

**EDGEWATER PLANNING & ZONING COMMISSION  
BUSINESS MEETING MINUTES  
AUGUST 26, 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 [7:00:03 PM](#).

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

**Absent:**                       Commissioner Adam Schorger

**Also Present:**             City Attorney Carmen Beery  
                                      City Planner Patty McCartney

**ITEM 2.     ROLL CALL**

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

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

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

There were no public comments.

**ITEM 6.     GENERAL BUSINESS**

- a. **Public Hearing and Discussion and Possible Action on Resolution 2015-04, a Resolution (Approving, Conditionally Approving, Denying) an Amendment to the Site Development Plan for 2501**

### **Sheridan Boulevard, Edgewater, Colorado, to Construct an Outdoor Patio, Roof Top Deck and Associated Improvements**

Chair Hing reviewed the procedures for the conduct of the public hearing. Chair Hing opened the public hearing at [7:02:55 PM](#). City Planner, Patty McCartney, reviewed her staff report which is attached hereto and made a part hereof by reference as Exhibit "A".

Clerk Hedberg swore in Applicant Grant Babb. Mr. Babb thanked the Commission and expressed his desire to reach a solution that was right for everyone especially the community. He testified that he would be willing to comply with the conditions as proposed in the staff report. Mr. Babb expressed his desire to retain the ten foot (10') fence due to the cost of the initial approval but said that they would comply with the fence regulations. Mr. Babb said that they intended to put in a sprinkler system. Mr. Babb confirmed that there would be no audible music on the rooftop patio.

Discussion was held regarding height of sound barrier wall and back patio fence and quality of building materials.

Chair Hing thanked Applicant Babb for his cooperation throughout the process.

Public comment was called for. Clerk Hedberg swore in Caroline High. Ms. High testified that she was the backyard neighbor to the brewery. She had not gotten the opportunity to thoroughly review the latest set of plans that had been submitted. She noted that the rooftop patio area had been expanded since the last time she had seen plans. She was concerned about the walkway and possible patron use. Ms. High expressed concerns over noise impacts and the recent sound study.

Clerk Hedberg swore in Pauline York. Mrs. York said that she hoped the Commission would approve the application as it would be an asset for Edgewater. She spoke about urban noise and what should be expected from someone living next to commercial properties.

Clerk Hedberg swore in Jared Hertig. Mr. Hertig testified that he had been a resident of the City for nine (9) years. He spoke about the noise caused by Sheridan Boulevard and the expectations of living next to an urban corridor. Mr. Hertig said that he liked the restrictive hours for the patio and he thought the project was great.

Ms. High testified that she was not against the brewery and the rooftop expansion. She wanted to make sure that development in the community was made by informed decisions. She noted that the plans that had been provided with the public hearing notice were not the most current plans.

Clerk Hedberg provided Ms. High with a copy of the current plans and noise study.

Applicant Babb said that they wanted to maintain peace of mind for the residents. He addressed the sound study and modeling. Mr. Babb reiterated that the back patio would be eliminated.

The noise study, height of back patio fence, panic door, rooftop patio hours, timing of project completion and review of construction plans were considered.

Chair Hing closed the public hearing at [7:51:57 PM](#). The Commission began their deliberations.

Commissioner Gord moved, seconded by Commissioner Tobias, to direct the City Attorney to prepare a resolution conditionally approving an Amendment to the Site Development Plan for 2501 Sheridan Boulevard with the following conditions:

1. The roof top deck area shall only operate between the hours of 11 a.m. to 10 p.m.
2. The rear yard outdoor area shall not be enclosed by a ten foot high fence and all fencing shall comply with the maximum fence height requirements of the City Code.
3. The ground level rear yard outdoor area shall be redesigned to the original loading area and parking spaces of the approved SDP and shall not be utilized as an expanded business or public use area.
4. Outdoor storage shall not be permitted.
5. The sound barrier wall on the roof top deck shall be constructed of a fiber-cement exterior siding product such as HardiePanel with a density greater than 80 pounds per cubic foot and shall have no gaps between panels so that the wall provides a contiguous solid surface to block sound.
6. The sound barrier wall shall measure eleven feet (11') in height *excluding* any trellis or other detailing that may exceed the height of the solid wall.
7. Access to all emergency egress routes from the roof top deck shall be controlled by an emergency-only, alarm-activating, restricted access door, with emergency access hardware approved by the City building official and Wheat Ridge Fire Protection District.

