

## **AGENDA**

Planning and Zoning Commission Regular Meeting  
April 24, 2012 – 7:00 p.m.  
Evans Community Complex – 1100 37<sup>th</sup> Street

Planning and Zoning packets are prepared several days prior to the meetings. This information is reviewed and studied by the Commission, eliminating lengthy discussions to gain basic understanding. Timely action and/or short discussion on agenda items do not reflect lack of thought or analysis. An informational packet is available for public inspection on the website at [www.cityofevans.org](http://www.cityofevans.org).

1) CALL TO ORDER

2) ROLL CALL:

Chairman: Randall Bisel  
Vice-Chairman: Mark Brothe  
Commissioners: Robert S. Phillips, III  
Jerry Numoto

3) APPROVAL OF MINUTES

a. Minutes of March 27, 2012

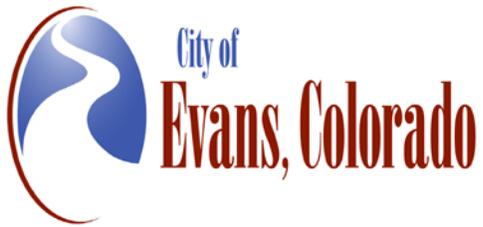
4) APPROVAL OF THE AGENDA

5) AGENDA ITEMS:

- a. Public Hearing – Use by Special Review – Community Facility in C-3 Zone – 818 31<sup>st</sup> Street – Grace Community Bible Church
- b. Public Hearing – Use by Special Review – Carports for Solar Panels – 3202 11<sup>th</sup> Avenue – The Grove
- c. Update from North Front Range MPO on Transportation Plan including bike paths

6) AUDIENCE PARTICIPATION:

(This portion of the Agenda is provided to allow members of the audience to provide comments to the Planning Commission on items that were not considered on the current Agenda.)



7) GENERAL DISCUSSION

- a. Update from Update from Zach Ratkai, Building and Development Manager regarding Neighborhood Services

8) ADJOURNMENT

**MINUTES**  
**EVANS PLANNING COMMISSION**  
Regular Meeting  
March 27, 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 Phillips, Commissioner Numoto

**APPROVAL OF MINUTES**

Commissioner Brothe moved, seconded by Commissioner Numoto, to approve the February 28, 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 – Public Hearing – Use by Special Review – Shed Construction – 3202 11<sup>th</sup> Avenue – Campus Crest

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

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

**PROJECT DESCRIPTION:** The City has received an application from Campus Crest, land owner, represented by SolarCity Corp, for a Use by Special Review for construction of attached sheds to protect and conceal the electronics for the solar panels which are mounted on the roof of the buildings.

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 11<sup>th</sup> Avenue in Evans, commonly referred to as The Grove.

SolarCity is proposing to install these sheds on the indented corners of the buildings that house the solar roof panels. They will be constructed of the same materials as the

outside of the building and any landscaping will be moved to other areas on the site.

**RECOMMENDATION:** Recommend approval to City Council.

**ANALYSIS:**

**1. 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 sheds, must also be approved through a Use by Special 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 this 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 this 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 this 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 this criteria can be met.**

5. The site shall be physically suitable for the type and intensity of the proposed land use. **Staff finds that this criteria can be met.**
6. The proposed land use shall not adversely affect traffic flow and parking in the neighborhood. **Staff finds that this 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 this criteria can be met.**

### **3. 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 photos of where and how the sheds would be constructed and how they would improve the look and safety of the buildings

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 recommend that the Planning Commission forward a recommendation of approval of the requested USR with no conditions.

There were no questions of staff.

Chairperson Bisel asked if anyone in the audience was in favor of the application. Mr. Derek Esposito, representing Solar City made a brief presentation to the Planning Commission regarding the Use by Special Review. There are ten (10) buildings that will house the solar arrays feeding a meter on the ground. Between five and twelve meters are tied into the various arrays, and the mechanics that are required for the arrays require piping and conduit as well as boxes for the meters. He stated that the building of the sheds will house the electrical equipment and keep it out of sight. The finish will be the same as the exterior of the building and will improve safety for the residents.

Mr. Brothe stated that Mr. Esposito had answered his questions. Mr. Bisel asked if the sheds were attached to the building, and Mr. Esposito indicated that the sheds were attached to the building. Mr. Bisel indicated that often the wind or other weather factors will harm the buildings.

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

The public hearing was then closed by Chairperson Bisel. He asked for further discussion or a motion on the subject. Mr. Bisel stated that he saw no problems with the request and that it met the requirements of the code. Mr. Brothe agreed. There was no further discussion.

***Commissioner Brothe moved:*** "Mr. Chairman, on the issue of the Campus Crest Use by Special Review for construction of sheds, I move that the Planning Commission forward a recommendation of approval because it meets the criteria outlined in Sections 19.44 of the Municipal Code." ***Commissioner Numoto 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, April 17<sup>th</sup> at 7:30 pm.

**AUDIENCE PARTICIPATION:**

There were no comments from the audience.

**GENERAL DISCUSSION:**

PC asked to see if they would like to go to ZBA Thursday, April 5<sup>th</sup>, for work session setting.

The next meeting was set for April 5, 2012 at 5:30 pm with the Zoning Board of Appeals, with April 24<sup>th</sup>, 2012 at 7:00 pm for a regular Planning Commission meeting.

Mr. Bisel brought up a Community Gardens project such as the one at RMLUI. He suggested that John Evans could be a site. Mr. Bisel stated that RMLUI was very interesting and worthwhile, especially the oil and gas sessions.

**ADJOURNMENT:**

Chairperson Bisel adjourned the meeting at 7:22 p.m.

**PLANNING & ZONING COMMISSION  
INFORMATION SHEET**

**AGENDA ITEM A**

**DATE:** April 20, 2102

**SUBJECT:** Public Hearing – Use by Special Review – Community Facility in C-3 Zone – 818 31<sup>st</sup> Street – Grace Community Bible Church

**PRESENTED BY:** Sheryl Trent, Community and Economic Development Director

**ACTION:** Recommendation to City Council

**CITY COUNCIL DATE:** Tuesday, May 15, 2012 at 7:30 pm

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

**RECOMMENDED PLANNING COMMISSION MOTION:**

“Mr. Chairman, on the issue of the Grace Community Bible Church Use by Special Review for location of a community facility, I move to recommend approval to the City Council because it meets the criteria outlined in Sections 19.44 of the Municipal Code.”

“Mr. Chairman, on the issue of the Grace Community Bible Church Use by Special Review for location of a community facility, I move that the Planning Commission forward a recommendation of denial because it does not meet the criteria outlined in Sections 19.44 of the Municipal Code.”

“Mr. Chairman, on the issue of the Grace Community Bible Church Use by Special Review for location of a community facility, I move to recommend approval to the City Council with the following conditions:

