



CITY OF BOULDER
PLANNING BOARD MEETING AGENDA
DATE: May 7, 2015
TIME: 6 p.m.
PLACE: 1777 Broadway, Council Chambers

1. CALL TO ORDER

2. APPROVAL OF MINUTES

The [April 2, 2015](#) minutes are scheduled for approval.

3. PUBLIC PARTICIPATION

4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS/CONTINUATIONS

- A. Call Up Item: USE REVIEW** to establish a 1,605 square foot restaurant, "Troovi Eatery & Juice Bar" in currently unoccupied retail space at Solana Apartments 3060 Pearl Parkway under case no. LUR2015-00025. Expires May 8, 2015.
- B. Call-Up Item: Minor subdivision review, case no. LUR2015-00008, for the creation of a second residential lot with frontage on 15th Street.** Lot 1A to be 7,605 square feet and Lot 2A to be 7,404 square feet. This approval is subject to potential call-up on or before May 11, 2015.
- C. Call-Up Item: NONCONFORMING USE REVIEW (LUR2015-00017): Request for an expansion to a nonconforming use to remodel the kitchen facilities at the Alpha Chi Omega house located at 1162 12th Street,** including mechanical equipment and screening located on the building rooftop and associated ductwork within the rear yard setback. The project site is zoned Residential - High 5 (RH-5). The call-up period expires on May 15, 2015.

5. PUBLIC HEARING ITEMS

- A. CONCEPT PLAN & REVIEW - Proposed mixed-use development (Alexan Flatirons) located at McKenzie Junction, 3600 Highway 119 (Diagonal Highway),** that includes 295 market-rate multi-family units, 83 affordable-rate multi-family units, associated community buildings and 54,000 SF of commercial office space (with options for partial retail and coffee shop). Reviewed under case no. LUR2015-00028.

Applicant: Bill Holicky
Property Owner: Birch Mountain, LLC

6. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

**CITY OF BOULDER PLANNING BOARD
MEETING GUIDELINES**

CALL TO ORDER

The Board must have a quorum (four members present) before the meeting can be called to order.

AGENDA

The Board may rearrange the order of the Agenda or delete items for good cause. The Board may not add items requiring public notice.

PUBLIC PARTICIPATION

The public is welcome to address the Board (3 minutes* maximum per speaker) during the Public Participation portion of the meeting regarding any item not scheduled for a public hearing. The only items scheduled for a public hearing are those listed under the category PUBLIC HEARING ITEMS on the Agenda. Any exhibits introduced into the record at this time must be provided in quantities of ten (10) to the Board Secretary for distribution to the Board and admission into the record.

DISCUSSION AND STUDY SESSION ITEMS

Discussion and study session items do not require motions of approval or recommendation.

PUBLIC HEARING ITEMS

A Public Hearing item requires a motion and a vote. The general format for hearing of an action item is as follows:

1. Presentations

- a. Staff presentation (5 minutes maximum*)
- b. Applicant presentation (15 minute maximum*). Any exhibits introduced into the record at this time must be provided in quantities of ten (10) to the Board Secretary for distribution to the Board and admission into the record.
- c. Planning Board questioning of staff or applicant for information only.

2. Public Hearing

Each speaker will be allowed an oral presentation (3 minutes maximum*). All speakers wishing to pool their time must be present, and time allotted will be determined by the Chair. No pooled time presentation will be permitted to exceed ten minutes total.

- Time remaining is presented by a Green blinking light that means one minute remains, a Yellow light means 30 seconds remain, and a Red light and beep means time has expired.
- Speakers should introduce themselves, giving name and address. If officially representing a group, homeowners' association, etc., please state that for the record as well.
- Speakers are requested not to repeat items addressed by previous speakers other than to express points of agreement or disagreement. Refrain from reading long documents, and summarize comments wherever possible. Long documents may be submitted and will become a part of the official record.
- Speakers should address the Land Use Regulation criteria and, if possible, reference the rules that the Board uses to decide a case.
- Any exhibits introduced into the record at the hearing must be provided in quantities of ten (10) to the Secretary for distribution to the Board and admission into the record.
- Citizens can send a letter to the Planning staff at 1739 Broadway, Boulder, CO 80302, two weeks before the Planning Board meeting, to be included in the Board packet. Correspondence received after this time will be distributed at the Board meeting.

3. Board Action

- d. Board motion. Motions may take any number of forms. With regard to a specific development proposal, the motion generally is to either approve the project (with or without conditions), to deny it, or to continue the matter to a date certain (generally in order to obtain additional information).
- e. Board discussion. This is undertaken entirely by members of the Board. The applicant, members of the public or city staff participate only if called upon by the Chair.
- f. Board action (the vote). An affirmative vote of at least four members of the Board is required to pass a motion approving any action. If the vote taken results in either a tie, a vote of three to two, or a vote of three to one in favor of approval, the applicant shall be automatically allowed a rehearing upon requesting the same in writing within seven days.

MATTERS FROM THE PLANNING BOARD, DIRECTOR, AND CITY ATTORNEY

Any Planning Board member, the Planning Director, or the City Attorney may introduce before the Board matters which are not included in the formal agenda.

ADJOURNMENT

The Board's goal is that regular meetings adjourn by 10:30 p.m. and that study sessions adjourn by 10:00 p.m. Agenda items will not be commenced after 10:00 p.m. except by majority vote of Board members present.

*The Chair may lengthen or shorten the time allotted as appropriate. If the allotted time is exceeded, the Chair may request that the speaker conclude his or her comments.

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
April 2, 2015
1777 Broadway, Council Chambers

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: <http://www.bouldercolorado.gov/>

PLANNING BOARD MEMBERS PRESENT:

Aaron Brockett, Chair
Bryan Bowen
Crystal Gray
John Gerstle
Leonard May
Liz Payton
John Putnam

STAFF PRESENT:

Hella Pannewig, Assistant City Attorney
Susan Meissner, Administrative Assistant III
Chandler Van Schaack, Planner I
Charles Ferro, Development Review Manager
David Thompson, Civil Engineer II, Transportation
Molly Winter, DUHMD Executive Director
Chris Hagelin, Senior Transportation Planner

1. CALL TO ORDER

Chair, **A. Brockett**, declared a quorum at 6:00 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

On a motion by **C. Gray** and seconded by **L. Payton**, the Planning Board approved the March 5, 2015 Planning Board meeting minutes as amended.

3. PUBLIC PARTICIPATION

No one from the public spoke.

4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS/ CONTINUATIONS

There were no items.

5. PUBLIC HEARING ITEMS

A. Public hearing and consideration of a Site Review for a Height Modification only, application no. LUR2014-00090, to construct a 1,146 square foot addition to an existing

single family home at 2030 Vassar St. in the RL-1 zone district at a height of 39'5" where 35' is the maximum principal building height allowed by the zone district standards.

Applicant: Kyle Callahan
Owner: The McLelland Family

Staff Presentation:

C. Van Schaack presented the item to the board.

Board Questions:

H. Pannewig and **C. Van Schaack** answered questions from the board.

Applicant Presentation:

Diek McLelland and **Kyle Callahan** presented the item to the board.

Board Questions:

Diek McLelland answered questions from the board.

Public Hearing:

1. **Nancy Kinne, 2090 Vassar Drive**, lives next door to the applicant. She is concerned that the addition will block her views to the sky.
2. **Zygmunt Frayzynger, 2010 Vassar Drive**, lives next door to the applicant. He is also concerned that his view to the east will be blocked.
3. **Linda Moore, 637B South Broadway**, strongly opposed the proposal. She thought a legal addition over the garage would be preferable.

Board Comments:

- Planning Board members had differing opinions regarding the compatibility of the proposed project with the surrounding neighborhood. **J. Putnam** and **B. Bowen** felt that it met the Site Review criteria and BVCP goals while the remaining members did not.
- **J. Putnam** thought the perceived height was compatible with the area as many near-by homes are of a similar height to the proposal. He felt that Council excluded sloping sites from the height moratorium for this reason. He expressed some concern about blocking views, but thought it was okay because of the orientation. He felt there was little to no impact on the Hillsdale and none of the Hillsdale neighbors expressed any concern. He appreciated that the applicant would keep the existing home, but would have liked to have seen it less altered from its original design.
- **L. May** noted that the city's method for measuring height twenty-five feet from the structure accounted for sloping sites. He thought the exception to the height limit in a residential area would have a significant impact; it was not compatible with the neighborhood. He cited the BVCP 2.0 regarding the protection of neighborhood character and compatible building scale.

- **B. Bowen** agreed with **J. Putnam**. He was sympathetic to the neighbors but thought the applicant did best job possible by narrowing the building profile and keeping massing in the middle. The by-right option to expand over the garage could be okay from the streetscape, but would have more impact on the adjacent neighbors. He appreciated that the solar access works; the only impact is downhill on the applicant's property and in a vacant and relatively inaccessible area. While the height ordinance intended to capture impacts on sloped sites, he thought it had more to do with buildings in a natural setting as opposed to a neighborhood. He thought it was compatible enough with the neighborhood to be approved.
- **A. Brockett** sympathized with the applicant given the constraints on the site; if it were flat, the proposal would be acceptable. He opposed the project because he did not think it complied with criteria F-2 regarding height in proportion with other existing buildings. The proportion on the street is one and a half to two stories while he proposal appears to be two and a half stories. He didn't see anything else on the street that presented this large.
- **C. Gray** agreed with **A. Brockett** and with **L. May's** assessment of criteria. She appreciated the design concept but noted that compatibility with the existing area is set by the topography of the area. The existing buildings are a result of the topography. She would not support the request for a height modification.
- **J. Gerstle** did not think the proposal was consistent with the neighborhood character. The height calculation requirement takes sloping lots into consideration and this proposal still did not meet it. The perception of height differs from depending on the angle.
- **L. Payton** appreciated that the applicant wanted to keep the existing house. She cited concerns about altering the height, proportion and lack of compatibility with the neighborhood character. She felt the neighbors' testimony is part of the definition of the existing character and this proposal was not compatible. Though this will not officially set a precedent, she felt that it would have an impact on the character of the neighborhood which sets a built-in precedent. She would not support the application.

Motion:

On a motion by **C. Gray**, seconded by **L. May**, the Planning Board voted 5-2 (**B. Bowen** and **J. Putnam** opposed) to deny the Site Review application LUR2014-00090 and that the Planning Board continue the hearing and that the item return to the Planning Board at its next meeting with the findings of fact.

B. Concept Plan (case no. LUR2015-00006) for redevelopment of an approximately 58,272 sq. ft. (1.34-acre) site located at 2440 and 2490 Junction Pl. within Boulder Junction. Referred to as "The Commons," the proposed commercial development would consist of two 3-4 story buildings totalling roughly 100,000 sq. ft. that would include professional office space, restaurant space and "flex" space intended as community gathering space. The proposal also includes 65 underground parking spaces, a proposed "mobility hub" that includes a car share

program and B-Cycle Station, a central public plaza area and multiple multi-modal connections through the site.

Applicant: Bill Hollicky
Property Owner: Sy Triumph LLC

Staff Presentation:

C. Van Schaack presented the item to the board.

Board Questions:

C. Van Schaack and **M. Winter** answered questions from the board.

Applicant Presentation:

Bill Hollicky, the applicant, presented to the board.

Public Hearing:

1. Wade Wimmer, 3405 Valmont, lives close to the site. He thought this posed an opportunity to change the norm of development in Boulder.

Board Discussion:

- Members generally liked the proposed project and thought it would serve as a sustainable centerpiece project for Boulder Junction; they appreciated the environmental aspirations. **A. Brockett** thought that this was the type of project envisioned when the TVAP was created.
- Most members agreed that the proposed plan was consistent with the TVAP. There was some concern that the residential criteria had not been met; Steelyards should not count toward that end. Some members felt that it was okay not to have a residential component given the size, configuration and proximity to the rail tracks while others asked the applicant to consider adding residential units to the Junction Place façade. The northwest portion of the project could work well for townhomes and would respond well to the Steelyards. Contact Solana to see how the residential units near the tracks are faring. Consider the overall balance of residential to commercial space in the Transit Village as a whole.
- The massing is generally on the right track. Members agreed that it would be appropriate to have taller buildings facing the tracks. Some members thought it would be appropriate to have a shorter façade along Junction Place that could be achieved through step backs. **B. Bowen** felt that it was important to maintain the height along Junction Place. There was general consensus that the façade along Junction Place should be strong and work in conjunction with the Steelyards.
- The southern façade will be critical as it will define the northeastern edge of the public space. Design it to be a hard edge with a sense of vibrancy as it will attract attention from Goose Creek; it is important to send a message that Boulder Junction is active. Show images from the perspective of the Goose Creek path in Site Review.

- Members thought the solar panels along the eastern façade were appropriate. Consider means for enlivening the eastern façade along the multi-use path. Create spaces for people along the multi-use path.
- Consider shifting the East-west corridor to the south. **L. Payton** suggested that it be tree-lined to create a sense of place and promenade.
- Board members generally liked the tow bar concept and interior courtyard space. There were questions as to whether the courtyard needed to be so large. Consider means for incorporating more natural landscaping and less hardscape.
- Consider moving the proposed coffee shop space from the south to the north side to take better advantage of solar access. **B. Bowen** suggested that the applicant consider incorporating play structures nearby similar to Lucky Pie in Louisville.
- Connect to the central courtyard from the north. This will benefit circulation and retail spaces.
- The board liked the concept of flex commercial spaces on the bottom floor of the buildings.
- Public access along the southern edge is important.
- Consider softening the landscape.
- Members generally liked the proposed architecture and the precedent images provided by the applicant. Assure that the style ties in with the general industrial feel and placemaking goals of the Boulder Junction area. There was acknowledgement that the architecture will tie into the sustainability features of the building.
- **L. May** liked the cantilever over the open space and general modern feel of the architecture. He encouraged the applicant to be adventurous.
- **L. Payton** cautioned against the use of too much glass. It is not conducive to the pedestrian experience.
- The members liked the mobility hub concept and parking solutions. Accommodate charging stations for electrical vehicles.
- Members were sympathetic to the concerns of Steelyard residents but felt that the parking reduction was important. The asked staff to help the neighborhood create a parking district and work together to incorporate them into the mobility hub design. Parking should be part of a system approach with the entire neighborhood.
- Incorporate best practices in bike parking; consider including repair stations, lockers and showers.

6. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY

- A. The board discussed potential topics for their upcoming retreat.
- B. **C. Gray** and **L. May** updated the board about the Housing Boulder subcommittee process.
C. Gray will ask Jay Sugnet to send information about subcommunity meetings to the board members.

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

The Planning Board adjourned the meeting at 9:41p.m.

APPROVED BY

Board Chair

DATE

DRAFT

MEMORANDUM

TO: Planning Board
FROM: Elaine McLaughlin, Case Manager
DATE: April 24, 2015
SUBJECT: Call Up Item: USE REVIEW to establish a 1,605 square foot restaurant, "Troovi Eatery & Juice Bar" in currently unoccupied retail space at Solana Apartments 3060 Pearl Parkway under case no. LUR2015-00025.

Background.

The small proposed restaurant is located in one of the currently unoccupied retail spaces of the Solana Apartments, on the southwest corner of Pearl Parkway and Junction Place, as shown in Figures 1,2, and 3.

The property is located within the MU-4 zoning district and within Boulder Junction. As anticipated in both MU-4 and Boulder Junction, a vertical mix of uses is planned. The MU-4 zoning district is defined in section 9-5-2, B.R.C. 1981 as follows:

"Mixed Use - 4: Mixed use residential areas generally intended for residential uses with neighborhood-serving retail and office uses; and where complementary uses may be allowed. It is anticipated that development will occur in a pedestrian-oriented pattern, with buildings built up to the street."

The Use Standards of the Land Use Code section 9-6-1, B.R.C. 1981 require a Use Review for "restaurants, brewpubs and taverns that are over 1,500 square feet in floor area" to operate in the MU-4 zoning district. Because the space is 1,605 square feet, it is subject to Use Review.

The current character of the surrounding area is changing based on recent construction and in turn, is becoming more active with pedestrians. The Solana Apartments are currently 95 percent leased and the Hyatt Hotel located within Depot Square across Pearl Parkway to the north recently opened for guests. The permanently affordable residential units of Depot Square are anticipated to open in the summer 2015. Pursuant to section 9-9-6, B.R.C. 1981, because the building is located within the Boulder Junction Access District (BJAD) there is no off-street parking requirement for non-residential uses in the MU-4 zoning district. There is ample public parking as

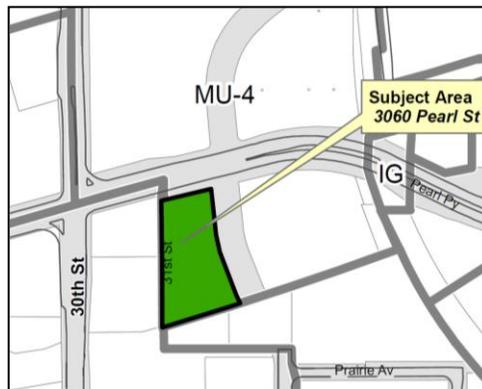


Figure 1: Mapped Location

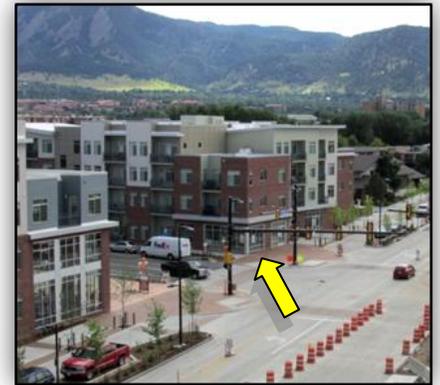


Figure 2: Aerial View



Figure 3: Street Level View of Site

well as on-street parking available nearby as well as the below grade parking within Solana, and the soon to be completed parking structure for Depot Square.

Proposed Project. The applicant is requesting approval of a Use Review to allow for a new restaurant, “Troovi Eatery and Juice Bar” which is proposed to be 1,605 square feet with 32 seats. The proposed hours of operation are from 6:30 a.m. to 9:00 p.m. seven days per week. Refer to **Attachment C** for *Applicant’s Proposed Plan and Management Plan*.

Analysis. The application was found to be in conformance with the Use Review criteria of the Land Use Code section 9-2-15, B.R.C. 1981. Attachment B is provided of the Use Review Criteria checklist.

Public Comment. Consistent with section 9-4-3, Public Notice Requirements, B.R.C. 1981, staff provided notification to all property owners within 600 feet of the subject location of the application, and a sign has been posted on the building by the applicant indicating the review requested. There were no comments received from the public regarding this application.

Conclusion. Per section 9-4-2, B.R.C. 1981, applications for Use Review are subject to call up by the Planning Board. This proposal was approved by Planning and Development Services staff on **April 24, 2015** (see Attachment A) and the decision may be called up before Planning Board on or before **May 8, 2015**. There is one Planning Board meeting within the 14-day call up period, on **May 7, 2015**. Questions about the project or decision should be directed to Elaine McLaughlin at (303) 441-4130 or mclaughline@bouldercolorado.gov.

Attachments:

- A. Signed Disposition
- B. Analysis of Use Review Criteria
- C. Applicant’s Proposed Plan and Management Plan



CITY OF BOULDER
Community Planning & Sustainability

1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791
phone 303-441-1880 • fax 303-441-3241 • web www.bouldercolorado.gov

CITY OF BOULDER PLANNING DEPARTMENT
NOTICE OF DISPOSITION

You are hereby advised that the following action was taken by the Planning Department based on the standards and criteria of the Land Use Regulations as set forth in Chapter 9-2, B.R.C. 1981, as applied to the proposed development.

DECISION: **APPROVED WITH CONDITIONS**
PROJECT NAME: **RESTAURANT USE REVIEW**
DESCRIPTION: **USE REVIEW to establish a 1,605 square foot restaurant in currently unoccupied retail space at the street level of Solana 3100 Pearl Apartments**
LOCATION: **3060 PEARL PARKWAY**
COOR: **N04W03**
LEGAL DESCRIPTION: **Lots 1, 3100/3200 Pearl Subdivision, as per the plat recorded January 25, 2012 at Reception No. 3198390, and as corrected by Affidavit of Correction recorded August 17, 2012 at Reception No. 3245179, County of Boulder, State of Colorado**
APPLICANT: **John Sponseller**
OWNER: **Pearl Street Apartments Investors LLC**
APPLICATION: **Use Review, LUR2015-00025**
ZONING: **MU-4**
CASE MANAGER: **Elaine McLaughlin**
VESTED PROPERTY RIGHT: **NO; the owner has waived the opportunity to create such right under Section 9-2-19, B.R.C. 1981.**

FOR CONDITIONS OF APPROVAL, SEE THE FOLLOWING PAGES OF THIS DISPOSITION.

Approved on: 4-24-2015
Date

By: [Signature]
David Driskell, Executive Director of Community Planning and Sustainability

This decision may be appealed to the Planning Board by filing an appeal letter with the Planning Department within two weeks of the decision date. If no such appeal is filed, the decision shall be deemed final fourteen days after the date above mentioned.

Appeal to Planning Board expires: 5-08-2015

Final Approval Date: _____

Address: 3060 Pearl Parkway

Address: 3060 Pearl St.

IN ORDER FOR A BUILDING PERMIT APPLICATION TO BE PROCESSED FOR THIS PROJECT, A SIGNED DEVELOPMENT AGREEMENT AND FINAL PLANS FOR CITY SIGNATURE MUST BE SUBMITTED TO THE PLANNING DEPARTMENT WITH DISPOSITION CONDITIONS AS APPROVED SHOWN ON THE FINAL PLANS, IF THE DEVELOPMENT AGREEMENT IS NOT SIGNED WITHIN NINETY (90) DAYS OF THE FINAL DECISION DATE, THE PLANNING DEPARTMENT APPROVAL AUTOMATICALLY EXPIRES.

Pursuant to Section 9-2-12 of the Land Use Regulations (Boulder Revised Code, 1981), the applicant must begin and substantially complete the approved development within three years from the date of final approval. Failure to "substantially complete" (as defined in Section 9-2-12) the development within three years shall cause this development approval to expire.

CONDITIONS OF APPROVAL

1. The Applicant shall ensure that the **development shall be in compliance with all plans** prepared by the Applicant on January 30, 2015 on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval. Further, the Applicant shall ensure that the approved use is operated in compliance with the following restrictions:
 - a. Size of the approved interior use shall be limited to 1,605 square feet.
 - b. The approved interior use shall be closed from 9:00 p.m. to 6:30 a.m., seven days per week.
 - c. Trash and bottles shall not be removed to outside trash containers between the hours of 10:00 p.m. and 8:00 a.m.
2. The Applicant **shall not expand or modify the approved use**, except pursuant to subsection 9-2-15(h), B.R.C. 1981.
3. The Applicant shall **comply with all previous conditions** contained in any previous approvals, except to the extent that any previous conditions may be modified by this approval, including, but not limited to, the following: the Development Agreement recorded at Reception No. 03133194 on February 14, 2011 and the Subdivision Agreement recorded at Reception No. 3198389 on January 25, 2012 in the records of the Boulder County Clerk and Recorder.

Address: 3060 Pearl Parkway

Address: 3060 Pearl St.

USE REVIEW CRITERIA

Criteria for Review: No use review application will be approved unless the approving agency finds all of the following:

Yes (1) Consistency with Zoning and Non-Conformity: The use is consistent with the purpose of the zoning district as set forth in [Section 9-5-2\(c\)](#), "Zoning Districts Purposes," B.R.C. 1981, except in the case of a non-conforming use;

The proposed restaurant is consistent with the intent of the Mixed Use -4 (MU-4) zoning which states, "generally intended for residential uses with neighborhood serving retail and office uses; and where complementary uses may be allowed."

Yes (2) Rationale: The use either:

Yes (A) Provides direct service or convenience to or reduces adverse impacts to the surrounding uses or neighborhood;

The provision of a small restaurant within the Solana Apartments will provide a direct service and convenience to the residents of the apartments as well as those at Depot Square; within walking distance that will reduce auto trips.

_____ (B) Provides a compatible transition between higher intensity and lower intensity uses;

_____ (C) Is necessary to foster a specific city policy, as expressed in the Boulder Valley Comprehensive Plan, including, without limitation, historic preservation, moderate income housing, residential and non-residential mixed uses in appropriate locations, and group living arrangements for special populations; or

_____ (D) Is an existing legal non-conforming use or a change thereto that is permitted under subsection (e) of this section;

Yes 3) Compatibility: The location, size, design, and operating characteristics of the proposed development or change to an existing development are such that the use will be reasonably compatible with and have minimal negative impact on the use of nearby properties or for residential uses in industrial zoning districts, the proposed development reasonably mitigates the potential negative impacts from nearby properties;

The small restaurant with operating characteristics for evening closure will be compatible in the residential context and have minimal negative impacts. The conditions of approval also require that the trash removal will occur only during daylight hours.

Yes (4) Infrastructure: As compared to development permitted under [Section 9-6-1](#), "Schedule of Permitted Uses of Land," B.R.C. 1981, in the zone, or as compared to the existing level of impact of a non-conforming use, the proposed development will not significantly adversely affect the infrastructure of the surrounding area, including, without limitation, water, wastewater, and storm drainage utilities and streets;

The infrastructure was established for Mixed Use in this location.

Yes (5) Character of Area: The use will not change the predominant character of the surrounding area or the character established by adopted design guidelines or plans for the area;

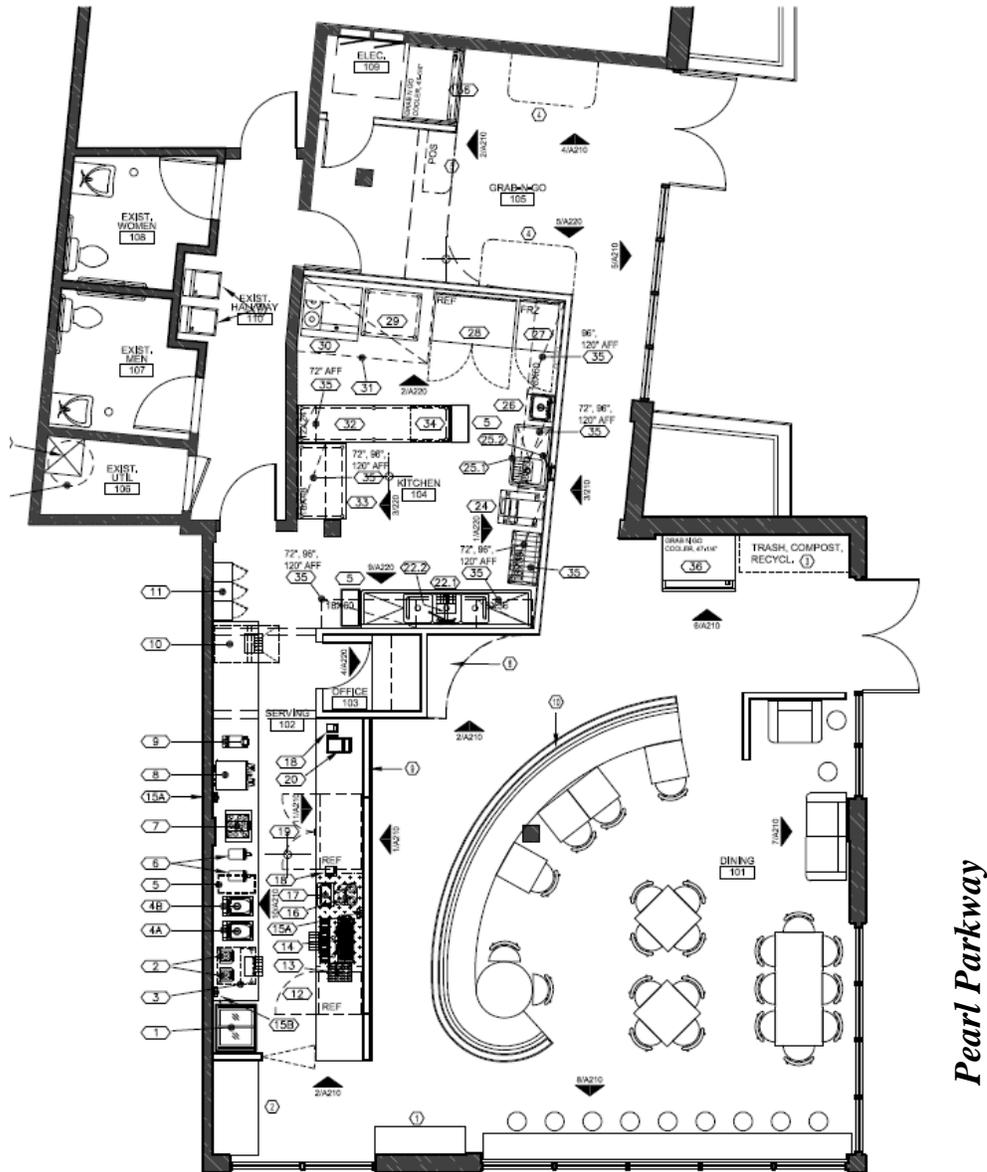
The small restaurant use will be compatible with, and enhance, the existing character of the mixed use area.

N/A (6) Conversion of Dwelling Units to Non-Residential Uses: There shall be a presumption against approving the conversion of dwelling units in the residential zoning districts set forth in [Subsection 9-5-2\(c\)\(1\)\(a\)](#), B.R.C. 1981, to non-residential uses that are allowed pursuant to a use review, or through the change of one non-conforming use to another non-conforming use. The presumption against such a conversion may be overcome by a finding that the use to be approved serves another compelling social, human services, governmental, or recreational need in the community including, without limitation, a use for a day care center, park, religious assembly, social service use, benevolent organization use, art or craft studio space, museum, or an educational use.

Not applicable: proposed use does not convert dwelling units to non-residential uses.

Management Plan for 3060 Pearl Restaurant (Troovi Eatery and Juice Bar)

- 1) Proposed Hours of operation: 6:30 a.m. to 9:00 p.m. (7 days per week)
- 2) Number of Employees: 3
- 3) Size of Restaurant: 1,605 square feet – an interior use only
- 4) Dining: Will offer Breakfast, lunch and dinner fare



Pearl Parkway

Junction Place

Address: 3060 Pearl St.

MEMORANDUM

TO: Planning Board
FROM: Sloane Walbert, Case Manager
DATE: April 28, 2015
SUBJECT: **Call-Up Item:** Minor subdivision review, case no. LUR2015-00008, for the creation of a second residential lot with frontage on 15th Street. Lot 1A to be 7,605 square feet and Lot 2A to be 7,404 square feet. This approval is subject to potential call-up on or before **May 11, 2015**.

Attached is the disposition of the conditional approval (see [Attachment A](#)) of a Minor Subdivision for the subdivision of a residential property within the Residential Low – 1 (RL-1) zoning district to create an additional lot that will front on 15th Street. All structures on the property have been demolished (refer to *Figure 1, Current Conditions*). Each resulting lot will contain building envelopes suitable for the construction of single-family homes. Pursuant to [section 9-12-5\(a\)](#), B.R.C. 1981, a Minor Subdivision is required to subdivide the property (see [Attachment B](#) for Approved Final Plat).

Background. The subject property is a 0.34-acre lot located on the southeast corner of Bluebell Avenue and 15th Street in the East Chautauqua neighborhood (refer to *Figure 2, Vicinity Map*). The property was originally platted per the Interurban Park Addition in 1908. The property previously contained a single-family home that was constructed in 1951, a carport and stone landscape walls, as seen in the aerial photo on the next page. All structures have been removed from the property to accommodate the new property line (refer to *Figure 1* and [Attachment B](#)). Vehicular access to both lots will be from 15th Street. In addition, a 5-foot public utility easement will be dedicated on the plat for existing services that cross the proposed lot lines.



Figure 1: Current Conditions

The project site is zoned Residential - Low 1 (RL-1), which is defined as “single-family detached residential dwelling units at low to very low residential densities.” The minimum lot area in RL-1 zoning is 7,000 square feet. Both proposed lots meet this minimum lot area requirement. Following subdivision, both lots will be limited to a single dwelling unit (unless accessory dwelling units are proposed and approved pursuant to [section 9-6-3\(a\)](#), “Accessory Units,” B.R.C. 1981). Future development will be subject to compatible development standards, including side yard bulk plane, side yard wall articulation, maximum building coverage, and floor area ratio (FAR) requirements.

Public Comment. Required public notice was provided in the form of written notifications to adjacent property owners of the subject property. In addition, a public notice sign was posted on the property. Therefore, all public notice requirements of section 9-4-3, “Public Notice Requirements,” B.R.C. 1981 were met. Staff received comments from one neighbor concerned about the size and height of homes that could be build on each lot. Based on marketing materials that were placed on the property, they are concerned about new structures blocking views. Refer to [Attachment C](#) for public comment. Staff explained that the size and scale of any proposed homes would be determined by the applicable zoning standards, including compatible development

standards and solar access standards. The application was also sent to the neighborhood association for comment.



