

**EDGEWATER CITY COUNCIL
REGULAR BUSINESS MEETING
MINUTES
APRIL 2, 2015**

A regular business meeting of the Edgewater City Council was held in the City Council Chambers.

ITEM 1. CALL TO ORDER

Mayor McNulty called the meeting to order at [7:00:13 PM](#).

ITEM 2. ROLL CALL

City Clerk Beth A. Hedberg called the roll.

Present: Mayor Bonnie McNulty
Councilwoman Laura Keegan
Councilman Todd Riddle
Councilman David Fleck
Councilwoman Myra A. Keeble
Councilman Kristian A. Teegardin
Councilwoman Janet Spangenberg
Councilman Steve Conklin

Absent: None

Also Present: City Attorney Thad Renaud
Community Services Director Dan Maples
City Manager HJ Staf
Police Chief John Hough

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

Councilman Riddle moved, seconded by Councilman Fleck, to approve the agenda as presented. The motion **PASSED** on the following vote: **AYES:** Councilwoman Keegan, Councilman Riddle, Councilman Fleck, Councilwoman Keeble, Councilman Teegardin, Councilwoman Spangenberg and Councilman Conklin. **NAYS:** None. **ABSENT:** None. **ABSTAIN:** None.

ITEM 5. CONSENT AGENDA – MINUTES OF MARCH 5, 2015

Councilman Conklin moved, seconded by Councilwoman Spangenberg, to approve the consent agenda as presented. The motion **PASSED** on the following vote: **AYES:** Councilwoman Keegan, Councilman Riddle, Councilman Fleck, Councilwoman Keeble, Councilman Teegardin, Councilwoman Spangenberg and Councilman Conklin. **NAYS:** None. **ABSENT:** None. **ABSTAIN:** None.

ITEM 6. COMMUNICATIONS FROM THE CITY MANAGER, STAFF, AND BOARDS AND COMMISSIONS

Clerk Beth Hedberg reported that there were now four hundred and two (402) subscribers to the Town Cryer email newsletter service.

Community Services Director Dan Maples provided an update to the Emerald Ash Borer (EAB) Program. Methods of control of EAB were considered. Director Maples provided information on the lead line removal project, paving West 26th Avenue and an asphalt paving plan for 2015. Director Maples said that the Egg Hunt and Dog Treat Hunt were scheduled for Saturday, April 4th beginning at 10:00 a.m.

Police Chief John Hough provided an update on the hiring process and said that they were down to three (3) viable police candidates for three (3) openings. He had applied for a grant for bullet proof vests. He had also applied for a grant with the Fire House Subs grant to purchase another radar unit and preliminary breath test for DUI enforcement. Chief Hough reported on an increase of stolen vehicles and auto burglaries. There was a location in the City that had become a chronic narcotic site. The neighbors were upset. The matter had been discussed with the City Attorney and changes could be made to the nuisance code. Chief Hough provided an update on gang activity. Body cameras and providing safe transaction zones for Craig's List sales were addressed.

ITEM 7. PUBLIC COMMENTS (NON-AGENDA ITEMS)

There were no public comments.

ITEM 8. PROCLAMATIONS

a. Arbor Day April 24, 2015

Mayor McNulty noted that Arbor Day was on April 24, 2015 and that she would sign the proclamation.

b. National Crime Victims' Rights Weeks April 19-25, 2015

Mayor McNulty read the proclamation and presented it to Kathy Kinnard, a VOI Board Member and Jefferson County Deputy Sheriff. Ms. Kinnard said that she had been on

the Board for twenty-three (23) years and that VOI appreciated Edgewater's support. She provided information on the 21st Annual Courage Walk to be held on Saturday, April 25th at the Jefferson County courthouse.

c. Child Abuse Prevention Month April 2015

Mayor McNulty noted that April was Child Abuse Prevention Month and that she would sign the proclamation.

