period of ONE consecutive insertion(s)** and that the first publication of said notice was in the issue of newspaper, dated **20th day of July 2016** the last on the **20th day of July 2016**

Managing Editor, Subscribed and sworn before me, this **20th day of July 2016**

Bobi Lopez

Notary Public.
Notary ID No. 20024002511

BOBI LOPEZ NOTARY PUBLIC STATE OF COLORADO My Commission Expires

My Commission Expires February 2, 2018

CITY OF FORT LUPTON
NOTICE OF PUBLIC HEARING

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ALL INTERESTED PERSONS MAY ATTEND.

LEGAL DESCRIPTION

LOT 10, BLOCK 2, LONE PINE ESTATES, COUNTY OF WELD, STATE OF COLORADO.

Published in the Fort Lupton Press July 20, 2016

CITY OF
Fort Lupton
EST 1836
COME PAINT YOUR FUTURE WITH US

Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621
Phone: 303.857.6694
Fax: 303.857.0351
www.fortlupton.org

Sign Posting Affidavit
Hargett Heroes Childcare
Project No. SUP2016-001

South Grand Avenue

I, India Hargett hereby acknowledge that the aforementioned property was posted in accordance with City Codes. Said public hearing notice was posted on this 24 day of July, 2016.

India Hargett
Signature of Owner or Owner's Representative

The foregoing instrument was acknowledged before me by India Hargett this 2ND day of August, 2016. Witness my hand and seal.

My commission expires 2/21/2017.

MARICELA PEÑA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20134010975
MY COMMISSION EXPIRES FEBRUARY 21, 2017
(SEAL)

Maricela Peña
Notary Public

ZONING REGULATIONS AMENDMENTS

STAFF REPORT

CITY OF Fort Lupton EST 1836
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Planning & Building

130 S. McKinley Avenue
Fort Lupton, CO 80621
Phone: 303.857.6694
Fax: 303.857.0351
www.fortlupton.org

TO: **PLANNING COMMISSION**

FROM: **ALYSSA KNUTSON, PLANNER**

SUBJECT: **PROPOSED AMENDMENTS TO CHAPTER 16 OF ARTICLE II TO THE FORT LUPTON MUNICIPAL CODE.**

MEETING DATE: **AUGUST 9, 2016**

I. Attachments

1. Resolution No. P2016-005
2. Proposed Changes to Chapter 16 of Article II
   a. Redline of Agricultural Zone District changes.
   b. Clean version of Commercial and Industrial Zone District Changes. See Attachment #3 for redlined explanation of these changes.
3. Description of Proposed Changes to Sections 16-40 to 16-43.
4. Current vs. Proposed Land Uses Chart for Commercial and Industrial Uses
5. Legal Notifications

II. Description

Amendments to the Zoning Regulations of the Fort Lupton Municipal Code are being proposed in order to encourage job growth and economic development within the community. In particular, it was noted that manufacturing and like uses are not a use by right in the industrial zone districts of the City. The proposed amendments resolve this deficiency in the Zoning Regulations. Additionally, the Code is being amendment to allow for indoor gun ranges as a special use permit in the agricultural, commercial and industrial zone districts and outdoor gun ranges as a special use permit in the agricultural and industrial zone districts. Staff took the opportunity to make additional changes, which are more clearly described in the materials attached to this staff report (see Attachments #3 and #4 to this Staff Report). Some changes are general clean-up of the Code and some changes added, deleted, merged or moved uses from permitted uses to special uses, or vice versa. These other changes are not considered to be significant, however should better assist staff and land use applicants to have a clearer comprehension of the Code.

VI. Findings/Conclusions

Colorado Revised Statute 31-23-301, *et seq.*, grants municipalities the power to establish zoning regulations for the purpose of promoting the health, safety, morals, or general welfare of the community. The Statue further allows municipalities to create districts to regulate uses of buildings, structure of land. Such regulations shall be made in accordance with the comprehensive plan.

The proposed amendments to the agricultural (Section 16-32), commercial (Sections 16-40 & 16-41), and industrial zone districts (Sections 16-42 & 16-43) align with the intent of the Comprehensive Plan, specifically Goal 2 of the Land Use Chapter, which is to *create a balance of housing, jobs, shopping, educational and recreational opportunities as the City grows.* The changes made to the Code are specifically intended to promote additional jobs within the community, as well as additional recreational opportunities. There are also changes that are simply a general clean-up of the Code.

Pursuant to C.R.S. 31-23-305, zoning regulations may be amended, supplemented, changed, modified or repealed from time to time. However, parties of interest and citizens shall have an opportunity to be heard. This public meeting, and the public hearing before the City Council to be held on August 15, 2016 at 7:00 PM, was published in the Fort Lupton Press at least fifteen days prior to the public hearing for this matter.

V. Recommendation

Staff recommends approval of Resolution No. P2016-005, recommending approval of the proposed zoning amendments to City Council.

RESOLUTION NO. P2016-005

RESOLUTION NO. P2016-005

A RESOLUTION OF THE PLANNING COMMISSION OF FORT LUPTON RECOMMENDING TO CITY COUNCIL APPROVAL OF THE PROPOSED REVISIONS TO SECTIONS 16-32, 16-40, 16-41, 16-42 AND 16-43, ARTICLE II OF CHAPTER 16 OF THE FORT LUPTON MUNICIPAL CODE RELATED TO THE "A" AGRICULTURAL, "C-1" GENERAL COMMERCIAL, "C-2" HEAVY COMMERCIAL, "I-1" LIGHT INDUSTRIAL AND "I-2" HEAVY INDUSTRIAL ZONE DISTRICTS.

WHEREAS, the Planning Commission held a public meeting on August 9, 2016, for the purpose of reviewing proposed amendments to Sections 16-32, 16-40, 16-41 and 16-43, Article II of Chapter 16 of the Fort Lupton Municipal Code related to the "A" Agricultural, "C-1" General Commercial, "C-2" Heavy Commercial, "I-1" Light Industrial and "I-2" Heavy Industrial Zone Districts; and

WHEREAS, notice of the time and place of this meeting was published in the Fort Lupton Press at least fifteen (15) days prior to this meeting date; and

WHEREAS, after review of the proposed amendments to the Code, which are attached to this Resolution as Exhibit A, finds that the proposed changes generally conform with the Comprehensive Plan adopted by the City and are in the best interest of the health, safety and welfare of the citizens of Fort Lupton; and

NOW THEREFORE BE IT RESOLVED, the Planning Commission has considered the proposed amendments to Sections 16-32, 16-40, 16-41 and 16-43, Article II of Chapter 16 of the Fort Lupton Municipal Code, attached as Exhibit A to this Resolution, and has taken into consideration conformance to the Comprehensive Plan, staff comments, and any citizen testimony in response to these amendments. Based on the facts presented on this date, the Planning Commission hereby recommends approval of the proposed amendments to the Fort Lupton City Council.

