

**EDGEWATER PLANNING & ZONING COMMISSION
BUSINESS MEETING MINUTES
APRIL 1, 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 [7:00:22 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 Stark moved, seconded by Commissioner Gord, to approve the 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 5. PUBLIC COMMENT (NON-AGENDA ITEMS)

There were no public comments.

ITEM 6. GENERAL BUSINESS – CONTINUATION OF 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
26TH AVENUE**

Chair Hing reviewed the procedures for the conduct of the public hearing. Chair Hing re-opened the public hearing at [7:04:18 PM](#). It was noted that Kari McDowell Schroeder, the City's Traffic Engineer, was stuck in traffic. Applicant Nate Ahern said that they would prefer to continue with the public hearing. The Commission, by consensus, agreed to continue with the public hearing.

Chair Hing accepted into the record the report from McDowell Engineering, Inc. dated March 31, 2015 ("Report").

It was noted that Applicant Nate Ahern was still under oath. Mr. Ahern addressed safety, traffic patterns and assumptions. He reiterated the number of proposed students and the desire to remain a "small" school. Mr. Ahern addressed the re-route as indicated in Ms. McDowell's Report in order to extend the queue length. Mr. Ahern did not agree with the need for the re-route as he testified that: the average number of students per car was 2.1; Community Services Director Dan Maples had observed their car pool rates on March 30, 2015 resulting in 1.7 students per car at their current grammar school location; this was not the official car rate number as the grammar school students were not combined with the daycare students; HCA had an average family size of 2.6 children; the average number of students enrolled at HCA was 2.0; and the queuing length could be increased by an additional fifty feet (50') at the access point to Lamar Street with traffic control provided by staff and parents. Ms. McDowell's assumptions were misguided. Mr. Ahern testified that if the re-route as proposed by Ms. McDowell were approved, there would be: an increase of impact on the neighborhood; the playschool space would be destroyed; natural play space would be reduced; the route would go right by a private home; property values would be decreased; public sentiment was against the re-route; and the current owners stated that they would not allow the re-route. HCA would be willing to have traffic directors in the morning. HCA was excited to be a part of the community.

It was noted that the grammar school and the pre-school were currently at different locations. Discussion was held regarding: parking in the lot and re-stripping the lot.

Chair Hing expressed her discomfort with the Applicant rebuking the City Traffic Engineer's report without her present to defend it. The burden was on the Applicant. Chair Hing explained that conditional use permits ran with the land and not with the Applicant. It was noted that HCA leased space at the property.

Applicant Ahern said that Ms. McDowell had done a good analysis, but that her assumptions were faulty. HCA would be a benefit to the community.

Attorney Berry advised, if the Commission had concerns over adverse impacts, that the conditional use could have reasonable conditions that might include an expiration date or a requirement that it be reviewed at a certain date. The Commission could not evaluate the application on the type of school HCA was but they could tie a condition to the models that were presented.

Kari McDowell Schroder arrived at [7:48:04 PM](#). Chair Hing invited Ms. Schroder to the podium. Ms. Schroder provided information regarding her professional credentials and her previous work performed for the City. She apologized for being late. Ms. Schroder advised that she had worked with the Applicant's Traffic Engineer, Joe Henderson. Ms. Schroder reviewed her Report which included: operational assumptions that she and Mr. Henderson had agreed upon; operational variables that she and Mr. Henderson did not agree upon which included carpool rate and car spacing in a queue; queuing analysis; external roadway impacts; and her recommendations for an ingress and egress circulation plan.

Discussion was held regarding: the difference between drop-off and pick-up; proposed increase in student numbers at Jefferson High School and the effect on traffic on West 26th Avenue; Lumber Elementary students effect on traffic on West 26th Avenue; emergency access on Lamar or Marshall Street; traffic control; and restricting traffic flow with signage.

Chair Hing called for public testimony. It was noted that Joe Henderson was still under oath. Mr. Henderson said he had recently made observations at Stargate Charter School, a school his child attended, and at Nativity Catholic School. Mr. Henderson said he believed that some of the assumptions with respect to queue length, car length and carpool rate could be revised. Mr. Henderson spoke about gridlock and said that two exits could be used at the school to avoid gridlock.

Seasonal effects on traffic was considered.

