

**EDGEWATER PLANNING & ZONING COMMISSION  
BUSINESS MEETING MINUTES  
MARCH 18, 2015**

A business meeting of the Edgewater Planning & Zoning Commission was held in the City Council Chambers.

**ITEM 1.     CALL TO ORDER**

Chair Hing called the meeting to order at [7:01:03 PM](#).

**ITEM 2.     ROLL CALL**

Clerk to the Commission and City Clerk Beth A. Hedberg called the roll.

**Present:**                   Chair Karen Hing  
                                  Commissioner Marilyn Gord  
                                  Commissioner Jim Tobias  
                                  Commissioner Nathan Stark  
                                  Commissioner Adam Schorger

**Absent:**                   None

**Also Present:**           City Attorney Carmen Beery  
                                  City Planner Patty McCartney  
                                  Community Services Director Dan Maples

Full and timely notice of the meeting had been given and a quorum was present.

**ITEM 3.     PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**ITEM 4.     APPROVAL OF AGENDA**

Commissioner Gord moved, seconded by Commissioner Tobias, to amend the agenda by removing the work session. The motion **PASSED** on the following vote: **AYES:** Commissioner Gord, Commissioner Tobias, Chair Hing, Commissioner Stark and Commissioner Schorger. **NAYS:** None. **ABSENT:** None. **ABSTAIN:** None.

**ITEM 5.     PUBLIC COMMENT (NON-AGENDA ITEMS)**

There were no public comments.

**ITEM 6.     GENERAL BUSINESS - PUBLIC HEARING AND DISCUSSION AND  
POSSIBLE ACTION ON RESOLUTION 2015-03, A RESOLUTION**

**RECOMMENDING (APPROVAL, CONDITIONAL APPROVAL, DENIAL) OF  
AN APPLICATION FOR A CONDITIONAL USE PERMIT TO LOCATE AN  
EDUCATIONAL USE AT 6400 WEST 26<sup>TH</sup> AVENUE**

Chair Hing reviewed how the public hearing would be conducted.

Chair Hing opened the public hearing at [7:09:14 PM](#). City Planner Patty McCartney reviewed her staff report which is attached hereto and made a part hereof by reference as Exhibit "A". City Planner McCartney noted that the Applicant had provided a report from Sustainable Traffic Solutions, Inc. dated March 18, 2015. Kari McDowell, the City's Traffic Engineer, had responded to the Applicant's report in email dated March 18, 2015 wherein she had stated that, "I have not had time to prepare a thorough review of the data received. I would request additional time to work with the applicant to vet the assumptions and recommendations based upon a more detailed queuing analysis model."

Commissioner Gord inquired as to who would be responsible for maintaining school zone signage. Community Services Director Dan Maples said that the City had an Intergovernmental Agreement with the City of Lakewood to maintain signals. Commissioner Stark asked about the bike lane on West 26<sup>th</sup> Avenue. Director Maples said that it was a shared park bike lane and that it was due to be repaved and striped in 2015.

Clerk Hedberg swore in Applicant representative Nate Ahern. Mr. Ahern said that he was the Head of School for Highlands Classical Academy School. The school was eager to join the Edgewater Community. One of their primary goals was to foster the beauty of and to contribute to the community. They wanted to be a blessing to the community and to their neighbors. He described Highland's Classical Academy's mission to partner with families to provide a Christian education. Mr. Ahern provided information on: how long the school had been in existence; how many days per week when classes would be held; enrollment numbers both current and their future goal; class size; and their traffic plan.

Discussion was held regarding: whether or not there was a play area for students; sanitation concerns as expressed by East Jefferson County Sanitation District; how they purposed to utilize the building; occupancy load; enrollment numbers; physical activity programs; neighborhood opposition or support; and traffic plan.

Chair Hing referenced the report dated March 12, 2015 from McDowell Engineering and noted the traffic related issues that needed to be addressed including a recommended ingress and egress circulation plan. The assumptions contained in both traffic reports were addressed.

Other items considered were: scoping the sewer line; target opening date; number of driving high school students who would utilize the parking lot; and the number of students who were Edgewater residents.