ITEM 9. COLORADO INFORMATION SHARING CONSORTIUM RESOLUTION – DISCUSSION AND POSSIBLE ACTION ON RESOLUTION 2015-05, A RESOLUTION APPROVING THE INTERGOVERNMENTAL AGREEMENT OF THE COLORADO INFORMATION SHARING CONSORTIUM (CISC)

Councilwoman Keegan moved, seconded by Councilman Riddle, to approve Resolution 2015-05, a resolution approving the Intergovernmental Agreement of the Colorado Information Sharing Consortium (CISC) as presented. Membership in CISC was addressed. Attorney Renaud advised that the City already participated in CISC with a non-binding memorandum of understanding. The motion **PASSED** on the following vote: **AYES:** Councilwoman Keegan, Councilman Riddle, Councilman Fleck, Councilwoman Keeble, Councilman Teegardin, Councilwoman Spangenberg and Councilman Conklin. **NAYS:** None. **ABSENT:** None. **ABSTAIN:** None.

ITEM 10. CONDITIONAL USE PERMIT RESOLUTION – PUBLIC HEARING AND DISCUSSION AND POSSIBLE ACTION ON RESOLUTION 2015-06, A RESOLUTION (APPROVING, CONDITIONALLY APPROVING, DENYING) AN APPLICATION FOR A CONDITIONAL USE PERMIT TO LOCATE AN EDUCATIONAL USE AT 6400 WEST 26TH AVENUE

Mayor McNulty reviewed the procedures for the conduct of the public hearing. Mayor McNulty opened the public hearing at [7:30:43 PM](#). City Planner Patty McCartney reviewed her staff report and addendum which are attached hereto and made a part hereof by reference as Exhibit "A". City Planner McCartney summarized the engineering report provided by the City Engineer McDowell Engineering dated March 31, 2015. It was noted that the Planning & Zoning Commission (P&Z) had requested the City's Traffic Engineer and the Applicant's Traffic Engineer to work together to try to come up with a solution.

Clerk Hedberg swore in Applicant Nate Ahern. Mr. Ahern testified that he was Head of School for Highlands Classical Academy ("HCA"). He said they were eager to join the Edgewater Community. One of the primary goals of the school was to foster the beauty of Edgewater, to contribute to the Community and to be a blessing to their neighbors. Mr. Ahern provided information regarding the history of the school and their mission. They were thankful that the P&Z had recommended a conditional approval. It was his understanding that Mr. Henderson and Ms. Schroeder had drafted an agreement with

respect to a parking drop-off and pickup plan which would eliminate traffic concerns. If HCA were to reroute the traffic circulation plan there would be: a cut through the green space; the playschool space would be destroyed; the route would go right between a private home and garage; property values would be decreased; public sentiment was against the re-route; and the current owners stated that they would not allow it.

Clerk Hedberg swore in Traffic Engineer Kari McDowell Schroeder. Ms. Schroeder provided information regarding her professional background and the projects she had worked on for the City. Ms. Schroeder said that she had worked with Joe Henderson of Sustainable Traffic Solutions, Inc., the Applicant's traffic engineer. Ms. Schroeder reviewed the operational assumptions that had been agreed upon which included: students in attendance; internal parking; arrival rate; service rate; pickup/drop-off spaces available; all traffic would circulate in the same queue; and analysis methodology. The areas that could not be agreed upon were the queuing length and the carpool rate. There was no accepted industry standard to support the Applicant's carpool rate of 2.1 students per car. Ms. Schroeder reviewed her queueing analysis and aerial photos showing the available internal queue length. Industry standards and field observations were addressed. Ms. Schroeder recommended that the Applicant present a traffic circulation plan that would address all concerns that accommodated industry standards and what the expectation would be for any school or educational use. Alternative traffic plans had been discussed with Mr. Henderson.

It was noted that field observations were taken at three (3) different sites, one of which was HCA's current location of their grammar school. The average carpool rate was 1.6 students per car.

Councilwoman Keegan spoke about her experiences of dropping off students and said the traffic could be a nightmare. She expressed her concerns over student drivers and traffic exiting on West 26th Avenue. She said that the bicycle lane could be used as a traffic lane which would be dangerous. Councilwoman Keegan said that she did not believe it was practical for parents to park and walk their students into the school as parents wanted to get to work.