Clerk Hedberg swore in Clifford Schlecht. Mr. Schlecht provided his professional credentials and noted that his work entailed modeling. Mr. Schlecht said that he had reviewed both traffic reports, had attended the March 18th meeting, and had read the draft minutes. Mr. Schlecht said that modeling was a simplification of a complex system or phenomenon to generate reliable predictions. The modeling they had heard from the engineers included mathematical equations and the geographic layout of the property. Those frameworks worked on various assumptions. Regardless of the model, inaccurate data would give results that did not make a lot of sense. Different models were better used for different types of questions. He believed the question at hand was would the traffic pattern for the property be negatively affected by the Applicant's proposed use. Mr. Schlecht spoke about the relevance of Director Maples' traffic observations and noted that it was a single instance and a different geographic location. Mr. Schlecht referenced previous testimony regarding carpooling numbers. He believed that the 2.1 number should be used. Mr. Schlecht addressed car length. He said that

the Commission could choose either traffic model. He believed that the traffic queue would be accommodated within the space using the assumptions that were based on the school. To rely upon faulty assumptions and data would result in a nonsensical outcome.

It was noted that David Adams was still under oath. Mr. Adams testified that he lived on Marshall Street close to the property. He said that the homes on the Lamar side used the street for parking regularly. He had heard that the parking might be restricted during certain times. He imagined that the residents would be unhappy to have their parking restricted. Mr. Adams said that it was difficult to make a left hand turn onto West 26th Avenue during rush hour. He did not put a lot of stock into models. He believed the Applicant's willingness to work with the neighbors should be taken into account.

Clerk Hedberg swore in Harvey Dickson. He testified that he was a grandfather of five (5) current HCA students. Mr. Dickson said he'd had experience picking up students and it was challenging. HCA had been in four (4) different locations in churches located inside neighborhoods. The school had learned to deal with it. They tried to be good neighbors wherever they were located. He believed HCA was up to the challenge as the parents and grandparents loved the school.

It was noted that Pauline York was still under oath. Mrs. York spoke about the Baptist school on West 26th Avenue and Wadsworth. The traffic was bad and you had to slow down. She had never heard about any accidents. People just needed to be careful. Mrs. York said that she hoped that the Commission approved the application.

Clerk Hedberg swore in Gabriel Rodriguez. Mr. Rodriguez said that he was a parent of two (2) students who had attended HCA for four (4) years. Every time he had dropped-off or picked-up his children, there were always adult supervision guiding traffic along. HCA parents were willing to follow guidelines given to them by the school. They were very passionate about their children's education. They were hoping to bring a caring and nurturing loving community. A vast majority of the parents tried to carpool.

Chair Hing asked Clerk Hedberg read into the record Larry Welshon's email dated March 28, 2015 which is attached hereto and made a part hereof by reference as Exhibit "A".

Clerk Hedberg swore in Andrew Billings. Mr. Billings testified that traffic plans were important. He spoke about the property and its amenities. Mr. Billings spoke about the value of a high quality school coming into the community. Revenue would be generated. He'd heard that HCA was a business that wanted to be accountable to the public. He was convinced in the law of natural consequences. HCA would not be sustainable if it was not a good steward of the environment and the community. He believed that HCA had shown that in other locations. He believed it was a great opportunity for Edgewater. It was not the best and highest use for the property due to

its zoning designation. Mr. Billings was not in support of constructing the ingress from Lamar Street.

It was noted that conditional use permits did not expire.

Clerk Hedberg swore in Hillary Oswald. Ms. Oswald testified that she was the Chair of HCA Board of Directors. She said that the number of students for the next school year was at forty-six (46) grammar school students and twenty (20) preschool students. She noted that eleven (11) of the vehicles Dan Maples had observed at the current location of the grammar school had drove to the property in Edgewater to drop-off their preschool students and that would have affected the carpool rate. Ms. Oswald assured the Commission that staff members would direct traffic and make certain the students entered and exited the building safely. She was a mother of a kindergartner. Ms. Oswald said that HCA was in its fifth (5th) year of operation at four (4) different locations. Their families had been through many transitions. The school community understood the value of putting down roots. Ms. Schroeder had asked how staggered drop-off would be enforced. The parents would do what HCA asked of them. Parents paid tuition and some drove across town to take their students to school. Last year one hundred percent (100%) of their grammar school parents volunteered at the school. They had not calculated that number for the current school year. She appreciated Ms. Schroeder's skepticism but did not share it. HCA would enforce parents parking prior to picking up their students as the students would not be released until the parents parked. Ms. Oswald said that she had almost read the entire 2013 Comprehensive Plan and said that many of the goals listed therein aligned with HCA's application. Two (2) HCA families had indicated interest in purchasing homes in Edgewater. HCA was a four (4) day school. She lived in a neighborhood that had two (2) schools close by. Occasionally she experienced traffic problems but that she did not mind. She loved schools being in her neighborhood and often attended their community events. She asked the Commission to consider the benefits of having HCA in Edgewater such as a boost in economic activity, increased property values, reduced crime rate and the good will that the school could bring.