Figure 2: Vicinity Map

Conclusion. Staff finds that this application meets the Minor Subdivision criteria set forth in section 9-12-5(e), B.R.C. 1981. Further, the subdivision meets the minimum lot area requirements (Table 8-1: Intensity Standards) and the Standards for Lots and Public Improvements (Section 9-12-12). Refer to **Attachment D** for staff analysis of the land use code criteria.

This application was approved by Planning and Development Services staff on April 27, 2015 and the decision may be called-up before Planning Board on or before **May 11, 2015**. One Planning Board meeting is scheduled within the 14-day call-up period, on **May 7, 2015**. Questions about the project or decision should be directed to Sloane Walbert at 303-441-4231 or via email walberts@bouldercolorado.gov.

Attachments.

- Attachment A:** Disposition of Approval
- Attachment B:** Approved Final Plat for Interurban Park Addition Replat A
- Attachment C:** Public Comments Received
- Attachment D:** Analysis of City Code Criteria



CITY OF BOULDER
Community Planning & Sustainability

1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791
phone 303-441-1880 • fax 303-441-3241 • web www.bouldercolorado.gov

CITY OF BOULDER PLANNING DEPARTMENT
NOTICE OF DISPOSITION

You are hereby advised that the following action was taken by the Planning Department based on the standards and criteria of the Land Use Regulations as set forth in section 9-12-5, B.R.C. 1981, as applied to the proposed development.

DECISION:	APPROVED
PROJECT NAME:	INTERURBAN PARK ADDITION REPLAT A
DESCRIPTION:	MINOR SUBDIVISION of an existing property to create one additional residential lot with frontage on 15th Street. Lot 1A to be 7,605 square feet and Lot 2A to be 7,404 square feet.
LOCATION:	1500 BLUEBELL AV
COOR:	S01W06
LEGAL DESCRIPTION:	Lots 1 and 2, Block 11, Interurban Park, together with all that portion of the vacated alley in said Block 11, lying Southerly of the adjacent to said Lots 1 and 2, County of Boulder, State of Colorado
APPLICANT/OWNER:	Stephen Brown/Brown Development Group, LLC
APPLICATION:	LUR2015-00008
ZONING:	Residential Low-1 (RL-1)
CASE MANAGER:	Sloane Walbert

THIS IS NOT A SITE SPECIFIC DEVELOPMENT PLAN APPROVAL AND NO VESTED PROPERTY RIGHT IS CREATED BY THIS APPROVAL.

Approved on:

4.27.15
Date

By:


David Driskell, Executive Director of Community Planning and Sustainability

This decision may be appealed to the Planning Board by filing an appeal letter with the Planning Department within two weeks of the decision date. If no such appeal is filed, the decision shall be deemed final fourteen days after the date above mentioned.

Appeal to Planning Board expires: 5/11/15

CONDITIONS OF APPROVAL

None.

Address: 1500 BLUEBELL AVE.

FINAL PLAT INTERURBAN PARK ADDITION REPLAT A

*A RESUBDIVISION OF LOTS 1 AND 2, BLOCK 11, INTERURBAN PARK ADDITION,
TOGETHER WITH ALL THAT PORTION OF THE VACATED ALLEY IN SAID BLOCK 11 LYING
SOUTHERLY OF THE ADJACENT TO SAID LOTS 1 AND 2, LOCATED IN THE NORTHWEST
QUARTER OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 70 WEST OF THE 6TH P.M.,
CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO*

TOTAL AREA = 15,009 SQ. FT. OR 0.34 ACRES

SHEET 1 OF 1

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED BEING THE OWNER OF THAT REAL PROPERTY SITUATED IN THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 1 SOUTH, RANGE 70 WEST OF THE 6TH P.M. IN THE CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

LOTS 1 AND 2, BLOCK 11, INTERURBAN PARK ADDITION, ACCORDING TO THE RECORDED PLAT THEREOF, TOGETHER WITH ALL THAT PORTION OF THE VACATED ALLEY IN SAID BLOCK 11, LYING SOUTHERLY OF THE ADJACENT TO SAID LOTS 1 AND 2, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND #5 REBAR WITH 1 1/2" ALUMINUM CAP STAMPED "FLATRONS SURV. 16406" AT THE NORTHWEST CORNER OF LOT 1, INTERURBAN PARK ADDITION, THENCE S88°42'27"E, A DISTANCE OF 100.10 FEET, THENCE S01°17'29"E, A DISTANCE OF 149.96 FEET, THENCE N88°41'07"W, A DISTANCE OF 100.10 FEET, THENCE N01°17'29"W, A DISTANCE OF 149.92 FEET TO THE POINT OF BEGINNING, COUNTY OF BOULDER, STATE OF COLORADO.

SAID DESCRIBED PARCELS CONTAINING 15,009 SQ. FT.

HAS CAUSED SAID PROPERTY TO BE LAID OUT, SURVEYED, SUBDIVIDED AND PLATTED UNDER THE NAME OF "INTERURBAN PARK ADDITION REPLAT A", A SUBDIVISION IN THE CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, AND BY THESE PRESENTS DOES HEREBY DEDICATE TO THE CITY OF BOULDER THAT REAL PROPERTY DESIGNATED AS "UTILITY EASEMENT" ON THE ACCOMPANYING PLAT AS AN EASEMENT FOR THE CONSTRUCTION, INSTALLATION, OPERATION, MAINTENANCE, REPAIR AND REPLACEMENT FOR ALL SERVICES, INCLUDING WITHOUT LIMITING THE GENERALITY OF THE FOREGOING: TELEPHONE AND ELECTRIC LINES, WORKS, POLES, UNDERGROUND CABLES, GAS PIPELINES, WATER PIPELINES, SANITARY SEWER LINES, STREET LIGHTS, CULVERTS, HYDRANTS, DRAINAGE DITCHES AND DRAINS AND ALL APPURTENANCES THERE TO. IT IS EXPRESSLY UNDERSTOOD AND AGREED BY THE UNDERSIGNED THAT ALL EXPENSES AND COSTS INVOLVED IN CONSTRUCTING AND INSTALLING WATER PIPELINES AND APPURTENANCES, SANITARY SEWER WORKS AND LINES, GAS SERVICE LINES, ELECTRICAL SERVICE WORKS AND LINES, STORM SEWERS AND DRAINS, STREET LIGHTING, GRADING AND LANDSCAPING, CURBS, GUTTERS, STREET PAVEMENT, SIDEWALKS, AND OTHER SUCH UTILITIES AND SERVICES SHALL BE GUARANTEED AND PAID FOR BY THE SUBDIVIDER OR ARRANGEMENTS MADE BY THE SUBDIVIDER THEREFORE WHICH ARE APPROVED BY THE CITY OF BOULDER, AND SUCH SUMS SHALL NOT BE PAID BY THE CITY OF BOULDER, COLORADO, AND THAT ANY ITEM SO CONSTRUCTED OR INSTALLED AND ACCEPTED BY THE CITY OF BOULDER, COLORADO, SHALL BECOME THE SOLE PROPERTY OF THE CITY OF BOULDER, EXCEPT ITEMS OWNED BY MUNICIPALLY FRANCHISED OR PERMITTED UTILITIES, WHICH ITEMS, WHEN CONSTRUCTED OR INSTALLED, SHALL REMAIN THE PROPERTY OF THE OWNER OR THE PUBLIC UTILITY, AND SHALL NOT BECOME THE PROPERTY OF THE CITY OF BOULDER.

FOR THE APPROVAL OF "INTERURBAN PARK ADDITION REPLAT A" AND THE DEDICATIONS AND CONDITIONS WHICH APPLY THERETO THIS _____ DAY OF _____, 20____

BROWN DEVELOPMENT GROUP, LLC,
A COLORADO LIMITED LIABILITY COMPANY

BY: _____
STEPHEN M. BROWN, MEMBER

ACKNOWLEDGEMENT

STATE OF COLORADO)
COUNTY OF BOULDER) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2015, BY STEPHEN M. BROWN, MEMBER OF BROWN DEVELOPMENT GROUP, LLC, A COLORADO LIMITED LIABILITY COMPANY.

WITNESS MY HAND AND SEAL.
MY COMMISSION EXPIRES: _____

[SEAL]

NOTARY PUBLIC

LENDER'S CONSENT AND SUBORDINATION

THE UNDERSIGNED, A BENEFICIARY UNDER A CERTAIN DEED OF TRUST ENCUMBERING THE PROPERTY, HEREBY EXPRESSLY CONSENTS TO AND JOINS IN THE EXECUTION AND RECORDING OF THIS SUBDIVISION PLAT, DEDICATION AND EASEMENTS SHOWN HEREON AND MAKES THE DEED OF TRUST SUBORDINATE HERETO. THE UNDERSIGNED REPRESENTS THAT HE OR SHE HAS FULL POWER AND AUTHORITY TO EXECUTE THIS LENDER'S CONSENT AND SUBORDINATION ON BEHALF OF THE LENDER STATED BELOW.

AMFIRST BANK, N.A.

BY: _____
AUTHORIZED REPRESENTATIVE

ACKNOWLEDGMENT

STATE OF _____)
COUNTY OF _____) SS

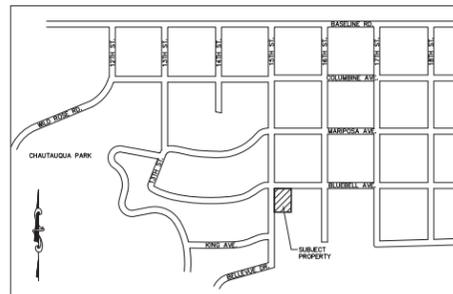
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2015,

BY _____ AS _____ OF AMFIRST BANK, N.A.

WITNESS MY HAND AND SEAL.
MY COMMISSION EXPIRES: _____

[SEAL]

NOTARY PUBLIC



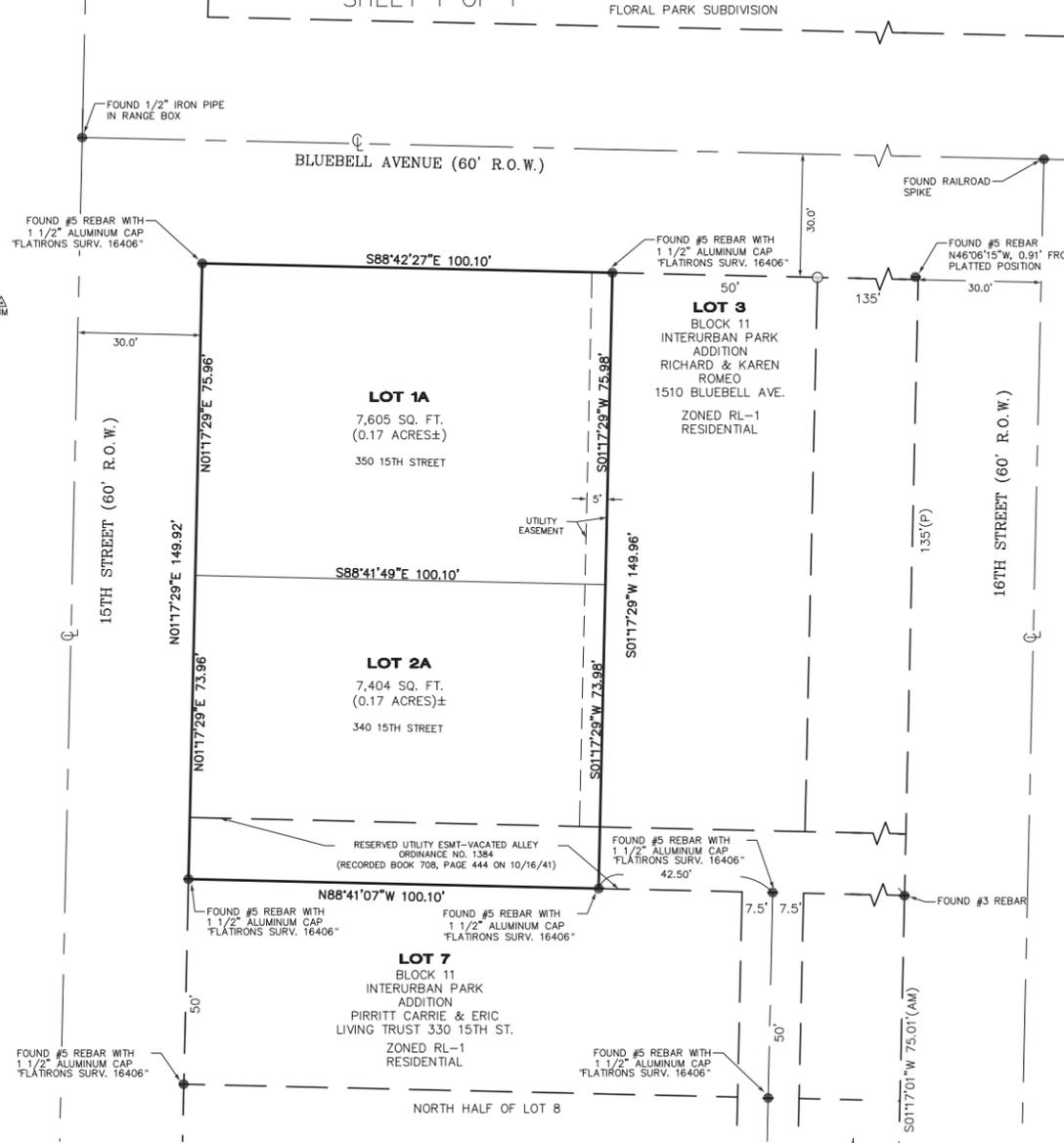
Vicinity Map NOT TO SCALE

LOT 15
BLOCK 2
BELLEVUE PARK
REPLAT
1441 BLUEBELL AVE.

BLUEBELL AVE.
(60' R.O.W.)

LOT 1
BLOCK 3
BELLEVUE PARK
REPLAT
333 15TH ST.

LOT 13
BLOCK 3
BELLEVUE PARK
REPLAT
1455 KING AVE.



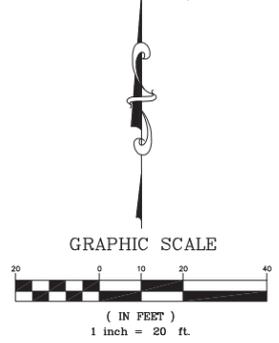
Subdivision Area

LOT 1A 7,605 SQUARE FEET (0.17± ACRES)

LOT 2A 7,404 SQUARE FEET (0.17± ACRES)

TOTAL SUBDIVISION AREA:

15,009 SQUARE FEET (0.34 ACRES)



Notes

- FIRST AMERICAN TITLE COMMITMENT NUMBER 5509-2378775, DATED MARCH 16, 2015 AT 5:00 P.M., WAS ENTIRELY RELIED UPON FOR RECORDED INFORMATION REGARDING RIGHTS-OF-WAY, EASEMENTS AND ENCUMBRANCES IN THE PREPARATION OF THIS SURVEY. THE PROPERTY SHOWN AND DESCRIBED HEREON IS ALL OF THE PROPERTY DESCRIBED IN SAID TITLE COMMITMENT.
- BASIS OF BEARINGS: AN ASSUMED BEARING OF SOUTH 88°42'27" EAST, A DISTANCE OF 345.27 FEET ALONG THE CENTERLINE OF BLUEBELL AVENUE BETWEEN A FOUND 1/2" IRON PIN IN RANGE BOX AT THE INTERSECTION OF BLUEBELL AVENUE AND 15TH STREET AND A FOUND RAIL ROAD SPIKE AT THE INTERSECTION OF BLUEBELL AVENUE AND 16TH STREET, WITH ALL BEARINGS CONTAINED HEREIN BEING RELATIVE THERETO.
- DATES OF FIELD WORK: JULY 9, 2014.
- THE SUBJECT PROPERTY IS ZONED RESIDENTIAL-LOW 1 (RL-1) PER CITY OF BOULDER.
- FLOOD INFORMATION: THE SUBJECT PROPERTY IS LOCATED IN ZONE X UNSHADED, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP; COMMUNITY-PANEL NO. 080024-0557 J, DATED DECEMBER 18, 2012. FLOOD INFORMATION IS SUBJECT TO CHANGE

Legend

- FOUND MONUMENT AS DESCRIBED
- CALCULATED POSITION (NOT FOUND OR SET)
- ⊕ CENTERLINE

SURVEYOR'S CERTIFICATE

I, JOHN B. GUYTON, A DULY REGISTERED LAND SURVEYOR, LICENSED IN THE STATE OF COLORADO, HEREBY STATE FOR AND ON BEHALF OF FLATRONS, INC., THAT THE SURVEY OF A RESUBDIVISION OF LOTS 1 AND 2, AND THE NORTH HALF OF THE VACATED ALLEY, INTERURBAN PARK ADDITION WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION, RESPONSIBILITY AND CHECKING, AND THAT THIS PLAT HAS BEEN PREPARED IN COMPLIANCE WITH ALL APPLICABLE LAWS OF THE STATE OF COLORADO AT THE TIME OF THIS SURVEY AND IS ACCURATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

JOHN B. GUYTON
COLORADO P.L.S. #16406
CHAIRMAN & CEO,
FLATRONS, INC.

DATE
FSI JOB NO. 14-64,104

APPROVALS

DIRECTOR OF PLANNING

DIRECTOR OF PUBLIC WORKS AND UTILITIES

CITY MANAGER'S CERTIFICATE

IN WITNESS WHEREOF, THE SAID CITY OF BOULDER HAS CAUSED ITS SEAL TO BE HEREUNTO AFFIXED BY ITS CITY MANAGER THIS _____ DAY OF _____, 20____.

ATTEST:

CITY CLERK

CITY MANAGER

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO)
COUNTY OF BOULDER) SS

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT _____ O'CLOCK, _____ M., THIS _____ DAY OF _____, 20____, AND IS RECORDED AT RECEPTION # _____.

FEES PAID: \$ _____

CLERK AND RECORDER

DEPUTY

REVISION	DATE	BY
1	7/29/2015	W. BECKETT
2	7/29/2015	W. BECKETT
3	7/29/2015	W. BECKETT
4	7/29/2015	W. BECKETT
5		
6		
7		
8		

FINAL PLAT
INTERURBAN PARK ADDITION REPLAT A

Flatrons, Inc.
Surveying, Engineering & Geomatics
www.FlatronsInc.com
3825 IRIS AVE. STE. 395 3660 DOWNING ST.
BOULDER, CO 80301 PH: (303) 443-7001 DENVER, CO 80205
655 FOURTH AVE. PH: (303) 776-1733
LONGMONT, CO 80501 PH: (303) 443-9830
PH: (303) 776-4355 FAX: (303) 443-9830



JOB NUMBER:
14-64,104
DATE:
9-2-2014
DRAWN BY:
B. SWIFT/W. BECKETT
CHECKED BY:
JZG,ETB,WW

BY:BBECKETT FILE:64104-PRELIMINARY-FINAL PLAT-4TH SUBMITTAL.DWG DATE:4/3/2015 3:36 PM

2/18/15 - Phone conversation with Dean Dinair (neighbor at 1507 Bluebell Ave.).

From: [Dean](#)
To: [Walbert, Sloane](#)
Subject: 1500 Bluebell
Date: Wednesday, February 18, 2015 5:09:25 PM

Hi There:

Thank you so very much calling me regarding the building application (or whatever the correct technical term is) on Bluebell 1500.

As I mentioned on the phone, I am not trying to sabotage anything (not that I could) or pester you from now until the end of time.

If you could just let me know how and when we as neighbors can have some input into the final design (size/height) of the properties.

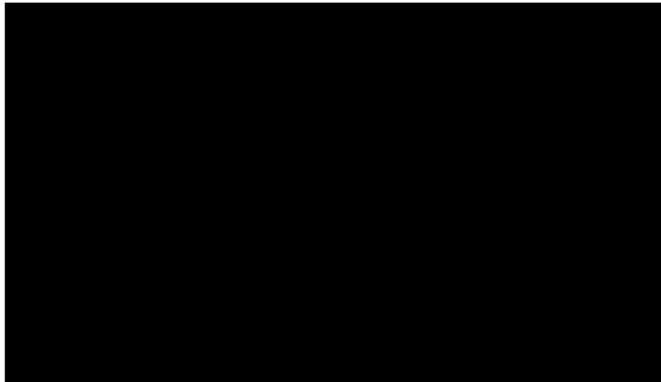
It is a beautiful part of Boulder, and it would be a shame to destroy it.

Thank you again for your time and kindness in explaining the A's and B's to me.

☺

Cheers

Dean



From: [Walbert, Sloane](#)
To: ["Dean"](#)
Subject: RE: 1500 Bluebell
Date: Friday, February 20, 2015 5:04:30 PM
Attachments: [Review Comments 1500 Bluebell Ave.pdf](#)

Hi Dean,

Please see information below and attached review comments.

Public Input and Call-up Process:

Neighborhood comment is welcome on a application for a minor subdivision. Staff will review the proposal and if the subdivision, i.e. final plat, is deemed to meet the applicable criteria (see below) they will issue a disposition of approval. A fourteen day call-up period begins and a memorandum is forwarded to the Planning Board (refer to [section 9-4-4](#) of the land use code). During this period a member of the planning board may call the decision for a public hearing. In addition, any member of the public who is aggrieved by the decision may call up the item for a public hearing by filing an appeal with city staff within fourteen days of the decision. A public hearing will be scheduled within sixty days of the appeal. During this hearing the Board will determine whether the subdivision application meets the requirements of this code and other ordinances of the City and will grant or deny the application.

Review Criteria for Minor Subdivision:

The criteria for a minor subdivision can be found in [section 9-12-5](#). Additionally, the proposed subdivision must meet the lot standards in [section 9-12-12](#). If a member of the public would like to call-up a decision on a subdivision they typically need to point to the specific criteria that they believe the subdivision does not meet or demonstrate that the subdivision is a detriment to public health, safety or welfare. Refer to the criteria checklist at the end of the review comments to see all applicable criteria.

Future Development Constraints:

All this being said, the subdivision affects this property only in that two houses could be allowed rather than one. The actual allowances for the design of the structures is determined by the underlying zoning (RL-1). There is no public input into the design of single family homes as long as they meet all of the applicable zoning standards. The maximum permissible height, setbacks, etc., i.e. form and bulk, can be found in [table 7-1](#) of the land use code. The maximum allowable square footage, i.e. intensity, can be found in [table 8-1](#). In addition, any development on this property would be required to meet compatible development standards. The intent of these standards is to protect the character of established single-family neighborhoods by assuring that new construction and additions are compatible in scale and bulk with the existing development. These regulations include limitations on side yard bulk plane ([section 9-7-9](#)), side yard wall articulation ([section 9-7-10](#)), maximum building coverage ([section 9-7-11](#)), and maximum floor area ratio (FAR) ([section 9-8-2](#)). I am happy to provide more information on the implications of these regulations if you are interested.

I hope this is helpful. Please let me know if I can be of further assistance or if you are having issues

with the links to the code. Enjoy the snowy weekend!

Sloane Walbert

Planner I, Department of Community Planning and Sustainability
City of Boulder
1739 Broadway, 3rd Floor
P.O. Box 791
Boulder, CO 80306-0791
(303) 441-4231 Direct
WalbertS@bouldercolorado.gov

From: [Dean](#)
To: [Walbert, Sloane](#)
Subject: 1500 Bluebell
Date: Thursday, March 19, 2015 8:12:43 PM

Hi Sloan:

This is Dean again, the Bluebell neighbor from across the street. Thanks again for that email you sent.

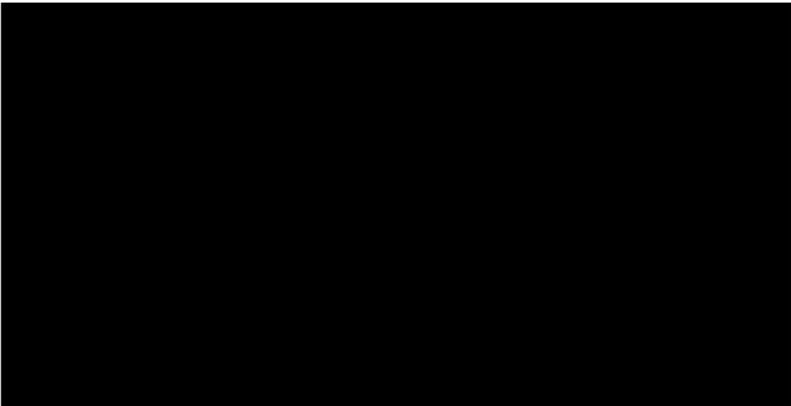
The only question I have at this point, is how to get involved a little more in this project (as much as the law allows only of course). I read all of the links you gave me, but I am still a little unsure as to the "spirit" or intent of the laws as they were written. Clearly they give structure to this process, but does the city consider and take any inputs/requests from the immediately affected neighbors?

Or is it, as long as you do not violate the law (or not get caught) you can do anything that you want?

Thank you for your time, I know you are busy.

Cheers

Dean



From: [Walbert, Sloane](#)
To: "Dean"
Subject: RE: 1500 Bluebell
Date: Friday, April 03, 2015 1:16:30 PM

Hi Dean,

You are welcome to speak at the Planning Board meeting once the proposal is sent for call-up. However, as explained on the phone if the subdivision meets the zoning and lot standards essentially the city is obligated to approve the subdivision.

The zoning restrictions on what can be built on the created lots were determined through a public process with significant input from the community. In particular, the compatible development regulations were adopted in 2009 to protect the character of established single-family neighborhoods by assuring that new construction and additions are compatible in scale and bulk with the character of the neighborhood. There is no opportunity for public comment once the developer submits for building permit. They are allowed to build anything that meets the zoning regulations and building code per personal property rights. Due to the size of the lots they are not eligible for any process that would modify the zoning regulations. It would be very difficult to violate the zoning regulations since they are required to submit very detailed plans with the building permit and any proposed buildings will be inspected at multiple points to ensure that they are building to the plans.

I hope this information is helpful. I know that you are concerned about the impact of development on your property. Unfortunately, there is not public process to comment specifically on buildings they propose for the property.

Thanks,

Sloane Walbert

Planner I, Department of Community Planning and Sustainability
City of Boulder
1739 Broadway, 3rd Floor
P.O. Box 791
Boulder, CO 80306-0791
(303) 441-4231 Direct
WalbertS@bouldercolorado.gov

SECTION 9-12-5(E), B.R.C. 1981 – MINOR SUBDIVISION

- ✓ (a) Scope: A minor subdivision is a division of land that is already served by city services, will not require the extension of streets or public improvements and will not result in more than one additional lot.
- (b) Limitations: The provisions of this section shall not apply to a replat that:
 - ✓ (1) Requires any variations to section 9-12-12, "Standards for Lots and Public Improvements," B.R.C. 1981; *See below.*
 - ✓ (2) Requires the dedication of public or private access easements or public right of way for new streets, alleys or shared access driveways;
 - ✓ (3) Requires the extension of a public improvement such as a street, alley, water main or sewer main, or requires any engineering plans, including but not limited to drainage reports for any public or private improvement;
 - ✓ (4) Is located on lands containing slopes of fifteen percent or greater;
 - ✓ (5) Requires the removal of an existing principal building; or
 - ✓ (6) Is located in a nonresidential zone district described in section 9-5-2, "Zoning Districts," B.R.C. 1981. *The subject property is located in an RL-1 zone district.*
- (c) Application Requirements: The subdivider shall submit to the City the following items:
 - ✓ (1) An application for a minor subdivision on a form provided by the city manager and the fee prescribed by section 4-20-43, "Development Application Fees," B.R.C. 1981;
 - ✓ (2) A preliminary plat meeting all of the requirements of section 9-12-6, "Application Requirements for a Preliminary Plat," B.R.C. 1981;
 - ✓ (3) A final plat meeting all of the requirements of section 9-12-8, "Final Plat," B.R.C. 1981;
 - ✓ (4) A title commitment or attorney memorandum based upon an abstract of title, current as of the date of submitting the minor subdivision;
 - ✓ (5) A lot line and boundary verification required by section 9-12-9, "Lot Line and Boundary Verification," B.R.C. 1981, if the requirements of section 9-12-9, "Lot Line and Boundary Verification," B.R.C. 1981, have not been met on the original plat; and
 - ✓ (6) A shadow analysis for any existing buildings that is drawn in compliance with section 9-9-17, "Solar Access," B.R.C. 1981, and any other standards as may be required by the city manager. *All structures were demolished prior to final approval of the subdivision; hence, no shadow analysis is necessary.*
- (e) Standards for Minor Subdivisions: The city manager will approve the minor subdivision after finding that the following standards have been met:
 - ✓ (1) The land is in a residential zoning district described in section 9-5-2, "Zoning Districts," B.R.C. 1981;
 - ✓ (2) The division of land will create no more than one additional lot;
 - ✓ (3) The division of land will not require the extension of any public improvements, including, without limitation, the extension of roads or utilities to serve the property;

- ✓ (4) If the minor subdivision is a replat of a previously approved subdivision, the document shall be named with the same name as that of the original subdivision and shall indicate thereon that it is a replat of the original subdivision. Newly adjusted or created lots shall be designated to adequately indicate that original lot lines have been adjusted with a similar lot name; and
- ✓ (5) The lots and existing structures will comply with the lot standards of section 9-12-12, "Standards for Lots and Public Improvements," B.R.C. 1981, and the solar access requirements of section 9-9-17, "Solar Access," B.R.C. 1981.
- ✓ (f) Dedication and Vacation of Easements: Right-of-way necessary to bring an existing street or alley up to a current city standard, or public easements for utilities or sidewalks may be dedicated on a minor subdivision plat. The City may approve the vacation of city utility easements on the replat.

SECTION 9-12-12(A) – STANDARDS FOR LOTS

(1) Standards for Lots: Lots meet the following conditions:

- ✓ (A) Each lot has access to a public street.
- ✓ (B) Each lot has at least thirty feet of frontage on a public street.
- ✓ (C) No portion of a lot is narrower than thirty feet.
- ✓ (D) Lots and existing structures meet all applicable zoning requirements of this title and section 9-9-17, "Solar Access," B.R.C. 1981.

The minimum lot area in RL-1 zoning is 7,000 square feet. Both proposed lots meet this minimum requirement. Also, the minimum lot per dwelling unit is 7,000 square feet. With the minor subdivision both lots will be limited to a single dwelling unit. Development on these lots will be subject to compatible development regulations.

- ✓ (E) Lots with double frontage are avoided, except where necessary to provide separation from major arterials or incompatible land uses or because of the slope of the lot.
- ✓ (F) Side lot lines are substantially at right angles or radial to the centerline of streets, whenever feasible.
- ✓ (G) Corner lots are larger than other lots to accommodate setback requirements of section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981.

The corner lot (Lot 1A) is larger to accommodate the minimum 12.5' side yard landscaped setback from a street.

- ✓ (H) Residential lots are shaped so as to accommodate a dwelling unit within the setbacks prescribed by the zoning district.
- ✓ (I) Lots shall not be platted on land with a ten percent or greater slope, unstable land or land with inadequate drainage unless each platted lot has at least one thousand square feet of buildable area, with a minimum dimension of twenty-five feet. The city manager may approve the platting of such land upon finding that acceptable measures, submitted by a registered engineer qualified in the particular field, eliminate or control the problems of instability or inadequate drainage.
- N/A (J) Where a subdivision borders an airport, a railroad right-of-way, a freeway, a major street or any other major source of noise, the subdivision is designed to reduce noise in residential lots to a reasonable level and to retain limited access to such facilities by such measures as a parallel street, a landscaped buffer area or lots with increased setbacks.
- ✓ (K) Each lot contains at least one deciduous street tree of two-inch caliper in residential subdivisions, and each corner lot contains at least one tree for each street upon which the lot fronts, located so as not to interfere

with sight distance at driveways and chosen from the list of acceptable trees established by the city manager, unless the subdivision agreement provides that the subdivider will obtain written commitments from subsequent purchasers to plant the required trees.

- ✓ (L) The subdivider provides permanent survey monuments, range points and lot pins placed by a Colorado registered land surveyor.
- N/A (M) Where an irrigation ditch or channel, natural creek, stream or other drainage way crosses a subdivision, the subdivider provides an easement sufficient for drainage and maintenance.
- ✓ (N) Lots are assigned street numbers by the city manager under the city's established house numbering system, and before final building inspection the subdivider installs numbers clearly visible and made of durable material.
- (O) For the purpose of ensuring the potential for utilization of solar energy in the city, the subdivider places streets, lots, open spaces and buildings so as to maximize the potential for the use of solar energy in accordance with the following solar siting criteria:
 - N/A (i) Placement of Open Space and Streets: Open space areas are located wherever practical to protect buildings from shading by other buildings within the development or from buildings on adjacent properties. Topography and other natural features and constraints may justify deviations from this criterion.
 - ✓ (ii) Lot Layout and Building Siting: Lots are oriented and buildings sited in a way which maximizes the solar potential of each principal building. Lots are designed so that it would be easy to site a structure which is unshaded by other nearby structures and so as to allow for owner control of shading. Lots also are designed so that buildings can be sited so as to maximize the solar potential of adjacent properties by minimizing off-site shading.
 - N/A (iii) Building Form: The shapes of buildings are designed to maximize utilization of solar energy. Existing and proposed buildings shall meet the solar access protection and solar siting requirements of section 9-9-17, "Solar Access," B.R.C. 1981.
 - N/A (iv) Landscaping: The shading impact of proposed landscaping on adjacent buildings is addressed by the applicant. When a landscape plan is required, the applicant shall indicate the plant type and whether the plant is coniferous or deciduous.