City Planner McCartney noted information that had been requested by the City's Traffic Engineer in her email dated March 18, 2015 with respect to:

- Supportive documentation for the 2.5 students per car ratio;
- Including the number of cars who would park in the lot in the queuing estimates;
- Discussing the end of the day assumption for pick up queues; and
- Determining how the plan to use last names for drop off times would be enforced.

Chair Hing called for public testimony. She cautioned that the Commission would consider land use only. She asked the public to keep their comments to the matters at hand. It was noted that those who testified would not be required to provide their address for the record.

Clerk Hedberg swore in Christopher Sanchez. Mr. Sanchez testified that he owned the property at 2491 Marshall Street which was on the corner of West 25<sup>th</sup> Avenue and Marshall Street. He said he was also speaking on behalf of Herminie Sanchez who owned the property at 2485 Marshall Street. Mr. Sanchez said he hoped that there would not be an increase in traffic flow on Marshall Street as there was currently a lot of pedestrian traffic. The traffic plan submitted showed that Marshall Street would not be an arterial entrance to the school and he hoped that it would remain so as a requirement for the approval process. Mr. Sanchez said he hoped that the proposal for non-street parking would be adhered to. He had questions on what type of approval process would be needed if future construction were planned. Were the existing users of the property staying and was this use in addition to the existing uses on the property? There would be impact to the neighborhood if traffic were allowed to flow south of the property.

Clerk Hedberg swore in Joe Henderson. Mr. Henderson testified that he was a Principal of Sustainable Traffic Solutions, Inc. He was the traffic engineer employed by the school to assist them with their traffic plan. Mr. Henderson provided information about his professional experience. Mr. Henderson said that his son was attending Holy Family High School in Broomfield which was a private school. It was germane to the conversation as it was similar to Highlands Classical Academy in that there was a lot of carpooling going on. Not many people walked to that school in Broomfield. There were a lot of families who attended that school. The ratio of number of people in cars was higher in private schools versus public schools. He had worked on the traffic issues at Holy Family. Most of the assumptions contained in his report were based on his observations of schools and his discussions with Mr. Ahern. Mr. Henderson reviewed his report. He did not think using West 26<sup>th</sup> Avenue would pose any problems. He did not know why it would be necessary for the Lamar Street entrance to be used for

emergency access only and would need to discuss it with Kari McDowell to understand her reasoning.

Commissioner Stark referenced the number of bicyclists on West 26<sup>th</sup> Avenue and his concerns over safety with additional vehicle traffic.

Mr. Henderson said he believed it was up the cyclist to avoid vehicle traffic. The queue length he quoted would not back up onto West 26<sup>th</sup> Avenue. Signage was discussed.

City Planner McCartney noted that additional construction would require a site development plan.

Clerk Hedberg swore in Joel Newton. Mr. Newton stated that he lived on Otis Court near the property. Mr. Newton said he was in support of the school because it would be using an existing building. It would bring in people during the day which would help the local economy. A lot of the Lumberg families lived to the north. Mr. Newton expressed concerns over traffic on West 26<sup>th</sup> Avenue as the school would dismiss at the same time as Lumberg Elementary and Jefferson High School. If the City were to look at the other area schools he did not believe they would pass the queueing test.

Clerk Hedberg swore in Pauline York. Mrs. York testified that she lived on Depew Street next to a school. Mrs. York said that signage could be placed on Lamar that would prohibit right hand turns. Mrs. York inquired as to how the public hearing was noticed. It was noted that the property was posted, surrounding properties were mailed a notice and a notice was published in the Wheat Ridge Transcript. Mrs. York said she did not have anything against the proposed school.