Ms. Schroeder demonstrated the Applicant's circulation plan and her circulation plan using the diagram provided by City Staff and magnetic cars. She did not believe the details of the circulation plan had been worked out. She requested that the Applicant submit a traffic plan for her review.

Clerk Hedberg swore in Joe Henderson, a Principal of Sustainable Traffic Solutions, Inc. Mr. Henderson testified that the carpool of rate of 1.6 students per car was very conservative. The Applicant could demonstrate a higher carpool rate if allowed to open. He agreed that a twenty five foot (25') car length was an industry standard. He had observed a student drop-off procedure at Nativity School in Broomfield. It worked like a centipede. The length per vehicles was much shorter than twenty five feet (25') although he did not measure it. Mr. Henderson said that the capacity of the school would be one hundred twenty six (126) students. The current enrollment for HCA was

forty-six (46) grammar school students and twenty (20) preschool students. Mr. Henderson testified that he had seen an email sent by Dan Maples which contained some new calculations from Ms. Schroder that showed the current queue length could accommodate fifty eight (58) students at the conservative carpool rate of 1.6 students per car. Mr. Henderson said 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. If the students were all at one (1) location that would have affected the carpool rate.

School growth was addressed. Mr. Henderson said that HCA projected a ten percent (10%) growth rate over the next three (3) years. A written plan for parking and walking students into the building was in place. The same scenario could be used for picking up students.

Councilman Fleck spoke about his experience in dropping off and picking up his daughter from school and said that not many parents carpooled. Councilman Fleck expressed concerns over student numbers and the potential of growth. He spoke about the possibility of a change in the school in the future.

Reviewing the circulation plan was considered. City Planner McCartney advised that the three (3) year review period was the recommendation of the P&Z.

Councilman Riddle said that he would rather use student numbers than a number of years as a trigger to review the circulation plan.

Ms. Schroeder testified that the exiting conditions of the property and Applicant's current traffic circulation plan would accommodate fifty eight (58) students using the assumptions of 1.6 students per car and a twenty-five foot (25') car length.

Traffic conditions on Lamar Street was discussed.

Mr. Henderson testified that he had been dropping off students for thirteen (13) years at Stargate Academy. He said there were probably rules breakers. The P&Z and had heard testimony from a HCA parent last evening and he had said that parents followed the rules and they valued their students' education.

Mayor McNulty called for public testimony. Clerk Hedberg swore in Gabriel Rodriguez. Mr. Rodriguez testified that, as a parent, the most important thing to him was his children. He had two (2) children who currently attended HCA. He testified as to the quality of education offered by HCA. They were eager to have a long-term collaborative relationship with the City. He would follow any traffic rules and felt that other parents would do so as well. He testified that HCA staff and parents directed traffic at their current grammar school location. Students who attended HCA lived all over the metro area. They wanted to help Edgewater thrive.

Clerk Hedberg swore in Tami Tumbarello. Ms. Tumbarello testified that she had one (1) student who attended HCA and she lived in Edgewater. She had purchased a home in Edgewater last July as she wanted to be close to the school. She believed that other parents would want to move to the City. She would walk her children to school. She did not know whether HCA would get to the one hundred twenty-six (126) student number in the next three (3) years. Parking for drop-off had taken place when their school was at 32nd Avenue and Irving Street and she believed that parents would continue to comply. Parents believed in the education provided by HCA and they would leave five (5) minutes early so that they could park and walk their students in. She believed that the carpool rate would stay consistent as the parents had an average of three (3) students per family. She spoke about observing existing traffic issues on West 26th Avenue.

Clerk Hedberg swore in Pauline York. Mrs. York testified that she believed the parents of HCA were responsible. They knew the rules and would follow them. She referred to other schools in different communities and said that it was normal to slow down around them. She believes the use should be allowed.