DONE THIS 9TH DAY OF AUGUST, 2016, BY THE PLANNING COMMISSION FOR THE CITY OF FORT LUPTON, COLORADO.

_____

Chairman

ATTEST:

_____

Planning Director

EXHIBIT A
PROPOSED AMENDMENTS TO ARTICLE II OF CHAPTER 16

Sec. 16-32. - A Agricultural District.

(a) Intent. The A Agricultural District is intended to apply in areas which economically have value for agricultural uses and are not yet ready for development into urban usage. The A District is also appropriate as a temporary zoning district for newly annexed land that has not been subdivided.

(b) Permitted uses. No building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided in this Chapter, except for the following uses:

(1) Existing single-family dwellings.

(2) Cultivation, storage and sale of crops, vegetables, plants, flowers and nursery stock produced on the premises.

(3) The keeping of livestock for farm or personal use, provided that the lot on which such use is located shall be at least five (5) acres in size. This shall not include a feedlot.

(4) Public recreation areas and facilities.

(5) Home occupations.

(6) Accessory buildings typically found with the above-permitted uses.

(c) Special uses. The following are allowed subject to the special use review and approval procedures of this Chapter:

(1) The keeping of livestock for commercial use. This shall not include a feedlot.

(2) Oil, gas and other mineral exploration and production.

(3) Airports, public and private.

(4) Public utility facilities.

(5) Schools, public and private.

(6) Mining, removal and processing of gravel and/or sand.

(7) Temporary asphalt or cement processing plants.

(8) Small wind energy systems are permitted, provided that they meet the qualifications for a building permit set forth in Section 18-9 of this Code.

(9) Indoor gun range, public or private.

(10) Outdoor gun range, public or private.

(d) Height. No building designed for residential use shall exceed thirty-five (35) feet in height or two (2) stories above the foundation or basement ceiling level thereof. An accessory structure may not exceed thirty-five (35) feet in height or the height of the principal building.

(e) Rear yard setback. Fifty (50) feet.

(f) Side yard setback. Twenty-five (25) feet.

(g) Corner setbacks. A yard of not less than thirty-five (35) feet shall be maintained between the side lot lines abutting the side street and the main building.

(h) Front yard setback. Thirty-five (35) feet.

DRAFT

(i) Accessory building setback. An accessory building may be located within five (5) feet of any side or rear property line, except however, that accessory buildings housing livestock shall not be set closer than thirty-five (35) feet from any side or rear property line and not closer than seventy-five (75) feet from the main family dwelling. In no instances shall any accessory building be permitted in the front yard. Accessory buildings shall be set back a minimum of thirty-five (35) feet from any side street on a corner lot.

(j) Minimum lot area. Forty thousand (40,000) square feet.

DRAFT

EXHIBIT A
PROPOSED AMENDMENTS TO ARTICLE II OF CHAPTER 16

Sec. 16-40. C-1 General Commercial District.

(a) Intent. It is the intent of the C-1 General Commercial District to provide a zone for concentrated commercial activities normally found in central business districts. Such concentrated business activities develop economic strength and, with proper development standards, create a convenient, compatible pattern of land use.
(b) Site plan. Prior to the release of building permits, a site plan for utilization of C-1 zone lots shall be required and shall conform with these zoning regulations.
(c) More than one (1) permitted commercial building may be allowed on a zone lot in the C-1 District if so designated on an approved site plan.
(d) Permitted uses. No building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided for in this Chapter, except for the following uses:
    1) Baking, confectionary, dressmaking, dyeing, laundry, tailoring, upholstery, cleaning or other similar establishments.
    2) Banks, office buildings and studios.
    3) Bus stations and taxi stands.
    4) Churches.
    5) Gasoline and oil service stations, provided that all storage tanks are placed underground and merchandise is enclosed.
    6) Liquor-licensed premises, including distilleries, breweries and wineries.
    7) Medical and dental clinics.
    8) Membership clubs, fraternities and lodges.
    9) Motels and hotels.
    10) Personal care boarding homes, two (2) boarders or less, in existing residential structures.
    11) Personal offices or service shops, such as barber, shoe shine and beauty parlors.
    12) Printing and publishing establishments.
    13) Public buildings, assembly halls and auditoriums.
    14) Public recreation areas and facilities.
    15) Residential uses in existing structures or if they are provided in conjunction with a commercial use.
    16) Restaurants, cafes and other places serving food (including drive-ins).
    17) Retail business stores and shops.
    18) Retail cold storage locker plants; slaughtering activities, however, shall not be permitted.
    19) Schools, public and private.
    20) Small wind energy systems are permitted, provided that they meet the qualifications for a building permit set forth in Section 18-9 of this Code.
    21) Theaters (excluding drive-in theaters and amusement houses).
(e) Special uses. The following are allowed subject to the special use review and approval procedures of this Chapter:
    22) Auto, truck, boat, trailer and farm equipment sales, services and repairs.
    23) Auto wash facilities.
    24) Child care centers.
    25) Funeral homes.

DRAFT

26) Indoor gun range, public or private.
27) Outdoor commercial recreation facilities.
28) Plant nurseries.
29) Public utility facilities.
30) Retail uses which require limited manufacturing or processing of items to be sold.
31) Veterinary clinics and hospitals.

(f) Height. No building hereafter erected or structurally altered shall exceed sixty (60) feet in height.
(g) Rear yard setback. The setback shall be zero (0) feet if adjacent to a public thoroughfare and ten (10) feet if not adjacent to a public thoroughfare.
(h) Side yard setback. No side yard setback shall be required.
(i) Corner setback. All buildings and structures shall have a minimum setback of ten (10) feet from the property line. All sides of a lot which abut a street shall be treated as frontage and front setback requirements shall apply. Nothing herein shall preclude construction of buildings in line with existing structures.
(j) Front yard setback. There is no required front yard setback in the C-1 District.

Sec. 16-41. C-2 Heavy Commercial District.