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818 31st Street

**Legend**



Evans  
City Limits

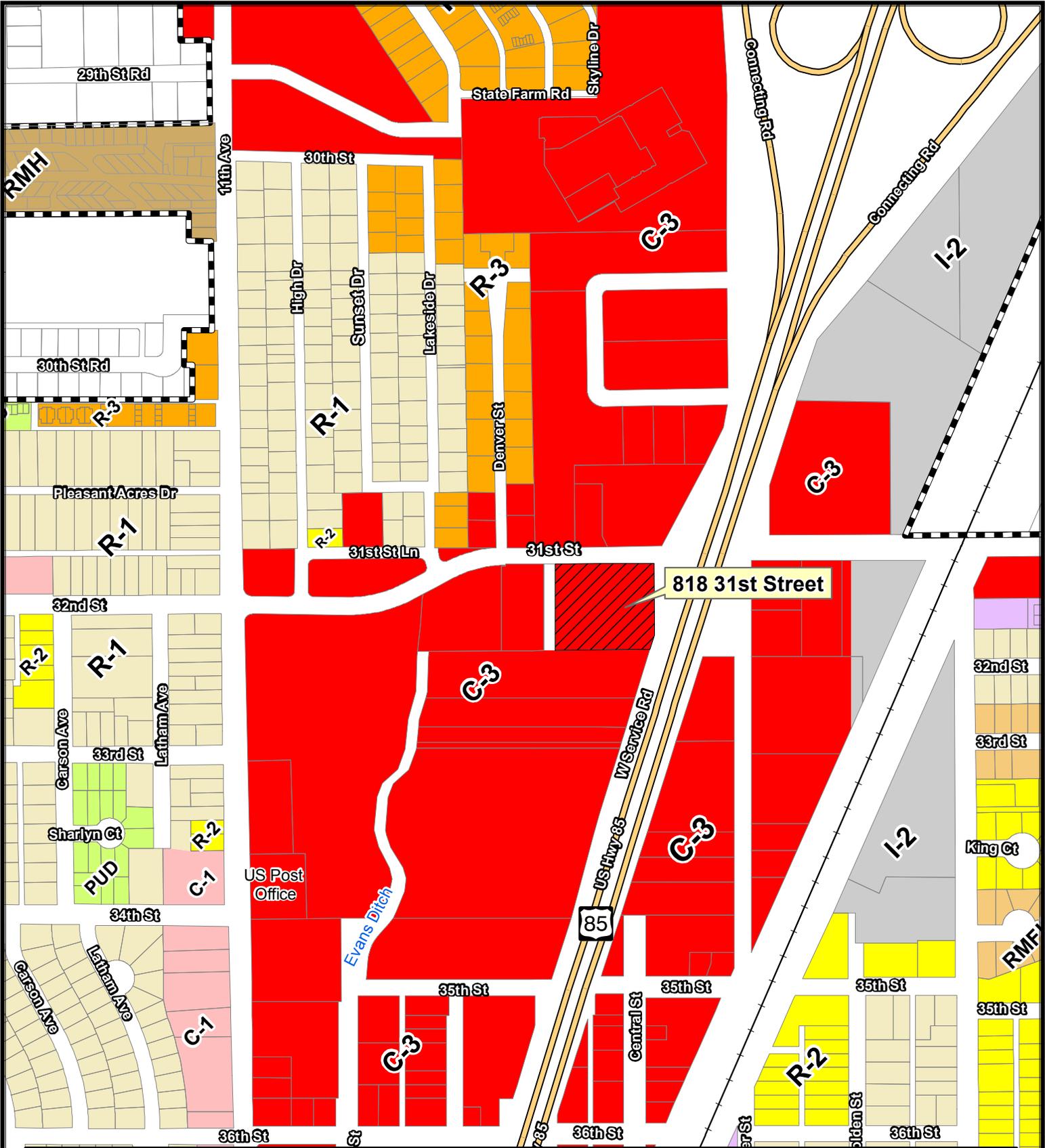


Project Site

**Aerial Map**

**Use By Special Review:  
818 31st Street**





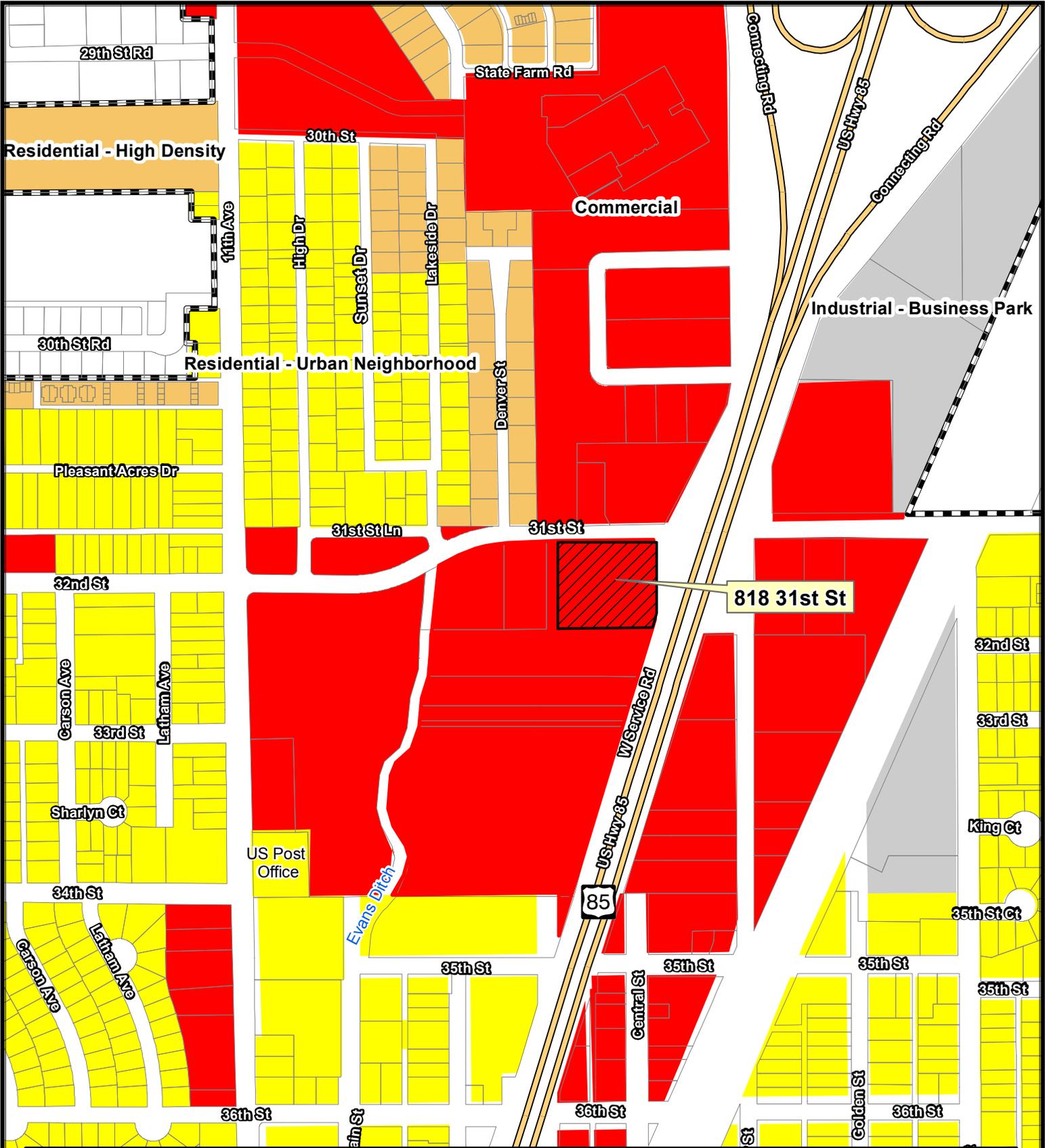
818 31st Street

**Legend**

-  Evans City Limits
-  Project Site

Zoning Map  
**Use By Special Review:**  
**818 31st Street**





818 31st St

**Legend**



Evans  
City Limits



Project Site

**Future Land Use Map**  
**Use By Special Review:**  
**818 31st Street**



# **J & R Holdings, LLC**

**4221 W Eisenhower Blvd**

**Loveland, CO 80537**

**Phone (970) 481-1965**

**Fax (970)744-5803**

To Whom It May Concern:

3/15/2012

We are delighted to have Grace Community Church at 818 31<sup>st</sup> St Ste E-F Evans, CO 80620. They are great tenants, really take care of their space and it looks wonderful. They have always stayed current on their lease payment.

No tenants have a problem with them having a church at this location.

There are plenty of parking spaces for the church.

Sincerely,



Reuben Esh  
Owner of J & R Holdings, LLC

City of Evans – Approval of Special Uses

For: GRACE! community bible church

Mailing Address: P.O. Box 200083  
Evans, CO 80620

19.04.180 Community Facility – Place of Worship

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.  
**Answer:** The proposed use is for a place of worship. GRACE! community bible church (GCBC) worships Jesus Christ as Lord and Savior and all are welcome to attend. GCBC rents the space from John and Reuben Esh, J & R Holdings.
  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.  
**Answer:** Currently GCBC has an average of 30-50 worshippers each Sunday. Sunday School begins at 9:15 am, with worship services starting at 10:00 a.m. Prior to and after the services, the parishioners frequent stores, restaurants, fuel stations, coffee shops and other places of business. Several Sundays and other days each year, the church rents space at the Evans Community Recreation Center for potlucks and other large gatherings, such as funerals and weddings. All of this increases money spent in Evans which aids the City's tax base.
  3. The proposed use shall be consistent with the Evans Comprehensive Plan and shall be compatible with the surrounding area.  
**Answer:** A church is compatible with the surrounding area and is defined in 19.04.180 at a Community Facility. Per 19.30.030, GCBC is a permitted use through a Special Use permit.

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.

**Answer:** GCBC meets on Sunday mornings starting at 9:15 am for Sunday School and 10:00 for worship services. In addition, church board members meet once a month, generally on a weekday evening . One evening per week from approximately September through May choir practice is held for typically an hour and a half. Other gatherings one night per week are seasonal and include women's groups, bible studies and possibly in the future a children's group. During specific times of the year, the church holds services the Thursday before Easter and Christmas Eve. Other services may be held as deemed appropriate. There will also be small wedding and funeral services held throughout the year.

GCBC is compatible with the existing and proposed future land uses within the general area.

The rented space has a front door and a back door with no windows. It is approximately 2,000 square feet in size. There are both a Women's and a Men's bathroom, both easily accessible with multiple signage. There are fire extinguishers and lighted exit lights. The back door has a crash bar. The front door has a sign indicating that it must be unlocked during business hours.

Currently, the GCBC family uses approximately 25-30 parking spaces on Sunday mornings. Currently the strip mall users are not open Sundays. There are also several user spaces now available for rent.

Full access into the existing parking lot is off 31<sup>st</sup> Street west of U.S. Highway 85. Vehicles can safely turn left or right from the parking lot onto 31<sup>st</sup> Street.

There appears to be no public health or safety concerns at this location.

5. The site shall be physically suitable for the type and intensity of the proposed land use.

**Answer:** Per Table 19-30

Front meets requirements.

Sides: There are rental spaces on each side of the current facility which meets requirements.

Street side meets requirements.

Rear meets requirements.

Lot meets requirements.

Open Space: This facility has been in Evans a long time. This is not a new location.

Height: Meets requirements, doors are standard height and width, ceiling inside is about 10'-3".