MEMORANDUM

To: Planning Board
FROM: Sloane Walbert, Case Manager
DATE: May 1, 2015
SUBJECT: **Call-Up Item:** NONCONFORMING USE REVIEW (LUR2015-00017): Request for an expansion to a nonconforming use to remodel the kitchen facilities at the Alpha Chi Omega house located at 1162 12th Street, including mechanical equipment and screening located on the building rooftop and associated ductwork within the rear yard setback. The project site is zoned Residential - High 5 (RH-5). The call-up period expires on **May 15, 2015**.

Attached is the disposition of approval of a Nonconforming Use Review to allow the addition of mechanical equipment and screening on the building rooftop and associated ductwork on the outside of the building within the rear yard setback at 1162 12th Street (see [Attachment A](#)). The existing sorority use is considered a nonconforming use (which is typical of many properties on University Hill) because it exceeds the maximum permitted density in the RH-5 zone district, does not satisfy the minimum off street parking requirements and does not meet the useable open space required per dwelling unit. Pursuant to [section 9-10-3\(c\)\(2\)](#), B.R.C. 1981, an expansion of a nonconforming use is required to be evaluated through the Nonconforming Use Review process in [section 9-2-15](#), B.R.C. 1981. All mechanical equipment and screening meets city code and will be painted to match as closely as possible the color and texture of the building to minimize any adverse aesthetic impact. The proposal includes the addition of one street tree on 12th Street, a 14-foot long cedar landscape wall to screen the parking area and two Cora style bicycle racks. Refer to [Attachment B](#) for analysis of the Use Review Criteria.



Figure 1: Vicinity Map

Background. The subject property is a roughly 12,500 square foot lot located in the University Hill neighborhood on the southeast corner of Pennsylvania Avenue and 12th Street. The property is located two blocks from Broadway and the University of Colorado campus. The project site is also located immediately adjacent to the University Hill General Improvement District (UHGID) and University Hill Business District, the boundary of which is located along the shared alley to the east. UHGID provides shared parking and maintenance for the district. Refer to *Figure 1* above for a Vicinity Map.

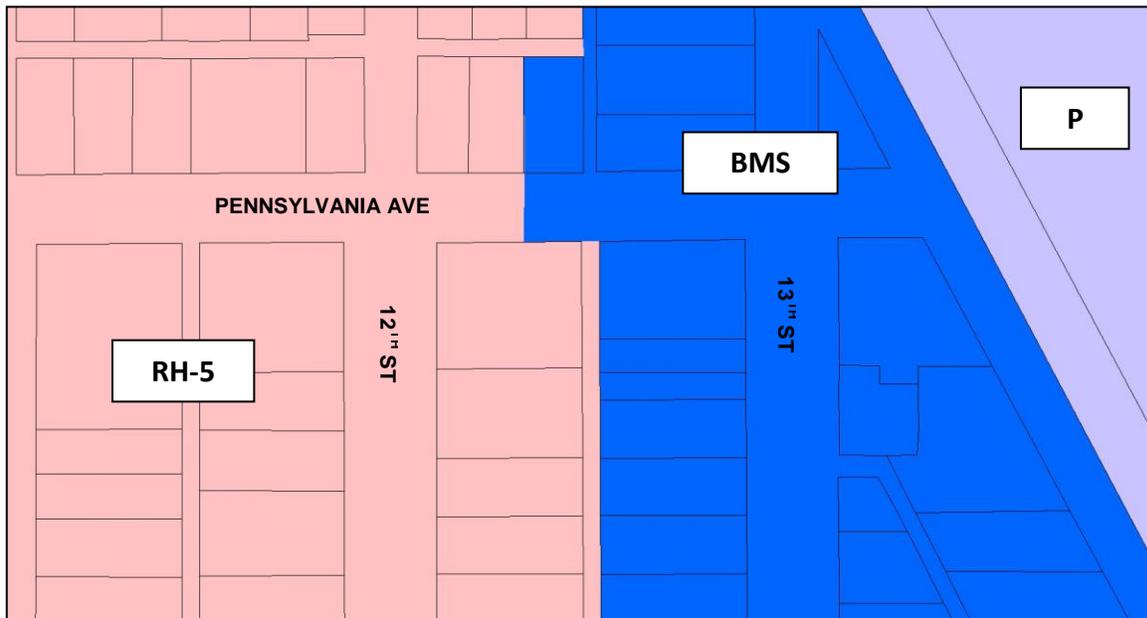


Figure 2: Zoning Map

The project site is located in the Residential - High 5 (RH-5) zone district, which is defined as “high density residential areas primarily used for a variety of types of attached residential units, including, without limitation, apartment buildings, and where complementary uses may be allowed” ([section 9-5-2\(c\)\(1\)\(F\)](#), B.R.C. 1981). The majority of the surrounding properties are also zoned RH-5, with the exception of those properties that are adjacent to the east, located across the alley shared with the project site, which are zoned Business Main Street (BMS) (see *Figure 2*). There are a variety of both nonresidential and residential uses in the vicinity, including high density residential, mostly in the form of student rentals, restaurant and retail uses.

Based on city permit records, the building was originally constructed in 1962 as a boarding house that was comprised of 50 rooms on three floors (basement, first and second floors). Zoning inspection records dating back to the 1970’s indicate occupancies ranging from 46 occupants to 90 occupants, which is consistent with the most recent records on file. In 1980, the Alpha Chi Omega sorority purchased the property and remains the current property owner. Today, the sorority is comprised of 69 occupants, however given past zoning records the maximum occupancy remains at 90.



Figure 3: Alpha Chi Omega Sorority

As noted above, the existing sorority use is considered a nonconforming use (which is typical of properties on University Hill) because it exceeds the maximum permitted density in the RH-5 zone district (27.2 dwelling units/acre) at 74 dwelling units/acre; does not satisfy the minimum off street parking requirements (46 spaces required, 7 provided); and does not meet the useable open space required per dwelling unit (13,800 square feet required, roughly 6,000 square feet provided). The existing building is also nonstandard because it does not meet the side yard setback adjacent to a street (7 feet where 12.5 feet is required) and the interior side yard setback (6 feet where 10 feet is required). In addition, the building does not meet the required front yard setback of 25 feet at 23 feet. However, more than fifty percent of the principal buildings on the same block face do not meet the required front yard setback and the building is not considered nonstandard based on setback averaging of the closest two buildings on the same block face.

In 1995 a Use Review was approved to construct a 515 square foot assembly room addition to accommodate group meeting facilities, including dining and a chapter meeting room (case no. UR-94-16). Subsequently, a Site Review for Height Modification and Nonconforming Use Review was approved in 2012 for a 731 square foot rooftop deck (LUR2012-00032). The approval included the installation of a railing that was in excess of the maximum permitted height (35 feet).

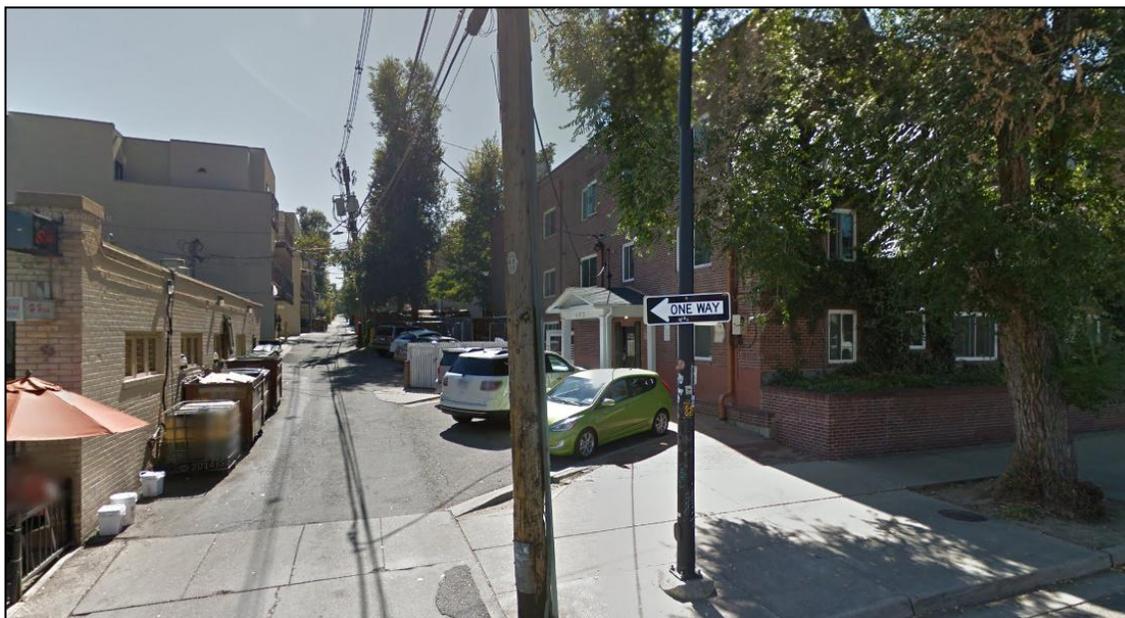


Figure 4: Service Alley

Project Proposal. The applicant is requesting approval of a Nonconforming Use Review for new mechanical equipment and ductwork on the exterior of the building in association with the remodel of outdated kitchen facilities (refer to [Attachment C](#)). Existing ductwork from the kitchen, as seen in *Figure 5* below, would be replaced. The proposed renovation of the existing kitchen would require compliance with mechanical code requirements for commercial kitchens, including a fire suppression system and Type 1 hood over the stove/cooking area. This equipment, in turn, requires a hood exhaust fan and makeup air unit to be placed on the rooftop and associated ducting. Due to the age of the building and the construction type, it would be difficult, disruptive and cost prohibitive to place the ductwork internal to the structure. The kitchen is located on the east side of the building on the main floor. The applicant proposes placing the ductwork on the rear elevation, adjacent to the alley.

In order to mitigate visual impacts the applicant proposes screening the exhaust fan and makeup air unit on the roof with a perforated metal panel screen, painted to match the existing brick wall color (refer to [Attachment C](#)). The rooftop equipment and screening will not cause the building to exceed the height limitations since the appurtenances meet the requirements of section 9-7-7, "Building Height, Appurtenances," B.R.C. 1981. The ductwork is proposed to be located in the rear yard setback because the existing building is located less than 6 inches from the required building setback. Due to flow requirements in the mechanical code the ducts will project 3 feet from the wall of the building.

Initially, the applicant proposed a decorative metal shroud to screen the ductwork running from the kitchen to the rooftop equipment. However, the equipment will be visible from Pennsylvania Street and staff found that the shroud structure would actually increase the size of the equipment and draw attention to the mechanical ductwork, rather than reducing the visual impacts. In response, the applicant has proposed that the ductwork be painted to match as closely as possible the color of the brick façade (see *Figure 6* below).



Figure 5: Existing Ductwork



Figure 6: Proposed Equipment

In order to meet the criteria for modifications to nonconforming uses, the development proposal also includes several site improvements to improve the physical appearance of the site (refer to [Attachment C](#) for the applicant's proposed plans). The following is included in the proposal:

- The addition of one small flowering street tree on 12th Street;
- A 2.5 foot tall cedar landscape wall 14 feet in length, which will screen the existing parking area in the alley from Pennsylvania Avenue;
- Two Cora style bicycle racks in the existing bike storage area and picnic area.

Review Process. As noted above, the project site is considered a nonconforming use with respect to density, parking and open space. The development proposal is considered an expansion of a nonconforming use as defined in chapter 9-16, "Definitions," B.R.C. 1981, because the proposal increases visual impacts:

"Expansion of nonconforming use" means any change or modification to a nonconforming use that constitutes:

- (1) An increase in the occupancy, floor area, required parking, traffic generation, outdoor storage, or visual, noise, or air pollution;*
- (2) Any change in the operational characteristics which may increase the impacts or create adverse impacts to the surrounding area including, without limitation, the hours of operation, noise, or the number of employees;*
- (3) The addition of bedrooms to a dwelling unit, except a single-family detached dwelling unit; or*
- (4) The addition of one or more dwelling units."*

Pursuant section 9-10-3(c)(2), "Standards for Changes to Nonstandard Buildings, Structures and Lots, and Nonconforming Uses," B.R.C. 1981, applications for Nonconforming Use Review are reviewed for consistency with the criteria set forth in subsection 9-2-15(e) and (f), B.R.C. 1981. Generally, the Nonconforming Use Review criteria are focused on minimizing adverse impacts to surrounding properties, maintaining consistency surrounding uses as well as area character, and improving the appearance of the property and decreasing the level of nonconformity of the site.

Analysis. The proposal was found to be consistent with the Use Review criteria pursuant to [subsections 9-2-15\(e\)](#) "Criteria for Review" and (f) "Additional Criteria for Modifications to Nonconforming Uses," B.R.C. 1981. Refer to [Attachment B](#) for the complete criteria analysis.

Public Comment. Required public notice was given in the form of written notification mailed to all property owners within 600 feet of the subject property and a sign posted on the property for at least 10 days. All notice requirements of [section 9-4-3](#), "Public Notice Requirements," B.R.C. 1981 have been met. The proposal was also forwarded to the University Hill neighborhood association for comment. Staff received no public comments.

Conclusion. Staff finds that the proposed project meets the relevant criteria of [section 9-2-15](#), "Use Review," B.R.C. 1981 (refer to [Attachment B](#)).

The proposal was **approved** by Planning and Development Services staff on **May 1, 2015** and the decision may be called up before Planning Board on or before **May 15, 2015**. There is one Planning Board hearing scheduled during the required 14-day call-up period on **May 7, 2015**. Questions about the project or decision should be directed to the Case Manager, Sloane Walbert at (303) 441-4231 or at walberts@bouldercolorado.gov.

Attachments:

- A. [Disposition of Approval](#)
- B. [Analysis of Use Review Criteria](#)
- C. [Applicant's Proposed Plans](#)



CITY OF BOULDER
Community Planning & Sustainability

1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791
phone 303-441-1880 • fax 303-441-3241 • web www.bouldercolorado.gov

PROJECT NAME: 1162 12TH STREET ROOFTOP MECHANICAL
LOCATION: 1162 12TH ST
COOR: N02W06
LEGAL DESCRIPTION: Lots 1, 2, 3 and the Northerly 15 feet of Lot 4, Block 5, University Terrace, City of Boulder, County of Boulder, State of Colorado
APPLICANT: TOM CATTANY, MELTON DESIGN BUILD
OWNER: NU CHAPTER HOUSE ASSOCIATION
APPLICATION: Use Review, LUR2015-00017
ZONING: Residential - High 5 (RH-5)
CASE MANAGER: Sloane Walbert

CITY OF BOULDER PLANNING DEPARTMENT
NOTICE OF DISPOSITION

You are hereby advised that the following action was taken by the Planning Department based on the standards and criteria of the Land Use Regulations as set forth in Chapter 9-2, B.R.C. 1981, as applied to the proposed development.

DECISION: **Approved with conditions**
DESCRIPTION: **NONCONFORMING USE REVIEW for remodel of kitchen facilities to include mechanical equipment and screening located on the building rooftop and associated ductwork on the outside of the building within the rear yard setback. All mechanical equipment and screening will be painted to match as closely as possible the color and texture of the building so as to minimize any adverse aesthetic impact. Site improvements include, without limitation, the addition of one (1) street tree on 12th Street, a 14-foot long cedar landscape wall to screen parking area and two (2) cora style bicycle racks.**

VESTED PROPERTY RIGHT: **NO; the owner has waived the opportunity to create such right under Section 9-2-19, B.R.C. 1981.**

FOR CONDITIONS OF APPROVAL, SEE THE FOLLOWING PAGES OF THIS DISPOSITION.

Approved On: 5/1/15
Date

By: [Signature]
David Driskell, Executive Director of Community Planning and Sustainability

This decision may be appealed to the Planning Board by filing an appeal letter with the Planning Department within two weeks of the decision date. If no such appeal is filed, the decision shall be deemed final fourteen days after the date above mentioned.

Appeal to Planning Board expires: 5/15/15

Final Approval Date: _____

Address: 1162 12TH ST

Address: 1162 12th St

IN ORDER FOR A BUILDING PERMIT APPLICATION TO BE PROCESSED FOR THIS PROJECT, A SIGNED DEVELOPMENT AGREEMENT AND FINAL PLANS FOR CITY SIGNATURE MUST BE SUBMITTED TO THE PLANNING DEPARTMENT WITH DISPOSITION CONDITIONS AS APPROVED SHOWN ON THE FINAL PLANS, IF THE DEVELOPMENT AGREEMENT IS NOT SIGNED WITHIN NINETY (90) DAYS OF THE FINAL DECISION DATE, THE PLANNING DEPARTMENT APPROVAL AUTOMATICALLY EXPIRES.

Pursuant to Section 9-2-12 of the Land Use Regulations (Boulder Revised Code, 1981), the applicant must begin and substantially complete the approved development within three years from the date of final approval. Failure to "substantially complete" (as defined in Section 9-2-12) the development within three years shall cause this development approval to expire.

CONDITIONS OF APPROVAL

1. The Applicant shall ensure that the **development shall be in compliance with all plans prepared by the Applicant on April 6, 2015**, on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval.
2. The Applicant **shall not expand or modify the approved use**, except pursuant to subsection 9-2-15(h), B.R.C. 1981.
3. The Applicant shall **comply with all previous conditions** contained in any previous approvals, except to the extent that any previous conditions may be modified by this approval, including, but not limited to, the following: the Development Agreement recorded at Film No. 2096, Reception No. 1570251 on December 18, 1995 and the Development Agreement recorded at Reception No. 03265599 on November 7, 2012 in the Boulder County Clerk and Recorder's Office on November 7, 2012.

ADMINISTRATIVE REVIEW NOTICE OF DISPOSITION

DECISION: **Approved**
DESCRIPTION: **ADMINISTRATIVE SETBACK VARIANCE to the rear yard setback to allow 22 feet where 25 feet is required, as permitted per the standards for Nonconforming Use Review in section 9-2-15(f)(6), B.R.C. 1981. Section of the Land Use Code to be modified: Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981.**

FINAL DECISION STANDARDS:

This approval is subject to the following standards. These standards must be met in order for the administrative review approval to be valid.

Approved as submitted. This application is approved per the criteria set forth in subsection 9-2-3(h), B.R.C. 1981. This approval does not constitute building permit approval. Building permit review and approval shall be required prior to the initiation of any construction.

This approval is limited to one 3-foot encroachment into the rear yard setback facing the alley for ductwork associated with new mechanical equipment on the rooftop.

Address: 1162 12TH ST

Address: 1162 12th St

The Applicant shall be responsible for ensuring that all construction is compliant with plans prepared by the Applicant on April 6, 2015.

Approved By:

S Walbert

Sloane Walbert, Planning Department

Address: 1162 12TH ST

Address: 1162 12th St

Overall, the project was found to be consistent with the criteria for Use Review set forth in [subsections 9-2-15\(e\) and \(f\)](#), B.R.C. 1981.

(e) “Criteria for Review”: No use review application will be approved unless the approving agency finds all of the following:

- ✓ (1) **Consistency with Zoning and Non-Conformity:** The use is consistent with the purpose of the zoning district as set forth in [section 9-5-2\(c\)](#), "Zoning Districts Purposes," B.R.C. 1981, except in the case of a non-conforming use;

The project site is zoned RH-5. This zoning district is defined as “high density residential areas primarily used for a variety of types of attached residential units, including, without limitation, apartment buildings, and where complementary uses may be allowed,” section 9-5-2(c)(1)(F), B.R.C. 1981.

Although a sorority use is permitted by-right in the RH-5 zone district, the existing sorority use is nonconforming because it exceeds the maximum permitted density in the RH-5 zone district (27.2 dwelling units/acre) at 79 dwelling units/acre; does not satisfy the off street parking requirements (46 spaces required, 7 provided); and does not provide the required amount of useable open space per dwelling unit. Given the 23 units on site, a total of 13,800 square feet is required, which is more square footage than the actual lot itself (12,500 square feet).

- ✓ (2) **Rationale:** The use either:

N/A (A) Provides direct service or convenience to or reduces adverse impacts to the surrounding uses or neighborhood;

Not applicable. See notes below under criterion (D).

N/A (B) Provides a compatible transition between higher intensity and lower intensity uses;

Not applicable.

N/A (C) Is necessary to foster a specific city policy, as expressed in the Boulder Valley Comprehensive Plan, including, without limitation, historic preservation, moderate income housing, residential and non-residential mixed uses in appropriate locations, and group living arrangements for special populations; or

Not applicable.

✓ (D) Is an existing legal nonconforming use or a change thereto that is permitted under subsection (f) of this section;

The existing sorority use is a legal nonconforming use that was established in July 1980, with city records showing a maximum of 90 occupants on the site. Although the existing sorority use is permitted by-right in the RH-5 zone district, it is nonconforming as to density, parking and open space.

- ✓ (3) Compatibility: The location, size, design, and operating characteristics of the proposed development or change to an existing development are such that the use will be reasonably compatible with and have minimal negative impact on the use of nearby properties or for residential uses in industrial zoning districts, the proposed development reasonably mitigates the potential negative impacts from nearby properties;

The proposed mechanical equipment is compatible and consistent as this equipment is commonly associated with group residences with common kitchen areas. The project site is located at the southeast corner of Pennsylvania Avenue and 12th Street, less than one block from College Avenue and shares an alley with commercial uses. It is common for such ductwork to be located on the service side of buildings in high-density areas. In addition, the proposal will reasonably mitigate potential negative impacts to nearby properties by screening the mechanical equipment and painting new screening and ductwork to match as closely as possible the color and texture of the building.

- ✓ (4) Infrastructure: As compared to development permitted under [section 9-6-1](#), "Schedule of Permitted Land Uses," B.R.C. 1981, in the zone, or as compared to the existing level of impact of a nonconforming use, the proposed development will not significantly adversely affect the infrastructure of the surrounding area, including, without limitation, water, wastewater, and storm drainage utilities and streets;

Not applicable; the infrastructure required to provide services to the site exist today. No additional infrastructure is required as a result of the proposal.

- ✓ (5) Character of Area: The use will not change the predominant character of the surrounding area;

Given the project site location at the southeast corner of 12th Street and Pennsylvania Avenue the character of the area is that of student oriented, high-density residential neighborhood. The intersection of 12th Street and Pennsylvania provides a transition from the nonresidential uses and University Hill Business District along College Avenue and the residential neighborhoods that extend to the west. As such, the proposed mechanical equipment will not affect the character of the area.

- N/A (6) Conversion of Dwelling Units to Non-Residential Uses: There shall be a presumption against approving the conversion of dwelling units in the residential zoning districts set forth in [subsection 9-5-2\(c\)\(1\)\(a\)](#), B.R.C. 1981, to non-residential uses that are allowed pursuant to a use review, or through the change of one non-conforming use to another non-conforming use. The presumption against such a conversion may be overcome by a finding that the use to be approved serves another compelling social, human services, governmental, or recreational need in the community including, without limitation, a use for a day care center, park, religious assembly, social service use, benevolent organization use, art or craft studio space, museum, or an educational use.

Not applicable, the proposal does not include the conversion of dwelling units.

(f) "Additional Criteria for Modifications to Nonconforming Uses": No application for a change to a nonconforming use shall be granted unless all of the following criteria are met in addition to the criteria set forth above:

- ✓ (1) Reasonable Measures Required: The applicant has undertaken all reasonable measures to reduce or alleviate the effects of the nonconformity upon the surrounding area, including, without limitation, objectionable conditions, glare, adverse visual impacts, noise pollution, air emissions, vehicular traffic,

storage of equipment, materials, and refuse, and on-street parking, so that the change will not adversely affect the surrounding area.

The project site is located at the southeast corner of 12th Street and Pennsylvania Avenue, a highly traveled pedestrian corridor and shares an alley with adjacent commercial uses to the east. The surrounding uses are primarily high-density student housing to the west and the University Hill Business District to the east. It is common for such ductwork to be located on the service side of buildings in high-density areas. Due to the age of the structure and building construction type, running ducting through the building would require extensive structural analysis, testing, modifications, and rated shafts, which is cost prohibitive. The applicant has taken all reasonable measures to alleviate the effects of the nonconforming ductwork on the surrounding area.

- ✓ (2) Reduction in Nonconformity/Improvement of Appearance: The proposed change or expansion will either reduce the degree of nonconformity of the use or improve the physical appearance of the structure or the site without increasing the degree of nonconformity.

The proposed site improvements, including the addition of a street tree, a screen fence for the parking area and two bicycle racks, will improve the physical appearance of the property.

- ✓ (3) Compliance With This Title/Exceptions: The proposed change in use complies with all of the requirements of this title:

N/A (A) Except for a change of a nonconforming use to another nonconforming use; and

Not Applicable. The existing sorority use will remain.

- ✓ (B) Unless a variance to the setback requirements has been granted pursuant to section 9-2-3, "Variances and Interpretations," B.R.C. 1981, or the setback has been varied through the application of the requirements of section 9-2-14, "Site Review," B.R.C. 1981.

Staff has granted an administrative setback variance to the allow 22 feet where 25 feet is required, finding that the proposal meets the criteria set forth in subsection 9-2-3(h), B.R.C. 1981. This request is outside of the purview of Planning Board discretion. See criterion 6 below.

- ✓ (4) Cannot Reasonably Be Made Conforming: The existing building or lot cannot reasonably be utilized or made to conform to the requirements of chapter 9-6, "Use Standards," 9-7, "Form and Bulk Standards," 9-8, "Intensity Standards," or 9-9, "Development Standards," B.R.C. 1981.

In order for the existing building to be made conforming, the sorority would have to significantly decrease occupancy of the site. Additionally, compliance with the current parking and open space requirements would be required. Compliance with the current development standards would necessitate the removal of a large portion of the existing building or complete redevelopment of the entire site.

- ✓ (5) No Increase in Floor Area over Ten Percent: The change or expansion will not result in a cumulative increase in floor area of more than ten percent of the existing floor area.

The proposal will not affect floor area.

- ✓ (6) Approving Authority May Grant Zoning Variances: The approving authority may grant the variances permitted by subsection 9-2-3(d), B.R.C. 1981, upon finding that the criteria set forth in subsection 9-2-3(h), B.R.C. 1981, have been met.

Staff has granted an administrative setback variance to allow 22 feet where 25 feet is required, finding that the proposal meets the criteria set forth in subsection 9-2-3(h), B.R.C. 1981. This request is outside of the purview of Planning Board discretion.

SITE PLAN NOTES

1. ALL WORK TO BE DONE IN ACCORDANCE WITH CONSTRUCTION CRITERIA AND ALL LOCAL GOVERNING CODES.
2. CONTRACTOR TO VERIFY EXACT UTILITY LOCATIONS BEFORE TRENCHING.
3. FIELD VERIFY ALL EXISTING CONDITIONS PRIOR TO CONSTRUCTION - NOTIFY DESIGNER W/ ANY DISCREPANCIES PRIOR TO CONSTRUCTION.

SYMBOL LEGEND

- NEW STREET TREE
- EXISTING STREET TREE
- EXISTING LANDSCAPE SHRUBS
- EXISTING GRASS AREA
- EXISTING BRICK PAVERS



PROPOSED 2'-6" TALL, CEDAR ON 4 SIDES, SCREEN WALL



RELOCATE (E) CONDENSER TO INSIDE (E) MECHANICAL WELL



PROPOSED 2" AND 4" CEDAR BOARDS ON EXTERIOR OF CHAIN LINK FENCE



TWO (2) PROPOSED NEW CORA, (EXPO 7510) BIKE RACKS IN EXISTING BIKE STORAGE AREA & PICKNIC AREA. REMOVE EXISTING FENCE BETWEEN AREAS.

LANDSCAPING REQUIREMENTS		
REQUIREMENT	COMPLIANT	PROPOSED
1- Total quantity of plant material required	Yes NO	Existing planting should be adequate
2- Total number of street trees required		One (1) additional street tree proposed. See site plan for locations.
3- Screening of parking lot from adjacent sidewalk	NO	New 14'-0" long cedar landscape wall proposed between the parking lot and the adjacent sidewalk. Wall will meet the 30 in max. height requirements per BRC 9-9-14.
4- Parking Lot Landscaping	Yes	Parking lot of 7 spaces is not required to have landscaping

NO.	REVISION DESCRIPTION	DATE
1	USE REVIEW COMMENTS	04/06/2015

ALPHA CHI OMEGA
1162 12TH STREET
BOULDER, CO 80302

SCHEMATIC DESIGN

SITE PLAN

SHEET SIZE: 24x36

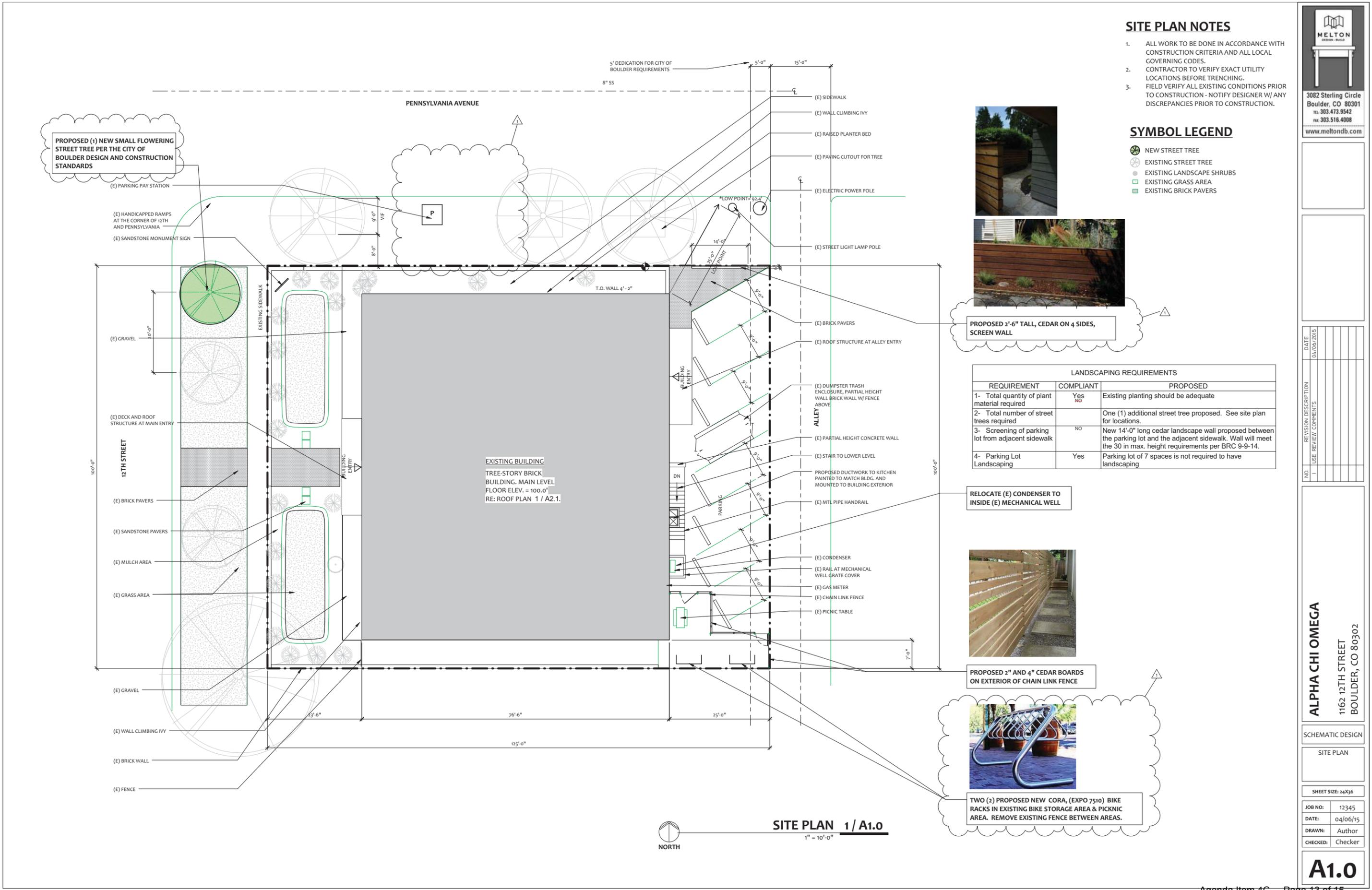
JOB NO: 12345

DATE: 04/06/15

DRAWN: Author

CHECKED: Checker

A1.0



SITE PLAN 1/A1.0
1" = 10'-0"





RAISED METAL PANEL SCREEN
(SMALL BRICK COLOR)

6'-0"
ABOVE EXIST'G

ALL DUCTWORK & EQUIPMENT
PAINTED TO MATCH EXIST'G BRICK
WALL COLOR

CITY OF BOULDER
PLANNING BOARD AGENDA ITEM
MEETING DATE: May 7, 2015

AGENDA TITLE: CONCEPT PLAN & REVIEW - Proposed mixed-use development (Alexan Flatirons) located at McKenzie Junction, 3600 Highway 119 (Diagonal Highway), that includes 295 market-rate multi-family units, 83 affordable-rate multi-family units, associated community buildings and 54,000 SF of commercial office space (with options for partial retail and coffee). Reviewed under case no. LUR2015-00028
Applicant: Bill Holicky
Property Owners: Birch Mountain, LLC

REQUESTING DEPARTMENT:
Community Planning & Sustainability
David Driskell, Executive Director
Susan Richstone, Deputy Director
Charles Ferro, Land Use Review Manager
Elaine McLaughlin, Senior Planner

OBJECTIVE:

1. Hear applicant and staff presentations
2. Hold public hearing
3. Planning Board discussion of Concept Plan. No action is required by Planning Board.