(a) Intent. The C-2 Heavy Commercial District is intended to provide an environment adaptable to commercial uses which, by their nature, require heavy auto and truck traffic or outdoor storage and display.
(b) Site plan. Prior to the release of building permits, a site plan for utilization of C-2 zone lots shall be required and shall conform with these zoning regulations.
(c) More than one (1) permitted commercial building may be allowed on a zone lot in the C-2 District if so designated on an approved site plan.
(d) Permitted uses. No building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided for in this Chapter, except for the following uses:
    1) Permitted uses allowed in the C-1 General Commercial District.
    2) Auto, truck, boat, trailer and farm equipment sales, services and repairs.
    3) Funeral homes.
    4) Outdoor commercial recreation facilities.
    5) Plant nurseries.
    6) Retail uses which require limited manufacturing or processing of items to be sold.
    7) Veterinary clinics and hospitals.
(e) Special uses. The following are allowed subject to the special use review and approval procedures of this Chapter:
    1) Auto wash facilities.
    2) Building supply yards.
    3) Child care centers.
    4) Indoor gun range, public or private.
    5) Public utility facilities.
    6) Scientific research facilities.
(f) Height. No building hereafter erected or structurally altered shall exceed sixty (60) feet in height.

DRAFT

(g) Rear yard setback. The setback shall be zero (0) feet if adjacent to a public thoroughfare and ten (10) feet if not adjacent to a public thoroughfare.
(h) Side yard setback. No side yard setback shall be required.
(i) Corner setback. All buildings and structures shall have a minimum setback of twenty-five (25) feet from the property line. All sides of a lot which abut a street shall be treated as frontage, and front setback requirements shall apply. Nothing herein shall preclude construction of buildings in line with existing structures.
(j) Front yard setback. All buildings and structures shall have a minimum setback of twenty-five (25) feet from the property line. All sides of a lot which abut a street shall be treated as frontage, and front setbacks requirements shall apply. Nothing herein shall preclude construction of buildings in line with existing structures.

Sec. 16-42. I-1 Light Industrial District.

(a) Intent. The I-1 Light Industrial District is intended to provide for the location and development of manufacturing and industrial uses which generate limited amounts of noise, fumes, dust, vibrations and traffic, or which are designed in such a fashion that such factors are contained and all storage screened from adjacent residential areas.
(b) Site plan. Prior to the release of building permits, a site plan for utilization of I-1 zone lots shall be required and shall conform with these zoning regulations. The following additional documentation shall be required for I-1 zone lot site plans:
    1) A landscape plan, conforming to the City's landscaping regulations.
    2) Documentation on mitigation procedures for vibration, heat, glare and fumes.
    3) Description of planned screening for any outdoor storage.
    4) Documentation of waste disposal measures.
(c) More than one (1) permitted industrial, manufacturing or commercial building may be allowed on a zone lot in the I-1 District if so designated on an approved site plan.
(d) Permitted uses. No building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provide for in this Chapter, except for the following uses:
    1) Auto, truck, boat, trailer and farm equipment sales, services and repairs.
    2) Auto wash facilities.
    3) Baking, confectionary, dressmaking, dyeing, laundry, tailoring, upholstery, cleaning or other similar establishments.
    4) Banks, office buildings and studios.
    5) Building supply yards.
    6) Bus stations and taxi stands.
    7) Churches.
    8) Funeral homes.
    9) Gasoline and oil service stations, provided that all storage tanks are placed underground and merchandise is enclosed.
    10) Manufacturing, fabrication, processing, distribution or assembly facilities; provided that all limitations of external effects required under these regulations are met.
    11) Liquor-licensed premises, including distilleries, breweries and wineries.
    12) Manufacturing, assembling and distribution plants.
    13) Medical and dental clinics.

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14) Membership clubs, fraternities and lodges.
15) Motels and hotels.
16) Outdoor commercial recreation facilities.
17) Personal care boarding homes, two (2) boarders or less, in existing residential structures.
18) Personal offices or service shops, such as barber, shoe shine and beauty parlors.
19) Plant nurseries.
20) Printing and publishing establishments.
21) Product distribution and storage facilities.
22) Public buildings, assembly halls and auditoriums.
23) Public recreation areas and facilities.
24) Residential uses in existing structures or if they are provided in conjunction with a commercial use.
25) Restaurants, cafes and other places serving food (including drive-ins).
26) Retail business stores and shops~~.~~
27) Retail cold storage locker plants; slaughtering activities, however, shall not be permitted.
28) Retail uses which require limited manufacturing or processing of items to be sold.
29) Schools, public and private.
30) Scientific research facilities.
31) Small wind energy systems are permitted, provided that they meet the qualifications for a building permit set forth in Section 18-9 of this Code.
32) Storage and warehousing facilities, indoor and outdoor, however no selling of merchandise or other tangible goods or services from any unit is permitted; provided that all outside storage is screened in accordance with these regulations.
33) Theaters (excluding drive-in theaters and amusement houses).
34) Veterinary clinics and hospitals.

(e) Special uses. All special uses shall be required to conduct an environmental assessment of the proposed use when applicable and shall develop an environmental impact statement pursuant to all local, state and federal regulations where applicable. The following are allowed subject to the special use review and approval procedures of this Chapter:
    1) Aboveground storage tanks for liquefied petroleum gas, subject to all state and local codes and approval of the Fire Marshal and Building Official.
    2) Child care centers.
    3) Indoor gun range, public or private.
    4) Outdoor gun range, public or private.
    5) Public utility facilities.

(f) Limitations on external effects of uses. Every use in the I-1 District shall be made to comply with the following limitations:
    1) The manufacture, fabrication, processing, distribution and/or assembly of any product or chemical which is itself by process of manufacture or in its completed stage is noxious, constitutes a fire hazard, or is dangerous for any reason, thereby requiring substantial development precautions is prohibited.

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2) Dust, fumes, odors, refuse matter, smoke, vapor, light and vibration shall be minimal and entirely confined to the premises of the lot upon which the use is located.
3) All outside storage must be screened and screening height, location and materials shall be in accordance with these regulations.
4) The volume of sound inherently and recurrently generated by the operations of the use shall not exceed the following conditions as measured from any point of the boundary line of the zone lot on which the use is located:

District	***7:00 a.m. to 7:00 p.m.***	***7:00 p.m. to 7:00 a.m.***
I-1 abutting residential	70 dBa	60 dBa
I-1 abutting commercial	80 dBa	65 dBa
I-1 abutting industrial	90 dBa	70 dBa

(g) Height. No building hereafter erected or structurally altered shall exceed sixty (60) feet in height.
(h) Rear yard setback. The setback shall be zero (0) feet if adjacent to a public thoroughfare and ten (10) feet if not adjacent to a public right-of-way.
(i) Side yard setback. No side yard setback shall be required.
(j) Corner setback. Twenty-five (25) feet. All sides of a lot which abut a street shall be treated as frontage, and front setback requirements shall apply. Nothing herein shall preclude construction of buildings in line with existing structures.
(k) Front yard setback. Twenty-five (25) feet. All sides of a lot which abut a street shall be treated as frontage, and front setback requirements shall apply. Nothing herein shall preclude construction of buildings in line with existing structures.

