

EDGEWATER PLANNING AND ZONING COMMISSION

RESOLUTION NO. PC 2015 - 03

A RESOLUTION RECOMMENDING CONDITIONAL APPROVAL OF AN APPLICATION FOR A CONDITIONAL USE PERMIT TO LOCATE AN EDUCATIONAL USE AT 6400 W 26<sup>TH</sup> AVENUE, EDGEWATER, COLORADO

WHEREAS, Highlands Classical Academy and its authorized agent Nate Ahern (the "Applicant"), with the consent of property owner Vietnamese Baptist Church (Liem Le), has filed an application for a conditional use permit for an educational use at 6400 West 26<sup>th</sup> Avenue, Edgewater, Colorado (the "Property") to operate a private grammar school on the Property (the "Application"); and

WHEREAS, the Property is located in the R-1 zone district; and

WHEREAS, under the Edgewater Municipal Code ("Code"), an educational use may be conducted in the R-1 zone district as a conditional use; and

WHEREAS, under Article 15 of Chapter 16 of the Code, a conditional use may be conducted only pursuant to a conditional use permit approved by the Edgewater City Council ("City Council"); and

WHEREAS, prior to City Council consideration, the Code requires the Edgewater Planning and Zoning Commission ("Commission") to consider and make recommendation on applications for conditional use permits; and

WHEREAS, after due and proper notice, the Commission conducted a public hearing on the Application on March 18, 2015 and on April 1, 2015, and at such times all interested parties were given the opportunity to be heard; and

WHEREAS, based upon the testimony and evidence received at such hearing, the Commission finds that the Application should be recommended for approval only upon the imposition of certain conditions necessary to satisfy the approval criteria set forth under Code Section 16-15-30, as further set forth in this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF EDGEWATER, COLORADO:

**Section 1.** Findings: The City of Edgewater Planning and Zoning Commission hereby finds that the application filed by Highlands Classical Academy and Nate Ahern, with the consent of Property owner Vietnamese Baptist Church (Liem Le), for a conditional use permit for an educational use at 6400 West 26<sup>th</sup> Avenue, Edgewater, Colorado, to operate a private grammar school on the Property, satisfies the conditional use permit approval criteria set forth under Code Section 16-15-30 only upon the imposition of certain

conditions, as follows:

**Code Section 16-15-30(a):**

- (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.

**Finding:** The proposed educational use is designated as a conditional use in the R-1 zone district.

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

**Finding:** The proposed educational use 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.

**Finding:** The proposed on-site educational use will impact area streets and circulation with peak traffic times for morning student drop-off, afternoon pick-up and school-wide activities. The City Traffic Engineer and the Applicant presented differing testimony concerning the projected impacts of traffic both on-site and on adjacent roadways.

The Commission finds that the Applicant presented credible evidence that, at a carpool rate of 2.1 students/car and with car queue-spacing assumed at 20 feet per vehicle, the proposed use would not be detrimental to the general health, safety, welfare or convenience of persons in the area.

- (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.

**Finding:** The proposed school facility will be located within an existing building with an existing infrastructure. A public Rapid Transit Department (RTD) bus stop is located on 26th 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 or facilities have been identified for the proposed school use.

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

**Finding:** There are no additional regulations or conditions specified in this Code for educational uses.

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

**Finding:** The Property is zoned R-1 and the proposed use will 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 under criteria # 3 above and criteria # 7 below.

The Commission finds that the Applicant presented credible evidence that, at a carpool rate of 2.1 students/car and with car queue-spacing assumed at 20 feet per vehicle, the proposed use would not be detrimental to the general health, safety, welfare or convenience of persons in the area. The Commission further finds that credible evidence was presented that current users of the Applicant's school carpool at a rate higher than the average carpool rate of users of public schools and larger private schools. Conflicting evidence was presented concerning the projected impact of the proposed use on traffic and parking on-site and in the immediately adjacent areas, in particular on West 26<sup>th</sup> Avenue and Lamar Street. The conflicting evidence was primarily the result of each traffic engineer using different baseline assumptions in their respective queuing analysis. Because the conflicting evidence derives from differing assumptions, the Commission finds that it is necessary and appropriate to periodically review this conditional use, if the use is approved, to evaluate the accuracy of the currently-assumed variables and the resulting impact on surrounding land uses.

Therefore, in relation to this criteria, the Commission recommends as a **condition of approval** that the proposed use, if approved, be reviewed and renewed by the Commission every three (3) years. The Applicant shall prepare and file with the City, at least thirty (30) days prior to the Commission's scheduled periodic review, a report prepared by a licensed traffic engineer of parking and traffic on and adjacent to the site

(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

**Finding:** 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.

Conflicting evidence was presented concerning whether the proposed 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, cyclists or vehicles in and around the site. The conflicting evidence was primarily the result of each traffic engineer using different baseline assumptions in their respective analyses. Because the conflicting evidence derives from differing assumptions, the Commission finds that it is necessary and appropriate to periodically review this conditional use, if the use is approved, to evaluate the accuracy of the currently-assumed variables and the efficiency of on- and off-site traffic circulation after the use has had some time to be implemented.

Therefore, in relation to this criteria, the Commission recommends as a **condition of approval** that the proposed use, if approved, be reviewed and renewed by the Commission every three (3) years. The Applicant shall prepare and file with the City, at least thirty (30) days prior to the Commission's scheduled periodic review, a report prepared by a licensed traffic engineer of parking and traffic on and adjacent to the site.

- (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.

**Finding:** The Commission received conflicting evidence of the projected impacts of the proposed use on the rest of the neighborhood in regards to traffic volume, traffic circulation, excessive traffic queuing on adjacent roadways, compromised vehicular and pedestrian safety due to the above and the attendant noise, light and environmental impacts of such increased traffic.

Therefore, in relation to this criteria, the Commission recommends as a **condition of approval** that the proposed use, if approved, be reviewed and renewed by the Commission every three (3) years. The Applicant shall prepare and file with the City, at least thirty (30) days prior to the Commission's scheduled periodic review, a report prepared by a licensed traffic engineer of parking and traffic on and adjacent to the site.

**Section 2. Recommendation:** Based on the foregoing findings, the Commission RECOMMENDS CONDITIONAL APPROVAL of the Application to the City Council, who shall render final decision on the Application in accordance with Code Section 16-15-30(b).

**Section 3.** The Clerk of the Commission is directed to forward a fully-executed copy of this Resolution to the City Council as soon as practical after adoption.

INTRODUCED, READ and ADOPTED this 1<sup>st</sup> day of April, 2015.

*/s/ Karen Hing, Chair*

ATTEST:

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