Clerk Hedberg swore in Larry Welshon. Mr. Welshon said that he was in favor of the proposed use. Mr. Welshon said that he had gone through a conditional use process for the small private school he ran in the City of Wheat Ridge. His experience had taught him that you had a better relationship with families in small private schools. Mr. Welshon said he had spoken with Nate Ahern. He believed Mr. Ahern would have the ability to communicate with the parents. Mr. Welshon told his parents that they were a part of the neighborhood and needed to act like neighbors. Mr. Welshon said that his school had a lot of carpooling. He believed the information provided by the Applicant with respect to car pooling and the ability to control student drop off and pick up times. Mr. Welshon said that he lived on Kendall Street and he used Lamar Street every single morning. Additional traffic might be a bit of an inconvenience but he was willing to suffer it. He believed a new school in the area would be worthwhile to the City and would be worth any inconvenience caused to him.

Clerk Hedberg swore in Kathleen Buffa. Ms. Buffa said that traffic was heavy on West 26<sup>th</sup> Avenue in the morning and evening hours. People traveling west turned across traffic into the school. West 26<sup>th</sup> Avenue traffic should be looked at carefully. Ms. Buffa said that she lived across the street from the property directly to the north. Additional

traffic would make it more difficult for her to exit her driveway and that was a safety issue.

Clerk Hedberg swore in David Adams. Mr. Adams testified that he lived at 2473 Marshall Street. The grassy area was in front of his home. He was also a user of Lamar Street. He had lived at his property for six (6) years and had not experienced problems with Sunday traffic. He asked the Commission to consider that there was an RTD bus stop right by the building on West 26<sup>th</sup> Avenue. Mr. Adams said that he agreed with Mr. Sanchez's comments and he would be opposed to vehicles using the Marshall Street entrance. He believed that any road built into the green space would have a negative impact on the neighborhood.

City Planner McCartney spoke about access located off of Marshall Street. The Applicant had agreed that it would remain as a locked gate with emergency access being granted to the Wheat Ridge Fire Protection District with the installation of a lock box. The District had agreed to that provision of the traffic plan.

Clerk Hedberg swore in Austin Krokos. Mr. Krokos testified that his children attended Highlands Classical Academy. Although he did not live in Edgewater his family visited the community often and enjoyed the City of Edgewater. Mr. Krokos said that his family currently carpooled with another family who attended the school.

Applicant Nate Ahern addressed comments regarding the green space. Most of the outdoors activities would be held in the fenced-in area. Activities outside of the fenced area would be supervised. No future construction was planned. There were three (3) different church bodies at the property. The congregations that currently used the property would not conflict with the school's proposed schedule.

Chair Hing noted that the traffic report provided by the Applicant had arrived late in the afternoon. The Commission, by consensus, agreed that further information needed to be provided by Kari McDowell, the City's Traffic Engineer, as she had asked for more time to analysis the traffic plan submitted by Sustainable Traffic Solutions, Inc. Chair Hing thanked Mr. Henderson for attending the hearing and said she hoped he would be able to attend their next meeting where the hearing would be continued to.

Commissioner Gord moved, seconded by Commissioner Tobias, to continue the public hearing to April 1, 2015 at 7:00 pm. The motion **PASSED** on the following vote: **AYES:** Commissioner Gord, Commissioner Tobias, Chair Hing, Commissioner Stark and Commissioner Schorger. **NAYS:** None. **ABSENT:** None. **ABSTAIN:** None.

Hillary Oswald, the Chair of the Board of Directors from Highlands Classical Academy inquired as to whether or not Mr. Henderson could speak with Kari McDowell prior to April 1, 2015. Chair Hing encouraged this and City Attorney Beery advised that it would be appropriate.

Chair Hing cautioned the Commissioners against participating in any ex parte conversations regarding this matter as the public hearing had not been closed.

**ITEM 7. CONSENT AGENDA – MEETING MINUTES DATED JANUARY 28, 2015**

Commissioner Gord moved, seconded by Commissioner Tobias, to approve the consent agenda as presented. The motion **PASSED** on the following vote: **AYES:** Commissioner Gord, Commissioner Tobias, Chair Hing, Commissioner Stark and Commissioner Schorger. **NAYS:** None. **ABSENT:** None. **ABSTAIN:** None.

**ITEM 8. PUBLIC COMMENTS**

There was no public comment.

**ITEM 9. COMMISSIONER COMMENTS**

Commissioner Stark had no comments.

