

**CITY OF EDGEWATER**  
**ORDINANCE NO. 2023 - 04**  
**SERIES OF 2023**

**AN ORDINANCE APPROVING THE PLANNED UNIT DEVELOPMENT AMENDMENT FOR 5302 WEST 25<sup>TH</sup> AVENUE**

WHEREAS, the City of Edgewater (“City”) has received an application and related documents (collectively, the “Application”) to Amend the Planned Unit Development (PUD) for 5302 West 25<sup>th</sup> Avenue, Edgewater, Colorado (the “Property”); and

WHEREAS, consistent with the requirements of the Edgewater Municipal Code (“Code”), the Planning and Zoning Commission for the City of Edgewater (the “Commission”) conducted the initial public hearing on the Application on February 15, 2023, at which time all interested parties were given the opportunity to be heard, and thereafter presented its recommendation of approval to the City Council; and

WHEREAS, after due and proper notice to the public, the Edgewater City Council (“City Council”) conducted its own public hearing on the Application on March 7, 2023, at which time all interested parties were again given the opportunity to be heard; and

WHEREAS, based on testimony and evidence received at such hearing, the City Council finds that the Application meets the PUD Amendment criteria set forth in Code Section 16-28-60 and therefore desires to approve the Application and the proposed PUD Amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDGEWATER, COLORADO, THAT:

**Section 1. FINDINGS.** The City of Edgewater City Council hereby makes the following FINDINGS concerning the proposed PUD Amendment for the property located at 5302 West 25<sup>th</sup> Avenue:

**PUD Amendment:** Under Section Code **Section 16-28-60**, the following requirements and criteria must be met or modified through the PUD approval process:

**Section 16-12-10** states that in the C-1 Zone District, restaurant/bar is a permitted use and parking lot is listed as a conditional use. Any PUD or PUD amendment must meet all underlying zoning permitted and conditional uses.

**Finding:** 5302 West 25<sup>th</sup> Avenue is the Edgewater Inn. The parking lot north of West 25<sup>th</sup> across the street from the Edgewater Inn is their parking lot (2501 Ames Avenue). The Council therefore finds that this requirement is met.

**Sections 16-12-20 thru 70** regulate height, setbacks and lot coverage in the C-1 District. Any PUD or PUD Amendment must meet height, setbacks, lot coverage standards for the

underlying zone district.

**Finding:** The proposed PUD amendment meets all of these regulations for the C-1 District. The Council therefore finds that these requirements are met.

**Section 16-3-160 (2) a. 1.** Off-site Parking, states that no existing property, use or structure shall be deemed nonconforming solely because of the lack of off-street parking or loading requirements.

**Finding:** The current use of the Edgewater Inn has been in existence prior to the City adopting its current parking regulations. The Council therefore finds that this requirement is met.

**Section 16-3-160 (5) b.** states that an Eating Establishment with Full Bar requires 10 spaces per every 1,000 square feet of footprint. **Section 16-3-160 (4) a. and b.** allows applicants to apply to the City Manager for a parking reduction of up to 30% of the required onsite parking spaces.

**Finding:** Parking spaces are required for the new addition to the building as well as for the new outdoor patio. In this case, the owners are providing a bike and stroller parking area on the property and they will be creating an incentive for patrons to walk or bike to the Edgewater Inn with a 10% off coupon.

A 30% reduction results in 26 parking spaces being required. 26 spaces are provided: 4 new onsite spaces and 22 spaces on the Edgewater Inn's existing parking lot located across the street on 25<sup>th</sup> Avenue (2501 Ames Street). The City Manager has approved this 30% reduction request.

The Council therefore finds that this requirement is met.

**Section 16-3-160 (3) 2. ii. (B)** states, "Off-lot parking may be used provided said parking area is within four hundred fifty (450) feet of the nearest point on the structure or use for which the parking is intended to serve."

**Finding:** The Edgewater Inn's parking lot (at 2501 Ames St, where 22 spaces are provided) is located within 450 feet of 5302 W 25<sup>th</sup> Avenue. The Council therefore finds that this requirement is met.

**Section 16-3-160 (5) e. outlines landscape buffering for parking and loading areas.** When adjacent to R-1 and R-2 zone districts, a landscape buffer is required.

**Finding:** Across the alley, a portion of this property backs up to other properties zoned R-1. The code allows a combination of fencing and foliage to be used to meet this requirement. The proposed 8-foot fence is shown 10 feet back off the property line. To meet this criteria, additional landscaping must be added to the western property line along the alley between 25<sup>th</sup> Avenue and the proposed 4 new parking spaces.

A condition of approval has been added to meet this requirement, and if this condition is satisfied, the Council finds that this requirement will be met.

**Section 16-3-160 (5) k. 3.**, requires all parking areas shall be designed so that vehicles exiting from the parking area will not be required to back out across any public sidewalk or public right-of-way, unless an exception has been granted by the City Manager.

**Finding:** The four new parking spaces are shown off the alley along the west side of 5302 West 25<sup>th</sup> Avenue and will back out onto an alley. The City Manager requested sign off on this design by a licensed traffic engineer. The City's Engineering team and the applicant's engineer have reviewed and approved the layout.

The Council therefore finds that this requirement is met.