SUMMARY: CONCEPT PLAN & REVIEW - Proposed mixed-use development (Alexan Flatirons) located at McKenzie Junction, 3600 Highway 119, that includes 295 market-rate multi-family units, 83 affordable-rate multi-family units, associated community buildings and 54,000 SF of commercial office space (with options for partial retail and coffee).
Reviewed under case no. LUR2015-00028

Project Name: Alexan Flatirons
Location: 3600 Highway 119, north of Independence Road at Highway 119
Size of Tract: 20 acres
Zoning: Business Transition-1 (BT-1)
Comprehensive Plan: Transitional Business
Key Issues: Staff is recommending three key issues for discussion of the Concept Plan:

- Consistency with the BVCP Land Use Designations;
- Predominate use on site of residential consistent with BVCP Policies;
- Concept Plan responsiveness to City "Edge and Entryway" Design Considerations

I. INTRODUCTION AND BACKGROUND

The vacant 20-acre property was annexed and zoned Transitional Business in 1981. The previous review history for this property includes an issues identification review in 1995 and a non-binding concept plan review in 1998 for an office and hotel development; a site review in 2000 for five office buildings that was withdrawn; and a Concept Plan review in 2006 for a mixed use development. In addition, in 1998, the Open Space Board of Trustees was asked to consider purchase of the property given the context and surroundings with open space.

At that time the OSBT declined to purchase the property based on the very high market price as an annex and business-zoned property. Attachment A provides minutes from the two previous Planning Board Concept Plan review discussions. In previous discussions, this site has been referred to as a “gateway” given the high visibility of the site entering Boulder from the north on Highway 119.

II. PROJECT DESCRIPTION

The proposed Concept Plan consists of 295 market rate multi-family residential and 83 permanently affordable on-site senior attached units, along with two commercial buildings for office and retail totaling 54,000 square feet. Community amenities proposed include landscaping and open space along with two swimming pools. The applicant noted that the development is organized around an internal greenway to provide connections into an existing trail network, opportunities for a variety of open space and to create a transition from the lower density scale of the north end of the site to the larger buildings of the south side. A reduced version of the Concept Plan is provided in Figure 1, and a link to the Concept Plan submittal is provided in Attachment A. Tables 1 and 2 provide a preliminary tally of the number of bedrooms proposed for each type of apartment building. While the applicant has not identified specific demographics anticipated for the site, the number of bedrooms per building type can be summarized as follows:

Market Rate: 295 Units Total

2 Bedroom: 88
1 Bedroom: 177
Studio: 30

Affordable Rate: 82 Units Total

2 Bedroom: 19
1 Bedroom: 63

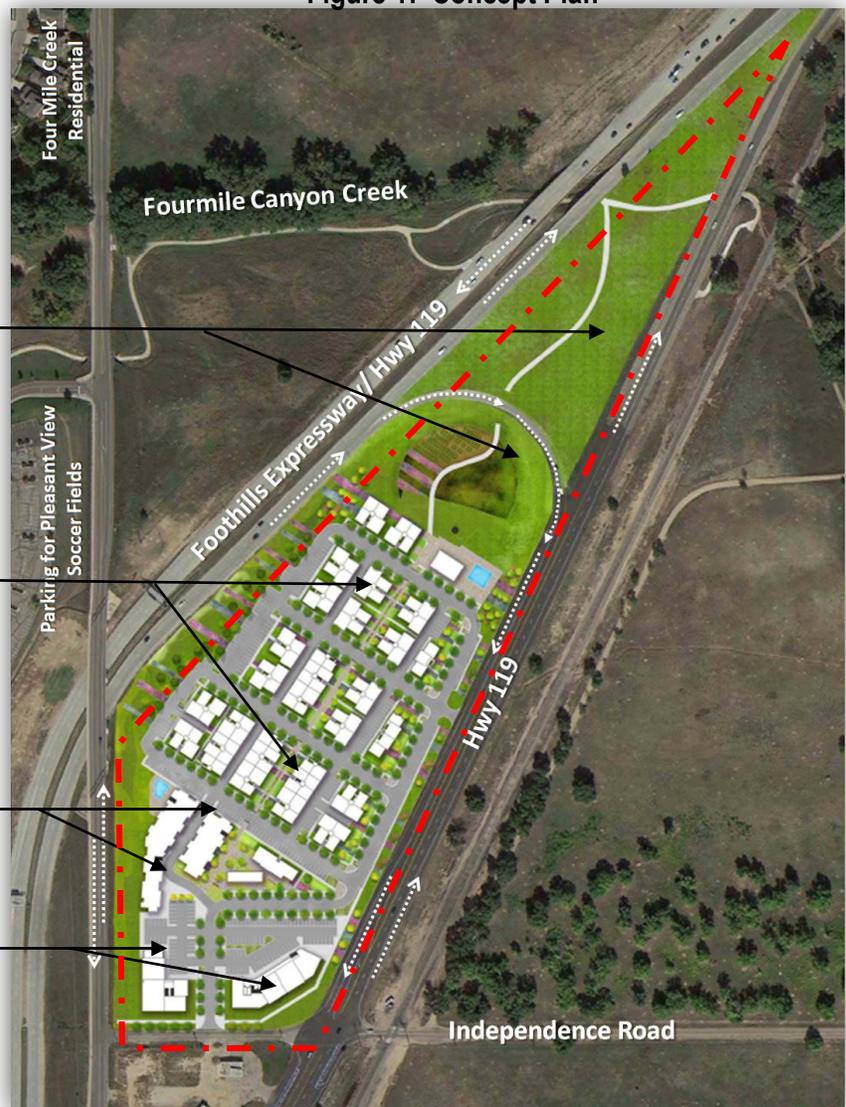
Open Space

256 Apartment Units

83 P.A. Senior Housing Units

Commercial/Office

Figure 1: Concept Plan



Figures 2a thru 2e: Conceptual Massing Sketches:

2a: Senior Attached Residential Units Massing



2b: Market Rate Apartment Building Massing



2c: Market Rate Apartment Buildings Massing



2d: Office/Retail Massing



2e: Office/Retail Massing



Table 1: Market Rate Apartment: Preliminary Bedroom Count per Building				
BUILDING A1 X 1	GROSS AREA	STUDIO	1 BEDROOM	2 BEDROOM
1ST FLOOR	2,407 SF		3	
2ND FLOOR	2,407 SF		3	
3RD FLOOR	2,407 SF		3	
TOTALS PER BUILDING	7,221 SF		9	
BUILDING A2 X 2	GROSS AREA	STUDIO	1 BEDROOM	2 BEDROOM
1ST FLOOR	3,341 SF	1	3	
2ND FLOOR	3,341 SF	1	3	
3RD FLOOR	3,341 SF	1	3	
TOTALS PER BUILDING	10,023 SF	3	9	
BUILDING B X 4	GROSS AREA	STUDIO	1 BEDROOM	2 BEDROOM
1ST FLOOR	4,264 SF	2	2	1
2ND FLOOR	8,712 SF	2	6	2
3RD FLOOR	8,712 SF	2	6	2
TOTALS PER BUILDING	21,688 SF	6	14	5
BUILDING C1 X 8	GROSS AREA	STUDIO	1 BEDROOM	2 BEDROOM
1ST FLOOR	1,964 SF		1	1
2ND FLOOR	3,927 SF		2	2
3RD FLOOR	3,927 SF		2	2
TOTALS PER BUILDING	9,818 SF		5	5
BUILDING C2 X 6	GROSS AREA	STUDIO	1 BEDROOM	2 BEDROOM
1ST FLOOR	1,627 SF		2	
2ND FLOOR	3,892 SF		2	2
3RD FLOOR	3,892 SF		2	2
TOTALS PER BUILDING	9,411 SF		6	4
BUILDING C3 X 2	GROSS AREA	STUDIO	1 BEDROOM	2 BEDROOM
1ST FLOOR	3,627 SF		3	1
2ND FLOOR	3,627 SF		3	1
3RD FLOOR	2,535 SF		3	
TOTALS PER BUILDING	9,789 SF		9	2

Table 2: Affordable Senior Residential Units: Preliminary Bedroom Count per Building			
FLOOR	GROSS AREA	1 BEDROOM	2 BEDROOM
1ST FLOOR	10,913 SF		9
2ND FLOOR	27,400 SF	29	8
3RD FLOOR	27,400 SF	29	8
GRAND TOTAL	65,713 SF	58	25

III. CONCEPT PLAN REVIEW AND COMMENT per Section 9-2-13

(g) **Guidelines for Review and Comment:** The following guidelines will be used to guide the planning board's discussion regarding the site. It is anticipated that issues other than those listed in this section will be identified as part of the concept plan review and comment process. The Planning Board may consider the following guidelines when providing comments on a concept plan:

(1) Characteristics of the site and surrounding areas, including, without limitation, its location, surrounding neighborhoods, development and architecture, any known natural features of the site including, without limitation, mature trees, watercourses, hills, depressions, steep slopes and prominent views to and from the site;

Existing Site. As shown in the aerial of Figure 3 and the street views of Figures 4a and 4b, the approximately 20 acre site is located on the northeast side of the main part of the city, in a prominent location and entryway from southbound Highway 119, the Diagonal Highway. The site is flanked on both the east and west by the separated highway, as well as an access ramp on the north side of the site to the highway and Independence Road on the south side of the highway. An elevated and bermed portion of 47th Street also flanks a portion of the western side of the site.

The site is currently vacant with no previous site development except for previous oil drilling. There's a landmarked remnant oil well located on the northern portion of the site. Historic information about the oil well is provided in the comment section under "Landmarks Preservation."

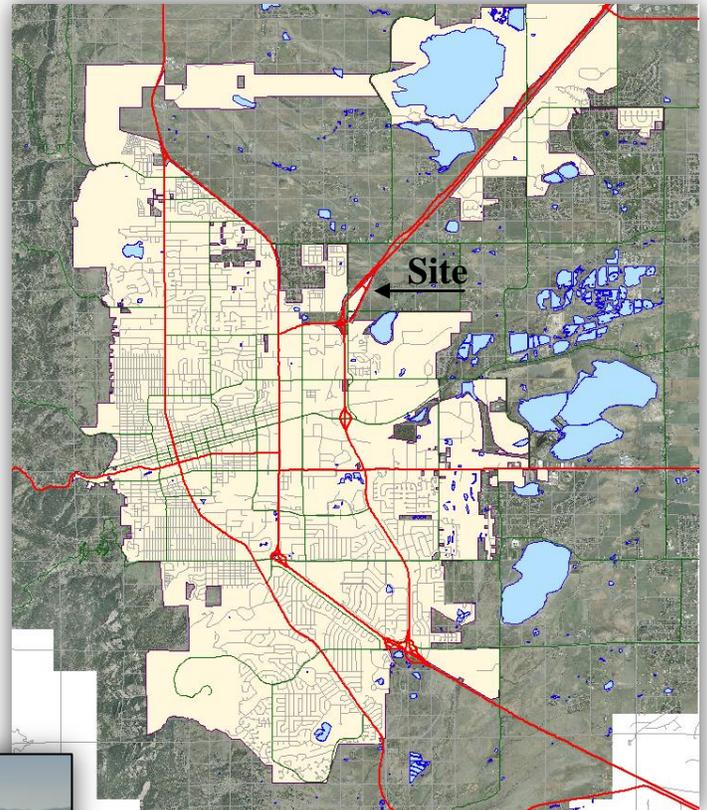


Figure 3: Site Location
Figure 4a: View of Site from Hwy 119
Figure 4b: View of Site from on-ramp portion of Hwy 119



As shown in Figure 5, the topography of the site is essentially flat across the 20 acres. However, there is a low point on the northern end of the site, below the on-ramp to the highway. A topographic map is illustrated below with the direction of the slight slope on the site.

Fourmile Canyon Creek is located at the northern most point of the site. The northern triangular shaped portion of the site is entirely within the 100 year flood zone and a portion of the point includes high hazard flood zone along with “high functioning” wetland area.

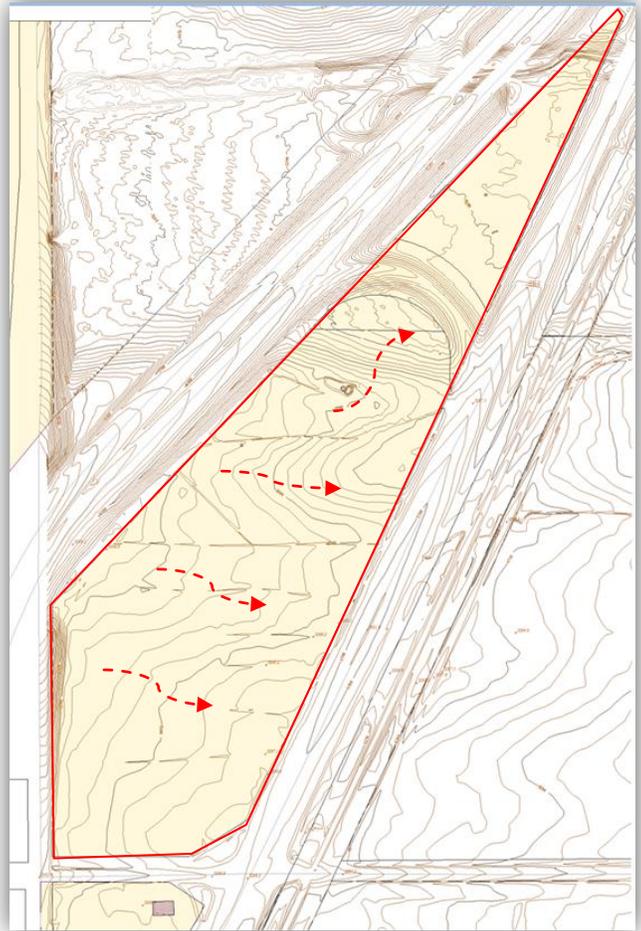


Figure 5: Topographic Map of the Site

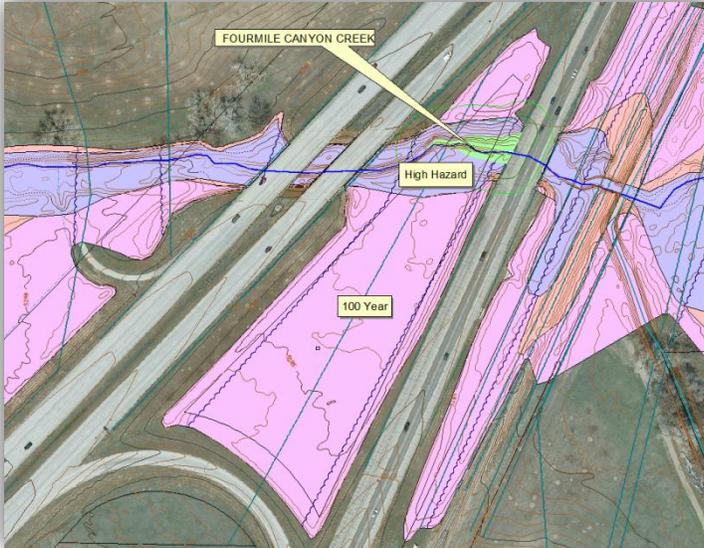


Figure 6: Flood Mapping of the Site

The site contains mostly “weedy” type plant species and there’s essentially no trees with the exception of the farthest point of the site on the north where mature trees such as willow and cottonwoods align the Fourmile Canyon Creek as shown in Figure 7.



Figure 7: Looking toward Fourmile Canyon Creek on North Portion of the Site

The site surroundings are varied and include rural agricultural land that historically has been an area of farming and cattle ranching. Cattle are still grazed on the property to the east.

Hayden Lake to the southeast is a man-made reservoir which is owned by Boulder & Left Hand Ditch Company where water is stored and then released later in the season into Boulder & Left Hand Ditch. A trailhead for the Cottonwood Trail east of Highway 119 is located on the north side of Hayden Lake. A recently approved Kum and Go Gas Station is located to the south as a redevelopment of the site to the south of Independence Road.

To the west directly across 47th Street is the city owned Pleasant View Soccer Fields. Further west is the low and medium density residential developments of Northfield Village and the Four Mile Creek neighborhoods. There are photos of the surroundings in Figure 9 on page 7.

Also located nearby is the Boulder Municipal Airport and the subject property is located within an Airport Influence Zone (AIZ) and would be required to comply with the Land Use Code section 9-3-10(e) that states,

(1) Zone Four:(A) A person annexing to the city and thereafter constructing a new principal structure in the city shall be required to sign an aviation easement as a condition of obtaining a building permit, and the easement shall be recorded. An applicant for a development permit pursuant to [chapter 9-2](#), "Review Processes," B.R.C. 1981, may be required to sign an aviation easement as a condition of obtaining a building permit, and the easement shall be recorded. (B) All new utility lines shall be placed underground.

A map of the Airport Influence Zone in relation to the site is provided along with images of the surrounding context on the following page.

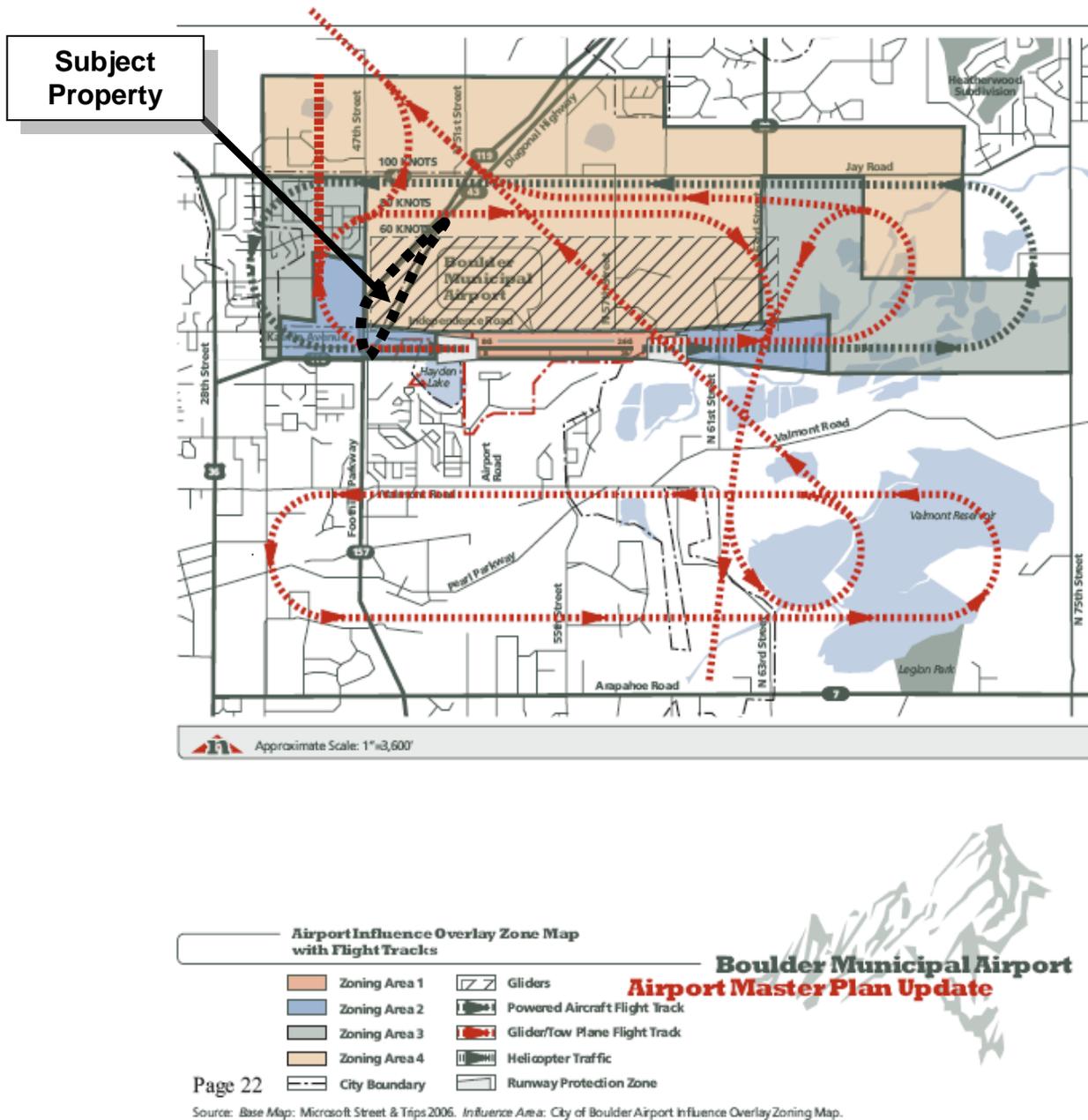


Figure 8: Site in Context of Airport Influence Overlay Zone Map

Figure 9: Photos of Site Surroundings



(2) Community policy considerations including, without limitation, the review process and likely conformity of the proposed development with the Boulder Valley Comprehensive Plan and other ordinances, goals, policies, and plans, including, without limitation, sub-community and sub-area plans;

Shown in Figure 9, the site is designated as Transitional Business under the Comprehensive Plan defined as:

“along certain major streets of the valley. These are areas usually zoned for less intensive business uses than in the General Business areas, and they often provide a transition to residential areas.”

While the comprehensive plan land use designation indicates an intent for “less intensive business” the BT-1 zoning on the site permits attached residential by-right, Figure 10 illustrates the zoning on the site. Other policies are related to the need for housing and in particular permanently affordable housing, as is provided in the plan. Refer to criteria #8.

Other comprehensive plan policies help to inform development on this site. In particular, the site is considered a community edge and entryway and would need to be consistent with policy 2.05 as follows:

2.05 Design of Community Edges and Entryways

Well-defined edges and entryways for the city are important because they support an understanding and appreciation of the city’s image, emphasize and preserve its natural setting, and create a clear sense of arrival and departure. Natural features are most effective as edges, but public open land, major roadways or heavy tree planting can also function as community edges. As new areas are developed, the definition of a community edge will be a design priority. Major entryways into the Boulder Valley will be identified, protected and enhanced.

The applicant would need to provide greater information on how to establish a feature that would establish an “effective” edge as is recommended in the policy. Today, just the roadway establishes the site as an edge. In previous Concept Plan reviews recommendations were made to either establish iconic architecture on the site and/or tree plantings. Staff notes that the surface parking lots shown on the Concept Plan would not be acceptable as defining features within this city entryway. Refer to Key Issue 3 for additional discussion.

(3) Applicable criteria, review procedures, and submission requirements for a site review;

- Site Review Criteria of the Land Use Code section 9-2-14(f), B.R.C. found [here](#).
- Boulder Valley Comprehensive Plan policies
- Traffic Impact Study is required since the project’s trip generation is shown to exceed the residential threshold of 20 vehicles during the peak hour, as described in Section 2.02 of the City of Boulder Design and Construction Standards (DCS).
- Transportation Demand Management (TDM) plan consistent with section 2.03(l) of the DCS and section 9-2-14(h)(2)(D)(iv) and (v) of the Boulder Revised Code (BRC) which outlines strategies to mitigate traffic impacts created by the proposed development and implementable measures for promoting alternate modes of travel.
- A CDOT Access Permit will be required for the proposed $\frac{3}{4}$ access from the Diagonal Highway. The CDOT Access Permit must be applied for concurrently with Site Review submittal for preliminary CDOT approval and must have final approval prior to final engineering plan approval.



Figure 9: Comprehensive Plan Land Use Map

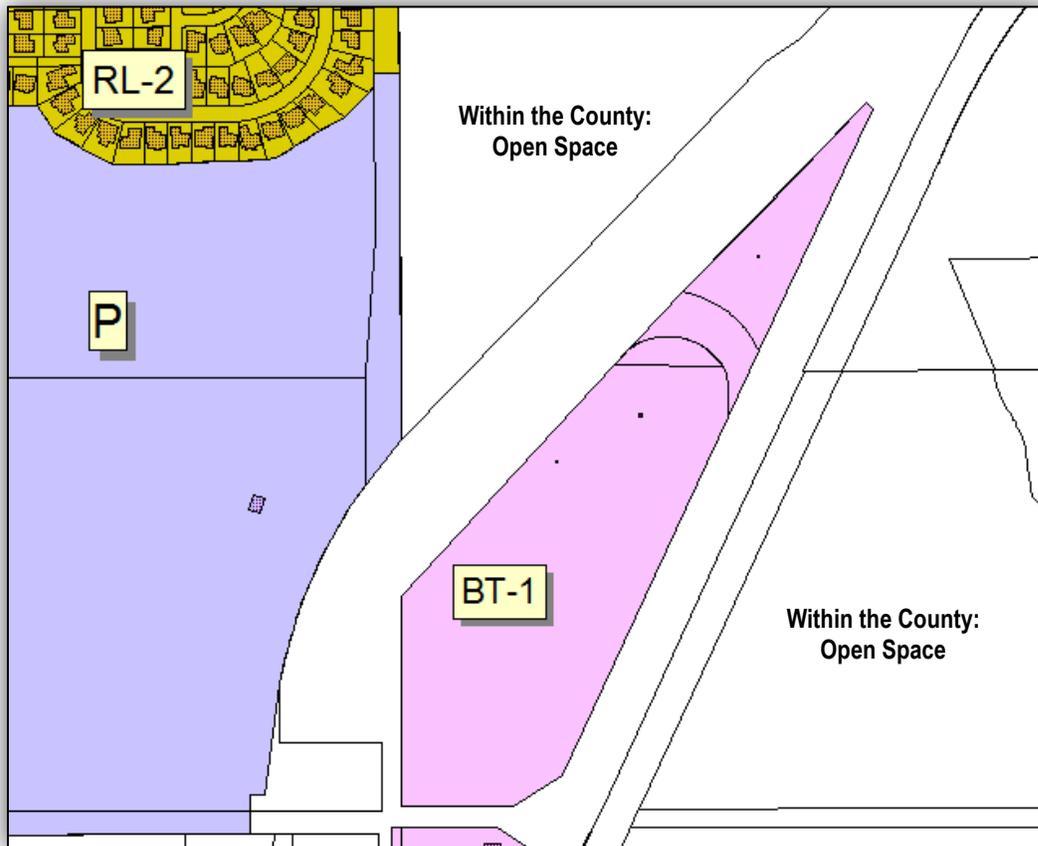


Figure 10: Zoning Map

(3) Applicable criteria, review procedures, and submission requirements for a site review (continued);

- Inclusionary Housing: each new residential unit developed on the property is subject to 9-13 B.R.C., 1981, "Inclusionary Housing." The general Inclusionary Housing (IH) requirement is that all residential developments must dedicate 20 percent of the total dwelling units as permanently affordable housing. For rental projects this requirement may be met through the provision of on-site affordable rental units or comparable existing or newly built off-site permanently affordable rental units or through the dedication of land appropriate for affordable housing or by payment of a cash-in-lieu contribution. The proposed 387 units result in an inclusionary requirement of 77.4 permanently affordable units. The applicant's proposal to provide 83 permanently affordable senior units on-site would meet or exceed that requirement.
- Inclusionary Housing: Per 9-13 B.R.C., 1981, and associated regulations, permanently affordable dwelling units must be proportionate in type (such as detached, attached or stacked units) and number of bedrooms to the market rate units. Attached permanently affordable units must have an average floor area no less than 80 percent of the market-rate units, however this is a minimum and larger units are encouraged. Permanently affordable dwelling units must meet the "Livability Standards for Permanently Affordable Housing." No unit shall be considered a permanently affordable unit until the location, construction methods, floor plan, fixtures, finish and the cabinetry of the dwelling unit have been approved by the city manager.
- Inclusionary Housing: Any required documents including the Determination of Inclusionary Housing Compliance form, Covenants to secure the permanent affordability of the units, and an Agreement must be signed and if necessary recorded prior to application for any residential building permit. On or off-site permanently affordable units must be marketed and constructed concurrently with the market-rate units.
- Inclusionary Housing: Rental developments that meet the requirement with a cash contribution are required to acknowledge and agree to comply with that portion of the IH Ordinance which requires that if an owner chooses to convert the rental units to for-sale units within five years they will be required to pay the difference between the rental and for-sale CIL amount that was due when the building permit was issued.
- Inclusionary Housing: Any applicable cash-in-lieu contribution must be made prior to receipt of a residential building permit. The cash-in-lieu due is based on the amounts in place when paid.

(4) Permits that may need to be obtained and processes that may need to be completed prior to, concurrent with, or subsequent to site review approval;

Assuming the applicant pursues a Site Review application after Concept Plan, other types of permits may be necessary as the project plans progress:

- Technical Document for final plans (i.e. landscape, irrigation, architecture, lighting, engineering)
- A CDOT access permit must be reviewed and approved through a separate Technical Document Review process.
- A Special Use Permit will be required for the public improvements to be constructed within the CDOT right-of-way. The CDOT Special Use Permit must be applied for concurrently with Site Review submittal for preliminary CDOT approval and must have final approval prior to final engineering plan approval.

- (5) Opportunities and constraints in relation to the transportation system, including, without limitation, access, linkage, signalization, signage, and circulation, existing transportation system capacity problems serving the requirements of the transportation master plan, possible trail links, and the possible need for a traffic or transportation study;

The site is situated with Highway 119, 47th Street and Independence Road along with highway access lanes surrounding property. Opportunities exist to connect the project to the Fourmile multi-use path network that extends east to the Cottonwood Trail shown to the right. The site is challenged by the lack of close proximity to transit stops. As shown below, there are existing bus routes along the Diagonal Highway including the BOLT and the "J." However, as indicated on the map, there is one bus stop located within one-quarter mile of the site for north bound BOLT route only.

