

# Memorandum

**To** Planning and Zoning Commission  
**Fr** Sally Vecchio, Community Development Director  
**Date** December 20, 2011  
**RE** **Work Session: Proposed Amendment to Avon Development Code (ADC) Table 7.24-1 Allowed Uses, to Permit Commercial Day Care Uses as Special Review Uses (SRU) in the Light Industrial and Commercial (IC), Public Facilities (P) and Open Space (OLD) Zone Districts.**

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The Planning and Zoning Commission (PZC) held a work session on Dec 6, 2011 to discuss a proposed amendment to the Avon Development Code (ADC) to include commercial day care facilities as special review uses in the Industrial (IC) Zone District, Public Facilities (P) Zone District, and the Open Space (OLD) Zone District.

Given the potential conflicts between day care facilities and some industrial and commercial uses; the PZC directed staff to provide additional development standards for commercial day care facilities. The PZC also wanted more information on the Town's regulations for adult entertainment uses in the Industrial Zone District.

## **Adult Entertainment Uses**

The Town of Avon regulates adult entertainment uses pursuant to Avon Municipal Code (AMC) Chapter 8, Health and Safety, Sec 8.26 Nude Entertainment Establishments. Nude entertainment establishments are permitted by special review in the Industrial (I) Zone District. Such establishments must be at least 200 ft. from any residential zone district or use, and 500 ft. from any school or church property.

## **Use Specific Regulations for Commercial Day Care**

In addition to the general zone district requirements, a Commercial Child Care must comply with the following *Use-Specific Regulations (ADC, Sec 24.060(c))*:

- a. All child care centers, regardless of type or size, shall meet the applicable licensing requirements of the Colorado Statutes (C.R.S. §26-6-102 et. seq.) and the Regulations of the Colorado Department Human Services (12 CCR 2509-9); and
- b. A child care center shall provide one off-street parking space per employee and a child loading/unloading area of adequate dimensions, preferably off-street.

Use Specific Regulations for child care facilities should not be overly burdensome and should be related to the safety of the occupants of the facility and the external impacts of the facility. Accordingly, staff recommends the following additional regulations for child care facilities:

- I. As A Principal Use, the facility must meet the following standards:**
  - A. outdoor recreation area:**
    1. Be enclosed by a fence which allows air and light to penetrate it and be capable of containing each child using the area;
    2. Not be within a required building setback;
    3. Not be closer than 15 feet to the edge of any public right-of-way; and
    4. Not be within a parking area.
  - B. Parking Areas and Vehicular Circulation Patterns:**
    1. Enhance the safety of children as they arrive at and leave the facility.

2. Include a designated pickup and delivery area, providing at a minimum one stacking space per 20 children, and
3. Locate all vehicle stacking lanes on site with an on-site turnaround or have separate points for vehicle ingress and egress.

C. **Outdoor Play Activities** shall not be conducted before 8 a.m. or after 8 p.m.

D. **If not located in a stand-alone building:**

1. The facility shall be located on the first floor of a principal structure, and
2. The facility shall be separated (including the restrooms) by a physical barrier from the remaining portion of the building in which it is located.

*Staff Comment: These standards are consistent with the Avon Building Code requirements for child care facilities. The ground floor requirement ensures that infants and small children can be safely and quickly removed from a building in the event of an emergency.*

II. **As an accessory use the facility must meet the standards above plus:**

- A. Comply with ADC Section 7.24.070, Accessory Uses and Structures; and
- B. Be compatible with adjacent land uses in terms of hours of operation, noise, lighting, parking and similar considerations.

**To** The Avon Planning and Zoning Commission  
**Fr** Jared Barnes, Planner I  
**Date** December 16, 2011  
**RE:** Resolution 11- 12, A Resolution Recommending The Town Council Initiate Amendments To Title 7 Of The Avon Municipal Code, Section 7.16.080, Development Plan, And Table 7.16-1, Development Review Procedures And Review Authority, Concerning The Town Council Review Of Town Core Major Development Plans

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### **Summary**

The Avon Development Code includes a new provision which authorizes the Town Council to render the final decision on a major development plan in the Town Core. The Planning and Zoning Commission (PZC) has referral authority in this case. A copy of ADC §7.16.080(e)(1), *Major Development Plan*, and Table 7.16-1, *Development Review Procedures and Review Authority* are included in this memo.