Clerk Hedberg swore in Austin Krokos. Mr. Krokos testified that he was a parent whose children attended HCA. He had two (2) students and would carpool with another family if the use was allowed. He had parked and walked his children in at the 32nd Avenue location and would be willing to do so again.

Clerk Hedberg swore in Jason Jones. Mr. Jones testified that he and his wife helped start HCA five (5) years ago. HCA encouraged the students to pursue virtue and beauty. They'd had to make concessions wherever they were located. The track record of the school would support that the parents would abide by the rules. HCA wanted to be a blessing to the community wherever they were located. They wanted to put down roots and to serve the community. The parents and teachers would model that for their children.

Clerk Hedberg swore in Police Chief John Hough. Chief Hough said he would speak from a police perspective and from observing students at the elementary school level. He said that he advocated for the Lamar Street queuing. He spoke about concerns regarding children running to cars in the parking lot but noted that, if parents and staff were supervising students, that issue could be mitigated. If parents did not abide by right turn only signs there would an inherent conflict. There were problems currently with children running to cars at both Edgewater Elementary and Lumberg Elementary. It caused congestion.

City Planner McCartney advised that the condition set by the East Jefferson County Sanitation District (EJCSD) had not been met.

Clerk Hedberg swore in Hillary Oswald. Ms. Oswald testified that she was the Chair of the Board of Directors for HCA and a parent of two (2). She believed that Council should know more about who would be commuting to Edgewater. HCA was in its fifth

year of operation and within that time they had been in four (4) different locations. There were not a lot of real estate options that were affordable and able to accommodate more than a couple of classes. HCA had relocated to accommodate moderate growth in enrollment. Their families had been through many transitions. The school community understood the value of putting down roots and getting geographic stability. Ms. Schroeder had asked how staggered drop-off would be enforced. Ms. Schroeder did not understand HCA parents. They paid tuition and some drove long distances to get their kids to school. Parents saw the opportunity to move into Edgewater as a very good one. 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. HCA would enforce parents parking prior to picking up their students as the students would not be released until the parents parked and entered the building. 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. The data from their small community was not reflected in Ms. Schroeder's assumptions. She believed their sample size was too small and would not adhere to the norms of a larger more generalized sample. HCA was a four (4) day school and in session approximately one hundred forty-five (145) days per year which was fewer than half of the days in a calendar year. She lived in a Denver neighborhood that had two (2) schools close by. Occasionally she experienced traffic problems but she did not mind. She loved schools being in her neighborhood and often attended their community events. She asked the Council 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.

Mayor McNulty closed the public hearing at [9:00:16 PM](#).

Council agreed by consensus that the letter requested by EJCS D be provided by the Applicant.

Councilman Riddle said he believed it would be a balancing act. He had a child which he took to and picked up from school. He abided by the school's rules. He wanted HCA in the community. He wanted some well thought out plans with a couple of alternatives for consideration.

Councilwoman Keegan said she had nothing against HCA. As a parent, she understood the importance of choosing the right kind of education for your children. Council had to look at the safety of children. Councilwoman Keegan said that she had spent years carpooling her children to and from Jefferson County Open School on 10th Avenue with medium traffic. The police had been their several times issuing citations and children had been hit over the years. West 26th Avenue had existing heavy traffic. Parents want to hurry and get to work. They have other things on their minds. Angry people are going to drive in the bicycle lane. A good balance and a safe plan needed to be found. No one would ever want even a single child to be hurt. She would encourage a rule for parking and walking the students into the school or to re-route the traffic.

Councilwoman Keeble said that the process felt rushed as Council had just received the addendum to the staff report that evening. She would like to see the engineers work something out and bring it back before Council. It sounded doable.

Councilman Fleck said that Council had a solution before them that would solve immediate needs for fifty-eight (58) students. It was important to acknowledge that it was the Applicant's job to analyze whether or not what was proposed was successful.

Councilwoman Spangenberg agreed that she felt rushed by reasons as stated by others but she also believed it would be a wonderful addition to the community. Council needed to base their decision on the evidence and testimony.

It was noted that the application could be approved with conditions.