The motion **PASSED** on the following vote: **AYES:** Commissioner Gord, Commissioner Tobias, Chair Hing and Commissioner Stark. **NAYS:** None. **ABSENT:** Commissioner Schorger. **ABSTAIN:** None.

The Commission thanked Applicant Babb. It was decided, by consensus, to schedule a meeting on September 2, 2015 to approve a resolution containing the findings reached after the conclusion of the public hearing conducted that evening.

**b. Applicant Interview(s) and Discussion and Possible Recommendation of Appointment to Vacancy for Term #1**

Chair Hing noted that one (1) application had been submitted for the vacancy and that it was submitted by Nathan Stark. She did not believe it necessary to interview him. Commissioner Stark said that he had learned a lot while on the Commission. He would like to continue to serve if the Commission would have him.

Chair Hing said that she was grateful that Commissioner Stark submitted his application as he was a strong member of the Commission. She was very glad he was willing to continue to serve.

Commissioner Gord moved, seconded by Chair Hing, to recommend to Mayor McNulty the appointment of Nathan Stark to term #1. The motion **PASSED** on the following vote: **AYES:** Commissioner Gord, Commissioner Tobias, Chair Hing and Commissioner Stark. **NAYS:** None. **ABSENT:** Commissioner Schorger. **ABSTAIN:** None.

**ITEM 7. CONSENT AGENDA – MEETING MINUTES DATED AUGUST 5, 2015**

Commissioner Stark 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 and Commissioner Stark. **NAYS:** None. **ABSENT:** Commissioner Schorger. **ABSTAIN:** None.

**ITEM 8. PUBLIC COMMENTS**

There were no public comments.

**ITEM 9. STAFF REPORTS**

**a. City Planner**

City Planner McCartney said that staff was on track for the parking discussion to be held on September 16th. She noted that the Moore Subdivision Final Plat approval would be before Council on September 3<sup>rd</sup>.

City Attorney Beery said that staff, including City Planner McCartney and Traffic Engineer Carrie McDowell, were doing a really good job putting together information for the parking discussion.

**b. Director of Community Services**

Director Maples was not present.

**c. City Clerk**

City Clerk Hedberg provided an update on the November 3, 2015 election. She had recently certified the sufficiency of petitions that had been submitted by candidates for the office Mayor and City Council members.

**ITEM 10. COMMISSIONER COMMENTS**

A brief discussion was held on having a Council member representative present at the Commission meetings.

There were no further comments.

**ITEM 11. DISCUSSION OF UPCOMING AGENDAS**

The next business meeting would be held on September 2<sup>nd</sup>. A work session had been scheduled for September 16<sup>th</sup>.

**ITEM 12. ADJOURNMENT**

There being no further business, Chair Hing adjourned the meeting at [8:22:00 PM](#).

Submitted by:

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

Exhibit "A"

**STAFF REPORT: THIRD ADDENDUM**

To: Karen Hing, Planning & 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: August 26, 2015 at 7:00 p.m., Council Chambers  
2401 Sheridan Blvd, Edgewater, Colorado

Applicant/Representative: Grant Babb  
GDB Holdings LLC, dba Joyride Brewing Co.  
2501 Sheridan Boulevard, Edgewater, CO 80214

Owner: Atlas Real Estate Group  
2345 7<sup>th</sup> Street, Denver, CO 80211

Subject: Site Development Plan Amendment

Location of Request: 2501 Sheridan Boulevard  
Edgewater, Colorado

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**THIRD ADDENDUM SUMMARY:**

On July 1, 2015, the Planning and Zoning Commission continued the proposed Site Development Plan (SDP) Amendment hearing for the Joyride Brewery located at 2501 Sheridan Boulevard to July 29, 2015. The applicant requested the continued hearing extended to August 26, 2015 to allow additional time to prepare revised SDP Amendment to address the City's Noise Ordinance requirements and Design Standards.