Sec. 16-43. I-2 Heavy Industrial District.

(a) Intent. It is the intent of the I-2 Heavy Industrial District to encourage employment opportunities within the City by permitting the manufacturing, assembly and distribution of basic goods, and industrial uses that do not pose significant off-site impacts. Other uses that pose significant off-site impacts may be located in this District provided that those impacts are mitigated in accordance with these regulations and as determined necessary by City staff and City Council to ensure the public health, safety, and general welfare.
(b) Site plan. Prior to the release of building permits, a site plan for utilization of I-2 zone lots shall be required and shall conform with these zoning regulations. The following additional documentation shall be required for I-1 zone lot site plans:
    1) A landscape plan, conforming to the City's landscaping regulations.
    2) Documentation on mitigation procedures for vibration, heat, glare and fumes.
    3) Description of planned screening for any outdoor storage.
    4) Documentation of waste disposal measures.
(c) More than one (1) permitted industrial, manufacturing or commercial building may be allowed on a zone lot in the I-2 District if so designated on an approved site plan.

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EXHIBIT A
PROPOSED AMENDMENTS TO ARTICLE II OF CHAPTER 16

(d) Permitted uses. No building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided for in this Chapter, except for the following uses:
    1) Permitted uses allowed in the I-1 Light Industrial District.

(e) Special uses. All special uses shall be required to conduct an environmental assessment of the proposed use when applicable and shall develop an environmental impact statement pursuant to all local, state and federal regulations where applicable. The following are allowed subject to the special use review and approval procedures of this Chapter:
    1) Aboveground storage tanks for liquefied petroleum gas, subject to all state and local codes and approval of the Fire Marshal and Building Official.
    2) Auto wrecking, junking or salvage yard. Such uses shall be screened from view.
    3) Child care centers.
    4) Explosives, manufacture or storage.
    5) Indoor gun range, public or private.
    6) Outdoor gun range, public or private.
    7) Petroleum refining or processing.
    8) Processing, disposal, storage or manufacture of any chemical or any other product which in itself by process of manufacture or in its completed stage is noxious, constitutes a fire hazard or is dangerous for any reason, thereby requiring substantial development precautions.
    9) Public utility facilities.

(f) Limitations on external effects of uses. Every use in the I-2 District shall be made to comply with the following limitations:
    1) Vibration generated. Every use shall be operated so that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point on any boundary line of the zone lot on which the use is located.
    2) Emission of heat, glare, radiation and fumes. Every use shall be so operated that it does not emit any obnoxious or dangerous degree of heat, glare, radiation or fumes beyond any boundary line of the zone district in which the use is located.
    3) Outdoor storage and waste disposal.
        a. All outdoor storage facilities for fuel, raw materials and products shall be enclosed by a fence or wall adequate to conceal such facilities from adjacent property.
        b. No materials or waste shall be deposited upon a zone lot in such a form or manner that they may be transferred off the zone lot by natural causes or forces.
        c. All materials or waste which might cause fumes or dust, which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.
    4) Noise. Every use in the I-2 District shall be so operated that the volume of sound inherently and recurrently generated does not exceed the following conditions as measured from any point of the boundary line of the zone lot on which the use is located:

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EXHIBIT A
PROPOSED AMENDMENTS TO ARTICLE II OF CHAPTER 16

District	***7:00 a.m. to 7:00 p.m.***	***7:00 p.m. to 7:00 a.m.***
I-2 abutting residential	70 dBa	60 dBa
I-2 abutting commercial	80 dBa	65 dBa
I-2 abutting industrial	90 dBa	70 dBa

(g) Height. No building hereafter erected or structurally altered shall exceed sixty (60) feet in height.

(h) Rear yard setback. If adjacent to a residential zone, the setback shall be equal to three (3) times the height of the building, but in no case less than two hundred (200) feet; if not adjacent to a residential zone, fifty (50) feet.

(i) Side yard setback. If adjacent to a residential zone, the setback shall be equal to three (3) times the height of the building, but in no case less than two hundred (200) feet; if not adjacent to a residential zone, fifty (50) feet.

(j) Corner setback. All buildings and structures shall have a minimum setback of twenty-five (25) feet from the property line. All sides of the lot which abut a street shall be treated as frontage, and front setback requirements shall apply. Nothing herein shall preclude the construction of buildings in line with existing structures.

(k) Front yard setback. All buildings and structures shall have a minimum setback of twenty-five (25) feet from the property line. All sides of the lot which abut a street shall be treated as frontage, and front setback requirements shall apply. Nothing herein shall preclude the construction of buildings in line with existing structures.

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DESCRIPTION OF CHANGES TO COMMERCIAL AND INDUSTRIAL ZONE DISTRICTS

(REFER TO EXHIBIT A TO THE RESOLUTION TO SEE THE PROPOSED CHANGES AS DESCRIBED.)

CURRENT MUNICIPAL CODE LANGUAGE
CHAPTER 16 – SECTION 16-40 TO 16-43

Sec. 16-40. - C-1 General Commercial District.

(a) Intent. It is the intent of the C-1 General Commercial District to provide a zone for concentrated commercial activities normally found in central business districts. Such concentrated business activities develop economic strength and, with proper development standards, create a convenient, compatible pattern of land use.

(b) More than one (1) permitted commercial building may be allowed on a zone lot in the C-1 District if so designated on an approved site plan.

(c) Permitted uses. No building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided for in this Chapter, except for the following uses:

(1) Schools, public and private.

(2) Public recreation areas and facilities.

(3) Banks, office buildings and studios.

(4) Medical and dental clinics.

(5) Motels and hotels.

(6) Membership clubs, fraternities and lodges.

(7) Public buildings, assembly halls and auditoriums.

(8) Churches.

(9) Retail business stores and shops, provided that all merchandise is enclosed within a building, except that accessory uses of such retail businesses as defined in Section 16-6 of this Code are allowed.

(10) Restaurants, cafes and other places serving food (including drive-ins).

(11) Personal offices or service shops, such as barber, shoe shine and beauty parlors.

(12) Theaters (excluding drive-in theaters and amusement houses).

(13) Baking, confectionery, dressmaking, dyeing, laundry, tailoring, upholstery, cleaning or other similar establishments, provided that all food or other products manufactured or processed shall be sold at retail on the premises, and further provided that such manufacturing or processing shall be completely enclosed on the premises.

(14) Gasoline and oil service stations, provided that all storage tanks are placed underground and merchandise is enclosed.

(15) Bus stations and taxi stands.

(16) Retail cold storage locker plants; slaughtering activities, however, shall not be permitted.

(17) Public utility facilities.

(18) Residential uses in existing structures or if they are provided in conjunction with a commercial use.