Chairman Green requested a work session discussion with the PZC on this new provision for the purposes of understanding how it would be implemented. At the November 15<sup>th</sup> meeting, the PZC directed staff to prepare an amendment to the regulation removing the Town Council's review authority for major development plans within the Town Core. At the December 6<sup>th</sup> meeting the PZC directed staff to prepare a Resolution requesting that the Town Council initiate a code text amendment to the following code sections:

**§7.16.080(e)(1) Major Development Plan.** *The Director shall review and provide a recommendation to the PZC on all major development plan applications. The PZC shall render the final decision on a major development plan, ~~unless the application is located within the Town Core.~~ The decision of the PZC may be appealed to the Town Council pursuant to §7.16.160, Appeal. ~~If an application is located within the Town Core, the Director shall review and provide a recommendation to the PZC. The PZC shall review and provide a recommendation to the Town Council. The Town Council shall render the final decision on a major development plan within the Town Core.~~*

<b>Table 7.16-1: Development Review Procedures and Review Authority</b>				
<b>Procedure</b>		<b>Director</b>	<b>PZC</b>	<b>TC</b>
Comprehensive Plan Amendment (§7.16.030)		R	H-R	H-D
Code Text Amendment (§7.16.040)		R	H-R	H-D
Rezoning (§7.16.050)		R	H-R	H-D
Planned Unit Development (§7.16.060)	Administrative PUD	D		A
	Preliminary PUD	R	H-R	H-D
	Final PUD	R	H-R	H-D
Administrative Subdivision (§7.16.070)		D		A
Minor Subdivision (§7.16.070)		R		H-D
Major Subdivision (§7.16.070)	Preliminary Plan	R	H-R	H-D
	Final Plat	R		H-D
Annexation (§7.36)		R	H-R	H-D
Minor Development Plan (§7.16.080)		D		A
Major Development Plan (§7.16.080)		R	H-D	A
<del>Major Development Plan in Town Core (§7.16.080)</del>		<del>R</del>	<del>H-R</del>	<del>H-D</del>
Design Review (§7.16.090)		R	H-D	A
Special Review Use (§7.16.100)		R	H-D	A
Variance (§7.16.110)		R	H-D	A
Alternative Equivalent Compliance (§7.16.120)		R	H-D or H-R	A or H-D
Right-of-Way Vacation (§7.16.130)		R		H-D
Vested Property Right (§7.16.140)		R	H-R	H-D
Location, Character, and Extent (§7.16.150)		R	H-D	A
Appeal (§7.16.160)				H-D
<b>R=Review/Recommendations; H=Public Hearing;D=Decision; A=Appeal</b>				

**Recommendation**

Staff recommends that the PZC approve Resolution 11-12, a resolution requesting the Town Council initiate a code text amendment to Section 7.16.080(e)(1), Major Development Plan, and Table 7.16-1, Development Review Procedures and Review Authority.

**Attached:**

- A. Town Core Map
- B. Resolution 11-12, A RESOLUTION RECOMMENDING THE TOWN COUNCIL INITIATE AMENDMENTS TO TITLE 7 OF THE AVON MUNICIPAL CODE, SECTION 7.16.080, DEVELOPMENT PLAN, AND TABLE 7.16-1, DEVELOPMENT REVIEW PROCEDURES AND REVIEW AUTHORITY, CONCERNING THE TOWN COUNCIL REVIEW OF TOWN CORE MAJOR DEVELOPMENT PLANS



**TOWN OF AVON, COLORADO  
PLANNING AND ZONING COMMISSION RESOLUTION 11-12  
SERIES OF 2011**

**A RESOLUTION RECOMMENDING THAT THE AVON TOWN COUNCIL INITIATE  
AMENDMENTS TO TITLE 7 OF THE AVON MUNICIPAL CODE, SECTION 7.16.080,  
DEVELOPMENT PLAN, AND TABLE 7.16-1, DEVELOPMENT REVIEW PROCEDURES AND  
REVIEW AUTHORITY, CONCERNING THE TOWN COUNCIL REVIEW OF TOWN CORE  
MAJOR DEVELOPMENT PLANS**

**WHEREAS**, the Town Council adopted the Avon Development Code (ADC) requiring Town Council approval for Major Development Plans located in the Town Core; and

**WHEREAS**, Table 7.16-1, Development Review Procedures and Review Authority, and Section 7.16.080(e)(1) specify that "...The Town Council shall render the final decision on a major development plan within the Town Core"; and

**WHEREAS**, the Avon Planning and Zoning Commission is appointed to serve as the design review board for the Town of Avon in accordance with Section 7.12.040(a)(5), ADC; and

**WHEREAS**, the PZC finds that the addition of the Town Council review in the Town Core would create an undue burden on an applicant to submit to two separate design review processes and review bodies; and

**WHEREAS**, the Town Council may appeal any design review approval by the PZC pursuant to Section 7.16.160, Appeal, ADC; and

**WHEREAS**, the inclusion of the Town Council in the design review process may marginalize the PZC's duty as the design review board; and,

**WHEREAS**, the removal of Town Council review of major development plans in the Town Core would respond to current development conditions and planning concepts and encourage development of vacant parcels in the Town Core.

**NOW THEREFORE, BE IT RESOLVED**, that the Planning and Zoning Commission hereby recommends that the Town Council of the Town of Avon initiate a Code Text Amendment to Section 7.16.080, Development Plan, & Table 7.16-1, Development Review Procedures and Review Authority, to remove the Town Council authority to render the final decision on major development plans in the Town Core.

**ADOPTED THIS 20<sup>th</sup> DAY OF DECEMBER, 2011.**

**SIGNED:**

**ATTEST:**

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Chris Green, Chair

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Scott Prince, Secretary