6. The proposed land use shall not adversely affect traffic flow and parking in the neighborhood.

Answer: Traffic is from existing parking lot onto 31<sup>st</sup> Street. Parking is within existing parking lot. Spaces: 110 Each space dimension is 9 feet wide by 18 feet long.

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.

Answer: There are very few churches nearby. Per the website there are no other Use by Special Review businesses within the Lynchs Subdivision, Lot 'A'.

8-10 Not applicable.

NORTH  
SCALE: NTS

# 818 31st Street, Unit E - F

Grace Community Bible Church

## SITE PLAN



\*NOTE: ANY OF THE AVAILABLE PARKING SPACES MAY BE USED, DURING SUNDAY SERVICES ALL SPACES ARE AVAILABLE.

**PLANNING & ZONING COMMISSION  
INFORMATION SHEET**

**AGENDA ITEM B**

**DATE:** April 20, 2102

**SUBJECT:** Public Hearing – Use by Special Review – Carports for solar panels – 3202 11<sup>th</sup> Avenue – Campus Crest

**PRESENTED BY:** Sheryl Trent, Community and Economic Development Director

**ACTION:** Recommendation to City Council

**CITY COUNCIL DATE:** Tuesday, May 15, 2012 at 7:30 pm

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

**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 11<sup>th</sup> 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:**

**1. 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.

**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.**
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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:**

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.

### **RECOMMENDED PLANNING COMMISSION MOTION:**

“Mr. Chairman, on the issue of the Campus Crest Use by Special Review for installation of solar panels, I move to recommend approval to the City Council, conditioned on approval of the variance submitted for this same project.”

“Mr. Chairman, on the issue of the Campus Crest Use by Special Review for installation of carports, I move that the Planning Commission forward a recommendation of denial because it does not meet the criteria outlined in Sections 19.44 of the Municipal Code.”

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3202 11th Avenue

**Legend**



Evans  
City Limits

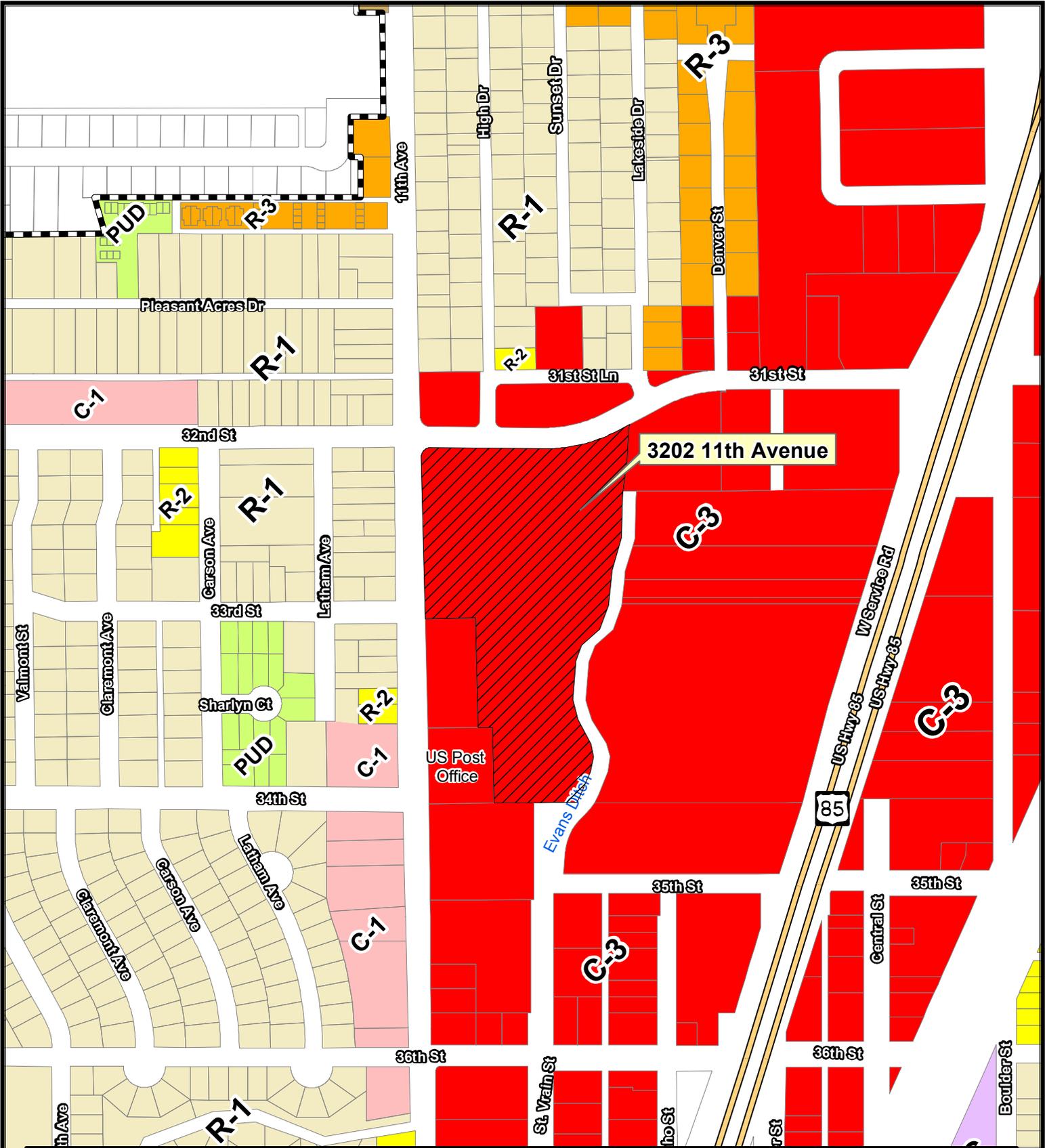


Project Site

Aerial Map

**USR -  
3202 11th Avenue**





3202 11th Avenue

US Post Office

Evans Dish

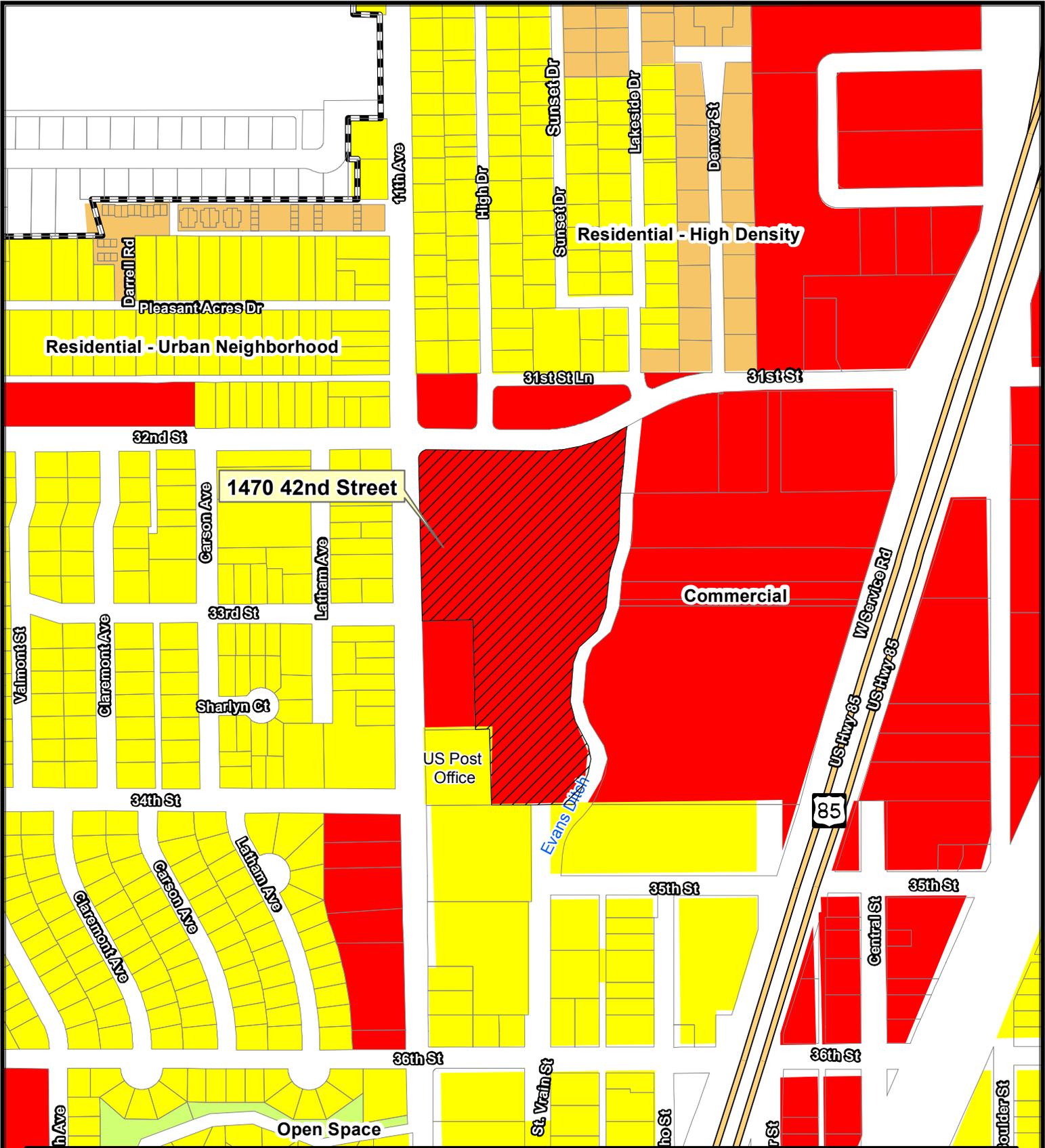
**Legend**

-  Evans City Limits
-  Project Site

Zoning Map

**USR -**

**3202 11th Avenue**



**Future Land Use Map**

**USR -**  
**3202 11th Avenue**

<p><b>Legend</b></p> <ul style="list-style-type: none"> <li> Evans City Limits</li> <li> Project Site</li> </ul>
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## **19.48 - Accessory Structures and Uses**