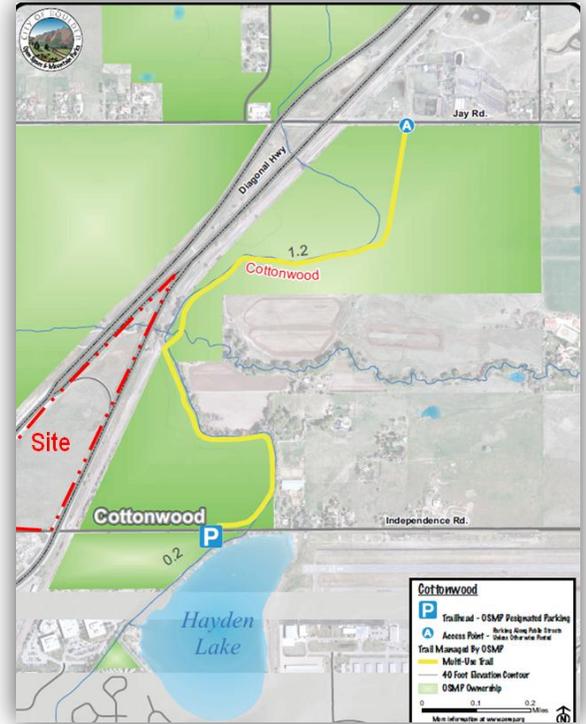


Figure 11: Fourmile Multi-Use Path

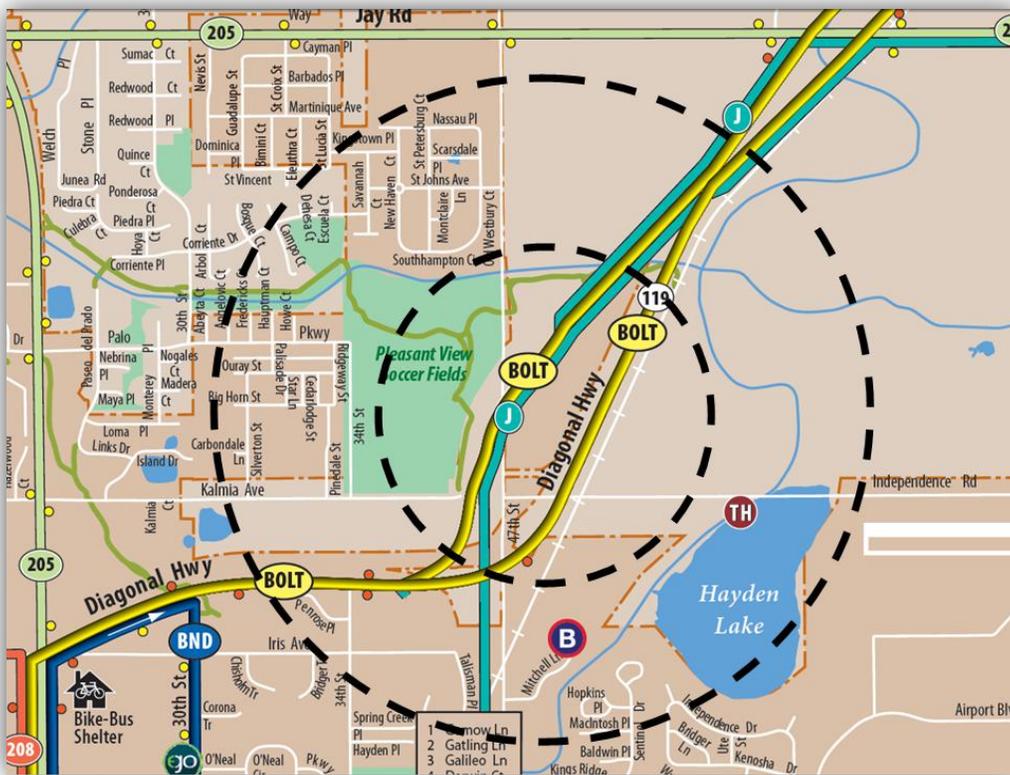


Figure 12: Walking Distances from Site to Bus Stop

In addition, given that the applicant is proposing a parking reduction, the challenge will be the preparation of a Transportation Demand Management plan without the benefit of transit on the site.

(6) Environmental opportunities and constraints including, without limitation, the identification of wetlands, important view corridors, floodplains and other natural hazards, wildlife corridors, endangered and protected species and habitats, the need for further biological inventories of the site and at what point in the process the information will be necessary;

Portions of the site are located in the Four Mile Creek floodplain. The northernmost “triangular area” north of the off-ramp is primarily located in the conveyance and high hazard flood zones and development in these areas will be restricted in accordance with city floodplain regulations. The applicant will be required to dedicate a public flood control easement for the conveyance zone. A small area of the site south of the highway off ramp is also in the 100-year floodplain, and partially located in the high hazard and conveyance zones. Refer to the graphic on page 10.

There are no known special status species on the property. There are a number of large, mature trees on the northern most point of the site where the point of the site interfaces with the Fourmile Canyon Creek. That portion of the site doesn’t appear to have any plans for redevelopment. However, at the time of Site Review an existing Tree Inventory will be warranted.

The property contains the individually landmarked #1-21 McKenzie Oil Well. Dating from 1901-1902, the Boulder Oil Field’s McKenzie Well was designated a Landmark by Boulder City Council in November of 2002 and listed in the National Register of Historic Places in 2004. The well has significance not only for its association with the Boulder Oil Field, but the impact that the discovery of crude had on the growth and development of the city during the first decade of the twentieth century. These events have been recognized as making a significant contribution to the broad patterns of Boulder history.

Any physical change to the pump jack or well itself, including relocation, would require review by the Landmarks Board. Relocation of the pump jack would disassociate that element of the landmark from the well itself and would likely be found to be inconsistent with the historic preservation ordinance and the General Design Guidelines. Shown below is the original oil derrick from 1902, and as the pump appears today.



Figure 13: Images of the McKenzie Oil Well (from 1902 on the left and today on the right)

(7) Appropriate ranges of land uses;

The existing Transitional Business zoning supports a mix of uses as the intent in the zoning is to provide a transition between business and residential uses. This site is unique and differs from most sites in the Transitional Business zone in that there's little in the way of a built context surrounding the site with the exception of the highway. Typically, transitional business exists where there is a change in zoning from commercial or business uses and residential. The intent is to buffer the residential. The closest residential to this site, is ¼ to ½ mile away, as is the nearest business or office buildings. Therefore, while the existing zoning is intended to create a transition, there's little in the way of land use to transition to or from.

The appropriateness of the site for residential uses was a key issue raised during previous Concept Plan review discussions. Concerns about the lack of bicycle and pedestrian connections, safety and noise impacts from the nearby airport, traffic noise from the surrounding highway and lack of nearby services were discussed as reasons why this site may not be very livable. This is particularly true for the proposed senior housing on the site. Therefore, the question of residential on the site is less an issue of compatibility or appropriateness of land uses, but rather one of addressing the challenges of the site's location to create a desirable neighborhood.

Shown to the right are the ¼ to ½ mile distances surrounding the center of the site. As is noted, there's little in the way of walkable proximity to services or employment.

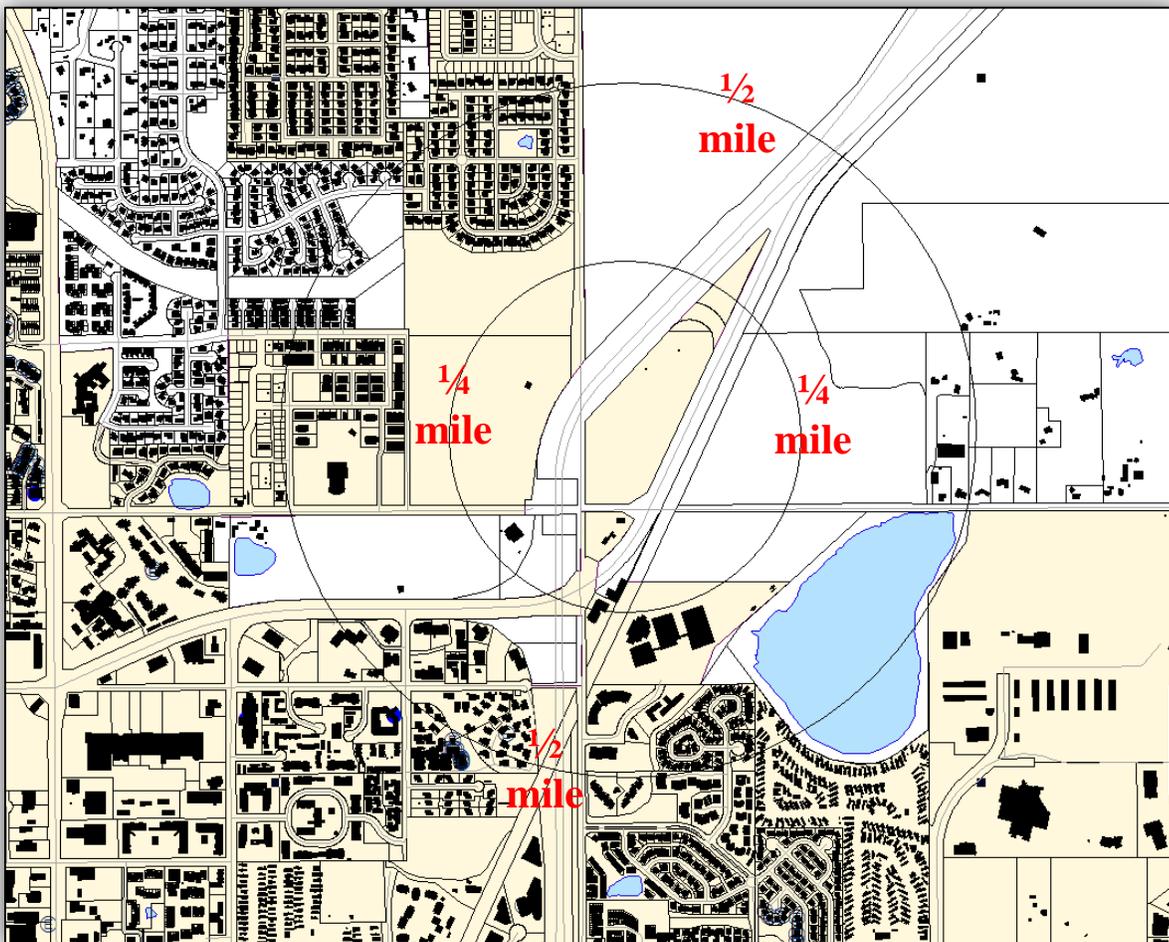


Figure 14: Walkable proximity to services or employment

8) The appropriateness of or necessity for housing

The proposed project's provision of housing, particularly affordable senior housing on site, along with a diversity of housing would help to meet several BVRC policies that address the need for housing. The challenge for this particular site, while meeting many of the policies for housing, is that the location doesn't meet the intent for mixed use and multi-family development proximate to transit, employment or services. The need for transit facilities in this location along with other services beyond the small retail and/or coffee shop proposed on site makes the site less appealing for residential and senior residential than other locations within the city. The following are the BVRC policies regarding the need for and provision of housing:

7.01 Local Solutions to Affordable Housing

The city and county will employ local regulations, policies, and programs to meet the housing needs of their low and moderate income households and workforce. Appropriate federal, state and local programs and resources will be use locally and in collaboration with other jurisdictions. The city recognizes that affordable housing provides a significant community benefit and will continually monitor and evaluate its policies, programs and regulations to further the city's affordable housing goals.

7.02 Permanently Affordable Housing

The city will increase the proportion of permanently affordable housing units to an overall goal of at least ten percent of the total existing housing stock through regulations, financial subsidies and other means. City resources will also be directed toward maintaining existing permanently affordable housing units and securing replacements for lost low and very low income units.

7.03 Populations with Special Needs

The city and county will encourage development of housing for populations with special needs including residences for people with disabilities, populations requiring group homes or other specialized facilities, and other vulnerable populations where appropriate. The location of such housing should be in proximity to shopping, medical services, schools entertainment and public transportation. Every effort will be made to avoid concentration of these homes in one area.

7.06 Mixture of Housing Types

The city and county, through their land use regulations and housing policies will encourage the private sector to provide and maintain a mixture of housing types with varied prices, sizes and densities, to meet the housing needs of the full range of the Boulder Valley population.

7.09 Housing for a Full Range of Households

The city and county will encourage preservation and development of housing attractive to current and future households, persons at all stages of life and to a variety of household configurations. This includes singles, couples, families with children and other dependents, extended families, non-traditional households and seniors.

7.10 Balancing Housing Supply with Employment Base

Expansion of the Boulder Valley housing supply should reflect to the extent possible current employer locations, projected industrial/commercial development sites, variety of salary ranges, and the demand such developments bring for housing employees. Key considerations include housing type, mix, and affordability. The city will explore policies and programs to increase housing for Boulder workers by fostering mixed-use and multi-family development proximate to transit, employment or services and by considering the conversion of commercial and industrial zoned or designated land to residential use.

7.13 Integration of Permanently Affordable Housing

Permanently affordable housing, whether publicly, privately or jointly financed will be designed as to be compatible, dispersed, and integrated with housing throughout the community.

KEY ISSUE 1: Is the proposed project consistent with the BVRC Transitional Business Land Use

The intent of Transitional Business is to provide less intensive business uses than General Business and provide a transition to residential areas. The BVCP land uses for the entire city are illustrated with the Transitional Business land use areas circled in Figure 15a below. As can be noted, the majority of these areas do serve as a transition from higher intensity business or industrial land use to residential. The exception is the subject site given that it is straddled on both the east and west sides with open space, as shown in Figure 15b. Because of this distinction, there are few precedents to compare to the site.

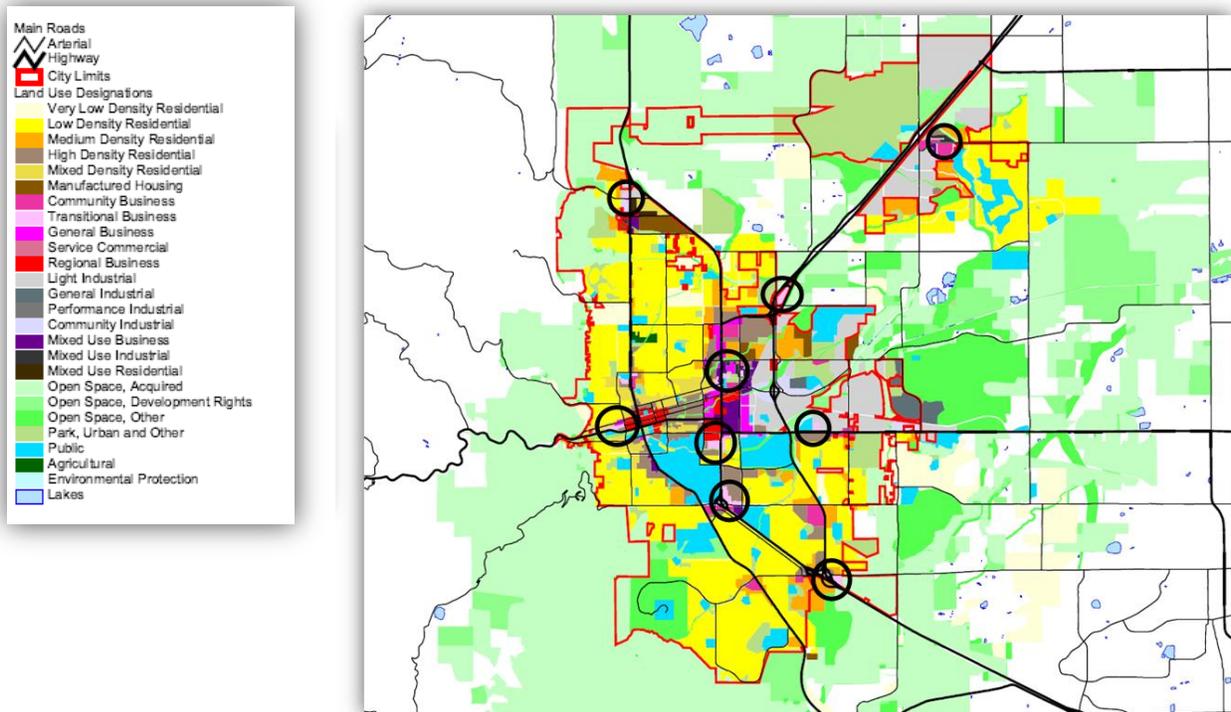
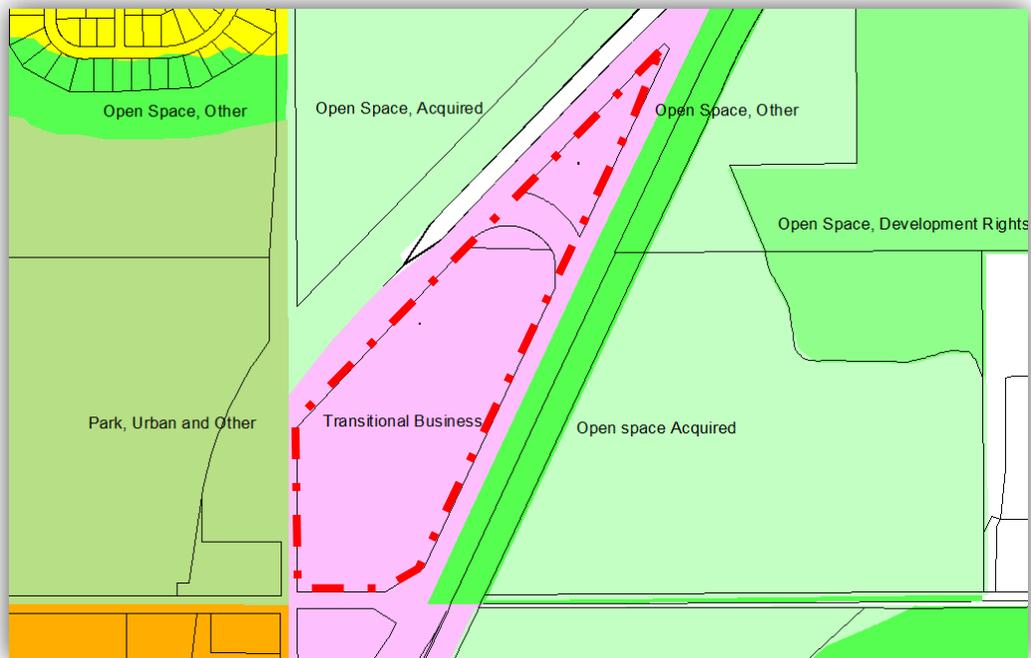


Figure 15a: Transitional Business Areas throughout the City (above); 15b: Land Use Context of Site (below)



The closest land use precedent in the city that is a “transitional business” area surrounded by open space and major roadways is another “entryway” site located at the southeast end of the city at the apex of Highway 36/Foothills Expressway and South Boulder Road as shown in Figure 16. In that case, office buildings were constructed and are considered consistent with the intent of the Transitional Business Land Use.

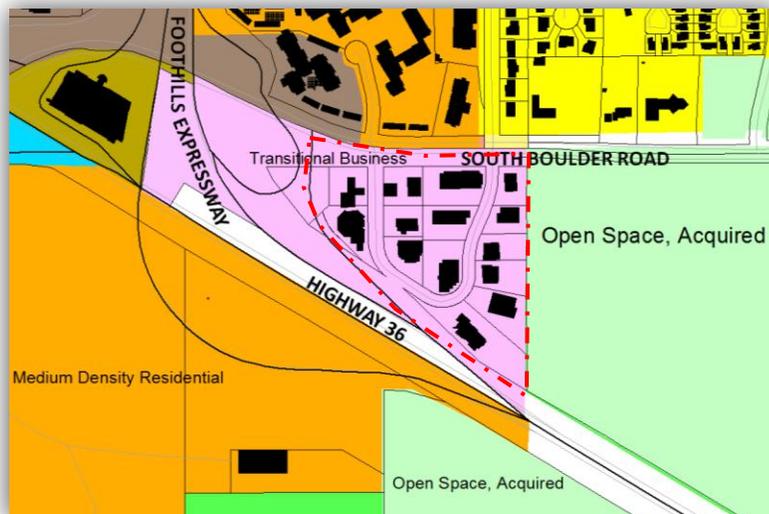


Figure 16: Comparable “Entryway” Transitional Business Site

Given the more intensive highway context of the subject site and the predominant use of the site for residential, rather than office, the Concept Plan is arguably contrary to the intent of the BVRC Transitional Business Land Use. However, it is important to note, that while the BVRC Transitional Business Land Use is intended to provide for “less intensive business uses” the Business Transition – 1 (BT-1) zoning does permit attached residential as a by-right use. Because the development on the site would require Site Review, analysis of the consistency of a site with the vision of the BVCP land use and policies is important to consider appropriateness of a use for the context.

KEY ISSUE 2: Is the predominant use of the site for residential consistent with relevant BVCP Policies?

While the Concept Plan does illustrate a mix of uses, the predominant use on the site is residential, with 295 attached residential units along with 83 permanently affordable senior units shown to occupy approximately three quarters of the development area. The question of appropriateness of the site for residential was discussed in previous Concept Plan reviews where residential was also the main use proposed on the site. At that time, the board acknowledged the need for residential in the city but questioned the site as a livable place for residential and comments noted that the site “in the middle of a cloverleaf” and that, “people would be living in a sea of traffic.” Another comment noted that there would be a need to, “demonstrate that the site is livable.” These issues remain with this Concept Plan.

Staff notes that with the surrounding highway traffic, noise and air quality would be among the impacts to any future residential. Accessibility for residents, particularly seniors, from this site to other services and transit outside of this site would be challenging as well. In previous reviews, there was a suggestion that an underpass for pedestrian connections would be important. While in the previous review, one board member suggested that perhaps the site would be more appropriate for seniors because of “fewer auto trips” and the ability for development to be “inward focused” as well as “residents may not be as affected by noise.” Staff notes that there are BVCP policies that apply universally to residential development.

For example, BVCP policy 2.14 “*Mix of Complementary Land Uses*” states,

“The city and county will strongly encourage, consistent with other land use policies, a variety of land uses in new developments... Wherever land uses are mixed, careful design will be required to ensure compatibility, accessibility and appropriate transitions between land uses that vary in intensity and scale.”

The adjacent Highway 119 has a significant intensity creating impacts. Given that there is little ability to mitigate these impacts on the site through an “appropriate transition” staff finds that this policy would not be met by the Concept Plan.

Similarly, BVCP policy 2.21, “Commitment to a Walkable and Accessible City” states,

“The city and county will promote the development of a walkable and accessible city by designing neighborhoods and business areas to provide easy and safe access by foot to places such as neighborhood centers, community facilities, transit stops or centers, and shared public spaces and amenities. The city will consider additional neighborhood-serving commercial areas where appropriate and supported by the neighbors they would serve.”

While the applicant is illustrating 53,000 square feet of retail office, there is little in the way of neighborhood serving commercial. There is also little opportunity to provide easy and safe access given the surrounding highway on the majority of the site. In addition, the site would need to create a sense of a neighborhood for residents that mitigates external impacts and provides for daily on-site services, something difficult to achieve in the highway context.

KEY ISSUE 3: Does the Concept Plan respond to the Design of the Community Edge and Entryway context?

In past Concept Plan and Site Reviews for the site, reference has been made to the site being a “gateway” or at an “entryway” to the city as defined in BVCP Policy 2.05. This is evident in Figure 17, aerial photo; Figures 18 & 19, street views, the site is not only an “edge” or “entryway” into the main part of the city, but also is in the foreground of significant views from Highway 119 of the Flatirons.

2.05 Design of Community Edges and Entryways

Well-defined edges and entryways for the city are important because they support an understanding and appreciation of the city’s image, emphasize and preserve its natural setting, and create a clear sense of arrival and departure. Natural features are most effective as edges, but public open land, major roadways or heavy tree planting can also function as community edges. As new areas are developed, the definition of a community edge will be a design priority. Major entryways into the Boulder Valley will be identified, protected and enhanced.

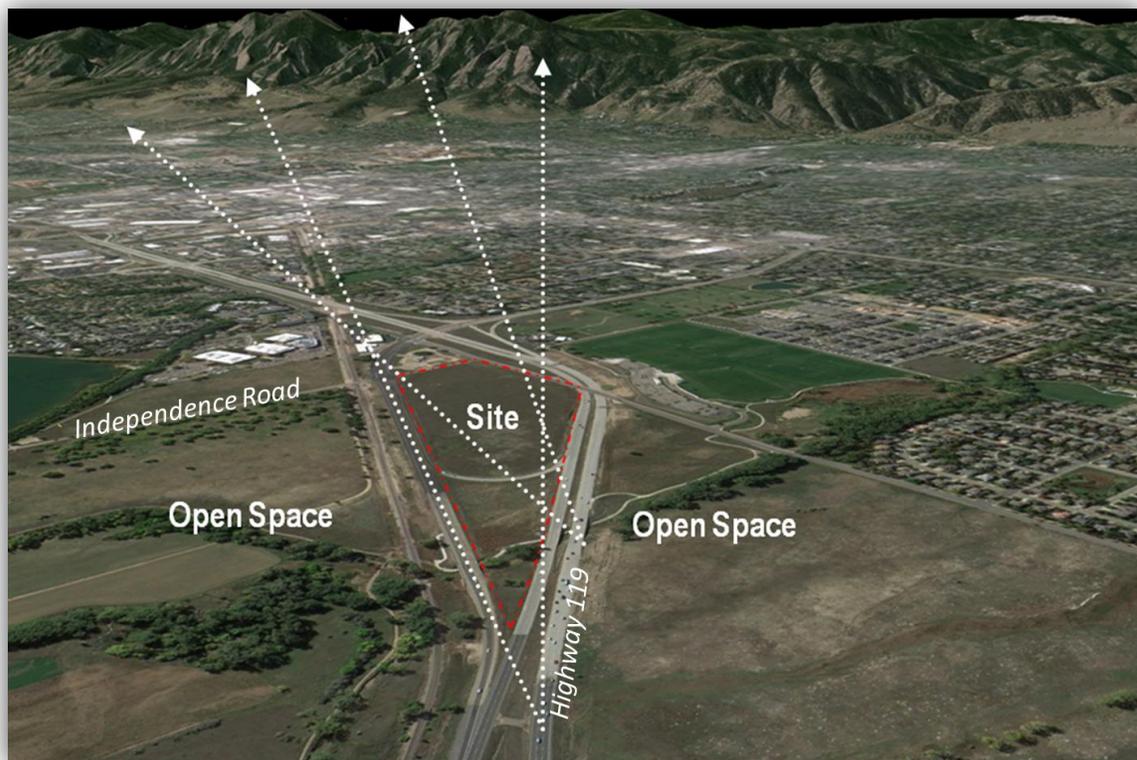


Figure 17: Birds Eye Aerial Showing Entryway Context of Site and in Relation to Flatiron Views



Figure 18: Distant view of the site when approaching from southbound Highway 119



Figure 19: Close in view of the site when approaching from southbound Highway 119

There are no images provided which depict the proposed massing on the site from this viewshed. However, because of the high visibility of this site from Highway 119, the development plans would need to make a strong statement for design excellence and simultaneously preserve the significant view corridor toward the Flatirons. Previous discussions about development on this the site have noted that this unique site context would warrant emphasis on iconic architecture yet in a style that would simultaneously be understated in relation to the views.

As currently configured, there are parking areas that are shown to abut the highway. While typically such an approach could provide a buffer for the buildings for the living/working areas of the site from a highway, in this case, parking lots would not be an appropriate design response to the “entryway” context.

CONCLUSION:

The Concept Plan is challenged by questions of consistency with the BVCP Land Use designation of Transitional Business, by accessibility and compatibility of the site in relation to the surrounding highway as well as the responsibility of building upon a city entryway site.

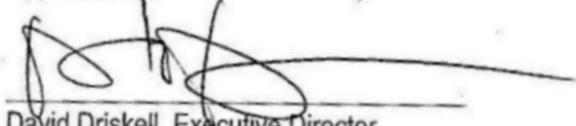
PUBLIC COMMENT AND PROCESS:

Required public notice was given in the form of written notification mailed to all property owners within one-half mile of the subject site and a sign posted on the property for at least 10 days. It is important to note that while the Land Use Code standards for mailing are to property owners within 600 feet, given the surrounding open space to the site, staff determined that a radius of ½ mile would better serve the process by notifying the nearest neighbors. Therefore, all notice requirements of section 9-4-3, B.R.C. 1981 have been met. At the time of the memo preparation, eleven comment letters were received and are provided in [Attachment B](#).

STAFF FINDINGS AND RECOMMENDATION:

No action is required on behalf of the Planning Board. Public comment, staff, and Planning Board comments will be documented for the applicant's use. Concept Plan Review and comment is intended to give the applicant feedback on the proposed development plan and provide the applicant direction on submittal of the Site Review plans.

Approved By:



David Driskell, Executive Director
Department of Community Planning and Sustainability

ATTACHMENTS:

- A: [Planning Board Minutes from previous Concept Plan review 2001 and 2006](#)**
- B: [Community Comments](#)**
- C: [Concept Plan Submittal](#)**

MCKENZIE JUNCTION CONCEPT PLAN
DECEMBER 13, 2001 PLANNING BOARD MEETING
SUMMARY OF PLANNING BOARD COMMENTS

"Gateway" Site

- Cowles: A gateway property marks a transition between open space and the city.
I like the mixed use concept but this proposed project turns inward, which is the opposite of what we want. A mixed use project should have well defined connections with the area outside its boundaries, so that there will be a flow of life and energy between the project and its surroundings.
- Gunter: A gateway should symbolize Boulder and its values; an oil well does not symbolize Boulder values.
- Nielsen: This gateway should be an edge with landscaping; less is more.
- Pommer: The proposal gives some of what the community wants but it is a unique setting.
Use the "triangle" north portion of the site as a landscaped edge.

Land Uses

- Board: Concurs that a hotel (maximum three stories) should be considered as a potential use.
- Board: Unanimously supports some type of land swap so alternative uses can be developed on the site.
- Cowles: The development proposed is too dense; cut the number of offices and jobs to help our jobs/population balance (TB sites are under consideration for less density allowed). Less on this site is better. I'd rather see housing than commercial, since the city actually needs housing.
Look at park uses.
A hotel use may be appropriate since those visitors would be driving in cars anyway; also, there is no campground in Boulder – could this be a possible site?
- Gunter: Underground parking may not be a great idea for this site, given environmental and water resource concerns.
The applicant has done an excellent job with a site that's a disaster.
The previous concept plan for a hotel was rejected due to the building height, not the land use; a limited service hotel could be a good use for this site (safer since much of the building would be unoccupied during daytime flights).
How would the flex space units get sold together (residential and commercial unit)?
Local "support" uses (e.g. coffee, bagel shops) would be key; surrounding properties may also provide these support uses.

Nielsen: Are there civic uses (soccer fields, transit hub, etc.) that would preserve the views and keep the oil well? Has the city explored if those options are possible?

The flex space concept is intriguing. How workable will it be for business with visiting clients?

Consider a special district to assist city purchase of the site.

O'Hashi: What is the reason for City Open Space not purchasing the site?

Pommer: Adequate parking is key; there is no place for parking to "spill out".

The site may have a carrying capacity that doesn't match its acreage; the applicant would have to demonstrate that the land use intensity is appropriate

Residential Uses

Cowles: The site is in the middle of a cloverleaf; who would want to live there? People would be living in a sea of traffic.

Could the site be more appropriate for a residential community for seniors? This use would have fewer auto trips, can focus inward, and residents may not be as affected by noise (an underpass for pedestrian connections would be important).

Gunter: Due to the surrounding roads, it could be a bad place to live; but the city is residence-starved. Can you make the site livable and sellable?

Pommer: Which schools will serve the site?

The inclusion of service uses will be important.

The applicant will need to demonstrate that the site is livable. We want more housing but are not convinced that housing is appropriate on every site; commercial uses make more sense on this site. We try to balance on all individual sites.

Perhaps find someone with a commercial site who would rather develop residential units

Transportation

Cowles: Almost all trips to and from the site would be by car because the 47th street flyover to the SW, the Diagonal to the NW and the offramp and Diagonal that wrap most of the rest of the property create a wall of severance which can be safely traversed only with a car well equipped with air bags.

Gunter: The transportation study should be conservative in its assumptions about the site; include trips to be generated by future development; use up-to-date traffic numbers; for TDM plans, assume a large number of trips (perhaps charge employees \$2.00 per day and distribute fees to people who use alternate modes).

Nielsen: Would want to see underpasses to the west and east (to the open space and soccer fields).

O'Hashi: Traffic impacts and a TDM program are key.

Architecture

Cowles: I like the elevations, but concerned that the buildings create an urban space that works.
The proposed commercial architecture is noble for a gateway and reflects our plains heritage.
The street orientations may need to shift to protect the best views

Gunter: Cover buildings with landscaping for a more natural look rather than making an architectural statement.
Enhance the landscaping to help with noise buffering (e.g. evergreen trees).
The commercial architectural style shown doesn't work – the rest of the architectural character is OK.
Consider going to DDAB Board for review – great free advice and their comments are not binding

O'Hashi: The architectural style reflecting the McKenzie history complements the design. Be careful not to create fake history – may not be appropriate

Nielsen: Doesn't like the "silo" feature design; understands that the design is very conceptual

Pommer: The architectural design is important – need a street façade for highway users to view, but the buildings must focus inward also. Likes the conceptual architectural design.

There should be some consistency between the different building types (e.g. use of flagstone or tile materials) so that they appear as one development.

For a previous concept plan review, the Planning Board indicated that 55 feet would not be an acceptable building height

Noise

Gunter: What disclosure will be given to tenants and owners re: noise?

Pommer: Compare this site with the noise generated and traffic counts from streets adjacent to other residential developments, e.g. The Boulders, Wellman Creek, Tantra, Moorehead residences backing onto US 36, and the condos at US 36 and Table Mesa Drive.

Oil Well

Board: Concur that the well should be considered for landmarking.

O'Hashi: If the oil well is in production, consider how it may affect the plan if it is kept active.

What will the reclamation plan be, given the city landmarks and COGCC processes?

Where is the oil well reservoir? The holders of the surface rights may have the right to drill additional wells on the property

Airport Influence Zone

Gunter: Has observed planes and gliders going over the site. The real issue is that there have been some crashes.

Has concern about the building height proposed. Buildings should be under 35 feet, for safety from flight paths.

Would like more information on glider and plane flight paths.

The applicant will be required to underground all utilities

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
August 3, 2006

BOARD MEMBERS PRESENT:

Elise Jones, Chair
Simon Mole, Vice Chair
John Spitzer
Phil Shull
Adrian Sopher
Claire Levy
Richard Sosa

STAFF PRESENT:

Robert O. Cole, Land Use Review Manager
Ruth McHeyser, Acting Planning Director
David Gehr, Assistant City Attorney
Brent Bean, Senior Planner
Steve Durian, Engineer
Jody Jacobson, Communications
Mary Wolff, MRW & Assoc.

