



City of
Evans, Colorado

MINUTES

EVANS PLANNING COMMISSION

Regular Meeting

April 24, 2012 – 7:00 p.m.

CALL TO ORDER

Chairperson Bisel called the meeting to order at 7:00 p.m.

ROLL CALL:

Present: Chairperson Bisel, Vice Chairperson Brothe, Commissioner Numoto

Absent: Commissioner Phillips

APPROVAL OF MINUTES

Commissioner Numoto moved, seconded by Commissioner Brothe, to approve the March 27, 2012 minutes as presented. Motion passed with all voting in favor thereof.

APPROVAL OF AGENDA

The agenda was approved as submitted.

AGENDA ITEMS

Public Hearing – Use by Special Review – Community Facility in C-3 Zone – 818 31st Street – Grace Community Bible Church

BACKGROUND INFORMATION		
Location:		818 31 st Avenue
Applicants:		J & R Holdings, Owner
Existing Land Use:		C-3 High Intensity Commercial
Proposed Land Use:		Same
Surrounding Land Use:	North	Commercial, retail store, vacant restaurant
	South	Commercial, office use
	East	Highway 85, then commercial
	West	Commercial, paint store and RV storage
Existing Zoning:		C-3
Proposed Zoning:		Same
Surrounding Zoning:	North	C-3
	South	C-3
	East	C-3
	West	C-3
Future Land Use Designation:		Commercial

PROJECT DESCRIPTION: The City has received an application from J&R Holdings, land owner, and Grace Community Bible Church, applicant, for a Use by Special Review for the location of a community facility (the church) in a High Intensity Commercial zone. The applicant’s letter and photos have been included in your packet.

The reason this is a Use by Special Review is that according to our land use code for a High Intensity Commercial zone (C-3);

19.30.030 Special uses. Uses permitted pursuant to the terms and conditions of a special use permit as required by Chapter 19.44 are as follows:

- Mini storage units;
- Recreational vehicle (RV) park/campground;
- Recreational vehicle storage;
- Repair shops;
- Community facilities;
- Multifamily residential;
- Cemetery;

A Community Facility is defined in our code in Section 19.04 as

19.04.180. Community Facilities. Consists of noncommercial establishments such as places of worship, libraries, museums, public or quasi-public buildings and other cultural and religious facilities for general public use. (Ord. 499-10: Ord. 005-00)

As a result of our business license process, City staff found that a Use by Special Review would be required to allow Grace Community Bible Church to conduct business at this location.

RECOMMENDATION: Recommend approval to the City Council.

ANALYSIS:

1. Background:

The church has permission from the land owner to lease this space for their use, and has the use of the parking lot on the site. A letter from the land owner is attached to the packet for review.

2. Section 19.44 of the Evans Municipal Code:

Below are the Criteria for approval of a USR per Section 19.44.020.

Chapter 19.44

Approval of Special Uses

19.44.020 Criteria for Use by Special Review.

A. All special uses are listed within each zoning district. If a use is proposed that is not defined within the Evans Municipal Code and does not reasonably fall within the definition of any defined use in the Municipal Code, the property owner may apply for use by special review approval in accordance with this chapter.

B. Criteria. The following criteria shall be used to evaluate use by special review requests:

1. The proposed use is found to be unlikely to harm the health, safety, or welfare of the City or its residents. **Staff finds that these criteria can be met.**
2. The proposed use would benefit the City in terms of employment, tax revenue, or other similar effects, as compared to the absence of the proposed use. **Staff finds that these criteria can be met.**
3. The proposed use shall be consistent with the Evans Comprehensive Plan and shall be compatible with the surrounding area. **Staff finds that these criteria can be met.**
4. The location, size, design, and operating characteristics of the proposed use shall be compatible with the existing and proposed future land uses within the general area in which the proposed use is to be located and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity. Reasonable conditions may be placed on uses by special review to protect the public health, safety, and welfare by mitigating impacts. **Staff finds that these criteria can be met.**
5. The site shall be physically suitable for the type and intensity of the proposed land use. **Staff finds that these criteria can be met.**

6. The proposed land use shall not adversely affect traffic flow and parking in the neighborhood. **Staff finds that these criteria can be met.**
7. The location of other approved uses by special review in the neighborhood shall be determined, in order to avoid an over-concentration of such uses. **Staff finds that these criteria can be met.**

3. Issues:

There may be parking issues but at this time staff is not aware of any complaints. We will continue to monitor the area to ensure there are no problems.

Notice of this public hearing was provided in accordance with Chapter 19.64 of the Municipal Code.