Councilman Teegardin stated that there were discrepancies between staff numbers and the Applicant's numbers. He believed the immediate needs were satisfied. He was concerned about growth. He would like to see more vetting between staff and Applicant. Councilman Teegardin recommended conditional approval with a one (1) year review and a submittal of real time growth each year and a projection for the next year. He worked by Saint Peter and Paul's and he spoke about traffic queueing at that school. He expressed safety concerns of queues on public streets.

Councilman Conklin thanked the parents for speaking about their passion for HCA. He was concerned about safety in general which extended to West 26th Avenue. The road was challenging on a good day. Council got bogged down in traffic. He would be comfortable if a condition was placed that would limit enrollment to fifty-eight (58) students and that another plan be put into place if HCA grew beyond that number.

Councilman Riddle said he was in agreement. He would rather the Council use enrollment numbers rather than a date for review.

Attorney Renaud advised that the draft resolutions before them did not have the appropriate language in it for approval that evening. Council could come up with conditions that they agreed upon and he could re-draft the resolution and bring it back to Council at their next meeting for approval.

Discussion was held regarding: triggers for review if Council received concerns from Police Chief Hough and neighborhood input on traffic; the need for the Applicant to submit the letter to EJCSD; limiting enrollment numbers; and making a finding on what evidence would be accepted.

Council, by consensus, agreed to limit the student numbers to fifty-eight (58), to accept the carpool rate assumption of 1.6 students per car, to allow right hand turns only onto West 26th Avenue, to use the Applicant's School Site Plan and Drop Off Queue Storage plan dated March 18, 2015, to require the Applicant to submit the letter to EJCSD, and

to provide an opportunity for expansion by allowing the Applicant to make another application in the future.

Councilman Teegardin moved, seconded by Councilman Conklin, to table Resolution 2015-06 to the Council meeting to be held on April 16, 2015 to allow the City Attorney to draft the conditions of approval as discussed. The motion **PASSED** on the following vote: **AYES:** Councilwoman Keegan, Councilman Riddle, Councilman Fleck, Councilwoman Keeble, Councilman Teegardin, Councilwoman Spangenberg and Councilman Conklin. **NAYS:** None. **ABSENT:** None. **ABSTAIN:** None.

Mayor McNulty thanked everyone and welcomed HCA to Edgewater.

ITEM 11. GENERAL BUSINESS

There was no general business to discuss.

ITEM 12. PUBLIC COMMENTS

There were no public comments.

ITEM 13. MAYOR AND COUNCIL COMMENTS

Councilman Teegardin said the old classical Greek version of virtue meant prowess on the battlefield and he was going to ask the Applicant if they were going to start sacking the neighborhood.

Councilman Fleck had no comments.

Councilwoman Keegan had no comments.

Councilwoman Keeble said she was pleased to hear about the lead line cost sharing idea.

Councilwoman Spangenberg had no comments.

Councilman Riddle said he believed that Council worked well together. They could agree to disagree. He thought that the Council retreats helped. Their intention was in the right place

Councilman Conklin had no comments.

Mayor McNulty had no comments.

ITEM 14. BUSINESS MEETING ADJOURNMENT

There being no further business, Mayor McNulty adjourned the meeting at [9:37:42 PM](#).

Council Special Business Meeting Minutes
April 2, 2015

Submitted by:

/s/ Beth A. Hedberg, MMC
City Clerk

Exhibit "A"

STAFF REPORT

To: Mayor McNulty and Members of the City Council
From: Patty McCartney, City Planner
Cc: Carmen Beery, City Attorney
Beth Hedberg, City Clerk
Dan Maples, Community Services Director
Public Hearing Date and Location: April 2, 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. 26th Avenue, Edgewater, Co 80214
Subject: Conditional Use Permit
Location of Request: 6400 W. 26th Avenue,
Edgewater, Colorado

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. 26th 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 6th 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 AND COMMENT: Hearing on the proposed CUP was publicly noticed in accordance with the public notification requirements outlined in the Code.

To date, staff has not received written comments. 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 in writing to City Council for a final decision.

