

EDGEWATER PLANNING AND ZONING COMMISSION

RESOLUTION NO. PC 2016 - 02

A RESOLUTION APPROVING A SITE DEVELOPMENT PLAN FOR AN OUTDOOR PATIO AT 5224 WEST 25TH AVENUE, EDGEWATER, COLORADO.

WHEREAS, the City of Edgewater, Colorado (“City”) has received an application and related documents from Max Mackey, on behalf of Coda Coffee (the “Applicant”), with the consent of Edgewater Partnership, LLC, as the owner of the subject property, for a site development plan to locate an outdoor patio area adjacent to and for the use of the existing retail coffee shop located at 5224 West 25th Avenue, Edgewater, Colorado (the “Application”); and

WHEREAS, 5224 West 25th Avenue, Edgewater, Colorado (the “Property”) is located within the C-1 zone district; and

WHEREAS, the Application proposes to convert an existing outdoor area that is underutilized into a furnished patio area for the use of the coffee shop’s patrons; and

WHEREAS, pursuant to Edgewater Municipal Code (“Code”) Sections 17-4-10(b) and 17-4-40, the Application must be reviewed by the Edgewater Planning and Zoning Commission (the “Commission”); and

WHEREAS, pursuant to and in accordance with Code Section 17-4-40(c) and (d), the Commission conducted a public hearing on the Application on February 3, 2016, after due and proper public notice was provided, at which time the Applicant and all other interested parties were given the opportunity to be heard; and

WHEREAS, based upon the testimony and evidence received at such hearing and after its consideration of the approval criteria set forth in Code Section 17-4-40(e), the Commission finds that the Application should be approved, as 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 to locate an outdoor patio area adjacent to and for the use of the existing retail coffee shop located at 5224 West 25th Avenue, Edgewater, Colorado, as specified in the Land Use Application for a Site Development Plan, signed by Mr. Mackey on December 16, 2015, together with all associated maps, plats, letters of intent, documents and materials submitted by the Applicant in support of said application and considered by the Commission on February 3, 2016, satisfies the approval criteria set forth in Code Section 17-4-40(e), based upon the following findings related thereto:

Code Section 17-4-40(e)

(1) Whether all applicable provisions of the *Edgewater Municipal Code* have been met.

The Property is located in the C-1 zone district. The proposed patio use satisfies all Chapter 16 zoning criteria as follows:

	C-1 Zone District Requirements	Existing/Proposed
Land Use	Commercial	Service and residential uses (existing)
Lot Area	None	6,450 SF (existing)
Lot Width	None	44.5' (existing)
Front Yard Setback	None	0' (existing)
Side Yard Setback	None	0' (existing setbacks)
Rear Yard Setback	15'	Varies: 29.5' & 79.5' (existing building)
Fence	6' Maximum	6' and 4' (existing)
Building Lot Coverage	50% Max.	47% (existing/proposed)

(2) Whether the project is compatible with the Design Standards, if applicable.

The Property is subject to the 25th Street Design Standards. The proposed outdoor patio area is consistent with the following applicable 25th Avenue Design Standards: A2, concerning setbacks and build-to lines (the SDP will not violate setbacks or change the existing build-to line); A5, concerning exterior building materials (the patio will not modify the material of the street-facing frontage walls or the existing walls enclosing the area); and A9, concerning outdoor dining-canopies, railings, lighting (the patio is located in an open area located on the southwest side of the building and is not visible from 25th Avenue).

(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.

a) Location of buildings, structures and improvements:

Noise. The project, like any other proposed or existing condition within the City, is required to comply with the City's existing noise regulations and limitations, codified as Article 14 of Chapter 10 of the Code. In an effort to ensure such compliance, the Application stipulates to the following limitations on the new patio use: no amplified noise of any type or source shall be permitted; access to and use of the patio shall be limited to the hours between 7 a.m. and sunset each day; and the existing six-foot wood fence and garage wall that currently screen the area shall remain and be properly maintained in accordance with the Code.

The Commission finds that these limitations on the proposed use, submitted and proposed by the Applicant as a part of the Application, are likely to mitigate or

eliminate the potentially adverse impacts the outdoor patio may have on adjacent property in regards to noise.

Glare. No new exterior lighting is proposed (the Commission did not consider the proposed fire pit to be a significant new exterior light source). The Commission therefore finds that the patio is unlikely to adversely affect adjacent properties with glare, so long as no new light sources are subsequently added. The Commission therefore incorporates this voluntary limitation into its findings as an absolute requirement: no new exterior artificial light sources shall be located in, around or above the patio area without the approval of an SDP amendment, which amendment may be administratively processed in accordance with Code § 17-4-90(1).

Odors, vibrations and fumes. The Commission finds that the proposed outdoor patio use is unlikely to produce odors, vibrations or fumes of any significance and, therefore, these impacts are unlikely to occur.

b) Vehicular ingress and egress:

The proposed patio area is not currently used for vehicular purposes; the project is therefore unlikely to impact vehicular ingress and egress.

c) Internal vehicular circulation:

The proposed patio area will not eliminate any existing parking spaces or driveways. The project is therefore unlikely to impact internal vehicular circulation.

d) Setback lines:

The proposed outdoor patio will not affect the setback lines of the Property, which currently comply with the Code.

e) Height of buildings:

The proposed project will not modify the existing building.

f) Service facilities:

The City Engineer has concluded that the Property will be adequately served with little impact to the existing infrastructure.

g) Walls:

There are no retaining walls or fencing proposed by the Application.

h) Open space and landscaping:

The proposed patio will maintain existing landscaping and replace existing gravel with pavers. The amount of open space will not be greatly modified by the project. It will therefore cause little impact to adjacent properties.

i) Sidewalks:

No changes to the existing location or size of the sidewalks are proposed.

(4) Whether proposed signs will interfere with traffic or limit visibility.

The proposed project does not include any signs and will therefore not interfere with traffic or limit visibility.

(5) Whether water and sewer systems are adequate to serve the project.

The Community Services Director and City Engineer have reviewed the SDP application and has no concerns regarding the water or service lines.

(6) Whether storm water runoff problems are compounded because of the project.

The patio area and landscape pavers will provide positive drainage from the existing building. The project is therefore unlikely to compound any storm water runoff problems.

(7) Whether curb cuts onto arterial and collector streets will be kept to a minimum and placed in safe locations.

The SDP does not propose any new curb cuts.

Section 2. Decision: Based on the foregoing findings, the Commission hereby APPROVES the Application, with the following limitations on the new proposed use, as proposed and presented by the Applicant, made an express and absolute requirement of the outdoor patio use under this SDP: (1) no amplified noise source of any kind shall be permitted in the outdoor patio area, including but not limited to sound projected through speakers or microphones, recorded or live music, portable devices that project or reproduce sound and any other method or manner of artificially amplifying or altering noise; (2) access to and use of the patio shall be limited to the hours between 7 a.m. and sunset each day; (3) the existing six-foot wood fence and garage wall that currently screen the area shall remain and be properly maintained in accordance with the Code, or be replaced with solid barriers of equal height if the same are ever removed; and (4) no new exterior artificial light sources shall be located in, around or above the patio area without the approval of an SDP amendment, which amendment may be administratively processed in accordance with Code § 17-4-90(1).

INTRODUCED, READ and ADOPTED this 3rd day of February, 2016.

/s/ Karen Hing, Chair

ATTEST:

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