ACTION ITEMS

A. Public hearing and consideration of Concept Plan LUR2006-00044, McKenzie Junction. Concept Plan proposal includes the development of up to 344 residential units and 35,000 square feet of non-residential use.

Applicant: Scott McFadden, Trammell Crow Residential Development
Owner: Birch Mountain Limited Liability Company

Elise Jones:

The site is a median, not good for residential. It is an entrance to the city though. What might go there - perhaps a church, one piece of incredible architecture or more soccer fields. Residential doesn't work on the perimeter. Service Industrial might work on the south end where it's less visible. Disagreed with Commissioner Spitzer that this site was appropriate for affordable housing because the site is so undesirable. Keep the connection to the bike path on 4-mile creek. Not adverse to some residential but it needs to address noise, open space, and have a lower density and a different configuration. The notion that it's a glorified highway median is what the developer has to overcome.

Simon Mole:

Is the proposal compliant with the park service area requirements? Concerned about the access; ingress and egress. Perhaps we can transfer Service Industrial zoning from somewhere else in the city. This site is just about uninhabitable due to noise etc. but some kind of building would be acceptable here. I do not believe you can get a neighborhood or community here. This is a place that is auto-oriented, maybe service industrial with some live-work. Height is not an issue at this location. If the developer can answer the question of who and how people will live residential may be supportable. Noise is a problem overall, building techniques can mitigate the indoor impacts but it's a problem for outdoor living.

John Spitzer:

Development that results in a fortress will create a sound wall, but as a gateway site is a wall of buildings appropriate. Site needs less density and more of a whimsical flavor. Affordable housing, this site has potential because it is so undesirable that the developer might be able to meet an affordable price point. Perhaps a live/work, service industrial environment.

Phil Shull:

I don't think the site will ever work as a gateway. There's no distinguishing characteristics to celebrate. It is an abrasive even hostile site for residential. The commercial tenants would also struggle, the location is wrong, and the site is too small. The Site has a limited chance of surviving as a mixed-use site. Some built form won't damage the view-shed irreparably. Biggest issue is the noise buffering, how to mitigate. Service industrial could be a viable use for this site. I do think limited residential could work on the interior, with a campus feel. View impacts are not an issue at this location. The site is auto oriented but doesn't need all the streets proposed. Density does not work here – half what is proposed. There would be a high turnover of rentability, no one would want to live here for any length of time.

Adrian Sopher:

The site is not a gate way, it projects out and is disconnected from the rest of the community. The site is designated Area I on the BVCP. Only at the center of the site is the sound reduced to a point where housing might work. I can see small scale estate residential buffered by trees in the center, if you wanted to do res. here. High density residential is not appropriate for this site. As a gateway, no building on the site will block the views of the mountains, this is not a concern. Do not put residential on the perimeter, office or service commercial would work to protect the interior for possible residential. The central area should have a fair amount of green/park space. Not sure the egress on the East works because of acceleration distances. The balance of uses is not supportable to make this a viable community. The noise issue must address. The site is not a comfortable place for residential with traffic on all sides at all times.

Claire Levy:

This really is a median. I can't see putting a community of people here. Though we need affordable housing, this location is disconnected and has access issues. This is a place for service industrial. The site is not appropriate for retail due to access and location. Three story structures would be acceptable at this location. But could work for small services and to get things fixed. I don't think development will mar the view to the flatirons. I wouldn't object to something messy on the site, we need places for messy things to happen in the community. Housing on this site would be a real challenge due mainly to the noise. Access is also a challenge, what's proposed is circuitous. Residential density will need to be lower. The site is an island, hemmed in with no connectivity, nowhere to walk.

Richard Sosa:

Site should be Open Space, because it has noise issues that probably can't be resolved. Health and safety for residents is difficult given that the site is surrounded by highways. The corridor is an important view-shed as an entryway. The proposal does not have discernible entryways. The noise issue will be difficult to overcome. Walls are not a good idea as a planning feature. The proposed site plan has cluttered roads and too many. I want to see more usable, functional green space/park area.

From: Sharon Penny [mailto:sharon.penny@boulder.gov]
Sent: Monday, April 20, 2015 4:51 PM
To: McLaughlin, Elaine
Subject: Alexan Flatirons project

I would like to make known my objection to the Alexan Flatirons project at 3600 SH 119, review #LUR2015-00028.

1. Traffic issues: The area is basically the median of the diagonal highway, and the intersection of many roads. Traffic congestion is already bad there, and adding this project would seriously impact people's ability to get to and from work in a timely fashion, as well as increase the number of accidents.
2. Size: The project is way too ambitious for the size of the property.
3. Lack of parking: The notification letter did not specify whether any parking would be provided. But I would point out that the soccer fields right across the street already have issues with inadequate parking, causing illegal parking in the adjoining neighborhoods. This problem would only exacerbate the problem.
4. No public transportation: To my knowledge there is no public transportation to the area, so all access would be by private vehicle.
5. Comment: If this project were suggested for the area north of BT-1, it might be a feasible use of the space, but the BT-1 area in question would serve the city better as a small green area or park to greet visitors coming into town from the NE.

Thank you for your consideration of my input.

Sharon Penny
4894 Hopkins Pl.
Boulder

-----Original Message-----

From: K.C. Gordon [mailto:kcgordon@comcast.net]
Sent: Tuesday, April 14, 2015 7:18 PM
To: McLaughlin, Elaine
Subject: Concept plan comment

Elaine,

I'm commenting on the concept plan LUR2015-00028.

After receiving in the mail from the City of Boulder Planning and Development Services a notice on this plan I have only one comment for consideration. I think you will need a traffic signal at the intersection of RH-4, Diagonal Hy and Independence Rd. It almost needs one now as the traffic entering that intersection from the east on Independence Rd. has been increasing. Travelers usually want to go into Boulder, south on RH-4, Diagonal Hy from Independence Rd., and with the speed of cross traffic, it can be a tricky maneuver. Adding this density to this area will certainly require some safety improvement, like a traffic signal. Speed limits in RH-4, Diagonal Hy are 55mph north and 45mph south.

Thank you,

Kenneth Gordon
3265 34th Street Apt.53
Boulder, CO 80301-1964
tel-303-444-6689
kc9989@comcast.net

April 17, 2015

City of Boulder
Planning and Development Services
P.O. Box 791
Boulder, CO 80306

Dear Sirs:

Subject: Neighbor Input Re: LUR2015-00028

As residents of the Four Mile Creek neighborhood in north Boulder, we received notice of a concept plan and review of the proposed "Alexan Flatirons" project. Because we will be out of town on May 7, we would like to comment via this letter.

We believe the project is unsuitable for the site for several reasons:

1. Site too small for the proposed density – Three-story buildings holding 378 residential units (and a small amount of commercial) would greatly impact surrounding neighborhoods.
2. Lack of parking – The project proposes 570 parking spaces plus one small "community" parking area, which seems inadequate. Having all parking on-street makes entrance and egress more difficult (compare with the Northfield Commons neighborhood, where this is also the case).
3. 2.62 acre "park" – Though a small "community" garden is proposed, there is no real park for the neighborhood, only a long, thin triangle of leftover land (called a "greenway"). We believe a new apartment complex development would attract small families with children. The lack of facilities will increase pressure on the overcrowded Palo Park East, which is now already serving four neighborhoods: Palo Park, Four Mile Creek, Northfield Commons, and Northfield Village. (We have heard that the vacant plot to the south of East Palo Park is also proposed for residential development.)
4. Site is between two highways – Of course, people desperate for housing might consider this an acceptable alternative, but it poses health and safety hazards (high-speed traffic and exhaust from the Longmont Diagonal). A new entrance would be required, or an upgrade to Independence Road, and it is unclear who would pay for this (city, county, or developer?).

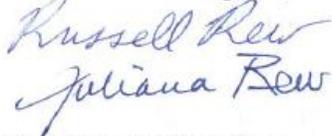
5. Encroachment on buffer between Boulder and cities to the east. The proposed residential project adds to further eastward urban sprawl from Boulder. Avoiding this has been a long-standing goal of the Boulder County Comprehensive Plan.

6. Lack of public transportation – RTD at 47th and Iris goes to Longmont, not Boulder. The nearest bus stop into Boulder is across a busy exit off the Longmont Diagonal. If a goal of adding higher density housing is desirable for Boulder, the city should be required to negotiate with RTD for improved public transportation facilities.

The site may be more suitable for a single hotel or doctor's office, etc., and is zoned for that use, although we would prefer to see it preserved as open space (similar to the fenced plot along 47th Street between Cottonwood Trail (Kalmia?) and Jay Streets). (Of course, this property would have to be purchased from the current owners to become open space.)

We recognize that Boulder is a desirable place to live, but we also recognize that with careful planning it has grown slowly—until recently. Compare it to Colorado Springs, which 20 years ago was about the same size as Boulder, and which now has a population of over 400,000, or Austin, Texas, which has grown from 100,000 to 800,000 in the same period.

Thanks and best regards,



Russell and Juliana Rew
4101 S Hampton Cir
Boulder, CO 80301

From: Josh Kahn [mailto:██████████@██████████]
Sent: Thursday, April 16, 2015 5:45 PM
To: McLaughlin, Elaine
Subject: LUR2015-00028

All those family units and surrounded by major roads. Is there any retail nearby that will not keep everyone out of their cars? I cannot see how this development makes any sense? Maybe retail but a neighborhood surrounded by the highway and other roads with no other infrastructure nearby?

Josh Kahn
3990 Montclair Lane
Boulder, CO 80301

From: suzywolf@gmail.com [mailto:████████████████████@████████████████████]
Sent: Thursday, April 23, 2015 11:17 AM
To: Dean E. Wolf
Cc: McLaughlin, Elaine; dean wolf
Subject: Neighbor Comments/Concerns regarding Alexan flatirons development.

Dear Elaine,

I would like to submit the following comments/concerns to be placed in the Staff memorandum to the Planning Board.

I agree with my husband, Dean Wolf's, comments (below) and would like to add a concern for the prairie dogs who currently reside in that field. Is it possible to relocate them and then dig a barrier so that they do not come back? What is the plan to avoid killing them while building any development on this property. Our nine year old daughter is very worried about them and we wanted that to be on the record.

Thank you!

~Suzy Wolf
4 Mile Creek Resident

From: Dean E. Wolf [mailto:████████████████████@████████████████████]
Sent: Thursday, April 23, 2015 2:01 PM
To: McLaughlin, Elaine
Cc: law@ipmls.com
Subject: RE: Neighbor Comments/Concerns regarding Alexan flatirons development.

1. The developer is seeking approval to build 368 high density multi-family units on the property. That number seems very high (and greedy). The families would be packed in like sardines with so many units. I'm curious to know how many persons total would inhabit this development. If one assumes 3 persons per unit, then we're talking 1,104 additional persons.
2. The proposed development would essentially be an isolated island of 368 high density multi-family units surrounded by freeways (Hwy 157), high-speed roadways, and train tracks. The noise and pollution factors alone would seem to make this development prohibitive of such a large residential development. The location of this development seems much more suited for low density residential with a larger proportion of the property allocated for business/commercial use.
3. Noise of Train - I am a resident of 4 mile Creek Development, and live near 47th street. Trains running on the train tracks near the proposed development site frequently blow their horns multiple times between 12am and 4am. From my house, the noise of these train horns sounds very loud, even with the windows of our home closed. these train horns would most definitely be very disruptive to the residence of the proposed development.
4. No sidewalks/pedestrian access. As far as I can tell, the proposed development plan does not include any plans for building sidewalks around the entire development. this presents a major safety issue, as it is very likely that the residents of the development will wish take the shortest path (e.g., via jaywalking across diagonal highway and other nearby streets) to access (via foot) the Pleasant View

Soccer fields and open space areas (e.g. cottonwood trail)

5. Possible toxic environmental/soil contamination due to presence of existing oil well on property. Has any study been conducted to determine the extent to which the soil and groundwater on the property has been contaminated by the oil well? If such contamination exists, it could be very harmful for children living in the development, as well as adults.

6. Increased probability of pedestrians attempting to illegally cross over the train tracks to access open space areas (e.g., cottonwood trail). There is already an issue with users of the multi-use path (on the north side of train tracks) illegally crossing over the train tracks to access open space areas (e.g., cottonwood trail). The addition of 1000 additional nearby residents would greatly exacerbate this problem.

7. Insufficient allocation of outdoor recreational space in development plan. where would the children of the development play outside? In the development's concrete parking lots? For the development of this size, one would expect that adequate outdoor recreation space be allocated for the recreation of the residents of the development, including, for example, a large grass field (for sports such as soccer, baseball, football), a playground area and play structure for younger children, picnic tables, shade structures, etc.

8. Wetlands issue. There currently exists a wetlands on the property. Has the developer conducted an adequate environmental impact report (EIR) to determine how the development might affect the wetlands and native species which inhabit the wetlands?

9. Traffic congestion issue.in addition to the obvious traffic congestion issues relating to 400-800 vehicles attempting to enter/exit the development property, there is also the issue of southbound on ramp to the Diagonal Highway at 47th St., which, currently, is accessible only via a left turn lane that can accommodate at most 20 vehicles before the line backs up into the intersection of Diagonal Highway/47th

10. School Over Enrollment Issues. Where would the children from this development attend school? Has the developer addressed this issue at all? Which elementary school would be the "local" school? Which middle school? The closest public elementary school Crest View Elementary, which is already over capacity (with over 600 students). I am a member (and former chairperson) of the Crest View Elementary School Accountability Committee (SAC), and I know that Crest View Elementary is already struggling with significant issues relating over enrollment of students at that school. There is ongoing concern that these over enrollment issues will further be exacerbated by the enrollment of additional new students from the new development communities just west of Pleasant View Fields. Similar over enrollment issues also currently exist at Centennial Middle School. it is not feasible or practical to assume that there is adequate space at either Crest View elementary or Centennial middle school to accommodate the children of the proposed Alexan flatirons development.

Dean E. Wolf
Intellectual Property Attorney
Corporate Counsel
Tel: 510.655.9111
Fax: 510.868.2711
Telecon: 712-832-8310 x 3887328
<http://www.linkedin.com/in/deanwolf>

From: McLaughlin, Elaine
Sent: Thursday, April 23, 2015 1:56 PM
To: 'Dean E. Wolf'
Cc: 'dean wolf'
Subject: RE: Neighbor Comments/Concerns regarding Alexan flatirons development.

Hi Dean-

We appreciate your thoughtful concerns. Could you please authorize attachment of these comments into the staff memo that goes to the Planning Board? Your email has a disclaimer statement that requires authorization. Then, per your request, I've provided some preliminary responses to your questions in *bold italic* below. Some of the points you bring up were similarly identified by staff in comments to the applicant and in the draft memo to Planning Board. Additional or expanded information will come from other disciplines (such as transportation or engineering) prior to Planning Board, but I did want to respond to your request to address the comments.

All the best-

Elaine

Elaine McLaughlin, Senior Planner
Department of Community Planning + Sustainability
City of Boulder
1739 Broadway, 3rd Floor
Boulder, CO 80306-0791

303-441-4130 (phone)
303-441-3241 (fax)

<http://www.boulderplandevlop.net>
<http://www.bouldercolorado.gov/>



From: Dean Wolf (iPhone) [mailto:dean@ipmls.com]
Sent: Thursday, April 23, 2015 11:13 AM
To: McLaughlin, Elaine
Subject: Re: Neighbor Comments/Concerns regarding Alexan flatirons development.

Thanks for confirming, Elaine. Unfortunately, I will be out of town on May 7, and will not be able to personally attend the planning board meeting.

Just curious... Are you able to address any of my comments/concerns with me either by phone or email?

Dean E. Wolf
Intellectual Property Attorney
law@ipmls.com • 510.290.8866
www.provisionalpatentlawyer.com

From: Dean E. Wolf [mailto:████████████████████@████████████████████]
Sent: Thursday, April 23, 2015 2:48 AM
To: McLaughlin, Elaine
Cc: 'dean wolf'; dean@4milecreek.com
Subject: Neighbor Comments/Concerns regarding Alexan flatirons development.
Importance: High

Dear Elaine:

I am a resident of 4 Mile Creek Development, and wish to submit the following comments/concerns to be placed in the Staff memorandum to the Planning Board regarding Alexan flatirons development.

Kindly confirm receipt of this email communication.

Thank you.

Regards,
--Dean Wolf
Resident of 4 Mile Creek Development

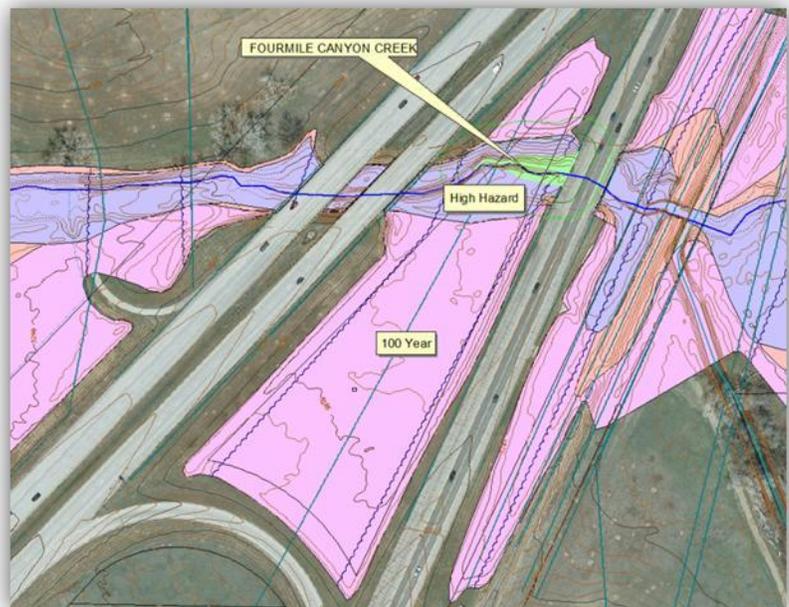
1. The developer is seeking approval to build 368 high density multi-family units on the property. That number seems very high (and greedy). The families would be packed in like sardines with so many units. I'm curious to know how many persons total would inhabit this development. If one assumes 3 persons per unit, then we're talking 1,104 additional persons. *At this stage of the review process, Concept Plan, the applicant hasn't prepared detailed plans illustrating the number of bedrooms so it's difficult to be definitive at this early stage. The plans include 83 senior residential units, so the number of residents per unit may be less than the three. Beyond that information, there is no definitive demographic data at this point.*
2. The proposed development would essentially be an isolated island of 368 high density multi-family units surrounded by freeways (Hwy 157), high-speed roadways, and train tracks. The noise and pollution factors alone would seem to make this development prohibitive of such a large residential development. The location of this development seems much more suited for low density residential with a larger proportion of the property allocated for business/commercial use. *Staff has noted this in comments to the applicant as well as the draft staff memo. The zoning on the site is Business Transition – BT-1 which is intended for lower intensity office/commercial, but for which attached residential is permitted by-right.*
3. Noise of Train - I am a resident of 4 mile Creek Development, and live near 47th street. Trains running on the train tracks near the proposed development site frequently blow their horns multiple times between 12am and 4am. From my house, the noise of these train horns sounds very loud, even with the windows of our home closed. these train horns would most definitely be very disruptive to the residence of the proposed development. *The proximity of residential to trains are not currently regulated. There are discussions about creating “quiet zones” in limited places in the city which require implementing infrastructure at crossings in coordination with the BSNF Railroad.*

4. No sidewalks/pedestrian access. As far as I can tell, the proposed development plan does not include any plans for building sidewalks around the entire development. This presents a major safety issue, as it is very likely that the residents of the development will wish take the shortest path (e.g., via jaywalking across diagonal highway and other nearby streets) to access (via foot) the Pleasant View Soccer fields and open space areas (e.g. cottonwood trail) *Staff recognizes this concern and has indicated this in comments to the applicant and the staff memo.*

5. Possible toxic environmental/soil contamination due to presence of existing oil well on property. Has any study been conducted to determine the extent to which the soil and groundwater on the property has been contaminated by the oil well? If such contamination exists, it could be very harmful for children living in the development, as well as adults. *Drainage reports are required for development and if contamination is indicated in the report, regulation of any mitigation is through the State of Colorado.*

6. Increased probability of pedestrians attempting to illegally cross over the train tracks to access open space areas (e.g., cottonwood trail). There is already an issue with users of the multi-use path (on the north side of train tracks) illegally crossing over the train tracks to access open space areas (e.g., cottonwood trail). The addition of 1000 additional nearby residents would greatly exacerbate this problem. *Independence Road on the south end of the site does connect to the trailhead for Cottonwood Trail east of Highway 119. The information about illegal crossings is helpful to understand however, and I will share this with our transportation engineers.*

7. Insufficient allocation of outdoor recreational space in development plan. Where would the children of the development play outside? In the development's concrete parking lots? For the development of this size, one would expect that adequate outdoor recreation space be allocated for the recreation of the residents of the development, including, for example, a large grass field (for sports such as soccer, baseball, football), a playground area and play structure for younger children, picnic tables, shade structures, etc. *This would need to be further studied as project plans progress as what they are illustrating today is very general. Staff concurs that adequate open space would be important and the applicant will be required to meet and exceed city standards for open space for BT-1 zoning which requires 1,200 square feet of open space per dwelling unit that can be aggregated together. This is a good point particularly about the qualitative nature of open space provided, particularly given the highway surroundings.*



8. Wetlands issue. There currently exists a wetlands on the property. Has the developer conducted an adequate environmental impact report (EIR) to determine how the development might affect the

wetlands and native species which inhabit the wetlands? *The wetland appears to be confined to the area aligning Fourmile Canyon Creek (shown in green on the attached map). They are not showing any development near the creek or north of the round access ramp.*

9. Traffic congestion issue. in addition to the obvious traffic congestion issues relating to 400-800 vehicles attempting to enter/exit the development property, there is also the issue of southbound on ramp to the Diagonal Highway at 47th St., which, currently, is accessible only via a left turn lane that can accommodate at most 20 vehicles before the line backs up into the intersection of Diagonal Highway/47th *At the time of Site Review, if the applicant chooses to proceed, a Traffic Impact Study will be required to be prepared.*

10. School Over Enrollment Issues. Where would the children from this development attend school? Has the developer addressed this issue at all? Which elementary school would be the "local" school? Which middle school? The closest public elementary school Crest View Elementary, which is already over capacity (with over 600 students). I am a member (and former chairperson) of the Crest View Elementary School Accountability Committee (SAC), and I know that Crest View Elementary is already struggling with significant issues relating over enrollment of students at that school. There is ongoing concern that these over enrollment issues will further be exacerbated by the enrollment of additional new students from the new development communities just west of Pleasant View Fields. Similar over enrollment issues also currently exist at Centennial Middle School. it is not feasible or practical to assume that there is adequate space at either Crest View elementary or Centennial middle school to accommodate the children of the proposed Alexan flatirons development. *There is not an identified school for students at this point as there's little information provided at this conceptual stage about the potential tenants. A portion of the development is intended for senior housing and that's the only demographic that the applicant has defined at this stage. If and when project plans progress, additional information would need to be provided about the number of bedrooms and the likely demographic that the units would be marketed to or if there's any units planned that would be appealing to families with young children in this location.*

--Dean Wolf

Dean E. Wolf
Intellectual Property Attorney
WolfIP Law Group | Gaming IP Specialists
Tel: 510.655.9111
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Telecon: 712-832-8310 x 3887328
<http://www.linkedin.com/in/deanwolf>
<http://gamingipattorney.com/>

PLEASE CONSIDER OUR ENVIRONMENT BEFORE PRINTING THIS E-MAIL

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From: Jean Aschenbrenner [mailto:jean@jeanbrenner.com]
Sent: Thursday, April 23, 2015 8:22 AM
To: McLaughlin, Elaine
Subject: Alexan Flatirons Concept Plan

I am writing to present my objection to the Alexan Flatiron Plan.

I live at 4816 Baldwin Place, east of 47th St., North of Kings Ridge.

I am currently retired but I spent 25 years working at IBM north of Boulder before that and have lived in this house for 26 years.

The area proposed for development is not large so, given the number of multi-family units, it will be densely populated. Traffic in and out of the development will be a major problem. It appears it will need to exit onto 47th Street. It will flow to the intersection of 47th St and the Diagonal where they join with Foothills Parkway. This intersection area seems to be designed creatively to deal with complicated traffic merging. Feeding lots more traffic into that intersection will cause major problems.

Further, given that Boulder is growing, one could expect more traffic at the Foothills/Diagonal junction. If the area is developed as proposed, it will preclude other necessary enlargements of the roads and intersections in the area.

Note that there is a railway line also in this area which limits road expansion. Already there are backups on 47th Street south of the Diagonal due to trains. Supposedly Light Rail will be using those lines in the future. The large amount of extra traffic will not be able to be supported.

There are ball parks just west of the proposed development. These are important for our youth and should not be moved or diminished. The large amount of extra traffic on 47th Street may require road widening and will also complicate access to the ball fields.

I sincerely hope that this Concept Plan is modified to become more reasonable.

Jean Aschenbrenner
303-786-9411
jean@jeanbrenner.com

Sent from Windows Mail

-----Original Message----- [REDACTED]
From: Sam Lloyd [mailto:samrlloyd@comcast.net]
Sent: Thursday, April 23, 2015 12:29 PM
To: McLaughlin, Elaine
Subject: Re: Alexan Flatirons Concept Plan

Greetings Ms. McLaughlin. One of my neighbors forwarded the message about the Alexan Flatirons Concept Plan & Review and I would to provide some thoughts for consideration.

The proposal would seem to be a high density apartment complex plus some commercial properties. The majority of the residents in our development (Four Mile Creek) use 47th Street as one of our primary entrances and route into the city of Boulder and we have some concern about the increased volume of traffic that would result from this development.

378 multi-family units sounds like a very large number of homes (houses, apartments, condominiums?) for that rather compact area of land!

We also have a very high rate of usage of 47th Street by bicyclists. Even though there are bicycle lanes on that street the proposed development could create a more hazardous route for the bicycle riders!

We appreciate your notification and information.

Best regards,

Sam Lloyd
4012 Mustique Court
Boulder, CO 80301
samrlloyd@comcast.net
303-998-0248 Work/Home/Cell

From: Micki [mailto:[REDACTED]]
Sent: Friday, April 24, 2015 10:47 AM
To: McLaughlin, Elaine
Subject: Alexan Flatirons

This is in response to the notification that the project known as Alexan Flatirons - 3600 SH 119.

I am not in agreement that this is a good place to build the number of homes and businesses as presented in the letter sent out. The land is far too small to handle the number of people that will be moving in there. The congestion alone is reason enough to find another location - such as property to the north on the west side of the Diagonal Highway.

The accessibility to the proposed homes is going to cause a huge increase of the use of 47th Street. This street was meant to be a frontage road and already experiences very high levels of traffic during rush hour times.

I am an affordable housing condominium owner in the NoBo Holiday Theater area. I am happy to see

that Boulder is continuing to add affordable housing. I have lived in Boulder for 40+ years now and have watched the housing developments cram as many homes as is possible into the properties purchased. I am saddened to see numerous overcrowded neighborhoods with next to nothing yards for children to play in,, smaller streets that are very difficult to navigate particularly when it snows, lack of adequate parking, and a very high turnaround of homes up for sale as families begin to grow.

The properties chosen for these developments are always in the least desirable parts of town so that a developer can buy at a the lowest possible price in a city that everyone wants to live in. I may be wrong but I don't see these kinds of neighborhoods developed anywhere west of Broadway. I see nothing wrong with trying to get the most for your money but as the influx of families continues to rise at a very fast rate, I think the quality of our town's neighborhoods should be taken into consideration. Too many rats in the box causes havoc.

Micki Sugar
1735 Yaupon Avenue
Boulder, CO 80304

From: Susan Enfield [mailto:susan.enfield@jshsa.com]
Sent: Thursday, April 23, 2015 9:43 PM
To: McLaughlin, Elaine
Subject: Alexan Flatirons proposed development

Hi Elaine,

I am a neighbor of Dean Wolf & just read his letter & your replies. Although in general, I support higher density within Boulder to theoretically mitigate the number of people commuting to work here, I think Dean raises several good points.

In particular, the Diagonal has had some terrible accidents on it, given that people drive at speeds of 55-70 mph (speeding on their commute), but people also turn on & off it from a dead stop, often without a stop light. I regularly use Independence Rd as a "shortcut" to get to 47th when stuck at the long red light at the Diagonal. That turn is very poorly marked, especially for night driving. At the same time as I am trying to turn west onto Independence, people often turn south onto the Diagonal from the eastern extension of Independence, crossing traffic and potentially causing collisions if they don't properly assess all the different vehicle directions & speeds.

As a Crestview & Centennial parent, I can also attest to those schools becoming more over-enrolled. In contrast to the abundance of elementary & middle schools in South Boulder, it seems that North Boulder needs another school or two, not just bigger schools!

Thanks,
Susan

.....
Susan Enfield
cell: 720-289-2301
email: susan.enfield@jshsa.com

From: david williard [mailto:w[REDACTED]@com]
Sent: Friday, April 24, 2015 2:22 PM
To: McLaughlin, Elaine
Subject: Alexan Flatirons Development

Hi Elaine,

Thanks for the opportunity to submit comments regarding the Alexan Flatirons development.

I live on East Palo Park (which is within 1/3 of a mile of the new development) which has seen a huge rise in use over the last two years, for several reasons:

- 1.) The city recently redeveloped the playground (it is beautiful) which attracts lots more kids to the park.
- 2.) The city thus far has refused to enforce the leash law at the park, resulting in as many as 15 dogs running around the park off-leash. There is a lot of barking, as you can probably imagine.
- 3.) In addition to many people driving to the park so that their kids can use the playground, many people drive from other areas to the park to let their dogs run off leash. It is considered a dog park by many.
- 4.) As Palo Park is one of the last affordable areas in Boulder, many families are moving to the area, resulting in a higher proportion of homeowners with young children.

The result -- an extremely loud park that feels like a free-for-all and is incredibly crowded on the weekends. I now no longer enjoy going outside my home because of so many screaming kids at the playground. I hear them all day inside my home, too, especially on the weekends. I have tried to roll with this, but I'm frustrated with the city because developments are going in around us that include NO amenities for children.

I have mentioned these issues to city officials in several city council meetings involving the planned affordable housing development on east Palo Parkway. What I see in developments like Northfield Commons, the development at Jay and 47th near us, and the upcoming affordable housing development is a lack of attention on spreading noise out and having consideration for people who live along East Palo Park who didn't realize 10 years ago that the city was going to overload the area with dense housing and not put in any additional playgrounds or parklands. Now the city is considering an additional 400 units in a really weird spot, and I am concerned that there are no plans to develop a park for these people. the ONLY park in the area is east palo park, and I assume it will be overrun even further if the development is allowed to proceed. If so, I fear that I will have to move because the park will be used all the time, and my wife and I will have no peace and quiet.

Thanks for hearing me out.

Regards,
David Williard
303-641-7761

March 16, 2015

Alexan Flatirons

0 Diagonal

Concept Review and Comment - Written Statement

Introduction:

The Alexan Flatirons is a new proposed mixed use development that will be integrated into existing pedestrian and bike networks and create a positive front door to Boulder. The project consists of multi-family residential, including on-site senior affordable units, and two commercial buildings, all organized around an internal greenway. The greenway will not only provide connections into an existing trail network, but will also provide opportunities for many forms of open space while creating a soft transition from the lower density scale of the north end of the site to the fuller buildings of the south side.

One of the primary organizing features of the site is access, both internally and externally. The development contains one main access road that connects the commercial end of the site on the south to the residential portion on the north. The main entry is from Independence Road, with a secondary three quarter movement access on Diagonal Highway. Stemming from this main road are access drives that connect the residential buildings. This allows the project to provide a smaller amount of internal roads to allow for more green space on site while still allowing for a traditional block organization and appropriate emergency vehicular access. This configuration of roads allows for a central greenway that provides connection and contiguity within the project, as well as connecting to an existing trail system at the north end of the site.

This greenway will connect many types of open space throughout the site. Starting at the north end, the greenway will connect to an existing trail system, will transition from informal open space, through several neighborhood nodes, and will end at a central park. Along the greenway will be a variety of features including community gardens and barbeque pavilions, as well as un-programmed spaces to play, jog, and walk the dog. There will be two community buildings with pools at each end of the development. The community building at the north is adjacent to a historic landmark, McKenzie Well, one of the oldest oil producing sites in the Denver Basin. This provides a great opportunity to showcase the historic site allow it to become a feature of the site.

In addition to the historic component of the site, there are several other features that will allow the site to create a positive entry into Boulder. In front of the backdrop of the Flatirons will be community gardens, a bicycle monument, the McKenzie Well, and smaller buildings that step back to higher density. This creates a gentle transition for the development, and showcases many features that are important to Boulder: history, outdoor recreation, and community.