The Applicant has provided a SDP Amendment Resubmittal Description (Attachment N), Noise Impact Analysis Report (Attachment O), AZEK building product information (Attachment P) and revised Site Development Plan Amendment (Attachment Q). The revised proposed SDP Amendment modifications includes:

- Removal of ground floor patio area for public use and replaced with grain storage and employee break area.
- Roof top patio square footage increased from 1,500 square feet to 2,219 square feet
- Removal of rooftop patio speakers
- Increase height, width and design of rooftop patio wall to an eleven (11) foot wall along the north and west side of the roof top patio area.
- Fully enclosed stairway from first floor to rooftop patio area.
- Rooftop patio trellis and railing material wrapped with a plastic/pvc material painted to match the color of the existing stucco (Attachment P).

**PLANNING AND ZONING COMMISSION REVIEW**

**Eligibility:** Per Sections 17-4-40 and 17-4-90, a change to an approved SDP requires a Planning & Zoning Commission Review and a resolution for approval, approval with conditions or denial of the application.

**Review Criteria:** In its review, the Commission shall consider the criteria listed in the June 3, 2015, July 1, 2015 and August 26, 2015 staff reports and addendum staff reports and the following updated criteria items:

1. Whether all applicable provisions of this Code have been met.

**Staff Comment:** The proposed SDP Amendment property is located in the C-1 Zone District and indoor storage of materials incidental to the principal commercial use of the building is permitted as a Conditional use. Outdoor storage is not listed as a permitted use in the C-1 Zone District.

On March 18, 2015, pursuant to Code Section 17-4-10(a)(1), the applicant obtained a conditional Board of Adjustment (BOA) approval of the 10 foot high fence to enclose the rear yard outdoor patio area for the expansion of the existing brewery business. The condition of approval states "That the Applicant, within one hundred twenty days of the date of this decision, obtain City approval of an SDP amendment that permits the location of a rear yard patio in the area proposed to be bounded by the ten foot fence." The SDP Amendment public hearing occurred within one hundred twenty days of the BOA decision. The revised proposed project has eliminated the rear yard patio area expansion and is not consistent with the Board of Adjustment decision of approval.

2. Whether the project is compatible with the Design Standards.

**Sheridan Boulevard Design Standards**

*B8. Exterior Building Materials.* The existing building materials and architecture includes stucco walls with brick detailing and aluminum or painted metal clad windows and doors. The revised roof top deck design materials include a stucco wall with brick cap topped detail and wood trellis system and railing wrapped with a plastic/pvc composition material painted to match the color of the stucco wall.

The revised roof top deck and exterior building materials of the proposed SDP Amendment is compatible with the City of Edgewater Design Standards.

3. Whether the following are arranged so that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, adequate fire protection can be provided and adverse impacts on adjacent property, including noise, glare, odors, vibration and fumes, are mitigated or eliminated.

**Staff Comment:** Below is a discussion of how the proposed revised SDP Amendment addresses traffic congestion, safety and welfare, and potential impacts on adjacent properties.

- a) **Location of buildings, structures and improvements:** The proposed construction of the roof top patio deck, roof top access and ground level outdoor patio area expansion, building and site improvements for the existing brewery may adversely impact adjacent properties.

*Noise.* An updated Joyride Brewing - Noise Impact Analysis Report (Noise Report) prepared by D.L. Adams Associates (Attachment O) dated August 5, 2015 provides further analysis of the proposed SDP Amendment ground level outdoor patio and roof top patio and evaluates the proposed project compliance with the City Noise Ordinance. The Noise Report identified the adjacent noise receptor locations (A through E) and analyzed these locations to measure existing data and model noise impacts of the proposed project.

The revised Updated Noise Report determined the existing noise measurements (Table 1) between the hours of 6:00 pm and 9:00 pm and model noise measurements (Table 3). The modeled noise measurements were created by a 3D model mapping program based on the environment, noise source and receiver locations. The modeled noise measurements and analysis of the previous SDP Amendment design did not meet the requirements of the Noise Ordinance.