FINDINGS OF FACT AND CONCLUSIONS

After reviewing the Grace Community Bible Church USB for location of a community facility in a C-3 zone the following findings of fact and conclusions have been determined:

The review criteria in Sections 19.44 of the Evans Municipal Code have been appropriately and sufficiently met.

STAFF RECOMMENDATION:

I recommend that the Planning Commission approve the request for the Use by Special Review.

PUBLIC HEARING

Doug Dunker, a board member of Grace Community Bible Church, spoke on their behalf. He showed pictures of land from street and aerial views of the property.

Commissioner Brothe asked how long they had been in the area. Mr. Dunker stated they had been at that location since November 2011.

Commissioner Numoto asked how many members make up the congregation. Mr. Dunker said currently there are approximately 50 attendees on any given Sunday.

Commissioner Numoto said he was asking because he was trying to figure out if there is currently enough parking for everyone. Mr. Dunker stated on Easter there were 64 attendees with a total of 34 cars. There is plenty of space for parking.

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Commissioner Brothe asked about other meetings held there during the week. Mr. Dunker indicated there were other meetings such as choir practice, women's bible meetings in the day, and an occasional funeral or wedding. To date, they have not experienced any parking issues.

Mr. Dunker then asked for the recommendation of approval for the USR.

Commissioner Bisel asked if there was anyone in the audience opposed. There was no one in opposition.

Commissioner Bisel closed the Public Hearing.

There was a discussion between the Board Members. Commissioner Brothe felt that the longevity of the church being there with no complaints spoke positively about how well it fits in.

Commissioner Bisel stated looking at the criteria there doesn't seem to be any problems that conflict with the code.

Commissioner Brothe moved for approval to City Council, with Commissioner Numoto seconding the Motion. *Motion passed with all voting in favor thereof.* This will go before the City Council on May 15, 2012.

Public Hearing – Public Hearing – Use by Special Review – Carports for Solar Panel– 3202 11th Avenue – Campus Crest

The public hearing was opened by Chairperson Bisel and staff was asked for a report. Mr. Ratkai reviewed the following information included in the packet:

BACKGROUND INFORMATION		
Location:	3202 11 th Avenue	
Applicants:	Campus Crest, Owner SolarCity Corp, Applicant	
Existing Land Use:	C-3 High Intensity Commercial	
Proposed Land Use:	Same	
Surrounding Land Use:	North	Commercial vacant land to be developed, church
	South	Post Office, Moose Lodge
	East	Ditch, storage and industrial uses
	West	Residential
Existing Zoning:	C-3	
Proposed Zoning:	Same	
Surrounding Zoning:	North	C-3
	South	C-3
	East	C-3
	West	R-1, R-2, C-1
Future Land Use		

PROJECT DESCRIPTION: The City has received an application from Campus Crest, land owner, represented by SolarCity Corp, for a Use by Special Review for installation of carports. Please note there is a separate variance request which has been approved by the Zoning Board of Appeals on May 3rd and will be considered on May 15th by the City Council, and that variance would have to be approved prior to this USR being approved.

The reason this is a Use by Special Review is that the entire project as constructed was

approved by USR and any material changes or additions must also be approved by USR.

Please see the attached vicinity map and the attached application for the property location, which is 3202 11th Avenue in Evans, commonly referred to as The Grove.

SolarCity is proposing to install three carports at The Grove in order to mount solar panel on those carports. These carports will have to be approved through the variance process as they do not meet our code in 19.48.

RECOMMENDATION: Recommend approval to the City Council, conditioned upon their approval of the variance prior to consideration of this USR.

ANALYSIS:

4. Background:

The development was originally constructed in 2005 with a Use by Special Review as allowed under the code. High Intensity Commercial land, as this is zoned, allows multi-family housing to be constructed pursuant to the USR. As such, any changes to that use, including the installation of carports, must also be approved through a Use by Special Review.

5. Section 19.44 of the Evans Municipal Code

Below are the Criteria for approval of a USR per Section 19.44.020.

Chapter 19.44

Approval of Special Uses

19.44.020 Criteria for Use by Special Review.

A. All special uses are listed within each zoning district. If a use is proposed that is not defined within the Evans Municipal Code and does not reasonably fall within the definition of any defined use in the Municipal Code, the property owner may apply for use by special review approval in accordance with this chapter.