The Conditional Use Permit was reviewed by the Planning and Zoning Commission at the March 18, 2015 public hearing. The applicant provided additional traffic analysis from Sustainable Traffic Solutions, Inc. (dated March 18, 2015) and the City Traffic Engineer requested additional time to work with the applicant on the parking and traffic plan (e-mail dated March 18, 2015). The Commission continued the Conditional Use Permit to April 1, 2015 and their recommendation will be provided at the City Council public hearing.

CONDITIONAL USE PERMIT CRITERIA:

Pursuant to Code Section 16-15-30, City Council 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. 26th 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 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 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 26th 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 26th 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. 26th Avenue; restrict existing 26th 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. 26th Avenue driveway access restricted to outbound left and right turns only with prohibited

inbound access; restrict on-street parking on south side of 26th 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.

STAFF REPORT: ADDENDUM

To: Mayor McNulty and Members of the City Council
From: Patty McCartney, City Planner
Cc: Carmen Beery, City Attorney
Beth Hedberg, City Clerk
Dan Maples, Community Services Director
Public Hearing Date and Location: April 2, 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. 26th Avenue, Edgewater, Co 80214
Subject: Conditional Use Permit
Location of Request: 6400 W. 26th Avenue,
Edgewater, Colorado

PLANNING AND ZONING COMMISSION REVIEW

The Conditional Use Permit was reviewed by the Planning and Zoning Commission at the March 18, 2015 public hearing. The applicant provided additional traffic analysis from Sustainable Traffic Solutions, Inc. (dated March 18, 2015) and the City Traffic Engineer, McDowell Engineering LLC requested additional time to work with the applicant on the parking and traffic plan (e-mail dated March 18, 2015). The Commission continued the Conditional Use Permit to April 1, 2015.

The City Traffic Engineer collaborated with STS as requested by the Planning and Zoning Commission and presented the attached report from McDowell Engineering (dated March 31, 2015) at the April 1, 2015 Planning and Zoning Commission meeting. The City Traffic Engineer report includes: agreed upon operational assumptions; operational variables not mutually agreed upon; external roadway impacts; queueing analysis; and City Engineer recommended ingress and egress circulation plan.

The City Traffic Engineer report also identifies a best estimation of queue lengths expected for the proposed school use (maximum total student enrollment of 126 students, carpool rate of 1.6 students per car and 25 foot vehicular queue length) will require a 625 foot queue length at peak drop off/pick up times. Using the best estimation queue length model, the applicant's Traffic Engineer has requested the carpool length be calculated at 2.1 students per car resulting in a 325 foot queue length at peak drop off/pick up times. The proposed parking and traffic circulation plan provides an internal vehicular queue length of 250 feet to 275 feet.

The City Traffic Engineer recommended the following Ingress and Egress Circulation Plan: existing Lamar Street access restricted to emergency access only; construction of a new southbound right, ingress only access drive aisle approximately 340 south of W. 26th Avenue that connects to the on-site existing administration building access drive; new drive aisle from

Lamar Street minimum 20 foot wide paved surface with one-way access; restricted parking on east of Lamar Street from 7:00 am to 4:00 pm; 26th Avenue restricted to outbound right turn only and prohibited inbound access; on-street parking restricted on south side of W. 26th Avenue from 7:00 am to 4:00 pm; internal circulation to remain similar to proposed plan in the north parking area; pedestrian crosswalk located at the existing main building entrance curb to the opposite side of drive aisle.

PLANNING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission recommended approval of the Conditional Use Permit with the condition 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 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.

STAFF RECOMMENDATION:

The City Traffic Engineer has determined in the attached analysis dated April 2, 2015 that the existing on-site vehicular queue length will not be adequate at the time of enrollment of 58 total students. Therefore, Staff recommends that the City Traffic Engineer's best estimation of queue lengths including the 1.6 students per car variable is appropriate for the proposed educational use and the recommended Ingress and Egress Circulation Plan in the attached report dated March 31, 2015 shall be constructed and implemented at the time of the enrollment of 58 total students.