

EDGEWATER PLANNING AND ZONING COMMISSION

RESOLUTION NO. PC 16 - 05

A RESOLUTION CONDITIONALLY APPROVING A SITE DEVELOPMENT PLAN FOR 2480 GRAY STREET, EDGEWATER, COLORADO, FOR THE ADDITION OF A SECOND-STORY SINGLE-FAMILY DWELLING TO THE EXISTING ONE-STORY COMMERCIAL BUILDING

WHEREAS, the City of Edgewater, Colorado ("City") has received a site development plan (SDP) application and related documents from Mark Henneberry (the "Applicant") to construct a second-story addition to the existing one-story commercial building at 2480 Gray Street, also known as Lots 5, 6 and the south 5 feet of Lot 4, Block 105 of the Edgewater Subdivision (the "Property"), such addition to serve as a single-family dwelling unit (the "Application"); and

WHEREAS, the Property is currently located within the C-1 zone district and the Applicant is simultaneously applying for City-approval to rezone the Property to the RC-1 zone district; and

WHEREAS, the RC-1 zone district would permit the use of the Property for its proposed use under the Application; 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 October 26, 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 only upon the imposition of certain conditions, 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 construct a second-story addition to the existing one-story commercial building at 2480 Gray Street, also known as Lots 5, 6 and the south 5 feet of Lot 4, Block 105 of the Edgewater Subdivision, Edgewater, Colorado, such addition to serve as a single-family dwelling unit, as specified in the Development Application, signed by the Applicant on September 9, 2016, 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 October 26, 2016, satisfies the approval criteria set forth in Code Section 17-4-40(e) only upon the imposition and fulfillment of certain conditions, 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.

Finding: As submitted, the Application *fails to* meet the following applicable highlighted and underlined requirements of the Edgewater Municipal Code

	Chapter 16 Development Regulations and RC-1 Zone District Requirements	Existing/Proposed
Land Use	Commercial and one attached or detached single family residence	Commercial/Commercial and attached single family residence
Principal Bldg. Ht.	35' Maximum	20'.5" (existing)/ 31'11" (proposed)
Lot Area	None	7,315 SF (existing)
Lot Width	None	55' (existing)
Front Yard Setback	<u>30'</u>	14'11" (existing)*/ <u>14'11" and 30'</u> for new construction (proposed)*
Side Yard Setback	None	4'11 ¾" north; 4'11 ¾" (south) (existing and proposed setbacks)
Rear Yard Setback	15' Minimum to centerline of alley	26'4" (existing and proposed)
Bulk Plane	35' (north and east property line), except property line adjacent to R1 zone district is <u>12' (south and west</u> property line)	35' north and east property line (proposed); <u>15' south and west</u> property line (proposed)
Max Size of Addition to a Non-Conforming Building	<u>50% of the Existing Building SF</u> <u>(1,657 SF)</u>	61% (<u>2,032 SF</u>) addition proposed**
Lot Coverage	50% Maximum	45.6% (existing)/45.6%
Parking	2 additional parking spaces for the single family residence	2 spaces (existing)/1 additional handicap and 3 parking spaces (proposed)

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

Finding: The property is not subject to the 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.

Findings:

a) Location of buildings, structures and improvements:

If the SDP were modified to remedy the Code violations identified under Finding # 1 above, the project should have minimal impact to adjacent properties. No additional lighting is proposed for the project site.

b) Vehicular ingress and egress:

The project site is accessed from the existing alley located on the west side of the Property. No changes are proposed to the existing vehicular access to the site.

c) Internal vehicular circulation:

The proposed project includes the addition of four parking spaces accessible at the alley to accommodate the proposed addition and meet the off-street parking requirements of the Code. This modification will not adversely affect the existing vehicular circulation and provides adequate vehicular access of the Property.

d) Setback lines:

The existing building does not meet the front yard setback requirements and is therefore subject to the nonconforming building requirements of the City Code. While the first-story may continue to occupy the front yard setback, as a legal nonconforming structure, any addition to the existing structure may not violate that setback. The Application proposes that the second-story unenclosed deck addition protrude into the front yard setback area.

The Commission finds that the proposed setbacks of this project are therefore *not* arranged so that adverse impacts on adjacent property is mitigated or eliminated.

e) Height of buildings:

The existing building located at the southeast corner of the Property is approximately 20 feet in height and the proposed addition will increase the height to roof top design elements will increase the height to 31.9 feet. The proposed residential addition does not exceed the maximum height for the existing

nonconforming building.

The designed 15' bulk plane height on the south and west property lines exceeds the maximum 12' bulk plane required along adjacent R-1 zoned properties. In addition, the base plane line for the maximum height and bulk plane measurement is not consistent with the maximum height definition of the Code and may not be verified by the survey provided with the application.

Under Code Section 16-1-50, "*Building height* means the vertical distance measured from the level of the curb adjacent to the centerpoint of the front lot line to the highest point of the roof surface; provided, however, that, if the grade of the lot varies or exceeds a three-percent change in elevation between the front and rear lot lines, then the building height means the vertical distance measured from an average of the existing grade between the front and rear lot lines to the highest point of the roof surface."

The Commission finds that the proposed building height and related bulk plane height and resulting mass of the proposed addition are *not* arranged so that adverse impacts on adjacent property is mitigated or eliminated.

f) Service facilities:

The City Engineer has determined that the Property is adequately served and the proposed addition and site improvements will have minimal impact to the existing infrastructure.

The West Metro Fire Protection District (Attachment C) has reviewed the proposed SDP and determined that the mixed-use classifications will require a sprinkler system that will be addressed and reviewed at the time of the construction drawings for the Building Permit process.

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 City Engineer has reviewed the proposed SDP Amendment and has no comments or concerns.

(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 **CONDITIONALLY APPROVES** the Application with the following conditions:

1. The Property is rezoned from the C-1 zone district to the RC-1 zone district; and
2. The Applicant submits to the City Planner, no later than December 5, 2016, an amended SDP application that complies with the requirements of Chapter 16 of the Code, for the Commission's consideration at a meeting on December 14 , 2016.

INTRODUCED, READ and ADOPTED this 26th day of October, 2016.

/s/ Nathan Stark, Chair

ATTEST:

Maylee Barraza
Clerk to the Commission