### **Chapter 19.48 - ACCESSORY STRUCTURES AND USES**

**NOTE: This Chapter has many diagrams included within the chapter. To view the chapter in its entirety, open the PDF located at the bottom of this page.**

#### **Sections:**

- 19.48.010 Intent.
- 19.48.020 Definitions.
- 19.48.030 Accessory uses, structures and buildings.
- 19.48.032 Setbacks.
- 19.48.034 Garages and carports.
- 19.48.036 Accessory structures for mobile homes.
- 19.48.040 Fences, walls and hedges.
- 19.48.050 Household pets, horses, and other animals,
- 19.48.055 Outdoor storage.
- 19.48.060 Home occupations.
- 19.48.070 Auxiliary business uses.
- 19.48.080 Variances.
- 19.48.090 Enforcement authority.
- 19.48.100 Violation – Penalty.

**19.48.010 Intent.** The intent of this chapter is to provide regulations governing accessory uses, structures and buildings to ensure acceptable design, installation, and use of accessory structures while maintaining the integrity of the principal use of the property. Furthermore, it is intended to provide assurances that activities that take place are compatible with the designated zoning classifications and that such activities will have no adverse effects on the surrounding properties. (Ord. 350-05: Ord. 272-04: Ord. 015-00: Ord. 1164-99)

#### **19.48.020 Definitions.**

For the purposes of this chapter, the words and phrases below shall have the following meanings:

“Accessory building or structure” shall mean a building or structure located upon the same lot as the principal building or structure to which it is associated, and which is incidental to and customarily found in connection with such principal building or structure and which is not to be used for human habitation, including, but not limited to, garages and other buildings for storage.

“Accessory use” shall mean a use customarily incidental and subordinate to the main use of the lot, building or structure, and which does not alter the principal use.

“Board and care home” shall mean a residential facility providing room and board to one or two individuals who are not part of the principal occupant’s family as defined by the zoning code, and who because of impaired capacity for independent living, elect protective oversight, personal services and social care, but do not require regular 24-hour medical or nursing care. A board and care home shall not be considered an assisted living unit or nursing home.

“Carport” shall mean a structure that is not fully enclosed and which is accessory to a residence or residences and capable of being used for storage of one or more vehicles.

“Garage” shall mean a fully-enclosed structure accessory to a residence or residences and capable of being used for storage of one or more vehicles, i.e., having a garage door.

“Garage, alley-loaded,” shall mean a garage that is accessed from an alley and not from a street.

“Garage, front-facing,” shall mean a garage with vehicular doors generally parallel to the front property line.

“Garage, side-loaded,” shall mean a garage with vehicular doors generally perpendicular to the front property line.

“Fence” shall mean an artificially constructed barrier or combination of materials erected vertically to enclose or screen areas of land.

“Home occupation” shall mean an occupation, profession, activity or use conducted within a residential dwelling unit that is incidental and secondary to the use of the residential dwelling unit, which does not alter the exterior of the property or affect the residential character of the residential neighborhood.

“Outdoor storage” shall mean storage of materials, supplies, parts, machines, equipment, containers, operable

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vehicles, tractor-trailers, unoccupied mobile homes, or other items used in conjunction with the principal use of the property and not kept in a permitted structure having at least four walls and a roof. This definition shall not apply to items for sale to the general public such as new and used cars, recreational vehicles, boats, and landscape and building materials; nor to parking of vehicles regularly used in connection with the operation of an establishment or parked for less than 48 hours for maintenance service. "Outdoor storage" shall not include the storage of junk as defined by Chapter 19.04 of the Municipal Code.

"Storage/utility shed" shall mean a detached accessory structure not more than 120 square feet in extended roof area used to store tools and equipment such as, but not limited to, lawn mowers, bicycles, garden tools, and similar chattels related to the primary permitted use located on the same lot. (Ord. 350-05: Ord. 272-04: Ord. 015-00)

**19.48.030 Accessory uses, structures and buildings.** The following provisions shall apply to all garages, carports, accessory uses, structures and buildings:

A. Establishment prior to principal use prohibited. Accessory uses, structures or buildings shall not be established prior to a principal use, except in the AG – Agricultural – zoning district, nor shall an accessory use be permitted without an associated principal use on the same lot.

B. Maximum area. The total footprint area of all detached accessory structures and buildings on any one lot shall not exceed the lesser of 10 percent of the total lot area or 2,100 square feet. This provision shall not apply to structures used for agricultural purposes in the AG – Agricultural – zoning district, or to structures in I – Industrial – zoning districts.

C. Maximum height. Accessory structures other than garages shall not exceed the height of the principal building or 15 feet, whichever is less. Garages shall not exceed the height of the principal building. This provision shall not apply to structures used for agricultural purposes in the AG – Agricultural – zoning district, or to structures in I – Industrial – zoning districts.

D. Materials and colors. In all R – Residential – zoning districts, accessory structures/buildings shall be constructed of materials and with colors compatible with the principal building/structure.

E. Maximum number. In all R – Residential – zoning districts, only one detached accessory structure/building, not including garages, shall be permitted per 8,000 square feet of lot area, or fraction thereof, up to a maximum of three such structures per lot. The preceding provision notwithstanding, each principal building shall be allowed at least one detached accessory structure/building. For example, three mobile homes on one lot would each be allowed one detached accessory structure/building, even if the lot were less than 24,000 square feet. (Ord. 350-05: Ord. 272-04: Ord. 228-03: Ord. 015-00)

**19.48.032 Setbacks.**

A. Garages, accessory buildings and structures and storage/utility sheds shall comply with all applicable open space and minimum yard sizes (setbacks), with the following exceptions:

1. Detached garages, accessory buildings, and structures that are separated from the principal structure by at least ten feet shall be set back from side and rear property lines at least five feet, plus one additional foot for every three feet, or fraction thereof, of building height over 15 feet. This provision notwithstanding, alley-loaded garages shall be set back at least 15 feet from alleys, whether or not attached to the principal structure.

2. Storage/utility sheds and accessory structures and buildings shall not be located closer to the front property line than the front façade of the principal structure with the following exceptions: accessory structures that are open on all sides, such as gazebos, and attached accessory structures that are open on three sides and have a floor not more than three feet above the surrounding grade, may extend to within 15 feet of a front or rear property line.

3. Storage/utility sheds under eight feet in height that maintain a minimum of six feet from all principal structures, accessory structures and storage/utility sheds, whether or not located on the same lot, may extend to side and/or rear yard property line(s).

4. An uncovered patio or deck that is not more than three feet above the surrounding grade may extend to the side, but not street side, and/or rear property line(s), provided it does not encroach into any utility easement.

5. Attached side-loaded garages may extend to within 15 feet of a front property line.

**19.48.034 Garages and carports.**

A. Driveways required. All garages and carports in all R – Residential – zoning districts, except the R-1E – Estate Residential – zoning district, shall have a minimum ten-foot wide paved driveway extending from the vehicular opening of such structure to the public right-of-way improvements, or to the right-of-way line if public improvements do not exist. Such driveway shall be constructed of asphalt, concrete or similar impervious surface. The Public Works Director has the authority to grant a conditional waiver to the requirement for the paving of such driveway based upon existing public improvements and other factors in the vicinity of the proposed accessory structure. The absence of public improvements in the vicinity shall not automatically guarantee such a waiver.

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### B. Garages and carports accessory to single-family dwellings.

1. The front plane of an attached front-facing garage shall be no more than five feet closer to the front property line than the front façade of the principal structure, unless (a) the garage is located no less than thirty feet from the front property line, and (b) the house includes a front porch. In no event shall the front plane of a front-facing garage be more than ten feet closer to the front property line than the front façade of the principal structure and in no event shall a front-facing garage encroach into a required front yard.
2. Detached garages and carports shall be no closer to the front property line than ten feet behind the front façade of the principal residential structure.
3. A three-stall garage shall only be permitted if one of the garage doors is recessed a minimum of two feet behind the other garage doors (i.e., two feet farther from the property line parallel to the garage doors).
4. A garage with more than three stalls shall only be permitted if (a) the lot is greater than 13,000 square feet in area, (b) two of the garage doors are recessed a minimum of two feet behind the other garage doors, and (c) the garage is located no less than thirty-five feet from the property line to which the garage is oriented (that is, the front property line for front-facing garages or the side property line for side-loaded garages).
5. Side-loaded garages shall have at least one window or similar feature on the elevation oriented to the front property line.
6. Garages and carports shall have similar exterior finish, including roofing material, as the principal structure of the lot.
7. Carports shall not be located closer to the front property line than the front façade of the principal structure.
8. Carports shall be limited to eight feet in height, as measured to the top of the vehicle entrance, and 500 square feet in area.