Commissioner Gord spoke about every time she received a packet for the meeting she wondered if she was ever going to see the end of the materials. She thought it was interesting that Jefferson High would go from seventh grade to twelfth grade next school year.

Chair Hing said that the packet delivery was not the norm and that she had encouraged delivery of the material as soon as it became available to give the Commission enough time for review of the same.

Commissioner Tobias said that now Edgewater children could attend all the years of grammar school in the City.

Commissioner Schorger had no comments.

Chair Hing said she was thankful for the public process and the number of meeting attendees. She appreciated the work of City Staff.

**ITEM 10. DISCUSSION OF UPCOMING AGENDAS**

It was noted that the next meeting would be held on April 1, 2015.

**ITEM 11. ADJOURNMENT**

There being no further business, Chair Hing adjourned the meeting at [8:48:05 PM](#).

Submitted by:

/s/ Beth A. Hedberg, MMC  
Clerk to the Commission and City Clerk

**Exhibit "A"**

**STAFF REPORT**

To: Planning and Zoning Commission Chair and members of the Commission

From: Patty McCartney, City Planner

Cc: Carmen Beery, City Attorney  
Beth Hedberg, City Clerk  
Dan Maples, Community Services Director

Public Hearing Date and Location: March 18, 2015, 7:00 p.m., Council Chambers  
2401 Sheridan Blvd, Edgewater, Colorado

Applicant/Representative: Nate Ahern  
Highlands Classical Academy

Owner: Vietnamese Baptist Church (Liem Le)  
6400 W. 26<sup>th</sup> Avenue, Edgewater, Co 80214

Subject: Conditional Use Permit

Location of Request: 6400 W. 26<sup>th</sup> Avenue,  
Edgewater, Colorado

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**CONDITIONAL USE PERMIT REQUEST OVERVIEW:**

The applicant, Highlands Classical Academy, is requesting approval of a Conditional Use Permit (CUP) to allow educational use for the property located at 6400 W. 26<sup>th</sup> Avenue. The property is located in the R-1 (Residential, One-Family) zone district and lists educational use as a permitted conditional use.

The applicant has proposed an educational use to allow the Highlands Classical Academy private school in the existing Vietnamese Baptist Church facility. The existing uses of the property includes religious assembly and a daycare preschool program for the Highlands Classical Academy. The proposed school will share the property and buildings with the existing daycare and church uses. The existing administration building will be utilized by the existing church.

With the exception of parking, pedestrian and vehicular circulation site modifications, no additional structures or square footage is proposed for the existing church facility or proposed Highlands Classical Academy.

***Project Description***

The proposed Highlands Classical Academy school program includes the existing daycare preschool and proposed private school. The proposed school is currently 36 students with a proposed enrollment maximum of 90 students. The proposed school

maximum enrollment includes; 56 Kindergarten through 6<sup>th</sup> grade students with 5 staff persons; 16 middle students with 2 staff persons, and 18 high school students with 2 staff persons. The daycare preschool enrollment is currently 24 students with an enrollment maximum of 36 students. The maximum enrollment for the existing daycare preschool program includes; 10 infants, 26 children 3-6 years of age and 3 staff persons. The total maximum enrollment for both the existing daycare preschool program and proposed school is 126 students and 12 staff persons.

Pursuant to Section 16-5-10(c) of the Edgewater Municipal Code ("Code"), educational use is permitted as a conditional use for the R-1 Zone District and such uses may be initiated, permitted and maintained only pursuant to a conditional use permit in accordance with Chapter 16, Article 15 of the Code. The proposed school is an educational use permitted as a conditional use in the R-1 zone district, and requires investigation by the Planning and Zoning Commission and approval by City Council.

**PUBLIC NOTICING:** Hearing on the proposed CUP was publicly noticed in accordance with the public notification requirements outlined in the Code.

**PUBLIC COMMENT:** To date, no written public comments have been received regarding the proposed Conditional Use Permit request. Staff has received several phone inquiries concerning traffic, hours of operation and number of students and staff.