The Noise Study recommended design modifications to mitigate noise impacts of the proposed project including non-public use of outdoor patio area, no music loudspeakers on the roof top deck, increase the wall height of the roof top deck a minimum of 11 feet above the finished deck surface, and enclose the stairwell access from the interior of the business to the roof top deck. The noise model analysis (Table 6) with the recommended noise mitigation determined that the proposed revised SDP Amendment would meet the Noise Ordinance requirements.

Updated Noise Report Table Summary:

Measurement Location	Site Measured Noise Level (Table 1)	Modeled Noise Level (Table 3)	Modeled Baseline Level of Revised Proposed SDP Amendment (Table 6)	Maximum Allowable Noise Level (7 am to 10 pm)
A	56	56	56	56 (background)
B	57	57	57	57 (background)
C	66	66	66	66 (background)
D	69	68	68	68 (background)
E	61	62	62	65

Pursuant to Section 10-14-10 (d) (3) of the Edgewater Municipal Code (Code), "When it is determined that the background sound pressure level at receptor premises equals or exceeds the maximum allowable sound pressure level specified in Table A, then the background sound pressure level is the standard that cannot be exceeded by the noise source". Table A of the Code Section 10-14-10 states the maximum decibel levels of residential premises receptor at 55 for 7am – 10pm and 50 for 10pm – 7am. Legal staff interpretation of this Section of the Code determined that the background sound pressure level includes all background noise sources and the maximum decibel level of any noise source shall be applicable.

The proposed SDP Amendment has been modified to include the recommended noise mitigation design elements and the revised proposed SDP Amendment will not adversely impact adjacent properties.

*Lighting.* Additional lighting for the proposed expanded roof top deck, stairways and building will increase the potential glare impacts to adjacent properties. The photometric plan of the project site shows the location of proposed lighting for the rooftop deck area and existing building with no lighting for the ground level outdoor patio area. The lighting levels on the north and west side of the property will have minimal glare impacts to adjacent residential and commercial uses. The lighting levels at the southeast corner of the building includes the rooftop deck, street lights and exterior lighting along Sheridan Boulevard and 25<sup>th</sup> Avenue. The glare impacts of the proposed lighting will not adversely impact the adjacent streets or surrounding properties.

**PLANNING AND ZONING COMMISSION ACTION:**

After the conclusion of the public hearing, the Planning and Zoning Commissioners may approve or conditionally approve the SDP application finding it substantially meets the criteria, or deny the application finding it does not substantially meet the standards listed above and in the Staff Report dated June 3, 2015 and Addendum Staff Reports dated July 1, 2015.

The Commission's decision must be rendered by adoption of a Resolution. Legal staff has provided resolutions appropriate for any decision available to the Planning and Zoning Commission. To act, the Planning and Zoning Commission should "Move to approve [read the title of the appropriate Resolution]."

**STAFF RECOMMENDATION:**

Staff recommends either of the two (2) following options, both of which staff believe to be supported by the evidence available at the time this report was prepared:

1. Denial. Staff recommends denial of the SDP Amendment request to allow the proposed expansion of the Joyride Brewery located at 2501 Sheridan Boulevard as it is the design and proposed uses does not meet the allowed uses and fence height requirements of the Code nor substantially meet all of the approval criteria.

OR

2. Conditional Approval. Staff recommends approval of the SDP Amendment request to allow the proposed expansion of the Joyride Brewery as it substantially meets the standards of the SDP approval criteria with the following conditions:

8. The roof top deck area shall only operate between the hours of 11 a.m. to 10 p.m.
9. The rear yard outdoor area shall not be enclosed by a ten foot high fence and all fencing shall comply with the maximum fence height requirements of the City Code.

10. The ground level rear yard outdoor area shall be redesigned to the original loading area and parking spaces of the approved SDP and shall not be utilized as an expanded business or public use area.
11. Outdoor storage shall not be permitted.