### C. Garages and carports accessory to two-family dwellings.

1. Attached garages with more than two stalls for each unit shall not be permitted.
2. Two abutting attached two-stall garages shall only be permitted if (a) one of the garage doors is recessed a minimum of three feet behind the other garage door and (b) the garages are located no less than thirty feet from the front property line. The Director of Public works shall have the authority to waive this requirement for lots platted prior to adoption of this provision if there exists a practical difficulty, in the opinion of the Director of Public Works.
3. The front plane of an attached garage shall be no more than five feet closer to the front property line than the front façade of the principal structure, unless (a) the garage is located no less than thirty feet from the front property line, and (b) the house includes a front porch. In no event shall the front plane of a front-facing garage be more than ten feet closer to the front property line than the front façade of the principal structure and in no event shall a front-facing garage encroach into the required front yard.
4. Side-loaded garages shall have at least one window or similar feature on the elevation oriented to the front property line.
5. Detached garages and carports shall be no closer to the front property line than ten feet behind the front façade of the principal residential structure.
6. Garages and carports shall have similar exterior finish, including roofing material, as the principal structure of the lot.
7. Carports shall not be located closer to the front property line than the front façade of the principal structure.
8. Carports shall be limited to eight feet in height, as measured to the top of the vehicle entrance, and 500 square feet in area.

### E. Garages and carports accessory to multifamily dwellings.

1. Attached garages shall contain no more than 25% of the area of the elevation of which they are a part.
2. Detached garages shall be designed to be compatible with the related residential structures and shall be designed and oriented to minimize the visual effect of the scale and massing of the garages and create visual interest on all sides of the garage that are visible from the public right-of-way, through the use of landscaping, berming, architectural features or styles, building materials, and/or orientation of the site.
3. Detached garages and carports shall be compatible with the principal building architecture, and shall incorporate similar and compatible forms, scale, materials, colors, and details.
4. On any multifamily building elevation there shall be no more than six two-stall or twelve single-stall garage doors, and the plane of each garage door shall be offset at least two feet from the plane of at least one garage door adjacent to it.
5. Carports shall be limited to six spaces per parking structure and each carport structure shall be located not closer than 20 feet to any other carport structure.
6. Carports shall include lighting to deter theft and vandalism. At least every other parking space shall have lighting of a minimum of 100 watts and a maximum of 250 watts.
7. Carports shall be situated or landscaped so that headlights of parked vehicles will not shine into windows or onto

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public streets.

8. Detached garages and carports shall have pitched roofs with a minimum slope of 4:12.

9. To the maximum extent feasible, garage entries, carports, and parking garages shall not be located between a principal multifamily building and a street frontage, but shall instead be internalized in building groups so that they are not visible from adjacent public streets. (Ord. 350-05: Ord. 272-04)

### **19.48.036 Accessory Structures for Mobile Homes**

A. Each mobile home site shall be limited to the following accessory structures:

1. One detached garage or carport not exceeding 600 square feet.

2. One unenclosed porch and/or covered entry, or one enclosed porch and/or covered entry with less than 120 square feet of extended roof area, per exterior door of the mobile home unit.

3. Awnings.

4. One storage shed located at least five feet from any mobile home and, if located on a corner lot, at least three feet from perimeter fencing, common areas, or streets.

B. Accessory structures, including but not limited to storage bins, shall be secured and provided with tie-down anchors.

C. Structures legally existing as accessory to a mobile home prior to August 19, 1997, and not in compliance with the requirements of this section may remain in place only until the mobile home to which such a structure is accessory is itself removed or replaced. (Ord. 350-05: Ord. 272-04)

### **19.48.040 Fences, walls and hedges.**

A. Fences, walls and hedges may be placed in appropriate locations in order to provide screening and enclosures. Fences and walls shall be constructed of materials which are visually pleasing and compatible with the surrounding improvements. Height changes, offset angles, and the use of complementary materials may be used to create variety in fences and walls.

B. Fences, walls and hedges may be permitted in the various zoning districts as accessory structures in accordance with the following limitations:

1. Fences/walls shall not exceed six feet in height as measured vertically from the surrounding grade, on all sides of the fence/wall, to the highest point of the fence/wall and shall comply with all applicable sight distance provisions. Fences/walls installed by a government agency for the purpose of a traffic sound barrier shall be allowed to be up to 12 feet in height, provided a building permit is obtained.

2. Fences and walls which are located in required front yard setbacks shall not exceed 48 inches in height above adjoining grade, except in industrial zoning districts.

3. Fences, walls and hedges shall not be located on any public right of way without the written consent of the Public Works Director. The City may require such improvements to be removed or relocated by the adjacent property owner at no cost to the City.

4. Fences, walls and hedges shall maintain a minimum clearance from fire hydrants as provided for in the latest edition of the International Fire Code, as adopted.

5. No barbed wire fence may be permitted within the City of Evans, unless approved by the Director of Public Works or designee. An application for the installation of barbed wire fencing shall be accompanied by a written submittal explaining the purpose for such fencing and a design which allows for the installation of the fence which would ensure that the barb wire fence shall not be constructed in a hazardous manner. Barbed wire fencing in industrial areas may be allowed provided that no more than three strands of barbed-wire are added to the height of a fence and provided the lowest strand of barbed-wire is maintained at least six and one-half feet (6 ½') above the adjoining grade. Barbed wire required by Title 16 shall be exempt from this provision.

6. Fences with pickets and adjacent to public right-of-way shall have the posts erected on the interior side of the fence so that the pickets are between the posts and the right-of-way.

C. Materials and maintenance.

1. No fence shall be constructed, in whole or in part, of concertina, razor wire, tin or wood scraps.

2. Electrically charged and/or swimming pool fences shall be erected and maintained in accordance with Title 15 of the Evans Municipal Code, as amended.

3. All fencing shall be constructed of brick, wood pickets, vinyl, wrought iron, decorative concrete block, chain link or other material normally used for fencing and shall be constructed to conceal or integrate all structural members of the fence into the architectural design of the fence. All other materials and construction methods shall be subject to review and approval by the Director of Public Works.

D. Where there is an established or uniform character of fencing (type of material, height, etc.) along and generally parallel to a section of an arterial or collector roadway, all fences along rear and street side property lines abutting

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and generally parallel to that section of the road shall be constructed consistent with the existing character of fencing. (Ord. 466-09: Ord. 350-05: Ord. 339-05: Ord. 272-04: Ord. 249-03: Ord. 015-00)

**19.48.050 Household pets, horses, and other animals.** Areas in which animals are maintained shall not create odors, dust, noise or drainage which constitutes a hazard or nuisance to adjoining properties or uses. The housing and/or existence of animals shall be in accordance with Title 6 of the Evans Municipal Code. (Ord. 350-05: Ord. 272-04: Ord. 015-00)

### **19.48.055 Outdoor storage.**

Except by approval of a Use by Special Review, granted in accordance with Chapter 19.44 of the Municipal Code, outdoor storage shall only be allowed as an accessory use in the I – Industrial – zoning districts and only in accordance with the following limitations:

- A. No more than 10 percent of the area of any lot or parcel in the I-1 – Light Industrial – zoning district may be used for outdoor storage.
- B. No more than 20 percent of the area of any lot or parcel in the I-2 – Medium Industrial – zoning district may be used for outdoor storage.
- C. No more than 30 percent of the area of any lot or parcel in the I-3 – Heavy Industrial – zoning district may be used for outdoor storage. (Ord. 350-05: Ord. 272-04)

### **19.48.060 Home occupations.**

A. Intent. The purpose of this section is to provide for limited business uses within dwellings when such uses will clearly not alter the character or appearance of the residential neighborhood.

B. Application. Prior to the establishment of any home occupation, an application for such Home Occupation shall be made to the Planning Division and filed with the City Clerk. If the Planning Division determines the use does not comply with all requirements for a home occupation, then the Home Occupation Permit shall not be issued. If such use has been previously established, the use shall either be brought into full compliance with the provisions of this chapter effective January 1, 2003, or the use shall be abandoned and all operations ceased.

- 1. Home occupations shall be permitted as an accessory use to any dwelling in accordance with the provisions of this section.
- 2. The conduct of a home occupation requires the approval of the Planning Division, or Planning Commission as provided in Section 19.48.060 (D&E), who may establish conditions to further the intent of this section. An application for a Home Occupation Permit shall be on a form provided by the Planning Division.
- 3. Home occupations shall not be transferable to alternate locations or persons.