B. Criteria. The following criteria shall be used to evaluate use by special review requests:

8. The proposed use is found to be unlikely to harm the health, safety, or welfare of the City or its residents. **Staff finds that these criteria can be met.**

9. The proposed use would benefit the City in terms of employment, tax revenue, or other similar effects, as compared to the absence of the proposed use. **Staff finds that these criteria can be met.**
10. The proposed use shall be consistent with the Evans Comprehensive Plan and shall be compatible with the surrounding area. **Staff finds that these criteria can be met.**
11. The location, size, design, and operating characteristics of the proposed use shall be compatible with the existing and proposed future land uses within the general area in which the proposed use is to be located and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity. Reasonable conditions may be placed on uses by special review to protect the public health, safety, and welfare by mitigating impacts. **Staff finds that these criteria can be met.**
12. The site shall be physically suitable for the type and intensity of the proposed land use. **Staff finds that these criteria can be met.**
13. The proposed land use shall not adversely affect traffic flow and parking in the neighborhood. **Staff finds that these criteria can be met.**
14. The location of other approved uses by special review in the neighborhood shall be determined, in order to avoid an over-concentration of such uses. **Staff finds that these criteria can be met.**

6. Issues:

The main concern with the application is the adjacency and compatibility with the existing structure and the surrounding land uses. The applicant has submitted a redesigned site plan and more photos for review and comment.

Notice of this public hearing was provided in accordance with Chapter 19.64 of the Municipal Code.

FINDINGS OF FACT AND CONCLUSIONS

After reviewing the Campus Crest USR for installation of carports the following findings of fact and conclusions have been determined:

The review criteria in Sections 19.44 of the Evans Municipal Code have been appropriately and sufficiently met.

STAFF RECOMMENDATION:

I recommend that the Planning Commission approve the request for the Use by Special Review.

Chairperson Bisel asked if the applicant had anything to add. Mr. Derek Esposito, Project Manager from Solar City addressed the Commission. Mr. Esposito stated that the western carports have been taken out of the original plan. ZBA has approved as of April 5, 2012. The proposal is for the southern and eastern carports. Mr. Esposito said that this will have a positive impact for Evans due to the economic stimulus to the City from the amount of permit fees coming into the City, and the use of local employers. Currently, Solar City has 15 staff members working for this project.

Mr. Esposito showed pictures of other similar projects along with photo-shopped pictures of what the proposed carports will look like. Mr. Esposito said they added brick façade to make them look like existing buildings, which will make it more aesthetically pleasing. The eastern carports are completely screened from other existing buildings.

Commissioner Numoto asked for the cash outlay that campus crest is putting out for this project and how long will take for it to pay for itself. Mr. Esposito indicated it would take about 18 months. With the 600 KW of panels added to the property will be 18 month pay back. Since this a cash deal with Campus Crest the pay back is much quicker because they own the panels.

Commissioner Numoto asked if the tenants pay extra for the carports. Mr. Esposito said the tenants are not paying more for the carports and are getting the energy for a better rate. The cost of the solar panel itself has come down 300% in the past 3 years and Solar City can offer it for a lower price than Excel Energy can at this point.

Chairperson Bisel asked if there was any one in the audience that objected to this project. No one came forth.

Chairperson Bisel closed the Public Hearing.

The board held a discussion amongst themselves regarding the USR.

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Commissioner Brothe asked about how the cash deal would affect the stipulation of the panels being taken down after they no longer have use. He was curious if it would that fall on Solar City or Campus Crest with keys being handed over. Mr. Ratkai indicated he would look into it.

There were no members of the audience testifying either for or against the use by special review.

Commissioner Numoto moved to recommend approval to City Council. Commissioner Brothe seconded the Motion. Motion passed with all voting in favor thereof.

This will be heard in a public hearing with the City Council on Tuesday, May 15th at 7:30 pm.

Update from North Front Range MPO on Transportation Plan including bike paths

Aaron Fodge transportation planner for Northern Front Range MPO spoke. Mr. Fodge met with council about month ago about regional bicycle plan. Mr. Fodge handed out maps of the "On Ground Bike Network", an information sheet on the "Definitions of Bicycle Facilities", and a "Regional Bicycle Plan Survey".

Mr. Fodge said that currently there are 20 committee members with the NFR MPO. They are required to create the "Regional Transportation Plan".

Chairperson Bisel said we need to look into crossing hwy 85 at 32nd St. due to a library going there in 4-5 years and thinks bicycle lane would be useful.

Commissioner Numoto suggested that 37th and 42nd for bike crossings.

All of the Commissioners felt that it would be very useful to have a bike path that ran the entire length of 11th Avenue to tie us more directly to the college campus.

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AUDIENCE PARTICIPATION:

There were no comments from the audience.

GENERAL DISCUSSION:

Mr. Ratkai gave an update for Building Development and Neighborhood Services. Commissioner Bisel asked about the recycling center and if there was a lease on it. Mr. Ratkai said he would look into that and get back with him.

ADJOURNMENT:

Chairperson Bisel adjourned the meeting at 8:12 p.m.