(19) Personal care boarding homes, two (2) boarders or less, in existing residential structures.

(20) Liquor-licensed premises.

(21) Small wind energy systems are permitted, provided that they meet the qualifications for a building permit set forth in Section 18-9 of this Code.

(d) Special uses. The following are allowed subject to the special use review and approval procedures of this Chapter:

(1) Auto and truck sales lots, services and repairs.

Commented [AK1]: No changes to this Paragraph.

Commented [AK2]: No changes to the wording of this Paragraph. The paragraph did move from Paragraph (b) to Paragraph (c).

Commented [AK3]: Several changes to this Paragraph and its Subparagraphs. Refer to the Land Use Chart provided.

Moved to Paragraph (d).

Commented [AK4]: Several changes to this paragraph and its subparagraphs. Refer to the Land Use Chart provided.

Moved to Paragraph (e).

(2) Auto wash facilities.

(3) Funeral homes.

(4) Veterinary hospitals.

(5) Child care centers.

(e) Height. No building hereafter erected or structurally altered shall exceed sixty (60) feet in height.

(f) Rear yard setback. The setback shall be zero (0) feet if adjacent to a public thoroughfare and ten (10) feet if not adjacent to a public thoroughfare.

(g) Side yard setback. No side yard setback shall be required.

(h) Corner setback. All buildings and structures shall have a minimum setback of ten (10) feet from the property line. All sides of a lot which abut a street shall be treated as frontage and front setback requirements shall apply. Nothing herein shall preclude construction of buildings in line with existing structures.

(i) Front yard setback. There is no required front yard setback in the C-1 District.

(j) Site plan. Prior to the issuance of a building permit, the owner shall submit a site plan, as defined in the subdivision regulations, for review. The site plan must be approved by the City Engineer or Director of Public Works before a building permit will be issued.

(Ord. 2006-869 Part 1; Ord. 2009-905 Part 1)

Sec. 16-41. - C-2 Heavy Commercial District.

(a) Intent. The C-2 Heavy Commercial District is intended to provide an environment adaptable to commercial uses which, by their nature, require heavy auto and truck traffic or outdoor storage and display.

(b) More than one (1) permitted commercial building may be allowed on a zone lot in the C-2 District if so designated on an approved site plan.

(c) Permitted uses. No building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided for in this Chapter, except for the following uses:

(1) Schools, public and private.

(2) Public recreation areas and facilities.

(3) Banks, office buildings and studios.

(4) Medical and dental clinics.

(5) Motels and hotels.

(6) Membership clubs, fraternities and lodges.

(7) Churches.

(8) Retail business stores and shops, provided that all merchandise is enclosed within a building, except that accessory uses of such retail businesses as defined in Section 16-6 of this Code are allowed.

(9) Restaurants, cafes and other places serving food (including drive-ins).

(10) Personal offices or service shops, such as barber, shoe shine and beauty parlors.

(11) Theaters (excluding drive-in theaters) and amusement houses.

(12) Baking, confectionery, dressmaking, dyeing, laundry, tailoring, upholstery, cleaning or other similar establishments, provided that all foods or other products manufactured or processed shall

Commented [AK5]: No changes to wording. Moved to Paragraph (e) – (i) to Paragraph (f) – (j).

Commented [AK6]: Wording changed to: Prior to the release of building permits, a site plan for utilization of C-1 zone lots shall be required and shall conform with these zoning regulations.

Moved to Paragraph (b) of this Section.

Commented [AK7]: No changes to this Paragraph.

Commented [AK8]: No changes to wording. Moved to Paragraph (c).

Commented [AK9]: Several changes to this Paragraph and its Subparagraphs. Refer to Land Use Chart provided.

Moved to Paragraph (d).

be sold at retail on the premises, and further provided that all such manufacturing or processing shall be completely enclosed on the premises.

(13) Gasoline and oil service stations, provided that all storage tanks are placed underground and merchandise is enclosed.

(14) Bus stations and taxi stands.

(15) Retail cold storage locker plants; slaughtering activities, however, shall not be permitted.

(16) Public utility facilities.

(17) Building supply yards.

(18) Auto, truck, trailer and farm equipment sales, services and repairs.

(19) Printing and publishing establishments.

(20) Veterinary hospitals.

(21) Upholstery and muffler shops.

(22) Drive-in restaurants.

(23) Plant nurseries.

(24) Outdoor commercial recreation facilities.

(25) Liquor-licensed premises.

(26) Small wind energy systems are permitted, provided that they meet the qualifications for a building permit set forth in Section 18-9 of this Code.

(d) Special uses. The following are allowed subject to the special use review and approval procedures of this Chapter:

(1) Retail uses which require limited manufacturing or processing of items to be sold.

(2) Child care centers.

(e) Height. No building hereafter erected or structurally altered shall exceed sixty (60) feet in height.

(f) Rear yard setback. The setback shall be zero (0) feet if adjacent to a public thoroughfare and ten (10) feet if not adjacent to a public thoroughfare.

(g) Side yard setback. No side yard setback shall be required.

(h) Corner setback. All buildings and structures shall have a minimum setback of twenty-five (25) feet from the property line. All sides of a lot which abut a street shall be treated as frontage and front setback requirements shall apply. Nothing herein shall preclude construction of buildings in line with existing structures.

(i) Front yard setback. All buildings and structures shall have a minimum setback of twenty-five (25) feet from the property line. All sides of a lot which abut a street shall be treated as frontage, and front setback requirements shall apply. Nothing herein shall preclude construction of buildings in line with existing structures.

(j) Site plan. Prior to the issuance of a building permit, the owner shall submit a site plan, as provided in this Chapter, for review and approval.

(Ord. 2006-869 Part 1; Ord. 2009-905 Part 1)

Sec. 16-42. - I-1 Light Industrial District.

(a) Intent. The I-1 Light Industrial District is intended to provide for the location and development of industrial uses which generate limited amounts of noise, fumes, dust, vibrations and traffic, or which

Commented [AK10]: Several changes to this Paragraph and its Subparagraphs. Refer to the Land Use Chart provided.

Moved to Paragraph (e).

Commented [AK11]: No changes to wording.

Moved to Paragraph (e) – (i) to Paragraph (f) – (j).

Commented [AK12]: Wording changed to: Prior to the release of building permits, a site plan for utilization of C-2 zone lots shall be required and shall conform with these zoning regulations.

Moved to Paragraph (b) of this Section.

Commented [AK13]: Changed wording to add manufacturing uses, so now reads: … and development of **manufacturing** and industrial uses….

are designed in such a fashion that such factors are contained and all storage screened from adjacent resident areas.