C. A home occupation shall be allowed as a permitted accessory use, provided all of the following conditions are met:

- 1. The exterior appearance of the dwelling and lot shall not be altered, nor shall the occupation within the dwelling be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting or signage, or by the emission of sounds, noises, dust, odors, fumes, smoke, heat, glare, or vibrations detectable outside the dwelling.
- 2. The home occupation shall be confined within the primary dwelling, which shall be the principal use and building on the lot, and shall not include use of any accessory structure, whether attached or detached. All persons involved, directly or indirectly in carrying on the home occupation shall be legal and regular inhabitants of the dwelling unit.
- 3. The dwelling unit shall continue to be used primarily for residential purposes and the occupational activities shall be harmonious with the residential use. Such occupational activities must be clearly incidental and secondary to the use of the dwelling purposes.
- 4. No more than 20 percent of the living space shall be used for the home occupation and any related storage of materials and supplies, except where the home occupation is a licensed board and care home or a day care home that meets applicable state requirements. In no event shall an accessory structure be counted toward the total living space area.
- 5. Only one home occupation shall be permitted per residence unless more than one home occupation can be operated using no more than 20 percent of the living space.
- 6. On-site retail/wholesale transactions cannot be the primary activity of the home occupation. All such sales must remain incidental and secondary to the home occupation. There shall be no window display of merchandise.
- 7. Personal and professional customer-service based businesses shall operate on an appointment-only basis.
- 8. Vehicular traffic associated with the home occupation shall not adversely affect traffic flow and parking in the area. No more than one customer or client vehicle associated with the home occupation shall be at the home at

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any one time, and no more than 20 customer/client visits to the home per week shall be permitted, with the exception of child/day care homes. In addition to the customer trips, no more than two trips per week shall be related to the delivery of products and/or materials.

9. In addition to the required off-street parking, home occupations, including studios or rooms for instruction, shall provide additional paved off-street parking adequate to accommodate all needs created by the home occupation subject to approval of the Public Works Director or designee.

10. Only one vehicle, not to exceed one ton capacity, and one trailer, not to exceed fifteen feet, may be related to and used in conjunction with the home occupation and may be parked on-site, except as provided in Section 19.48.060.E. Such parking shall also conform with Chapter 19.52 off-street parking.

11. There shall be no exterior advertising or use of any signs related to a home occupation on the premises including areas such as, but not limited to walls, fences, mailboxes, and yards, except that one window sign not to exceed three square feet shall be permitted.

12. There shall be no exterior storage on the property of material and/or equipment used as part of the home occupation. In addition, there shall be no use or storage of mechanical equipment not recognized as being part of a normal household or hobby use.

13. The use of utilities shall be limited to that normally associated with the use of the property for residential purposes. Electrical or mechanical equipment that creates audible interference in radio receivers or visual or audible interference in television receivers or causes fluctuations in line voltage outside the dwelling unit shall be prohibited.

14. Home occupations having customer/client visits shall only conduct business hours between 7:00 a.m. and 8:00 p.m.

15. Activities conducted and buildings, equipment and material used or stored in coordination with the home occupation shall comply with all building and fire codes, as adopted by the City of Evans.

16. Upon request by the City, applicant shall provide City with access to all books, records, and information relating to the business activity being conducted thereof. Said information shall remain confidential, and shall be used to ascertain compliance with the home occupation criteria.

17. Home Occupations shall be conducted by the resident of the parcel, and if the applicant/resident requesting the home occupation permit is not the property owner, then they must obtain written approval from the property owner.

D. Prohibited Home Occupations. Certain home business uses have demonstrated a tendency to cause impacts to a neighborhood that are detrimental to the character and value of residential properties, and have associated impacts upon the public health, safety and general welfare in residential areas. The following uses, regardless of whether they meet the performance standards, are not permitted. These businesses shall include but are not limited to the following:

1. Veterinary clinics, animal hospitals or kennels;
2. Equipment rental;
3. Funeral chapels, mortuaries or funeral homes;
4. Wedding chapels;
5. Medical or dental clinics;
6. Repair/servicing or painting of automobiles, motorcycles, trailers, boats and other vehicles;
7. Repair/servicing of large appliances including stoves, refrigerators, washers and dryers;
8. Repair/servicing of power equipment including lawn mowers, snow blowers, chain saws, string trimmers and similar equipment;
9. Restaurants;
10. Welding, metal, and wood fabrication shops;
11. Dispatching of vehicles to and from residential premises. This prohibition includes, but is not limited to taxi services, towing services, and the like;
12. The sale of firearms and gunsmithing;
13. Taxidermy;
14. Storage of construction equipment.

E. The production and sale of agricultural produce at a rural home occupation, at which all produce for sale has been grown at the site, shall be permitted within the dwelling and/or from accessory buildings located within 500 feet of the dwelling occupied by those conducting the rural home occupation. Equipment used in the production of agricultural produce shall be that customarily associated with farming or agricultural purposes and shall not be limited in size or number.

F. Permitted home occupations that would otherwise violate Section 19.48.060(C)(8) & (14) regarding customer/client visits and hours of operation shall require special review pursuant to Chapter 19.44, "Approval of

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Special Uses.”

G. Fees. Each new and renewal application for a Home Occupation Permit shall be accompanied at the time of filing by a fee as established by City Council by Resolution. Each home occupation permit shall be renewed annually.

H. Complaints and Revocation.

1. Persons may file a written complaint with the Planning Division regarding a home occupation. Upon receipt of such a complaint, the City shall investigate the home occupation to determine if any provisions of this chapter or conditions of approval are being violated by the home occupation.

2. A Home Occupation Permit may be revoked or modified by the City if any of the following circumstances are found to be true:

- a. The use has become detrimental to the public health, safety, or welfare or constitutes a nuisance;
- b. The permit was obtained by misrepresentation or fraud;
- c. The use for which the home occupation permit was granted has changed, and a different home occupation is occurring;
- d. The condition of the premises has deteriorated because of the home occupation;
- e. The use is in violation of any statute, ordinance, or regulation.

3. Whenever an apparent violation of this section is observed, a written notice shall be served certified mail from the City notifying the applicant of the intent to revoke the Home Occupation Permit.

Such notice may include:

- a. Findings in support of revocation;
- b. A statement of the action required to bring the home occupation into compliance;
- c. A statement advising that if any required actions are not brought into compliance within the time specified, the Home Occupation Permit will be revoked;
- d. A statement advising that any person having legal interest in the home occupation involved may file a written request for a hearing before the City Council within ten days after receipt of notice. Should a request for a hearing not be made within ten days, then the home occupation shall cease operations without further action by the City. (Ord. 350-05: Ord. 272-04: Ord. 015-00)

**19.48.070 Auxiliary business uses.** Newsstands, refreshment stands, restaurants and other auxiliary business uses shall be permitted in connection with hospitals, schools and other public buildings if such auxiliary business uses are incidental thereto, and are for the convenience of occupants thereof; provided, the floor area used for such auxiliary business uses does not exceed 25 percent of the ground-floor area of the principal building, and that no sign is exhibited on the outside of any such principal building in connection with such auxiliary businesses as are permitted by this section. (Ord. 350-05: Ord. 272-04)

**19.48.080 Variance.** Variances to accessory structure, though not accessory use, regulations may be approved in accordance with Chapter 19.58 – Variances – of the Evans Municipal Code. (Ord. 350-05: Ord. 272-04: Ord. 015-00)

**19.48.090 Enforcement Authority.** The administrative authority is authorized and directed to administer and enforce all of the provisions of this chapter. (Ord. 350-05: Ord. 272-04: Ord. 015-00)

**19.48.100 Violation – Penalty.** Any person convicted of a violation of any provision stated or adopted in this section shall be punished as provided in Section 1.16.010 of the City of Evans Municipal Code, as amended. (Ord. 350-05: Ord. 272-04: Ord. 015-00)

### Code Documents



[19.48 - Accessory Structures and Uses](#)

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March 23, 2012

**Derek Esposito,  
Project Manager  
SolarCity Corp.  
490 E. 76<sup>th</sup> St. Unit C  
Denver, CO 80229**

**City of Evans Planning & Zoning  
1100 37<sup>th</sup> St  
Evans, CO 80620**

**Letter of Intent regarding USR Application for Solar Carport Construction at The Grove,  
3202 11<sup>th</sup> Ave, Evans, CO**

SolarCity is proposing to construct solar carports at The Grove, Campus Crest's multi-family housing complex located at 3200-3300 11<sup>th</sup> Ave. This project fully complies with Section 19.44.020 – Criteria for Use by Special Review – of the Municipal Code, according to the following criteria:

1. The proposed use is found to be unlikely to harm the health, safety, or welfare of the City or its residents.

*The proposed use creates covered parking spaces for The Grove residents which is a benefit. The proposed use is unlikely to harm the City or its residents.*

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.

*Indeed, the proposed use would add to the property value of the site, thus increasing tax revenue. In addition, the proposed use will create 15-20 jobs for local roofers, electricians, excavators, and various other subcontractors in addition to bringing in thousands of dollars in building permit fees to the City of Evans.*

3. The proposed use shall be consistent with the Evans Comprehensive Plan and shall be compatible with the surrounding area.

*The proposed use is consistent with the Evans Comprehensive Plan. From the Comprehensive Plan's Chapter 3, Land Use- 11<sup>th</sup> Avenue is highlighted as a major arterial street. Designs of this project reflect the aesthetic importance of 11<sup>th</sup> avenue, as evidence in this revision to the solar carport design that has now removed the western carports along 11<sup>th</sup> Avenue (see Figure 1, Solar Carport Layout). The eastern carports are completely blocked by the existing buildings and the southern carports are mostly screened by the Post Office and Elks Building (see Figure 2, Views from 11<sup>th</sup> Avenue, Picture 1, and Picture 2).*

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.

