

## RESOLUTION PC 05-38

### A RESOLUTION OF THE CITY OF GOLDEN PLANNING COMMISSION RECOMMENDING APPROVAL OF A REZONING REQUEST FROM C-2 TO PUD AND A CONCURRENT ODP ADOPTION FOR PROPERTY AT 1299 WASHINGTON AVENUE

**WHEREAS**, NexCore PAC, LLC. has submitted a rezoning request in accordance with the requirements of Chapter 18.48 of the City of Golden Municipal Code; and

**WHEREAS**, proper notice of the required public hearing has been accomplished according to law, including posting on the subject property, publication in the local newspaper, as well as the necessary letters to all owners of real property within 300 feet of the site, and the required neighborhood meeting was held; and

**WHEREAS**, a public hearing regarding the rezoning request has been held at public meetings of the City of Golden Planning Commission on September 7<sup>th</sup> and 21<sup>st</sup>, 2005.

### **THEREFORE, BE IT RESOLVED, BY THE PLANNING COMMISSION OF THE CITY OF GOLDEN, COLORADO**

Section 1. The evidence and testimony presented during the required public hearing demonstrate that:

- a. The provision and enhancement of parking in the historic downtown core area is largely a public issue requiring public participation.
- b. Continuing with Golden's longstanding efforts to increase downtown vitality is a substantial policy commitment of the City.
- c. The property and immediate portion of downtown constitute a blighted property in need of redevelopment.
- d. The flexibility to allow the residential portion of the proposed building to exceed 75% of the total habitable floor area is not in conflict with other vitality goals.

Section 2. The evidence and testimony presented during the required public hearing demonstrate that the standards for rezoning in Section 18.48.060 of the Code are met as follows:

- a. The proposed rezoning promotes the health, safety and welfare of the inhabitants of Golden by facilitating the redevelopment of a currently vacant and blighted building.
- b. The proposed zoning is consistent with the following goals in the Comprehensive Plan:

II.1.A. (Goal) Maintain the distinctiveness of Golden and preserve its friendly small-town character.

II.1.B. (Goal) Ensure that change takes place in a compatible and positive manner.

II.1.C (Policy) Take advantage of Golden's natural, historic, scenic, and cultural resources without detracting from them.

II.1.D (Goal) Preserve the Main Street Character of downtown. (Strategy) Create design guidelines to encourage the maintenance or restoration of architectural integrity.

II.2.A. (Goal) Support zoning designations that maintain a wide variety of uses.

II.2.B. (Goal) Achieve a mixture of land uses distributed throughout the City in a convenient and compatible manner.

II.2.C. (Goal) Provide a diverse range of services and activities that are accessible through a variety of modes of travel.

II.2.H. (Goal) Pursue strategies to accommodate growth primarily through infill and redevelopment within the existing fabric of the city.

II.2.J. (Goal) Encourage infill that is compatible to the surrounding neighborhood.

II.3.A. (Goal) Provide a variety of housing types, prices, densities, sizes, architectural variety, and lot sizes in the city. The mix of housing should be distributed through the city.

II.5.A. (Strategies) Promote Golden as a retail, restaurant, and attraction destination. Increase the number of visitors and residents to the downtown area. Ensure that downtown is an aesthetically pleasing place.

II.5.B. (Strategies) Provide opportunities for residents to work in the Golden area. Encourage the development of local retail and service uses.

II.5.F. (Goal) Promote the revitalization of underutilized commercial and industrial areas.

III.2.1 (Recommendations)

- Encourage development that reinforces the historic character and variety in the area and acts to focus specialty retail, special events, and civic activity in the heart of the City.
- Support and attract commercial and service uses of an appropriate scale for downtown.
- Maintaining the mix of residential and commercial land uses in and near the CBD is essential to strengthening the character of downtown.
- Building and site development in the CBD should reflect historic building heights, setbacks, materials, and orientation.

Section 3. The evidence and testimony presented during the required public hearing demonstrate that the standards for approval of PUD Official Development Plans in Section 18.28.350 have been met with specific evidence regarding the following criteria:

- (a) The proposed development will be in harmony and compatible with the character of the surrounding areas and neighborhood;
- (b) Will be in accordance with the Golden Comprehensive Plan;
- (c) Will not result in an over-intensive use of land;
- (d) Will not require a level of community facilities and services greater than that which is available.
- (e) Will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Golden.

Section 4. The Planning Commission recommends the rezoning in Case No. PC05-38 to City Council for approval, subject to the following changes to the Official Development Plan document prior to the case proceeding to City Council, which changes the applicant has agreed to on the record:

- a. Floor envelope plans for the second, third and fourth floor (or that northwest portion) will be added to the Official Development Plan document with the same intent status as the floor plans for the below grade level and first floor.
- b. Paragraph 15 of the Official Development Plan will be modified to change subsection “a” and add new language as follows:
  - “The development will tie into the architectural fabric of the block by accenting horizontal lines such as storefront openings, sills and cornices with painted steel,

stone, and stucco material changes. The facades will be subdivided into vertical bays that respect the traditional 25' lot width.

- The articulation of the 25' wide vertical bays will be accentuated in a manner determined at final site plan, with such articulation potentially including changes of material, changes in the vertical plane of the façade, changes in cornice or roof design, the utilization of recessed features such as balconies or lanais, differentiation of awning treatments, or other means as presented to Planning Commission with the final site plan.
- For the northern 25 feet of the Washington Avenue frontage, known as the Linder Building, the final site plan will include provisions to replicate the existing building through the following:
  - The first two floors of the building façade will be set back approximately 3' from the property line, to align with the existing buildings to the north.
  - The first two floors of the façade for this portion of the building will include window placement and design, cornice treatment, and materials intended to portray the character of the historic Linder Building.
  - Any third and/or fourth floors constructed for this portion of the building will be set back approximately five (5) feet from the façade of the lower floors to further define the historic character of the building. The north wall of such upper floors may also be set back to allow terraces and/or balconies.”

c. Paragraph 14 of the ODP will be modified by adding:

“The minimum setback from the alley for a below grade level shall be zero (0) feet. The minimum setback from the alley for the ground floor will be five (5) feet. The minimum setback from the alley for the 2<sup>nd</sup> through 4<sup>th</sup> floor shall be five (5) feet except that portion of such floors associated with an above-grade connection over the alley, which may have a zero (0) foot setback from the alley.”

Resolved this 21st day of September, 2005.

ATTEST:

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Margaret Van Ness, Chair

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Steve Glueck, Director of  
Planning and Development