#### **PLANNING AND ZONING COMMISSION REVIEW**

**Eligibility:** Per Section 16-15-10, a conditional use shall only be granted through the Conditional Use Permit process. This review requires an investigation by the Planning and Zoning Commission via a public hearing. Upon completion of the investigation, the Commission shall provide its recommendation considering the criteria listed below to City Council for a final decision.

#### **Criteria:**

Pursuant to Code Section 16-15-30, the Planning and Zoning Commission shall evaluate the conditional use permit pursuant to the following criteria. It is the burden of the applicant to establish by a preponderance of evidence that each of the following criteria are met:

1. The use is designated as a conditional use in the zone district in which it is proposed to be located by either the express terms of the Chapter or pursuant to a written determination issued by the City Manager in accordance with the Code.

**Staff Comment:** The proposed Highlands Classical Academy private school at 6400 W. 26<sup>th</sup> Avenue is located in the R-1 zone district and an educational use is listed as a permitted conditional use in this zone district

2. The use is compatible with the general purpose, goals and policies of the Comprehensive Plan.

**Staff Comment:** The subject proposed educational use is permitted as a conditional use in the R-1 Zone District and is consistent with the general purpose and Community Character and Design goals of the Edgewater Comprehensive Plan.

3. The use will not, under the circumstances of the particular case and conditions imposed, be detrimental to the general health, welfare, safety and convenience of persons residing or working in the neighborhood nor injurious to property or improvements in the community.

**Staff Comment:** The proposed project will impact local streets and circulation with peak traffic times for morning student drop-off, afternoon pick-up and school wide activities. The City Traffic Engineer has reviewed the proposed Parking and Traffic Management Plan provided by the applicant and determined that additional information, revised calculations and circulation improvements are necessary to further evaluate and minimize the traffic and safety impacts to the adjacent streets, residents and neighborhood.

Staff therefore recommends the following **conditions** in relation to this criteria: (1) The applicant shall submit the additional information requested by the City's Traffic Engineering consultant, McDowell Engineering, as set forth in the March 12, 2015 traffic review report signed by Kari McDowell ("Traffic and Parking Plan Review"); and (2) The applicant shall revise its proposed Traffic and Parking Management Plan, dated February 23, 2015, to incorporate the Recommended Ingress and Egress Circulation Plan set forth in the Traffic and Parking Plan Review.

4. The use will be adequately served with public utilities, services and facilities (i.e. water, sewer, electric, schools, street system, fire protection, public transit, storm drainage, refuse collection, parks system, etc.) and will not impose an undue burden above and beyond those of the permitted uses of the district.

**Staff Comment:** The proposed school facility will be located within an existing building with an existing infrastructure and is permitted as a conditional use in the R-1 zone district. A public Rapid Transit Department (RTD) bus stop is located on 26<sup>th</sup> Avenue on the north side of the property.

The sanitary service for the property is provided by the East Jefferson County Sanitation District (EJCSD). The EJCSD has reviewed the proposed use and has requested a sanitary use letter and verification of the existing water meter size to determine that the existing sanitary service is adequate to serve the property. No additional utilities, services and facilities has been identified for the proposed school use or property.

Staff therefore recommends the following **condition** in relation to this criteria: The applicant shall provide all additional information requested by the EJCSD and provide the City with written verification from the EJCSD that sanitary service shall be adequate to serve the proposed conditional use, whether through existing, modified or additional facilities, as determined by the EJCSD.

5. The use will comply with the regulations and conditions specified in this Code for such use.

**Staff Comment:** The subject property is zoned R-1 and the proposed educational use is conditionally permitted in the R-1 Zone District. Additional public street, parking, on-site circulation and sanitary improvements are required to comply with criteria #s 3, 4 and 7.

6. The use is compatible in function and design with the surrounding land uses.

**Staff Comment:** The subject property is zoned R-1 and the proposed use shall utilize existing classrooms and interior square footage of an existing assembly use building. The existing parking lot provides 57 parking spaces and the proposed project will restripe and reconfigure the existing lot to reduce the parking spaces to a total of 51 spaces.