(b) More than one (1) permitted industrial or commercial building may be allowed on a zone lot in the I-1 District if so designated on an approved site plan.

(c) Permitted uses. No building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided for in this Chapter, except for the following uses:

(1) Schools, public and private.

(2) Public recreation areas and facilities.

(3) Banks, office buildings and studios.

(4) Medical and dental clinics.

(5) Public buildings, assembly halls and auditoriums.

(6) Retail business stores and shops, provided that all merchandise is enclosed within a building, except that accessory uses of such retail businesses as defined in Section 16-6 of this Code are allowed.

(7) Restaurants, cafes and other places serving food (including drive-ins).

(8) Personal offices or service shops, such as barber, shoe shine and beauty parlors.

(9) Baking, confectionery, dressmaking, dyeing, laundry, tailoring, upholstery, cleaning or other similar establishments, provided that all foods or other products manufactured or processed shall be sold at retail on the premises, and further provided that all such manufacturing or processing shall be completely enclosed on the premises.

(10) Gasoline and oil service stations, provided that all storage tanks are placed underground and merchandise is enclosed.

(11) Bus stations and taxi stands.

(12) Retail cold storage locker plants; slaughtering activities, however, shall not be permitted.

(13) Public utility facilities.

(14) Building supply yards.

(15) Auto, truck, trailer and farm equipment sales, services and repairs.

(16) Printing and publishing establishments.

(17) Veterinary hospitals.

(18) Upholstery and muffler shops.

(19) Motels and hotels.

(20) Plant nurseries.

(21) Outdoor commercial recreation facilities.

(22) Farm equipment sales and services.

(23) Permitted uses as allowed in the C-1 and C-2 Districts.

(24) Small wind energy systems are permitted, provided that they meet the qualifications for a building permit set forth in Section 18-9 of this Code.

(d) Special uses. The following are allowed subject to the special use review and approval procedures of this Chapter:

(1) Retail uses which require limited manufacturing or processing of items to be sold.

Commented [AK14]: Added manufacturing building, so now reads: … More than one (1) permitted industrial, **manufacturing** or commercial building…

Moved to Paragraph (c).

Commented [AK15]: Several changes to this Paragraph and its Subparagraphs. Refer to the Land Use Chart provided.

Moved to Paragraph (d).

Commented [AK16]: Several changes to this Paragraph and its Subparagraphs. Refer to the Land Use Chart provided.

Moved to Paragraph (e).

(2) Aboveground storage tanks for liquefied petroleum gas, subject to all state and local codes and approval of the Fire Marshal and Building Official.

(3) Any kind of scientific, research, utility, manufacturing, compounding, assembling, processing or treatment of products, or experimental material, provided that the following limitations are placed on all such uses:

a. All permitted uses and storage shall be operated entirely within closed structures.

b. Dust, fumes, odors, refuse matter, smoke, vapor, light and vibration shall be confined to the premises of the lot upon which such use is located.

c. Every use in the I-1 District shall be so operated that the volume of sound inherently and recurrently generated does not exceed the following conditions as measured from any point of the boundary line of the zone lot on which the use is located. Permitted noise levels during day and night hours shall be as follows:

District	7:00 a.m. to 7:00 p.m.	7:00 p.m. to 7:00 a.m.
I-1 abutting residential	70 dBa	60 dBa
I-1 abutting commercial	80 dBa	65 dBa
I-1 abutting industrial	90 dBa	70 dBa

(4) All special uses shall be required to conduct an environmental assessment of the proposed use when applicable and shall develop an environmental impact statement pursuant to all local, state and federal regulations where applicable.

(e) Height. No building hereafter erected or structurally altered shall exceed sixty (60) feet in height.

(f) Rear yard setback. The setback shall be zero (0) feet if adjacent to a public thoroughfare and ten (10) feet if not adjacent to a public right-of-way.

(g) Side yard setback. No side yard setback shall be required.

(h) Corner setback. Twenty-five (25) feet. All sides of a lot which abut a street shall be treated as frontage, and front setback requirements shall apply. Nothing herein shall preclude construction of buildings in line with existing structures.

(i) Front yard setback. Twenty-five (25) feet. All sides of a lot which abut a street shall be treated as frontage, and front setback requirements shall apply. Nothing herein shall preclude construction of buildings in line with existing structures.

Commented [AK17]: Moved to permitted use with significant wording changes. See Paragraph (d)(10) of the proposed changes.

Commented [AK18]: Wording changes: All outside storage must be screened and screening height, location and materials shall be in accordance with these regulations.

Moved to Paragraph (f)(3).

Commented [AK19]: Moved to Paragraph (f)(2).

Commented [AK20]: Some wording changes, though not significant.

Moved to Paragraph (f)(4).

Commented [AK21]: No changes to wording. Moved to Paragraph (e).

Commented [AK22]: No changes to wording. Moved to Paragraph (e) – (i) to Paragraph (g) – (k).

(j) Site plan. Prior to issuance of a building permit, the owner shall submit a site plan, as defined in the subdivision regulations, for review. The site plan must be approved by the City Engineer or Director of Public Works before a building permit will be issued.

(Ord. 2006-869 Part 1; Ord. 2009-905 Part 1)

Sec. 16-43. - I-2 Heavy Industrial District.

(a) Intent. It is the intent of the I-2 Heavy Industrial District to permit uses of a heavy nature in a less restrictive environment.

(b) More than one (1) permitted industrial or commercial building may be allowed on a zone lot in the I-2 District if so designated on an approved site plan.

(c) Permitted uses. No building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided for in this Chapter, except for uses permitted in the I-1, C-2 and C-1 Districts.

(d) Special uses. The following are allowed subject to the special use review and approval procedures of this Chapter:

(1) Explosives, manufacture or storage.

(2) Petroleum refining or processing.

(3) The processing, disposal, storage or manufacture of any chemical or any other product which in itself by process of manufacture or in its completed stage is noxious, constitutes a fire hazard or is dangerous for any reason, thereby requiring substantial development precautions.

(4) Auto wrecking, junk or salvage yard. Such uses shall be screened from view.

(5) Any kind of scientific, research, utility, manufacturing, compounding, assembling, processing or treatment of products or experimental materials.

All special uses shall be required to conduct an environmental assessment of the proposed use when applicable and shall develop an environmental impact statement pursuant to all local, state and federal regulations where applicable.

(e) Height. No building hereafter erected or structurally altered shall exceed sixty (60) feet in height.

(f) Rear yard setback. If adjacent to a residential zone, the setback shall be equal to three (3) times the height of the building, but in no case less than two hundred (200) feet; if not adjacent to a residential zone, fifty (50) feet.