Director Maples said that the City wanted HCA but needed to be certain all of the correct processes were followed. The conditional use permit ran with the property. City Staff had to look at it as an educational use only and not base their recommendations on the type of school that it was. What was the use going to do to the neighborhood and how would traffic be impacted? Director Maples noted that two (2) of the carpool rate assumption numbers that were used in the Report were supplied by Mr. Henderson from two (2) different schools. If HCA moved out and another school moved in, the carpool rate could change dramatically. The City's goal was to work with applicants but needed cooperation.

Applicant Ahrens expressed HCA's willingness to mirror the pick-up scenario to the drop-off scenario rather than constructing the new drive. He believed either traffic

model supported that this method would eliminate a traffic backup. He said that the property owners would not allow the new drive to be constructed.

Ms. Oswald said that HCA would stagger drop-off to eliminate queueing.

City Planner McCartney said that, pursuant to the Edgewater Municipal Code ("Code"), a conditional use approval would not expire unless a business license had not been issued for the use or a building permit was not issued for the project within one (1) year.

Traffic Engineer Schroder said she was very open to changing up the circulation plan but she wanted to see it in place. Ms. Schroder said she wanted to work with Mr. Henderson but wanted to get the traffic plan in writing. Applicant Ahern said HCA would agreeable to the process.

Ms. Oswald asked that the hearing not be continued as HCA had time commitments.

Chair Hing closed the public hearing at [9:17:42 PM](#).

Chair Hing said that the process had little to do with the school rather it was a use by right. She thought the best way for the Commission to stand behind a decision was to seek contrary evidence. She believed that the Commission had seriously considered both sides of the issue. The community truly supported HCA and their goals. Efforts needed to be taken to assure the long term use of the land. She wanted to give HCA the benefit of the doubt and a chance to demonstrate that their assumptions would work. The Commission, as stewards of the citizens, needed an out. She believed that a traffic review process might be the answer.

Attorney Berry advised that the Commissions' decision should be based on the criteria contained in the Code against the testimony and evidence that they had received. The criteria that the Commission might want to consider placing conditions on were:

- (6) The use was compatible in function and design with the surrounding land uses;
- (7) The use would result in efficient on- and off-site traffic circulation which would not have an adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site; and
- (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, had been mitigated through setbacks, architecture, screen walls, landscaping, site arrangement or other methods.

Items discussed included: setting up a review plan and timeframe; receiving a written traffic circulation plan; voluntary compliance of a condition; recommendations to

Council; monitoring review plans; school growth; changes in the type of school; and appeal process.

Commissioner Gord moved, seconded by Commissioner Schorger, to approve resolution 2015-03, a resolution recommending conditional approval of an application for a conditional use permit to locate an educational use at 6400 West 26th Avenue with the following recommendation as a condition of approval that the proposed use be reviewed and renewed by the Commission every three (3) years with respect to Criteria Six (6), Seven (7) and Eight (8). 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. 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.

Chair Hing congratulated the Applicant and welcomed them to Edgewater.

ITEM 7. CONSENT AGENDA – MEETING MINUTES DATED MARCH 18, 2015

Chair Hing 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. STAFF REPORTS

Traffic Engineer Schroeder asked for direction going forward with respect to general and specific traffic assumptions.

Chair Hing said on a case by case basis. She thanked Ms. Schroeder for her work.