*The proposed use is compatible with the existing and proposed future land uses within the general area. The area where the proposed use is to be located is currently a parking lot and is proposed to be a parking lot into the future. The construction of solar carports is compatible with this vision and will not create noise, traffic, or other conditions that may be objectionable.*

5. The site shall be physically suitable for the type and intensity of the proposed land use.

*Pre-existing outdoor parking lots make ideal sites for covered parking lots.*

6. The proposed land use shall not adversely affect traffic flow and parking in the neighborhood.

*The proposed use will not affect traffic flow. It will improve parking in the neighborhood by creating covered parking areas to protect vehicles from adverse weather.*

Sincerely yours,

Derek Esposito  
Project Manager, SolarCity

Figure 1, Solar Carport Layout

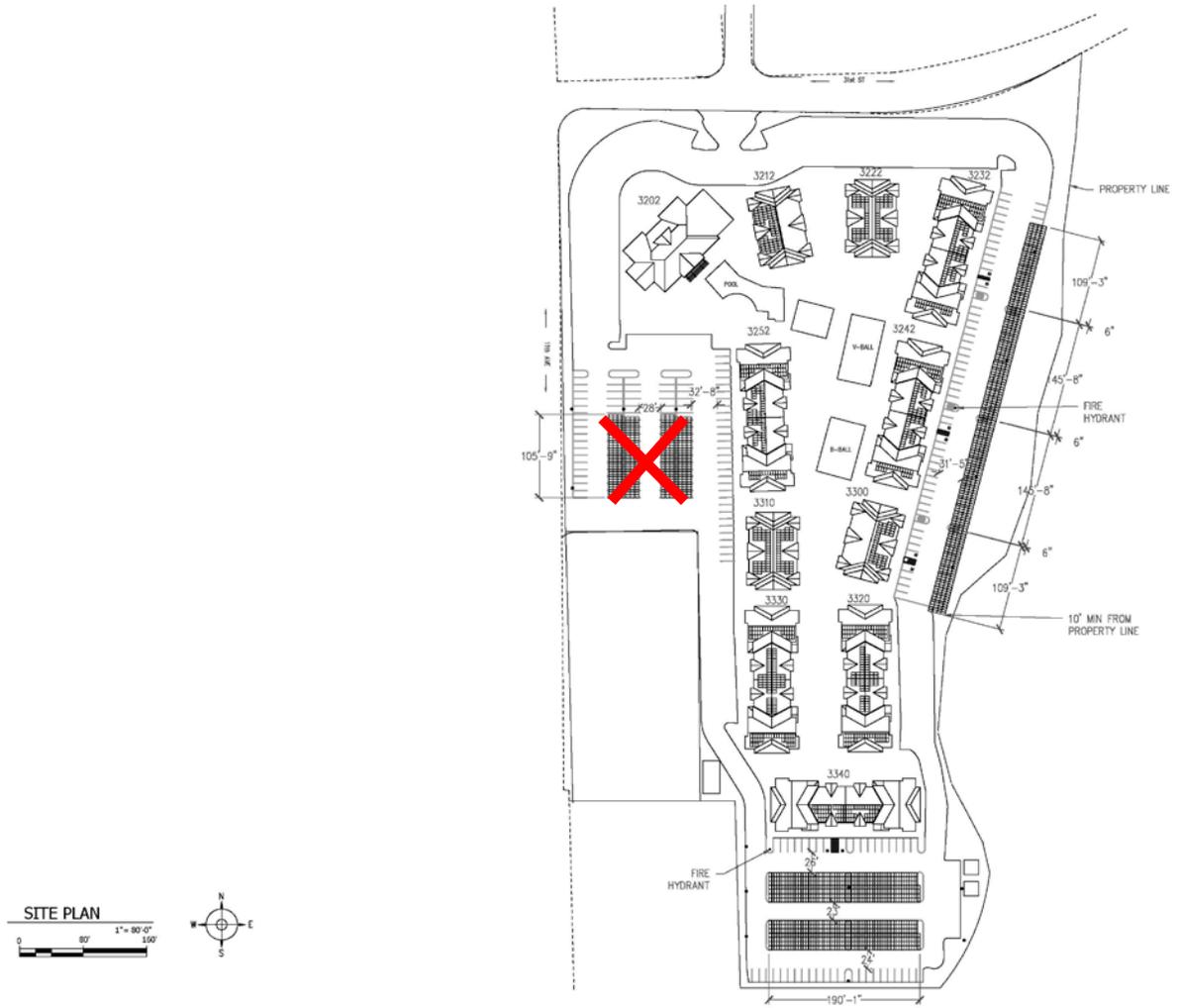
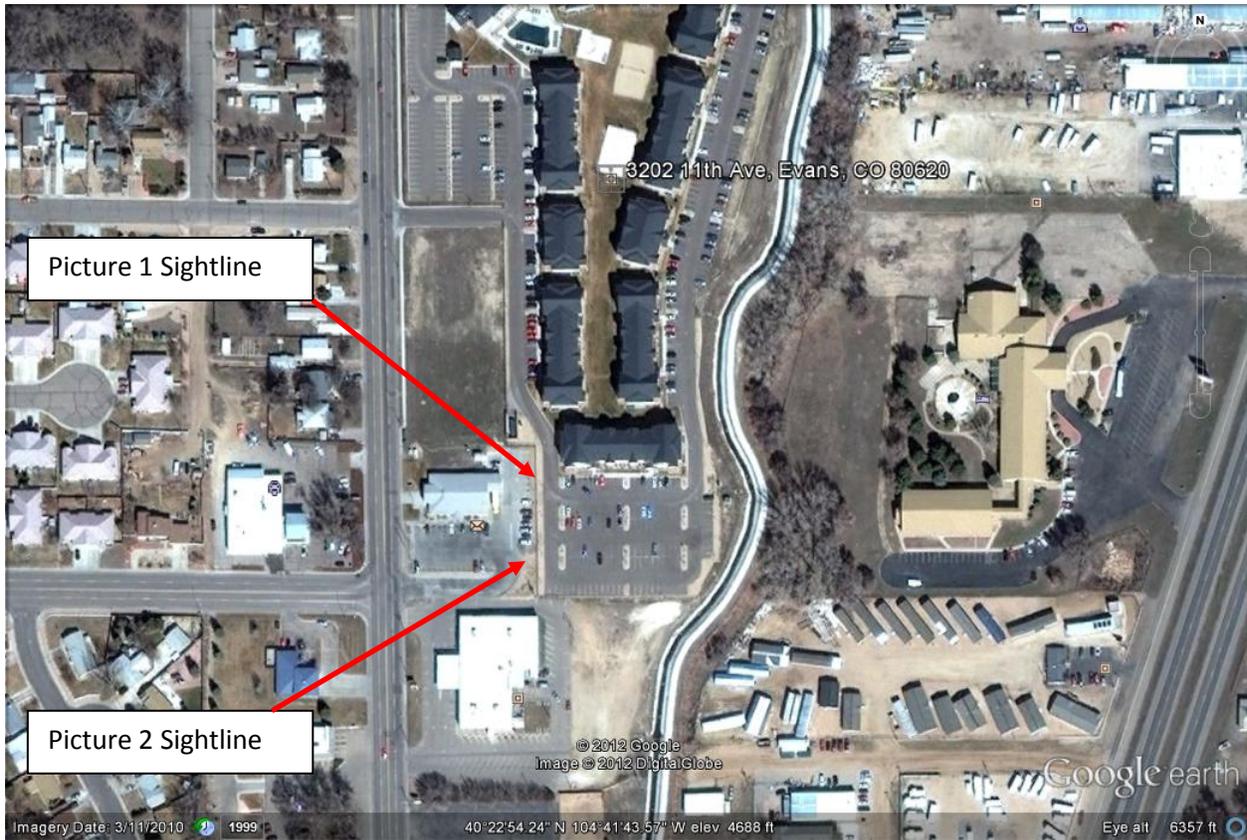


Figure 2, Views From 11<sup>th</sup> Avenue





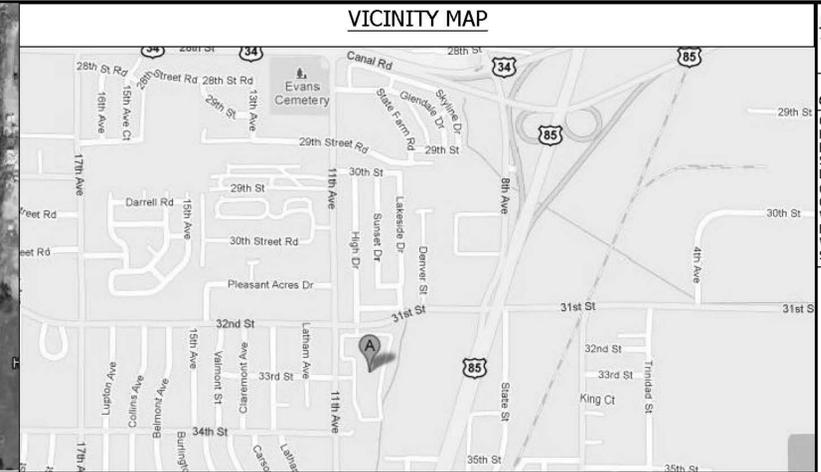
**Picture 1 (South carport drawn with Photoshop, barely visible)**