**Edgewater Design Guidelines for 25<sup>th</sup> Avenue.** Per the City's adopted guidelines, the following elements are required for any proposed addition or new construction along 25<sup>th</sup> Avenue:

**A.1 Height and Massing** – The proposed new 534 square foot addition, new patio and 8-foot fence do appear to continue the pedestrian feel along 25<sup>th</sup> Avenue.

**Finding:** The Council finds this criterion appears to be met.

**A.2 Setbacks and Build-To Lines** – Buildings that are closer to the street further enhance the pedestrian feel along 25<sup>th</sup> Avenue.

**Finding:** The proposed new addition and patio meets the current building's setback at this location of 9.5 feet. Bike parking and stroller parking with a portion of 8-foot fence is also located between the proposed new addition's setback and 25<sup>th</sup> Avenue. It appears this criterion is met.

**A.3 Storefront Design** – 70% glass storefront is required for new building along 25<sup>th</sup> Avenue.

**Finding:** This is a 13 foot long new addition that does not include an entrance into the business and therefore this criterion is not applicable

**A.4 Sign Design** – No signs are proposed with this application.

**Finding:** This criterion is not applicable

**A.5 Exterior Building Materials** – High quality brick masonry construction is required for all new building fronts along 25<sup>th</sup> Avenue. Stucco is allowed for exterior facades facing an alley or rear of a building.

**Finding:** The existing building is a combination of stucco and stone masonry and the new addition will match the existing building. With an 8-foot tall decorative fence proposed

between this new 13 foot long façade and 25<sup>th</sup> Avenue, the exterior wall of the addition will be located behind the fence.

This criterion is not applicable.

**A.6 Intermediate and Top Floor Design** – No second floor is proposed with this application.

**Finding:** This criterion is not applicable.

**A.7 Multi-Family Residential Window and Balcony Orientation** and **A.8 Roof Decks** are not a part of this application.

**Finding:** These criteria are not applicable.

**A.9 Outdoor Dining - Canopies, Railings, Lighting** – Outdoor patios are encouraged.

**Finding:** A patio is proposed with an 8-foot tall decorative fence. The Council finds this criterion appears to be met.

**A.10 Parking – Increased Parking Capacity** – Parking should be considered along 25<sup>th</sup> Avenue.

**Finding:** Parking is provided for the existing building’s new addition and new patio. The Council finds this criterion appears to be met.

**Trash/Recycle Dumpster.** The design of the dumpster appears to be compatible with existing buildings and location must allow for functional service.

**Finding:** The proposed dumpster appears to have a compatible design with the Edgewater Inn and the surrounding neighborhood. The applicant submitted a letter from a waste hauler that indicates the location of the trash and recycling dumpster is functional and can be accessed for service.

Therefore, the Council finds this requirement is met.

**Section 16-20-50 (2)** states that Fences in the C-1 Zone District that are along the side and rear yards of a corner lot adjacent to a street shall be of Class 2, 3, 4, 6 or 7 and shall not exceed a height of seventy-two (72) inches, or thirty-six (36) inches within the site distance triangles defined in Subsection [16-20-20\(b\)](#).

**Finding:** An 8-foot-tall privacy fence is proposed to go around the patio area and also to add privacy to the bike and stroller parking area in front of the new building addition (facing 25<sup>th</sup> Avenue.)

A PUD amendment may request a code provision modification and the applicant is requesting an allowance for an 8-foot tall fence. It appears this modification request is warranted by the

design and amenities incorporated into the plan.

Therefore, the Council finds this requirement is met to allow an 8-foot tall fence.

**Section 16-20-30 (a)** classifies Fences as the following:

*(1) Masonry or textured walls.*

*(2) Ornamental iron.*

*(3) Woven wire, excluding chicken wire.*

*(4) Wood picket (more than fifty percent [50%] open).*

*(5) Solid fences (wood or metal less than fifty percent [50%] open).*

*(6) Hedges of natural plant materials.*

*(7) Weather-resistant plastic, such as vinyl.*

**Finding:** The 8-foot tall fence proposed is a mix of solid wood and with metal decorative accents. The Council finds that this requirement is met.

**Section 2. DECISION.** Based upon the foregoing findings, the City Council hereby APPROVES on first reading, the Application and the proposed PUD Amendment for 5302 West 25<sup>th</sup> Avenue, with one condition:

1. That foliage landscaping be added to the western property line along the alley between 25<sup>th</sup> Avenue and the proposed 4 new parking spaces.

**Section 3. Severability.** If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

**Section 4. Repeal.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance, or any portion hereof, are hereby repealed to the extent of such inconsistency or conflict.

**Section 5. Effective Date.** This ordinance shall become effective five (5) days after final publication.

INTRODUCED, READ, PASSED ON FIRST READING AND ORDERED PUBLISHED this 7<sup>th</sup> day of March, 2023.

John Beltrone  
John Beltrone, Mayor

ATTEST:

L Pedroza  
Lenore Pedroza, CMC  
City Clerk

PASSED AND ADOPTED ON SECOND READING AND ORDERED PUBLISHED this 21<sup>st</sup> day of March, 2023.

John Beltrone  
John Beltrone, Mayor

ATTEST:

L Pedroza  
Lenore Pedroza, CMC  
City Clerk

APPROVED AS TO FORM:

Thad Renaud  
Thad Renaud, City Attorney