The site will be committed to both sustainability and to alternative transportation. The residential units are anticipated to qualify for the LEED silver standard, and sustainable site design and planning principals are being utilized throughout. As a part of this effort, alternative transportation choices , Via senior transportation and amenities will help knit the neighborhood into the surrounding fabric of Boulder. Biking will be highly encouraged

throughout the site. A bike pavilion, as previously mentioned, will be located on the north side of the site where the bike path is accessed, and will include bike tools, a pump, and perhaps a vending machine for necessities such as tubes. It will be available to all who use the regional path. Sheltered bike parking will be provided under the podium of the affordable and potentially market rate units, so that the residents have high quality, dedicated weather protected bike storage. Ample racks will be provided throughout. The project will be directly connected to pedestrian paths to access the two close-by bus stops. Car shares are planned to be provided for the residents as well.

The development offers many amenities internally, but is still connected into the surrounding context. The connection to the existing trail at the north end of the site and the site walks and bike lanes to the south provide access to the vast network of both off-street and on-street pedestrian paths through Boulder. The location of the development along several main bus routes and, in close proximity to two bus stops allows ample opportunities for access to surrounding parks, stores, and amenities by car, bike, foot, and bus.

Compliance with Title 9, Land Use Regulations:

1. Concept Plan Criteria:

a. *Techniques and strategies for environmental impact avoidance, minimization or mitigation:*

The north end of the site will remain predominately untouched allowing for minimal site disturbance and ample open space. The buildings are oriented to provide opportunity for solar along roofs, as well as plenty of daylighting.

b. *Techniques and strategies for practical and economically feasible travel demand management techniques:*

The site is connected to existing off-street and on-street trails allowing for ample pedestrian access. In addition, the site is adjacent to several bus routes and will incorporate plenty of bike storage and opportunity to incorporate a car share.

c. *Proposed Land Use:*

The existing zoning for these lots is BT-1. The project will contain commercial office space, with potential for small retail and/or coffee shop tenant, and multi-family residential. The project is not requesting any zoning variances.

Variances requested from Zoning Standards:

There are no anticipated variances that will be requested. The project is being designed to comply with the by-right requirements.

Conclusion

Thank you for taking the time to review this Concept Plan Review Application. We are looking forward to working with City staff and Planning Board to make this project a reality.



PHONE 303.442.3351
FAX 303.447.3933
3020 Carbon Place #203
Boulder, CO 80301

coburnpartners.com

Your thoughts and ideas are requested with regards to general concepts and design issues as well as the specific details of the development requirements and process. The fundamental goal for the project is to create a well-integrated development, both internally and externally, that will provide a positive front door image for Boulder.

Thank you for your time and comments.

**CREATING
GREAT
PLACES™**



1 Rendered Site Plan N
 CR-1 scale: 1" = 150'-0"

Alexan Flatirons - Concept Plan Review

Residential and Commercial Mixed-Use Development
 0 Diagonal
 Boulder, CO

Project Team

Developer:
 Trammell Crow Residential
 With Allison Management
 2150 W. 29th Ave. # 400
 Denver, CO 80211

Civil Engineer:
 Kimley-Horn
 990 South Broadway#200
 Denver, CO 80209
 p: 303-228-2322

Landscape Architect:
 Design Workshop
 1390 Lawrence Street #100
 Denver, CO 80204
 p: 303-623-2616

Architect:
 Coburn Development
 3020 Carbon Place #203
 Boulder, CO 80301
 p: 303-442-3351

Drawing Index

- T1 Title & Vicinity Map
- T2 Context & Connections
- T3 Rendered Site & Open Space
- C1 Site Plan & Site Calculations
- C2 Concept Grading
- C3 Concept Utility Plan
- C4 Concept Low Points
- A1 Commercial Massing & Site Plan
- A2 Commercial Floor Plans
- A3 Affordable Block Massing & Site Plan
- A4 Affordable Block Floor Plans
- A5 Market Rate Massing & Site Plan
- A6 Market Rate Floor Plans
- A7 Market Rate Floor Plans



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 F: 303 447 3933
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ALEXAN FLATIRONS

0 Diagonal
 Boulder, CO

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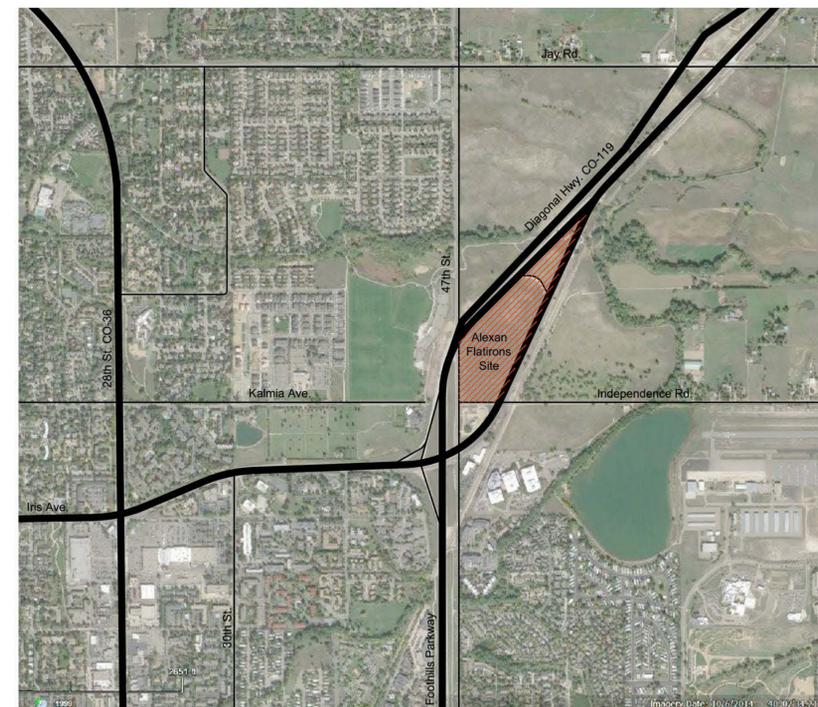
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CONCEPT
 PLAN REVIEW

T1

03.16.15
 TITLE



2 Vicinity Plan N
 CR-1 scale: 1" = 1,000'-0"

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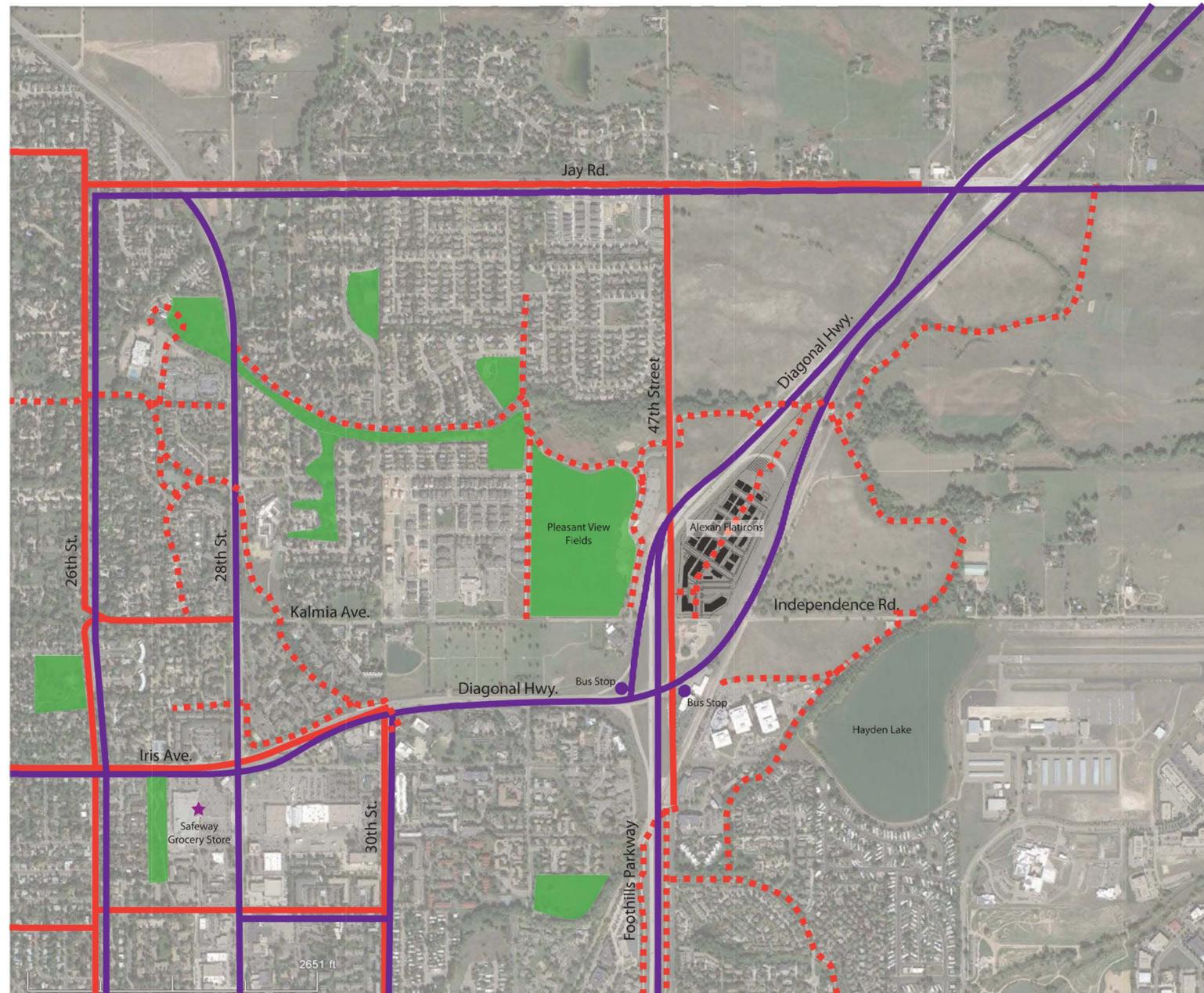
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CONCEPT
PLAN REVIEW

T2

03.16.15

CONTEXT

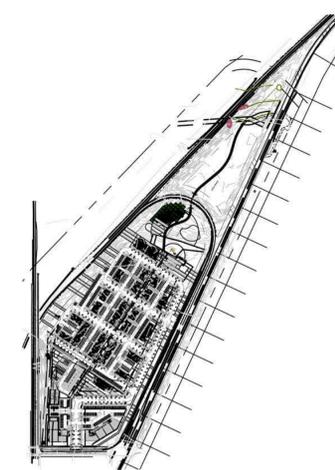


0' 500' 1,000' 2,000'

scale

2 Context & Connections N

CR-3



1 KEY scale: 1"=500'-0" N

OPEN SPACE	
MINIMUM OPEN SPACE PER RESIDENTIAL: 1,200 SF PER DU	453,600 SF
MINIMUM OPEN SPACE PER COMMERCIAL: 10%	IN MIXED USE DEVELOPMENTS, ONLY MOST RESTRICTIVE REQUIREMENT APPLIES.
MINIMUM PRIVATE OPEN SPACE PER DU: 60 SF (CAN COUNT TOWARDS 25% OF THE OVERALL OPEN SPACE REQ.)	22,680 SF
LANDSCAPED AREAS IN PLANTING STRIPS: (CAN COUNT TOWARDS 10% OF THE OVERALL OPEN SPACE REQ.)	28,000 SF
POOLS:	9,011 SF
REMAINDER OF OPEN SPACE PROVIDED:	413,721 SF
TOTAL OPEN SPACE PROVIDED:	473,412 SF (19,812 SF OVER)

SCOPE OF WORK	
NEW MIXED USE DEVELOPMENT	295 Market Rate Residential Units and 83 Permanently Affordable Residential Units with associated community amenity spaces. 54,000 commercial space with office & retail.
PROJECT INFORMATION	
LEGAL DESCRIPTION	Parcels of Land, Located in the Southwest Quarter of Section 16 and the Northwest Quarter of Section 21, Township 1 North, Range 70 West of the 6th P.M., City of Boulder, State of Colorado
LOT SIZE	880,503 Sq. Ft., or 20.28 acres
ZONING	BT-1
BUILDING TYPE	MULTI-FAMILY & COMMERCIAL
BUILDING HEIGHT	3 STORIES, 35' MAX.
SETBACK MINIMUMS	Front Yard: 20', Side Yard From Street: 15', Side Yard From Interior Lot Line: 0' or 12', Rear Yard: 20'



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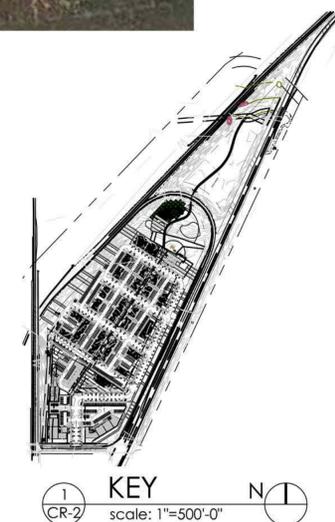
CONCEPT
PLAN REVIEW

T3

03.16.15

SITE PLAN

2 Site Plan
scale: 1"=80'



1 KEY
scale: 1"=500'-0"



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Boulder, CO

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CONCEPT PLAN REVIEW

C1

03.16.15
CONCEPT SITE PLAN

GENERAL NOTES

- NO DEVELOPMENT PLANNED WITHIN FLOODPLAIN WITH THE EXCEPTION OF PEDESTRIAN/BIKE CONNECTIVITY AND UTILITY CONNECTIONS.

SITE DATA CALCULATIONS

PROPOSED USE MULTI-FAMILY RESIDENTIAL (SENIOR/AFFORDABLE, MARKET RATE), COMMERCIAL

LOCATION: SW 1/4 OF SECTION 16 AND THE NORTHWEST 1/4 OF SECTION 21, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO

JURISDICTION: CITY OF BOULDER
COUNTY OF BOULDER
STATE OF COLORADO

ZONING DISTRICT BUSINESS TRANSITIONAL-1 (BT-1)

LOT 1	
LAND USE	MULTI-FAMILY, RENTAL
SITE AREA	11.95 ACRES
PROJECT AREA	260,420 SF
	30 STUDIOS
MARKET-RATE RENTAL UNITS	177 1-BEDROOM
	88 2-BEDROOM
	295 TOTAL
PARKING	
REQUIRED	339 SPACES
PROVIDED	336 SPACES

LOT 2	
LAND USE	OPEN SPACE
SITE AREA	2.62 ACRES

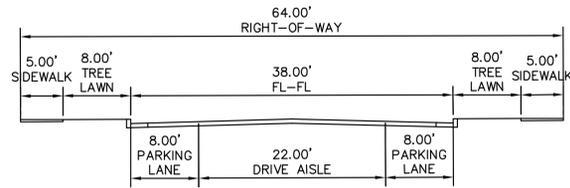
LOT 3	
LAND USE	MULTI-FAMILY, RENTAL
SITE AREA	1.9 ACRES
PROJECT AREA	64,014 SF
	83 UNITS
AFFORDABLE, SENIOR HOUSING	60 1-BEDROOM
	23 2-BEDROOM
PARKING	
REQUIRED	95 SPACES
PROVIDED	85 SPACES

LOT 4	
LAND USE	COMMERCIAL/RETAIL
SITE AREA	0.92 ACRES
PROJECT AREA	18,681 SF
PARKING	
REQUIRED	63 SPACES
PROVIDED	19 SPACES

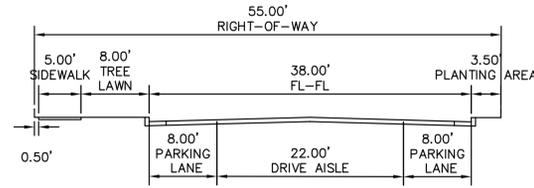
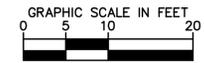
LOT 5	
LAND USE	COMMERCIAL/OFFICE
SITE AREA	1.27 ACRES
PROJECT AREA	32,573 SF
PARKING	
REQUIRED	109 SPACES
PROVIDED	72 SPACES

RIGHT-OF-WAY DEDICATION	
AREA	1.62 ACRES
PARKING	
PROVIDED	58 SPACES

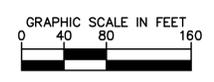
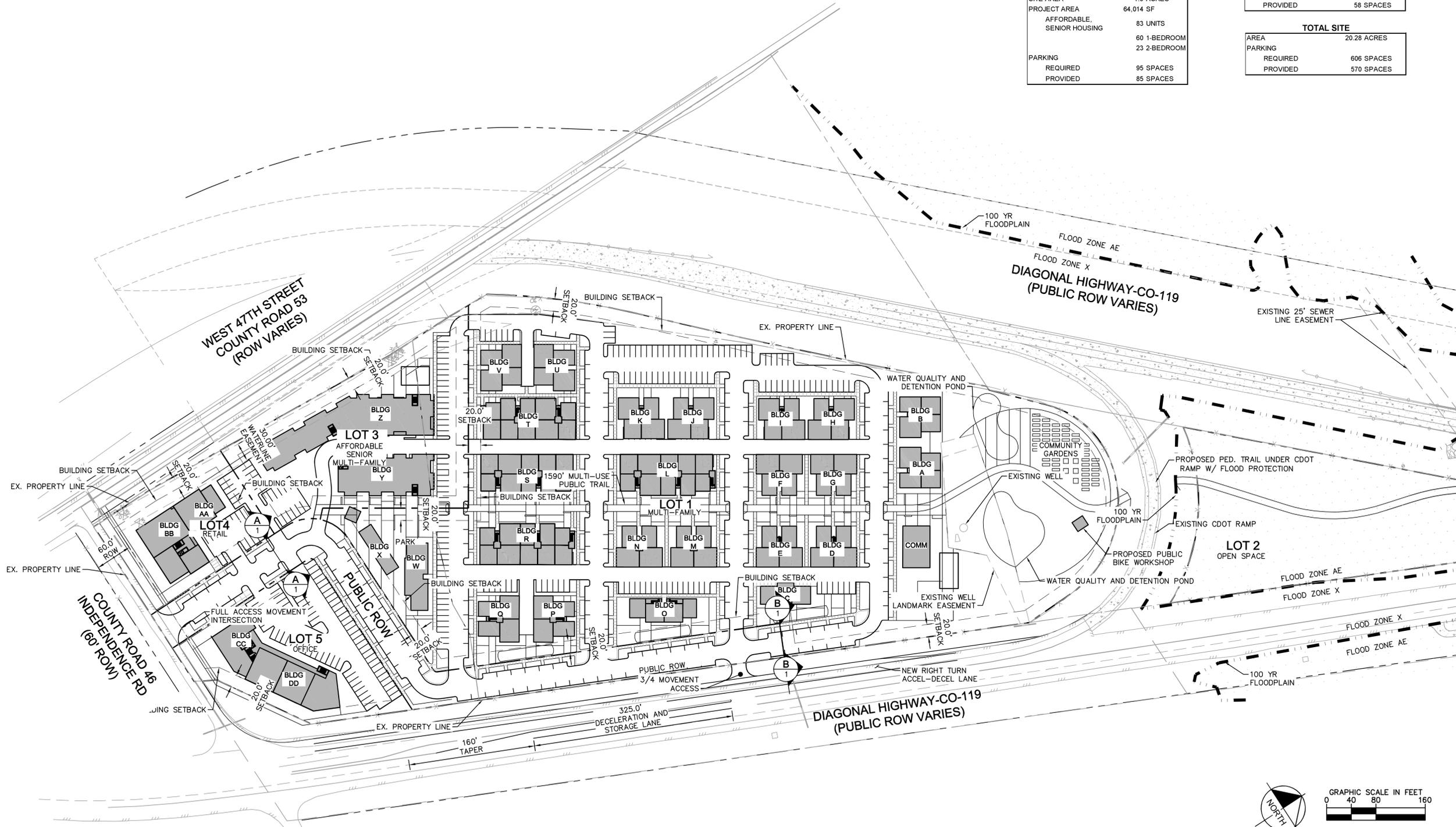
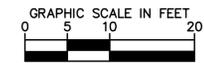
TOTAL SITE	
AREA	20.28 ACRES
PARKING	
REQUIRED	606 SPACES
PROVIDED	570 SPACES



A-A ROW SECTION



B-B ROW SECTION



STORMWATER FACILITY NOTES

1. STORMWATER RUNOFF FOR THE PROPOSED SITE WILL BE CONVEYED TO LID WATER QUALITY FACILITIES AND GRASS LINED WATER QUALITY AND DETENTION PONDS WHICH WILL OUTFALL TO THE EXISTING CULVERT BENEATH THE CDOT RAMP.
2. DETENTION WILL BE PROVIDED FOR THE 100 YEAR EVENT FOR 110% OF THE PROPOSED-EXISTING CONDITION AND RELEASE AT HISTORIC RATES. WATER QUALITY WILL BE PROVIDED IN INTEGRATED PONDS WITH THE DETENTION STORAGE.



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ALEXAN FLATIRON

0 Diagonal
Boulder, CO

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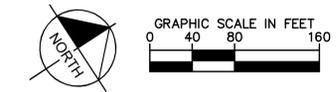
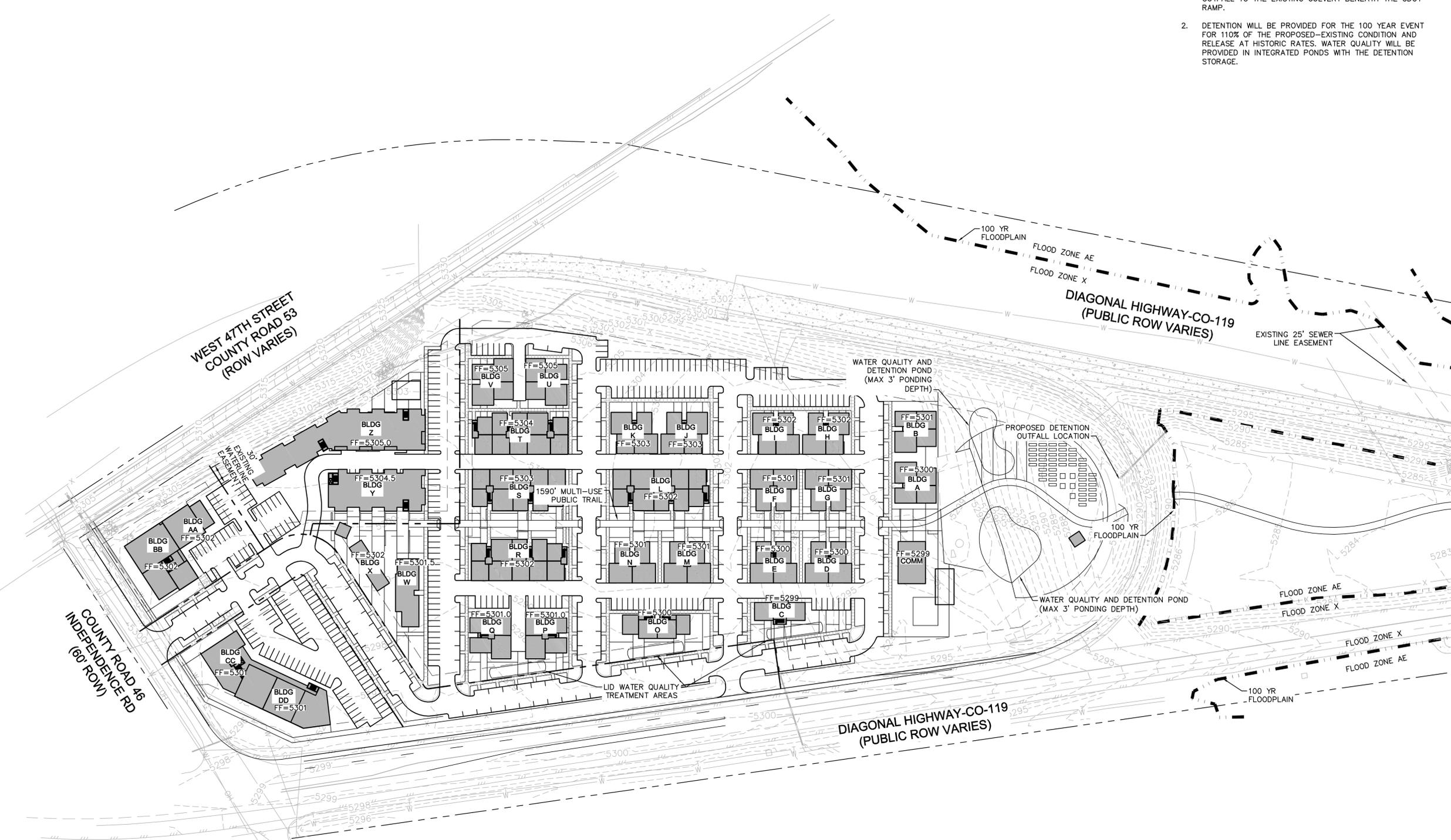
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CONCEPT PLAN
REVIEW

C2

03.16.15
CONCEPT GRADING



GENERAL NOTES

1. EACH BUILDING IS TO HAVE A PRIVATE DOMESTIC WATER LINE.
2. FIRE HYDRANTS WILL BE PLACED THROUGHOUT THE SITE ALONG THE WATER MAIN LOOP TO COMPLY WITH FIRE PROTECTION REQUIREMENTS.
3. BUILDINGS A-O TO DRAIN TO EXISTING PROPOSED SANITARY SEWER LINE MAIN ON NORTHWEST END.
4. BUILDINGS P-DD TO DRAIN TO SANITARY SEWER LINE (PROPOSED BY OTHERS) CONNECTION ON SOUTHWEST END.
5. TYPICAL SEPARATIONS OF 10' BETWEEN SANITARY AND WATER, 5' BETWEEN WATER AND STORM, AND 10' BETWEEN SANITARY AND STORM ARE TO BE PROVIDED.
6. UTILITY AND ACCESS EASEMENTS TO BE PROVIDED THROUGHOUT THE DRIVE AISLES OF THE PRIVATE ROADWAYS/UTILITY CORRIDORS ACROSS THE SITE.

LEGEND

---	EASEMENT
---	RIGHT OF WAY LINE
SS	PROP. SANITARY SEWER
S	EXST. SANITARY SEWER
W	PROP. WATER LINE
W	EXST. WATER LINE
---	PROP. STORM SEWER
ST	EXST. STORM SEWER
E	PROP. ELECTRIC LINE
T	EXST. TELEPHONE LINE
G	PROP. GAS LINE
G	EXST. GAS LINE
○	EXST. WIRE FENCE
→	FLOW ARROW
⊙	PROPOSED STORM SEWER MANHOLE
⊙	EXISTING STORM SEWER MANHOLE
⊙	PROPOSED SANITARY SEWER MANHOLE
⊙	EXISTING SANITARY SEWER MANHOLE



COBURN
ARCHITECTURE

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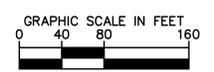
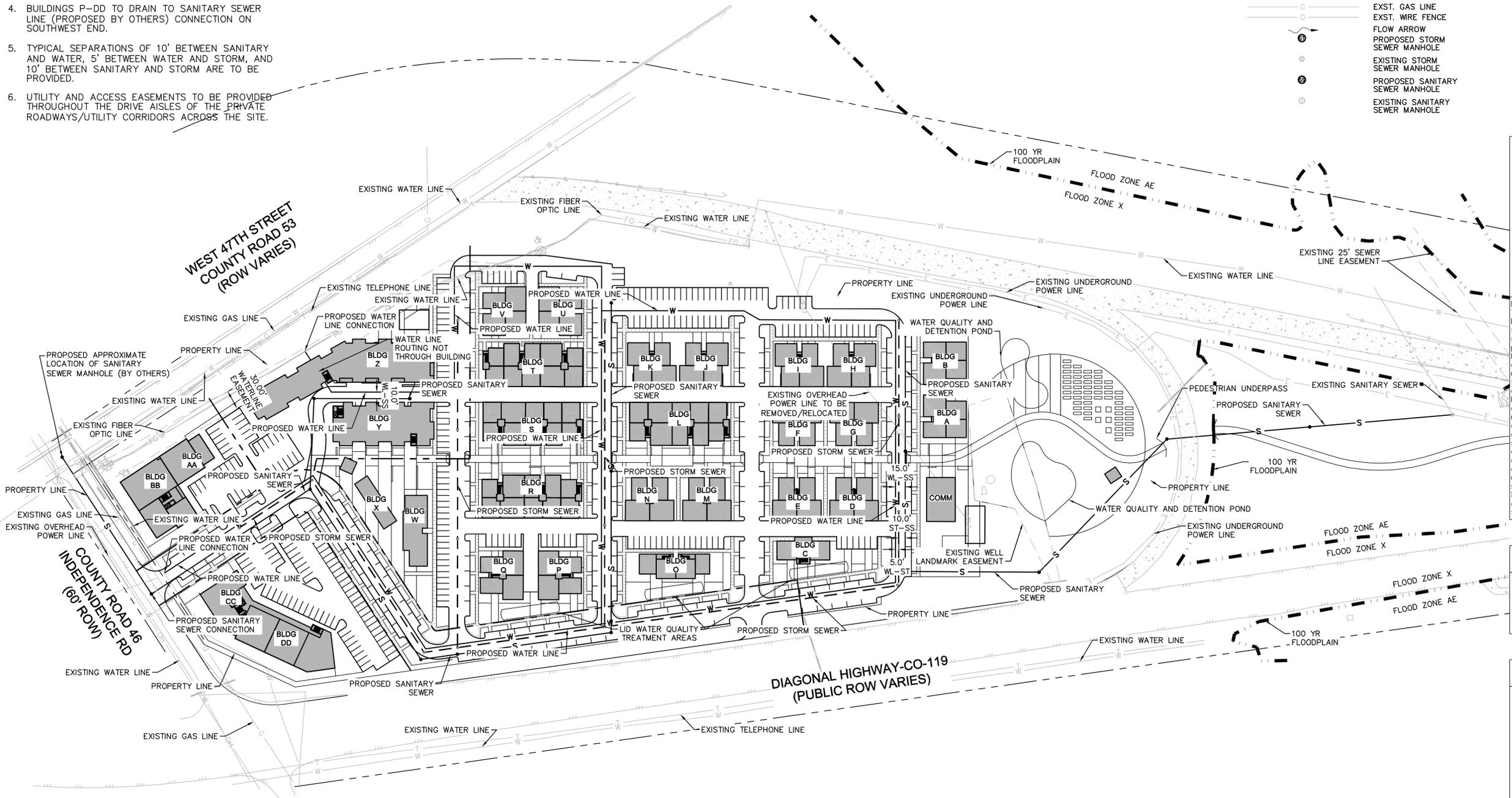
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CONCEPT PLAN
REVIEW

C3

03.16.15
CONCEPT UTILITY
PLAN



GENERAL NOTES

1. BUILDING LOW POINTS BASED ON LOWEST EXISTING ELEVATION WITHIN 25' OF THE BUILDING PERIMETER PER SURVEY PREPARED BY FLATIRON, INC. SURVEYING, ENGINEERING AND GEOMATICS.