**Picture 2 (South carport drawn with Photoshop)**

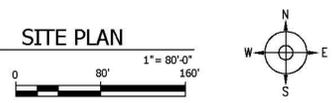
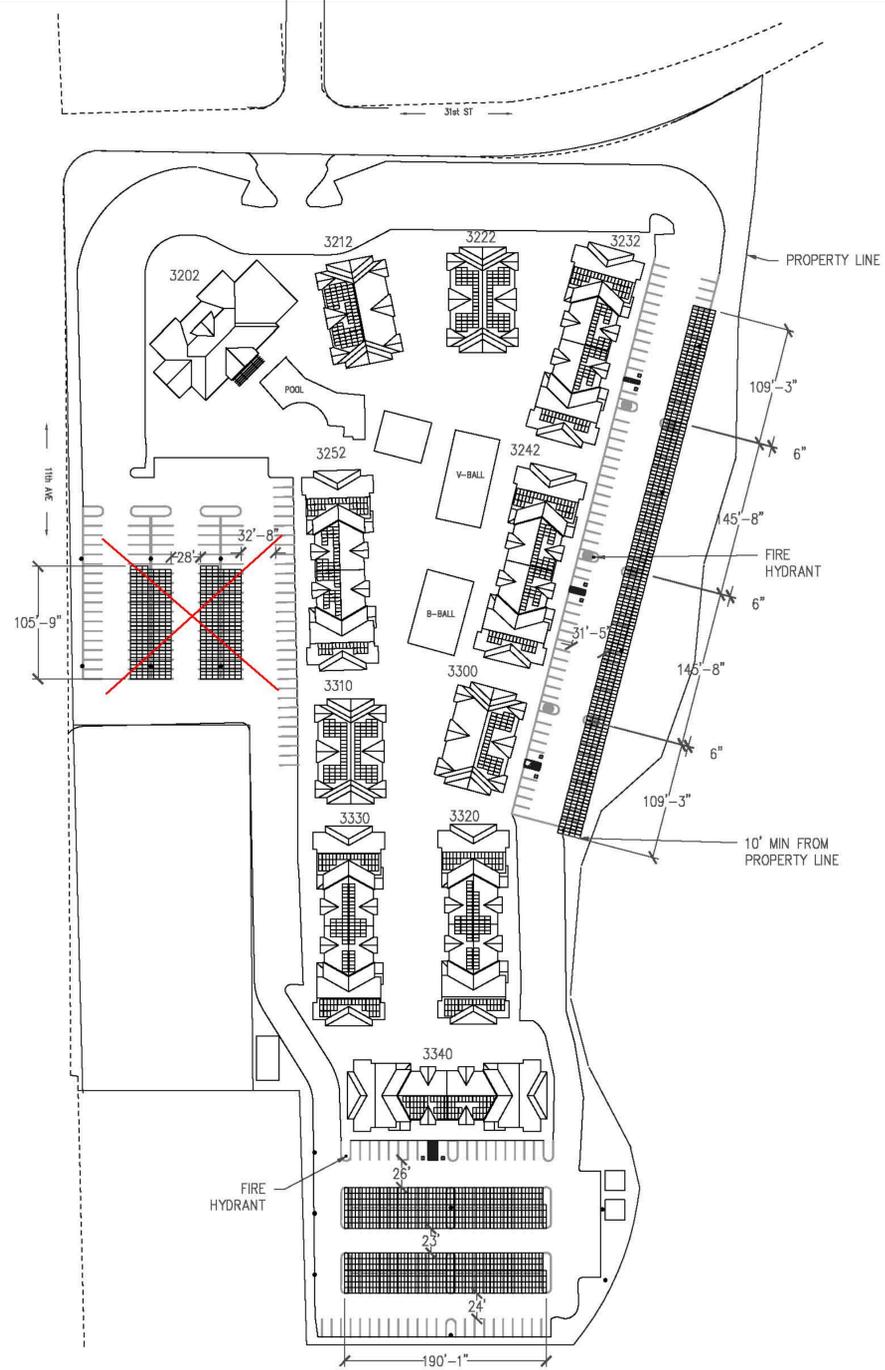
# 659.88 KW DC SOLAR PV SYSTEM FOR Campus Crest

APN: 96120329001



**SolarCity**  
3055 Clearview Way, San Mateo, CA 94402  
T: (650) 636-1026 | F: (650) 636-1029  
(888)-SOL-CITY (783-2489) | www.solarcity.com

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CAMPUS CREST  
ROOF MOUNT PV SYSTEM  
CAMPUS CREST  
3202 11TH AVE  
EVANS, CO 80620  
7044962559

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- PV1 COVER SHEET
- PV2 SITE PLAN
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- PV4 UPLIFT CALCULATIONS
- PV5 SINGLE LINE
- PV6 ELECTRICAL CALCULATIONS
- PV7 CUTSHEETS
- PV8 CUTSHEETS
- PV9 CUTSHEETS
- PV10 CUTSHEETS

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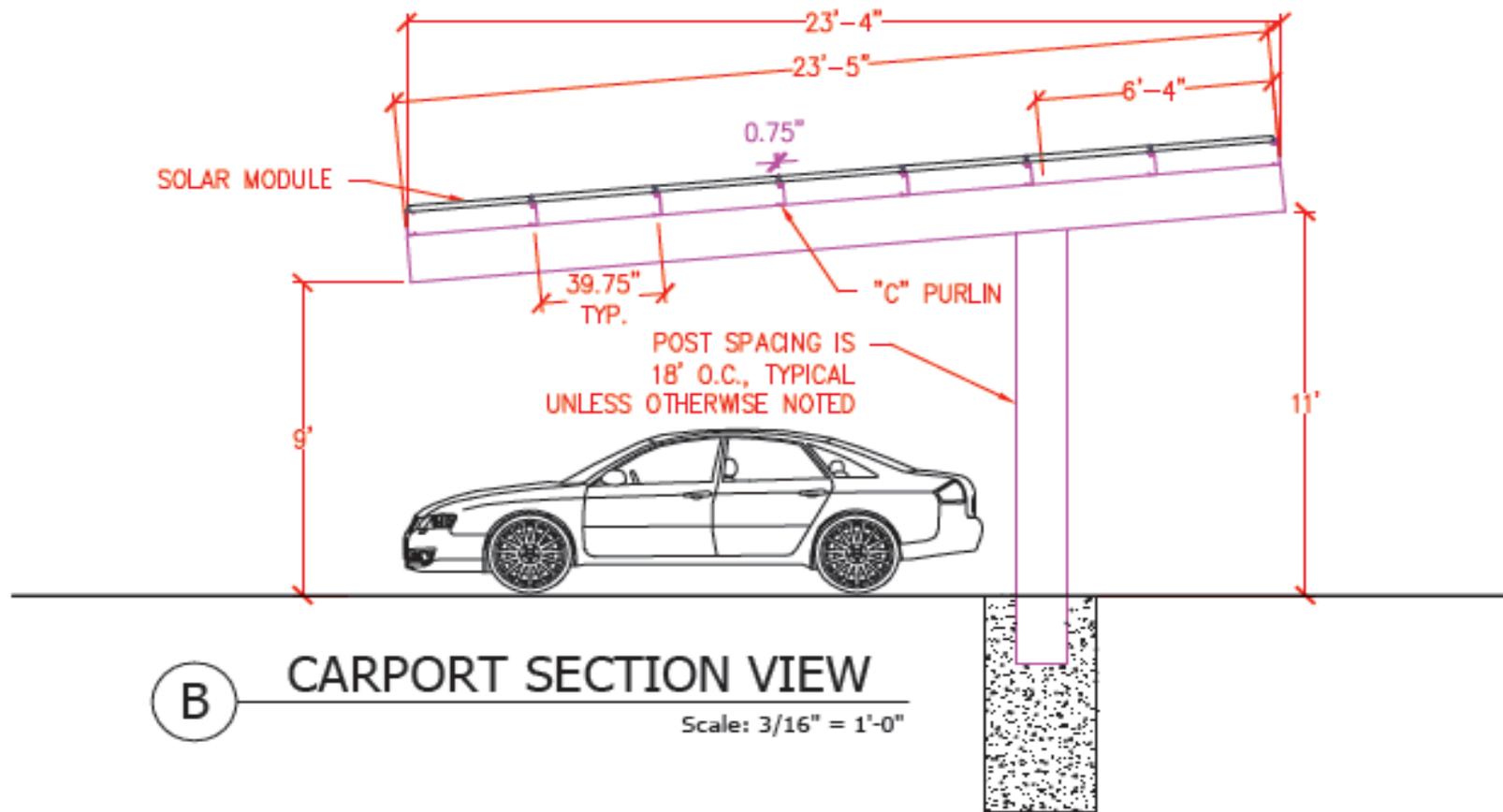
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TEL: (650) 367-8100

REVISIONS			
REV	BY	DATE	COMMENTS
REV A	BY	1/2/21	*

JOB DETAILS	
DATE:	10/6/2011
PAGE NAME:	PROJECT NUMBER:
REV:	REV:

# EXAMPLE ONLY- DO NOT USE THIS DRAWING FOR CONSTRUCTION









LOW CLEARANCE 9'







MOOSE LODGE  
909