(g) Side yard setback. If adjacent to a residential zone, the setback shall be equal to three (3) times the height of the building, but in no case less than two hundred (200) feet; if not adjacent to a residential zone, fifty (50) feet.

(h) Corner setback. All buildings and structures shall have a minimum setback of twenty-five (25) feet from the property line. All sides of a lot which abut a street shall be treated as frontage, and front setback requirements shall apply. Nothing herein shall preclude construction of buildings in line with existing structures.

(i) Front yard setback. All buildings and structures shall have a minimum setback of twenty-five (25) feet from the property line. All sides of a lot which abut a street shall be treated as frontage, and front setback requirements shall apply. Nothing herein shall preclude construction of buildings in line with existing structures.

(j) Limitations on external effects of uses. Every use in the I-2 District shall be made to comply with the following limitations:

Commented [AK23]: Wording: Prior to the release of building permits, a site plan for utilization of I-1 zone lots shall be required and shall conform with these zoning regulations. The following additional documentation shall be required for I-1 zone lot site plans:
1) A landscape plan, conforming to the City's landscaping regulations. 2) Documentation on mitigation procedures for vibration, heat, glare and fumes. 3) Description of planned screening for any outdoor storage. 4) Documentation of waste disposal measures. / Moved to Paragraph (b).

Commented [AK24]: Wording: It is the intent of the I-2 Heavy Industrial District to encourage employment opportunities within the City by permitting the manufacturing, assembly and distribution of basic goods, and industrial uses that do not pose significant off-site impacts. Other uses that pose significant off-site impacts may be located in this District provided that those impacts are mitigated in accordance with these regulations and as determined necessary by City staff and City Council to ensure the public health, safety, and general welfare.

Commented [AK25]: Added manufacturing building, so now reads: … More than one (1) permitted industrial, **manufacturing** or commercial building… / Moved to Paragraph (c).

Commented [AK26]: Several changes to this Paragraph and its Subparagraphs. Refer to the Land Use Chart provided. / Moved to Paragraph (d).

Commented [AK27]: Several changes to this Paragraph and its Subparagraphs. Refer to the Land Use Chart provided. / Moved to Paragraph (e).

Commented [AK28]: Moved to Paragraph (e).

Commented [AK29]: No changes to wording. Moved to Paragraph (e) – (i) to Paragraph (g) – (k).

Commented [AK30]: No changes to Paragraphs (J)(1)-(3). Moved to (f)(1)-(3).

(1) Vibration generated. Every use shall be operated so that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point on any boundary line of the zone lot on which the use is located.

(2) Emission of heat, glare, radiation and fumes. Every use shall be so operated that it does not emit any obnoxious or dangerous degree of heat, glare, radiation or fumes beyond any boundary line of the zone district in which the use is located.

(3) Outdoor storage and waste disposal.

a. All outdoor storage facilities for fuel, raw materials and products shall be enclosed by a fence or wall adequate to conceal such facilities from adjacent property.

b. No materials or wastes shall be deposited upon a zone lot in such a form or manner that they may be transferred off the zone lot by natural causes or forces.

c. All materials or wastes which might cause fumes or dust, which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

(k) Landscape requirements.

(1) Planting and landscaping suitable to the Planning Commission and the City Council shall be provided in areas required as setback under the provisions of this Chapter and in the City's landscaping regulations. Such landscaping shall be maintained in a neat, clean and healthy condition. This shall include proper pruning, mowing, weeding, removal of litter, fertilizing, replacement of plants when necessary and the regular watering of all plantings.

(2) However, for the setback area required where an exterior line of the zone lot abuts upon a City arterial street, then only the front twenty-five (25) feet of the fifty-foot setback must be landscaped.

(l) Site plan requirements. Site plans for utilization of I-2 zone lots shall be required and shall conform to the regulations, with the following additions:

(1) A landscape plan, conforming to the City's landscaping regulations.

(2) Documentation of mitigation procedures for vibration, heat, glare and fumes.

(3) Documentation of outdoor storage and waste disposal measures.

(m) Accessory uses permitted. Incidental only to a permitted use, any use which complies with all of the following conditions may be operated as an accessory use in the I-2 District:

(1) Is clearly incidental and customary to and commonly associated with operation of the permitted use.

(2) Is operated and maintained under the same ownership, or lessees or concessionaires thereof, and on the same zone lot as the permitted use.

(3) Does not include structures or structural features inconsistent with the permitted use.

(4) Does not include residential occupancy, except for caretakers or watchmen.

(n) Public utilities. Public utility facilities may be constructed and maintained in any industrial district.

(o) Noise. Every use in the I-2 District shall be so operated that the volume of sound inherently and recurrently generated does not exceed the following conditions as measured from any point of the boundary line of the zone lot on which the use is located. Permissible noise levels during day and night hours shall be as follows:

District	7:00 a.m. to	7:00 p.m. to

Commented [AK31]: Removed Paragraph (k). Covered in new Paragraph (b)(1). May go back in – further discussion required.

Commented [AK32]: Moved to new Paragraph (b). Some small wording changes.

Commented [AK33]: Removed Paragraph (m). May go back in – further discussion required.

Commented [AK34]: Deleted and added to Special Uses.

Commented [AK35]: No wording changes. Moved to Paragraph (f)(4).

	7:00 p.m.	7:00 a.m.
I-2 abutting residential	70 dBa	60 dBa
I-2 abutting commercial	80 dBa	65 dBa
I-2 abutting industrial	90 dBa	70 dBa

(Ord. 2006-869 Pt. 1)

CURRENT VS. PROPOSED LAND USES CHART

(REFER TO EXHIBIT A TO THE RESOLUTION TO SEE THE PROPOSED CHANGES AS DESCRIBED.)

CURRENT VS. PROPOSED LAND USES CHART

KEY

Red = New use or new language for a previous use.
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? = Either use was not previously allowed in the Code or the wording from the Code unintentionally did not address the use in the zone district.