Attorney Beery left the meeting at [10:13:59 PM](#).

a. City Planner

City Planner McCartney reviewed the February Activity Report and Project Tracking Report.

b. Director of Community Services

Community Services Director Maples noted that Anne Ricker had been sent home around 9:00 p.m. Mrs. Ricker had provided some handouts for the next meeting. The meeting schedule was addressed.

c. City Clerk

Clerk Hedberg noted that the Town Cryer now had four hundred and two (402) subscribers.

ITEM 9. PUBLIC COMMENTS

There were no public comments.

ITEM 10. COMMISSIONER COMMENTS

Commissioner Stark commented on how tough it had been to make a decision on the conditional use permit. The property had other tenants and he did not see the traffic snowballing. He did not want to see the property divided with another drive. He thought the Commission came up with a good compromise.

Commissioner Gord said that she did not understand what traffic problems would occur on West 26th Avenue with the addition of the school and the willingness of HCA to address the problems. She referenced traffic at Lumberg Elementary noting that there were no problems. She believed the school would be really good for Edgewater.

Chair Hing spoke about the zoning and the best use of the property. She noted that once their decision had been made, it was made and could not be changed later. She spoke about use by right and the responsibility the Commission owed to the citizens. The burden rested with the applicant. The land would be there longer than individual persons. Ms. Hing noted past practices with land development and the current requirement for applicants to meet with the City Planner prior to the public hearing. It was important for applicants to understand how the Commission came to a decision. Chair Hing said that she believed the Commission had reached a good decision.

Commissioner Tobias remarked on the amount of land at the property and said there was room for more parking. He was impressed by the HCA folks and believed they were sincere. He referenced the Comprehensive Plan. Commissioner Tobias said he was glad that the Commission put some conditions on the approval. Commissioner Tobias spoke about bad reviews on the City's current schools and he hoped that the addition of HCA might improve the City's image.

Commissioner Schorger believed that the Applicant did their due diligence. He felt the Commission did listen to the advice of the City Traffic Engineer. He believed the Commission had made a good decision based on the testimony and evidence. It was a learning experience. Testimony offered by parents had assisted in the decision.

ITEM 11. DISCUSSION OF UPCOMING AGENDAS

The next meeting was scheduled for April 15, 2015.

ITEM 12. ADJOURNMENT

Planning and Zoning Commission
Meeting Minutes
April 1, 2015

There being no further business, Chair Hing adjourned the meeting at [10:38:53 PM](#).

Submitted by:

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

Exhibit "A"

From: Larry Welshon [<mailto:larry.welshon@gmail.com>]
Sent: Saturday, March 28, 2015 9:05
To: Karen Hing
Subject: Thoughts for Continued Meeting RE: Highlands Classical Academy

Madame Chairman and members of the Commission:

I am Larry Welshon; my residence is 2 blocks away from the proposed Highlands Classical Academy in the church at Lamar and 26th. My wife and I have lived here for more than 20 years. I spoke in favor of the HCA use at the first meeting. Unfortunately, I cannot attend the continued meeting.

Sixteen years ago, my little non-profit school (Alpine Valley School) stood before our neighboring Wheat Ridge P&Z and then their Council. To say that Alpine Valley's and HCA's positions are similar is an understatement - they are nearly identical. By working with staff and the Commission my school worked through similar issues that face our City today *vis a vis* the conditional use permit process for this group.

I want to add my voice in support of this conditional use. It seemed to me at the first meeting that the biggest land use issue concerns traffic. I stand with my neighbors on the west side of the property who raised concerns about the queue lane through the open land behind the church. It would be an eyesore and in my opinion, is not needed. My sincere hope is that Edgewater (through the efforts of staff, the Commission and ultimately the Council) will figure out a way to allow this use without causing a small, non-profit school to go into debt or worse for us, to move on to another City.

I know that you must work within the guidelines of the law. My hope is that, to whatever extent independent judgment and/or discretion is open to the Commission, you err on the side of the least restrictive and least costly conditions that are possible so that this small school may open and provide independent schooling for families.

Speaking again as a member of a small, independent school in our neighboring city of Wheat Ridge I can tell you that the chance Wheat Ridge gave to Alpine Valley School in their conditional use process has benefited that neighborhood, just as I expect HCA's operations here to benefit all of us.

Best regards,

Larry Welshon

Larry Welshon
Staff Alpine Valley School
www.AlpineValleySchool.com