The proposed project includes on-site pedestrian paths and a vehicular circulation plan for the proposed school as further discussed in criteria # 3 and criteria #7. The City's Traffic and Parking Plan Review identifies additional necessary information and traffic circulation plan modifications necessary to ensure that this proposed use is compatible in function with the surrounding residential land uses, which could be materially impacted during peak drop-off and pick-up times by the projected increase in traffic, noise and queuing on the surrounding roadways.

Staff therefore recommends the same **conditions set forth under # 3** above in relation to this criteria.

7. The use will result in efficient on- and off-site traffic circulation which will not have an adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site

**Staff Comment:** The subject property is currently accessed from two existing driveways on 26<sup>th</sup> Avenue and Lamar Street. The applicant has provided a Traffic and Parking Management Plan that utilizes the existing driveways for ingress/egress to the parking lot and student drop-off/pick-up lanes. This plan indicates an increase in traffic to and from the property will be distributed over extended arrival (7:45 to 8:10 am for proposed school and 8:20 to 8:30 am for daycare preschool) and departure times (12:30 pm daycare/preschool and 3:00 and 3:45 pm for proposed school and second pick up for daycare/preschool) during school hours.

The traffic count analysis for the proposed traffic plan indicates that a maximum 15 vehicles (2.5 students per vehicles/36 students) for the existing daycare preschool students and maximum 38 vehicles (2.5 students/90 students) for the proposed school is anticipated at maximum enrollment. The maximum number of 63 vehicles will arrive and depart the property over a 45 minute period resulting in one vehicle per 2 minutes and a total of 19 vehicles would exit onto Lamar Street and 26<sup>th</sup> Avenue at the same rate. The proposed project site plan also provides striped pedestrian paths from the parking lot to the entrance of the school.

The City Traffic Engineer reviewed the proposed Parking and Traffic Management Plan and commented that additional information such as the total facility capacity (i.e. teachers, administrative staff, church staff); student origin/destination analysis; and queue capacity be provided to further evaluate the parking and traffic impacts of the proposed school. The City Traffic Engineer also requested the traffic analysis and calculations to be revised for the additional site use information, use of 1.5 students per vehicle ratio consistent with Denver Metro Area ratio, 25 foot per vehicle queue distance and modify drop-off/pick up assumptions.

The City Traffic Engineer reviewed the proposed vehicular circulation plan and determined that the proposed plan will not adequately accommodate the maximum enrollment of the school and on-site queuing required for the proposed pick-up/drop-off schedule. Based on staff calculations, the current proposed configuration will require staggered drop-off/pick-up times for more than forty (40) students.

Staff recommends the imposition of the **same conditions set forth under # 3** above in relation to this criteria.

The recommended circulation plan revisions includes: construction of a new southbound right in only access approximately 340 feet south of W. 26<sup>th</sup> Avenue; restrict existing 26<sup>th</sup> Avenue access for emergency access only; restrict Lamar Street parking from 7:00 am to 4:00 pm to accommodate southbound vehicle queues on Lamar Street; existing W. 26<sup>th</sup> Avenue driveway access restricted to outbound left and right turns only with prohibited inbound access; restrict on-street parking on south side of 26<sup>th</sup> Avenue for 50 feet from 7:00 am to 4:00 pm; and relocate striped - site pedestrian path on east side of parking lot.

8. Potential negative impacts of the use on the rest of the neighborhood, such as those caused by traffic, activity levels, light, noise, odor, building type or scale, hours of operation and erosion, have been mitigated through setbacks, architecture, screen walls, landscaping, site arrangement or other methods.

**Staff Comment:** The potential negative impacts of traffic and operations of the proposed school to the neighborhood have been discussed in the previous criteria items. Staff recommends the **same conditions set forth under # 3 above** in relation to the potential impacts of traffic, activity levels and noise. Exterior improvements including activity levels for playground areas, lighting or noise is not proposed for the school use and should not negatively impact the adjacent properties and surrounding neighborhood.

#### **PLANNING AND ZONING COMMISSION ACTION:**

After the conclusion of the public hearing, the Planning and Zoning Commission shall provide a recommendation for denial, approval or approval with condition(s) to the City Council indicating whether or not the proposal substantially meets the criteria listed above.