	USE	C-1	C-2	I-1	I-2
1	Aboveground storage tanks for liquefied petroleum gas, subject to all state and local codes and approval of the Fire Marshal and Building Official.	NP	NP	SUP	?
		NP	NP	SUP	SUP
2	~~Any kind of scientific, research, utility, manufacturing, compounding, assembling, processing or treatment of products, or experimental material, provided that the following limitations are placed on all such uses…~~	DELETED AND MODIFIED (SEE #20).			
3	~~Auto and truck sales lots, services and repairs.~~	DELETED –MERGED WITH #4.			
4	Auto, truck, boat, trailer and farm equipment sales, services and repairs.	SUP	P	P	P
		SUP	P	P	P
5	Auto wash facilities.	SUP	?	?	?
		SUP	SUP	P	P
6	Auto wrecking, junking or salvage yard. Such uses shall be screened from view.	NP	NP	NP	SUP
		NP	NP	NP	SUP
7	Baking, confectionary, dressmaking, dyeing, laundry, tailoring, upholstery, cleaning or other similar establishments~~, provided that all food or other products manufactured or processed shall be sold at retail on the premises, and further provided that such manufacturing or processing shall be completely enclosed on the premises~~.	P	P	P	P
		P	P	P	P
8	Banks, office buildings and studios.	P	P	P	P
		P	P	P	P
9	Building supply yards.	?	P	P	P
		NP	SUP	P	P
10	Bus stations and taxi stands.	P	P	P	P
		P	P	P	P
11	Child care centers.	SUP	SUP	?	?
		SUP	SUP	SUP	SUP
12	Churches.	P	P	P	P
		P	P	P	P

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	USE	C-1	C-2	I-1	I-2
13	~~Drive-in restaurants.~~	DELETED – ALREADY COVERED IN #36.			
14	Explosives, manufacture or storage.	NP	NP	NP	SUP
		NP	NP	NP	SUP
15	~~Farm equipment sales and services.~~	DELETED – MERGED WITH #3.			
16	Funeral homes.	SUP	?	?	?
		SUP	P	P	P
17	Gasoline and oil service stations, provided that all storage tanks are placed underground and merchandise is enclosed.	P	P	P	P
		P	P	P	P
18	Indoor gun range, public or private.	n/a	n/a	n/a	n/a
		SUP	SUP	SUP	SUP
19	Liquor-licensed premises, including distilleries, breweries and wineries.	P	P	P	P
		P	P	P	P
20	Manufacturing, fabrication, processing, distribution or assembly facilities; provided that all limitations of external effects required under these regulations are met.	NP	NP	SUP	SUP
		NP	NP	P	P
21	Medical and dental clinics.	P	P	P	P
		P	P	P	P
22	Membership clubs, fraternities and lodges.	P	P	P	P
		P	P	P	P
23	Motels and hotels.	P	P	P	P
		P	P	P	P
24	Outdoor commercial recreation facilities.	NP	P	P	P
		SUP	P	P	P
25	Outdoor gun range, public or private.	n/a	n/a	n/a	n/a
		NP	NP	SUP	SUP
26	Personal care boarding homes, two (2) boarders or less, in existing residential structures.	P	?	P	P
		P	P	P	P

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	USE	C-1	C-2	I-1	I-2
27	Personal offices or service shops, such as barber, shoe shine and beauty parlors.	P	P	P	P
		P	P	P	P
28	Petroleum refining or processing.	NP	NP	NP	SUP
		NP	NP	NP	SUP
29	Plant nurseries.	NP	P	P	P
		SUP	P	P	P
30	Printing and publishing establishments.	NP	P	P	P
		P	P	P	P
31	Processing, disposal, storage or manufacture of any chemical or any other product which in itself by process of manufacture or in its completed stage is noxious, constitutes a fire hazard or is dangerous for any reason, thereby requiring substantial development precautions.	NP	NP	NP	SUP
		NP	NP	NP	SUP
32	Public buildings, assembly halls and auditoriums.	P	?	P	P
		P	P	P	P
33	Public recreation areas and facilities.	P	P	P	P
		P	P	P	P
34	Public utility facilities.	P	P	P	P
		SUP	SUP	SUP	SUP
35	Residential uses in existing structures or if they are provided in conjunction with a commercial use.	P	?	P	P
		P	P	P	P
36	Restaurants, cafes and other places serving food (including drive-ins).	P	P	P	P
		P	P	P	P
37	Retail business stores and shops~~, such as provided that all merchandise is enclosed within a building, except that accessory uses of such retail businesses as defined in Section 16-6 of this Code are allowed~~.	P	P	P	P
		P	P	P	P
38	Retail cold storage locker plants; slaughtering activities, however, shall not be permitted.	P	P	P	P
		P	P	P	P

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	USE	C-1	C-2	I-1	I-2
39	Retail uses which require limited manufacturing or processing of items to be sold.	NP	SUP	SUP	?
		SUP	P	P	P
40	Schools, public and private.	P	P	P	P
		P	P	P	P
41	Scientific research facilities.	NP	NP	SUP	SUP
		NP	SUP	P	P
42	Small wind energy systems are permitted, provided that they meet the qualifications for a building permit set forth in Section 18-9 of this Code.	P	P	P	P
		P	P	P	P
43	Storage and warehousing facilities, indoor and outdoor, however no selling of merchandise or other tangible goods or services from any unit is permitted; provided that all outside storage is screened in accordance with these regulations.	n/a	n/a	n/a	n/a
		NP	NP	P	P
44	Theaters (excluding drive-in theaters and amusement houses).	P	P	?	?
		P	P	P	P
45	~~Upholstery and muffler shops.~~	DELETED – ALREADY COVERED BY #4 & #7.			
46	Veterinary clinics and hospitals.	SUP	P	P	?
		SUP	P	P	P

LEGAL NOTIFICATIONS

PROOF OF PUBLICATION
FORT LUPTON PRESS
COUNTY OF WELD SS.
STATE OF COLORADO

I, Tim Zeman, do solemnly swear that I am the Publisher of the **Fort Lupton Press** is a weekly newspaper printed and published in the County of Weld State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said county of Weld for a period of more than fifty-two consecutive weeks prior to the first publication of the annexed legal notice or advertisement; that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the act of March 3, 1879, or any amendments thereof, and that said newspaper is a weekly newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado. That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said weekly newspaper for the **period of ONE consecutive insertion(s)** and that the first publication of said notice was in the issue of newspaper, dated **20th day of July 2016** the last on the **20th day of July 2016**

Managing Editor, Subscribed and sworn before me, this **20th day of July 2016**

Bobi Lopez

Notary Public.
Notary ID No. 20024002511

BOBI LOPEZ NOTARY PUBLIC STATE OF COLORADO My Commission Expires

My Commission Expires February 2, 2018

CITY OF FORT LUPTON
NOTICE OF PUBLIC HEARING

A public meeting has been scheduled for Tuesday, August 9, 2016 at 6:00 P.M. with the Fort Lupton Planning Commission and a public hearing has been scheduled for Monday, August 15, 2016 at 7:00 P.M. with the Fort Lupton City Council to consider proposed amendments to Article II of Chapter 16 of the Fort Lupton Municipal Code related to Zoning Districts. A copy of the proposed amendments may be reviewed in the Fort Lupton Planning Department.

The public meeting and public hearing will be held at the Fort Lupton City Hall, 130 South McKinley Avenue in Fort Lupton. For additional information on the amendments, please contact the Fort Lupton Planning Department at 303-857-6694.