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Kimley»Horn

Kimley Horn and Associates
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Denver, CO 80209
303-228-2302
www.kimley-horn.com

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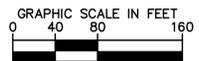
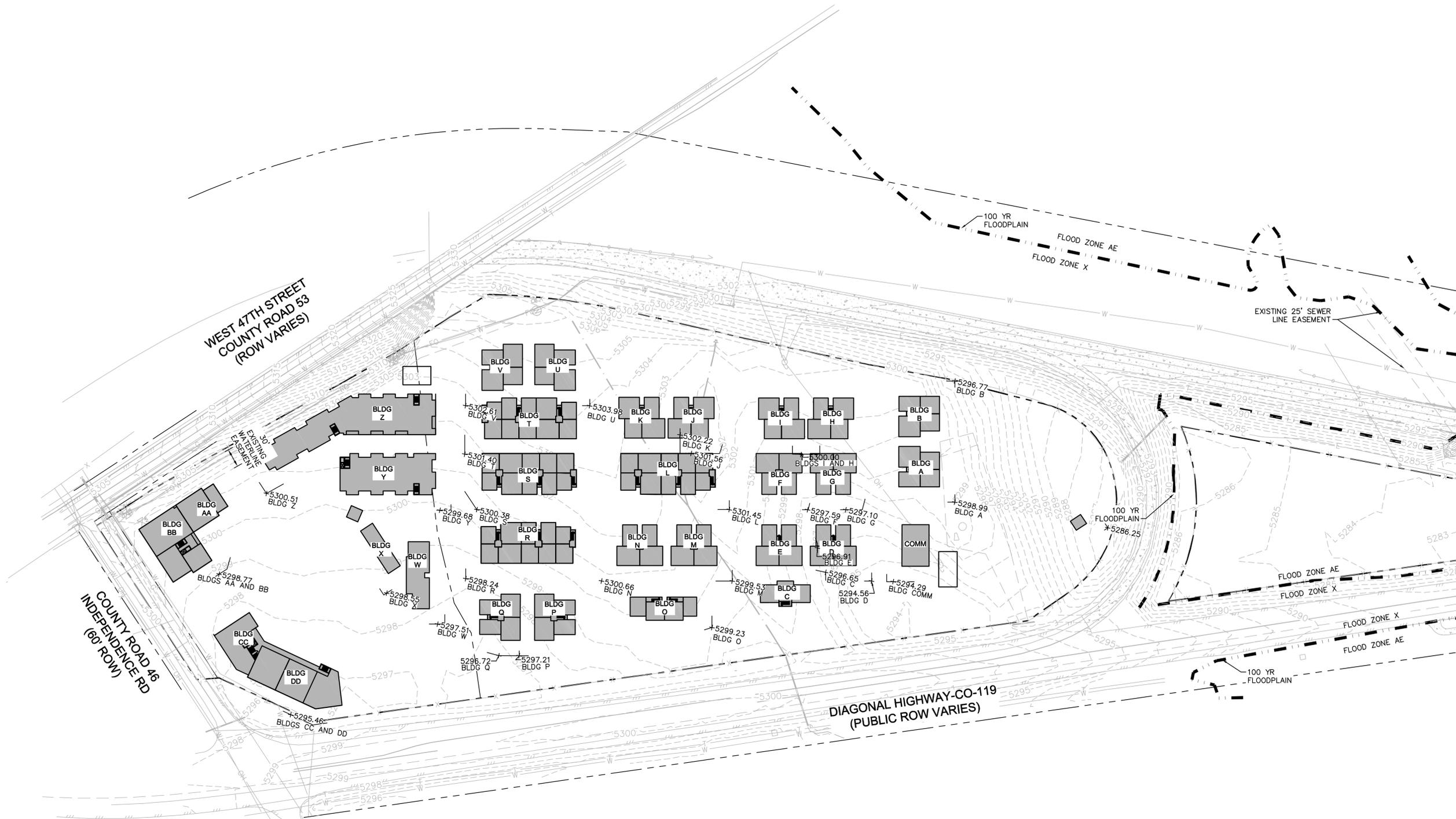
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CONCEPT PLAN
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C4

03.16.15
CONCEPT LOWPOINT
PLAN





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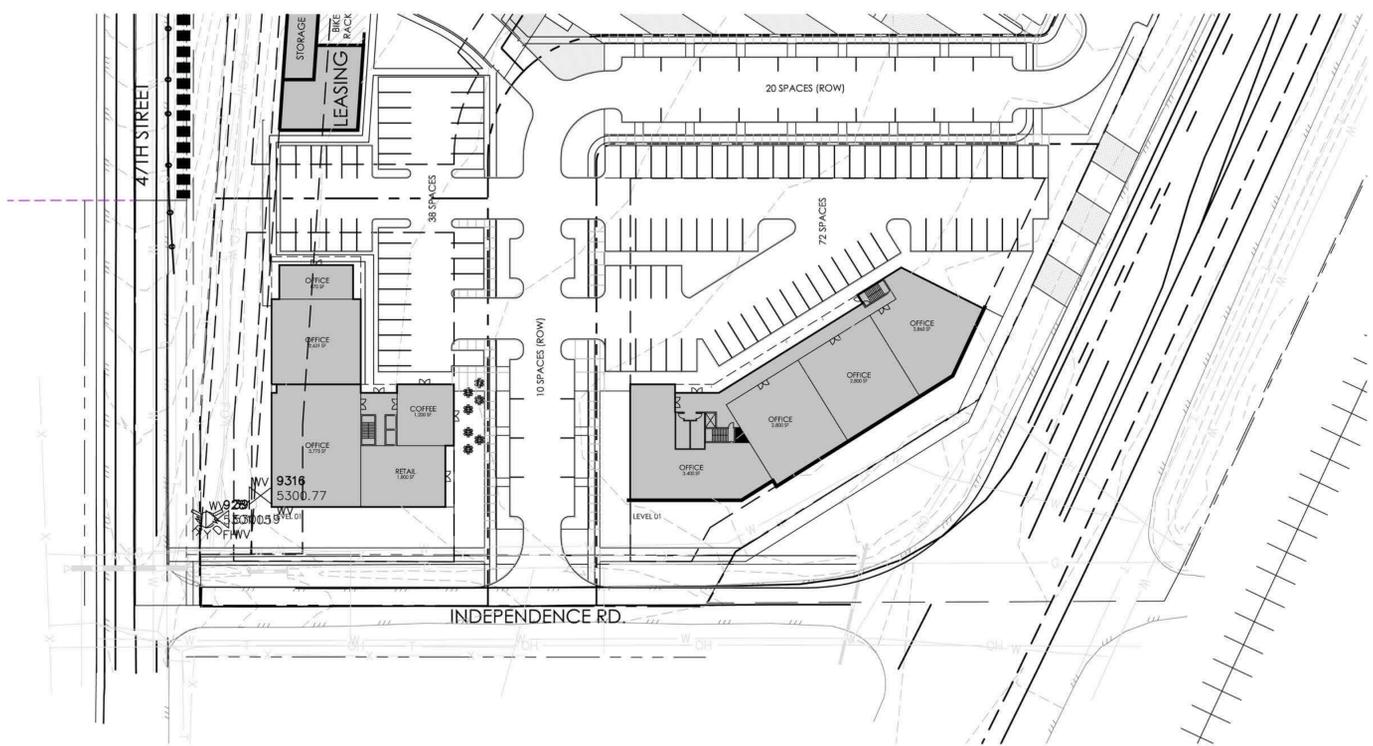
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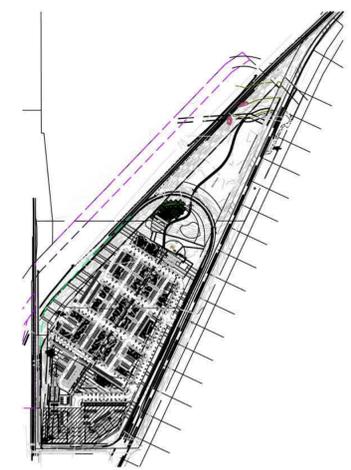
CONCEPT
PLAN REVIEW

A1

03.16.15
COMMERCIAL



FLOOR	EAST BUILDING	WEST BUILDING
1ST FLOOR	10940 SF	13963 SF
2ND FLOOR	7726 SF	13967 SF
3RD FLOOR		4623 SF
TOTALS PER BUILDING	18666 SF	32553 SF
GRAND TOTAL		51219 SF



2 Commercial Parcels Plan N 1
CR-4 scale: 1"=50'-0"

1 KEY N 1
CR-4 scale: 1"=500'-0"



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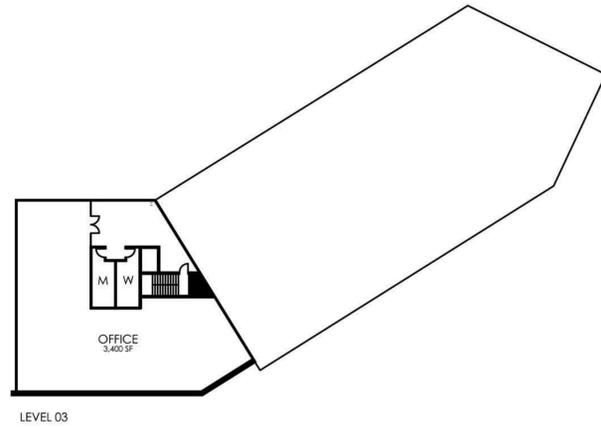
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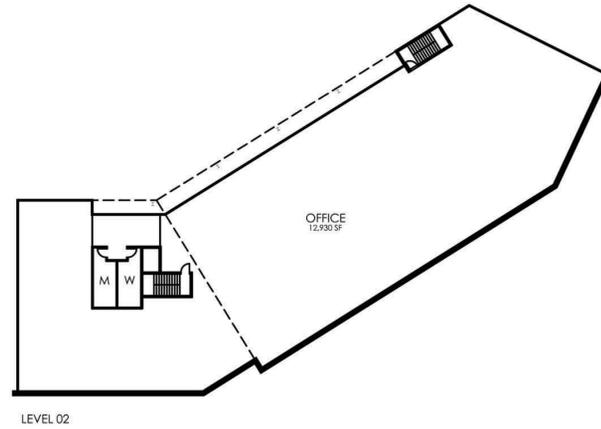
CONCEPT
PLAN REVIEW

A2

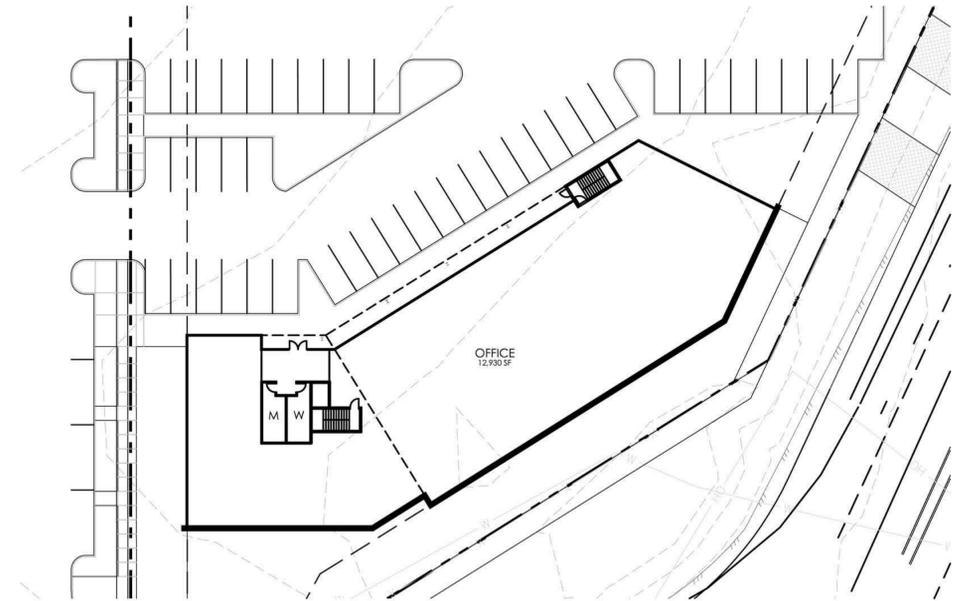
03.16.15
COMMERCIAL



LEVEL 03



LEVEL 02

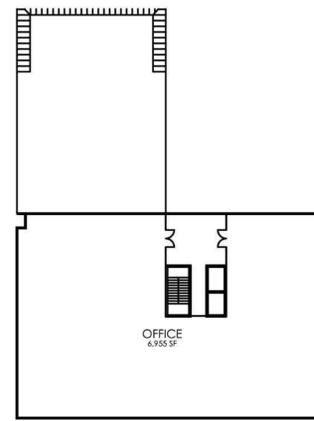


LEVEL 01

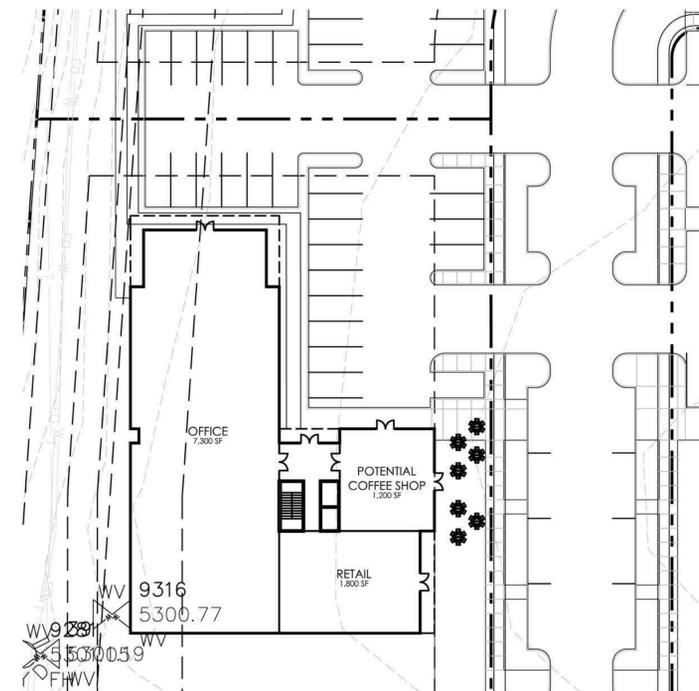
5 SW Commercial Building Plan N 1
CR-5 scale: 1"=30'-0"

4 SW Commercial Building Plan N 1
CR-5 scale: 1"=30'-0"

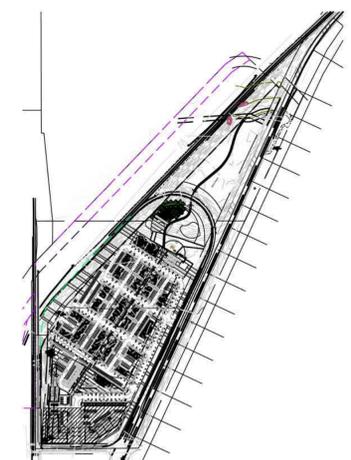
4 SW Commercial Building Plan N 1
CR-5 scale: 1"=30'-0"



LEVEL 02



LEVEL 01



1 KEY N 1
CR-5 scale: 1"=500'-0"

3 SE Commercial Building Plan N 1
CR-5 scale: 1"=30'-0"

2 SE Commercial Building Plan N 1
CR-5 scale: 1"=30'-0"



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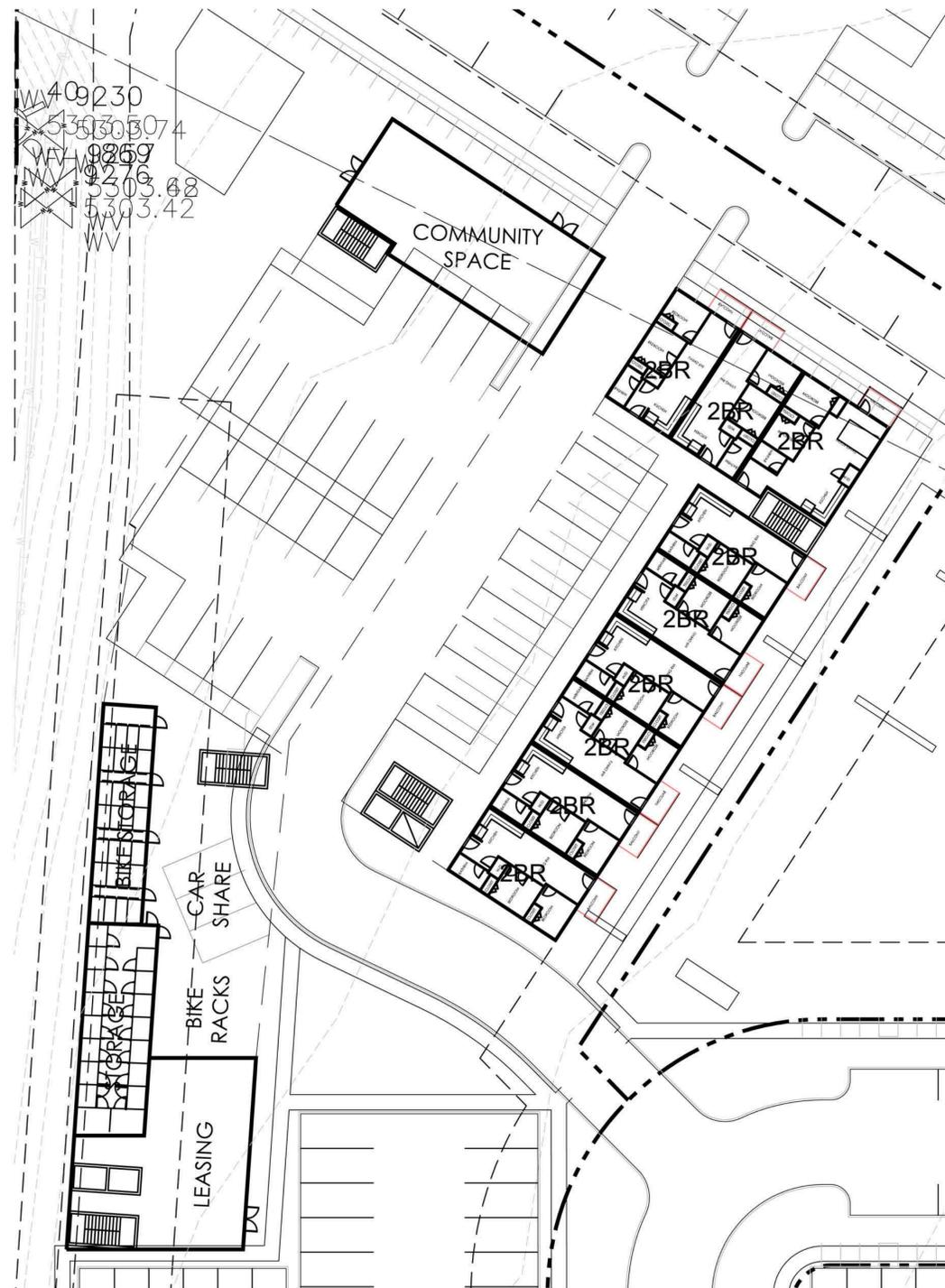
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CONCEPT
PLAN REVIEW

A3

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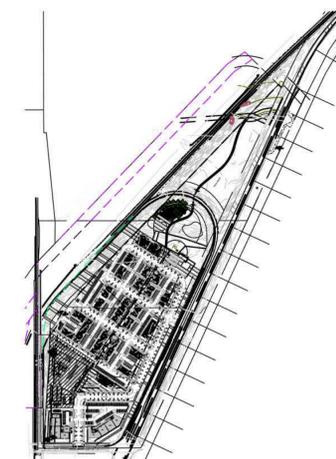
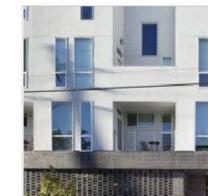
AFFORDABLE



10408 SF

2 Affordable Housing Site Plan N
scale: 1"=20'-0"

FLOOR	GROSS AREA	1 BEDROOM	2 BEDROOM
1ST FLOOR	10,913 SF		9
2ND FLOOR	27,400 SF	29	8
3RD FLOOR	27,400 SF	29	8
GRAND TOTAL	65,713 SF	58	25



1 KEY N
scale: 1"=500'-0"



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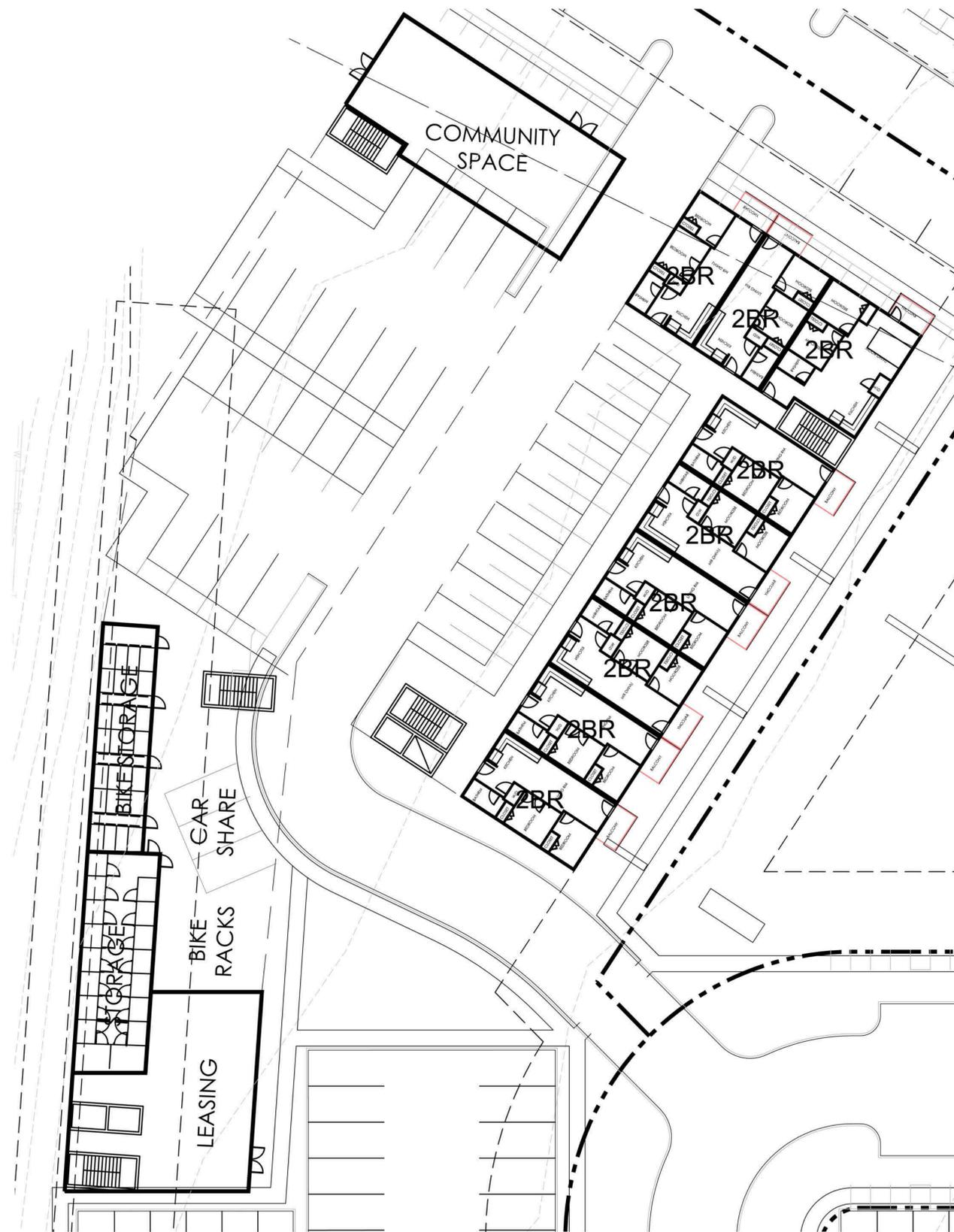
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CONCEPT
PLAN REVIEW

A4

03.16.15

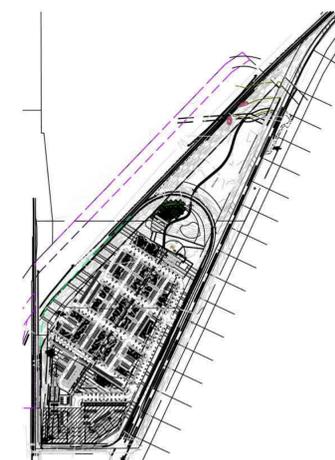
COMMERCIAL



3 Affordable housing level 1
CR-7 scale: 1/16"=1'-0" N



2 Affordable housing level 2&3
CR-7 scale: 1/16"=1'-0" N



1 KEY
CR-7 scale: 1"=500'-0" N



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CONCEPT
PLAN REVIEW

A5

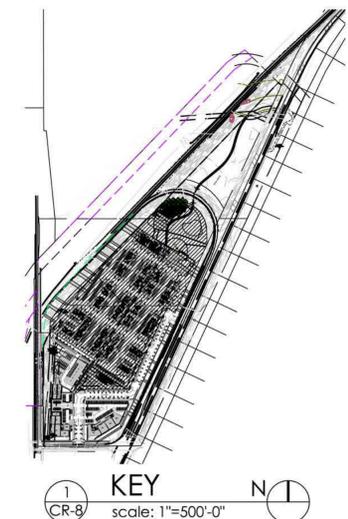
03.16.15

MARKET RATE



2 Market Rate Housing Parcel Plan N
CR-8 scale: 1"=100'-0"

BUILDING A1 X 1	GROSS AREA	STUDIO	1 BEDROOM	2 BEDROOM
1ST FLOOR	2,407 SF		3	
2ND FLOOR	2,407 SF		3	
3RD FLOOR	2,407 SF		3	
TOTALS PER BUILDING	7,221 SF		9	
BUILDING A2 X 2	GROSS AREA	STUDIO	1 BEDROOM	2 BEDROOM
1ST FLOOR	3,341 SF	1	3	
2ND FLOOR	3,341 SF	1	3	
3RD FLOOR	3,341 SF	1	3	
TOTALS PER BUILDING	10,023 SF	3	9	
BUILDING B X 4	GROSS AREA	STUDIO	1 BEDROOM	2 BEDROOM
1ST FLOOR	4,264 SF	2	2	1
2ND FLOOR	8,712 SF	2	6	2
3RD FLOOR	8,712 SF	2	6	2
TOTALS PER BUILDING	21,688 SF	6	14	5
BUILDING C1 X 8	GROSS AREA	STUDIO	1 BEDROOM	2 BEDROOM
1ST FLOOR	1,964 SF		1	1
2ND FLOOR	3,927 SF		2	2
3RD FLOOR	3,927 SF		2	2
TOTALS PER BUILDING	9,818 SF		5	5
BUILDING C2 X 6	GROSS AREA	STUDIO	1 BEDROOM	2 BEDROOM
1ST FLOOR	1,627 SF		2	
2ND FLOOR	3,892 SF		2	2
3RD FLOOR	3,892 SF		2	2
TOTALS PER BUILDING	9,411 SF		6	4
BUILDING C3 X 2	GROSS AREA	STUDIO	1 BEDROOM	2 BEDROOM
1ST FLOOR	3,627 SF		3	1
2ND FLOOR	3,627 SF		3	1
3RD FLOOR	2,535 SF		3	
TOTALS PER BUILDING	9,789 SF		9	2



1 KEY
CR-8 scale: 1"=500'-0"



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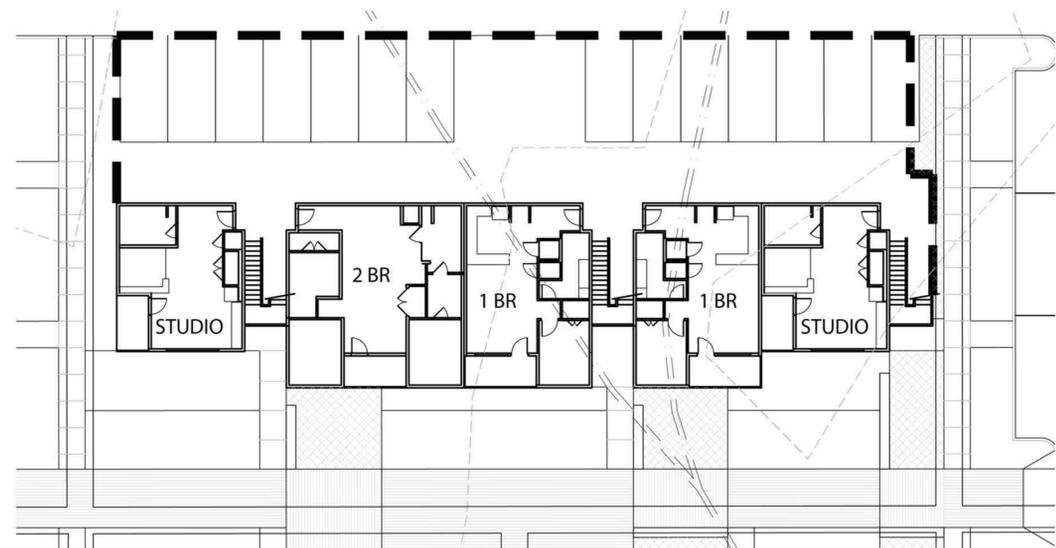
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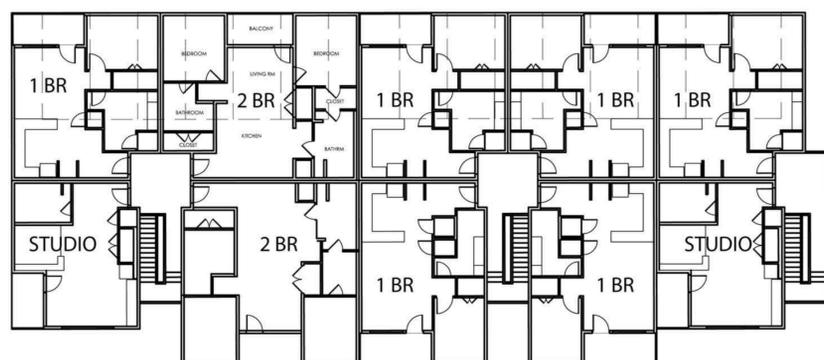
CONCEPT
PLAN REVIEW

A6

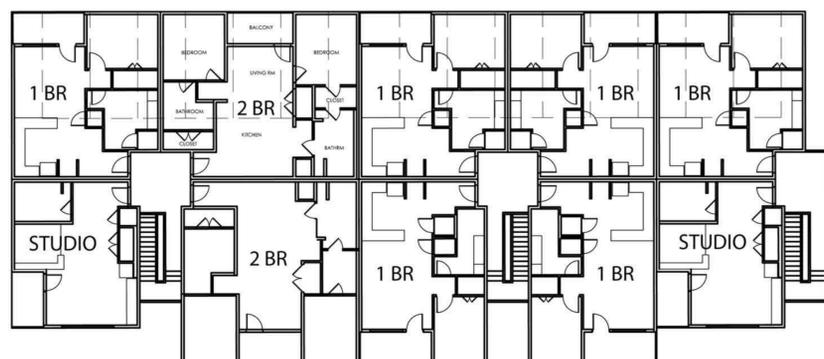
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MARKET RATE



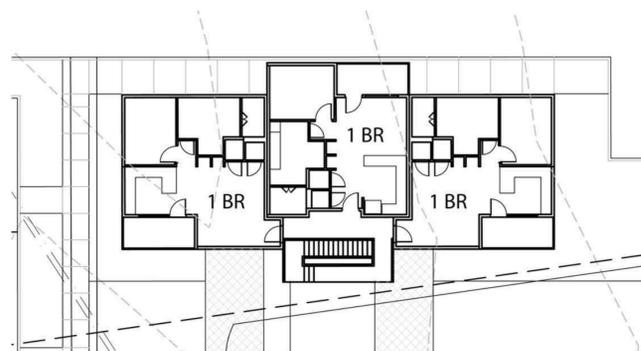
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CR-9 Building B Level 1
scale: 1/16"=1'-0"



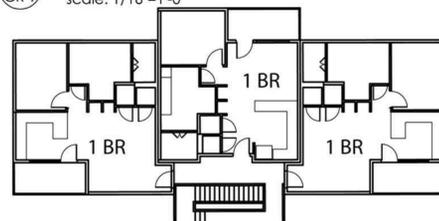
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CR-9 Building B Level 2
scale: 1/16"=1'-0"



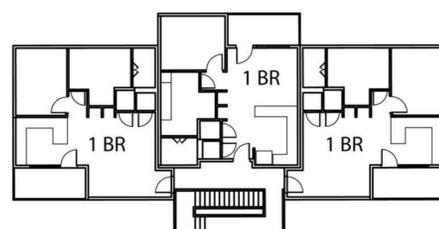
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CR-9 Building B Level 3
scale: 1/16"=1'-0"



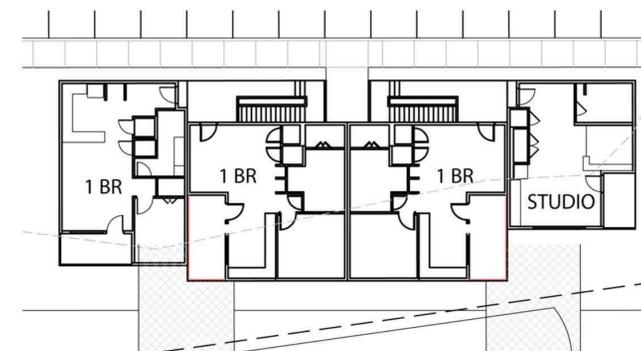
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CR-9 Building A1 Level 1
scale: 1/16"=1'-0"



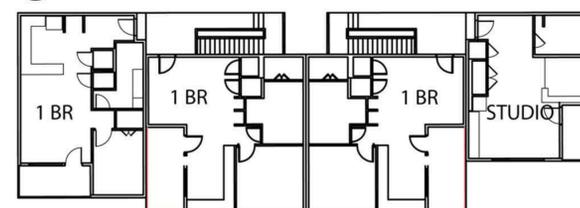
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CR-9 Building A1 Level 2
scale: 1/16"=1'-0"



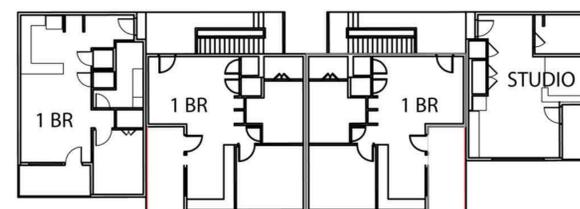
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CR-9 Building A1 Level 3
scale: 1/16"=1'-0"



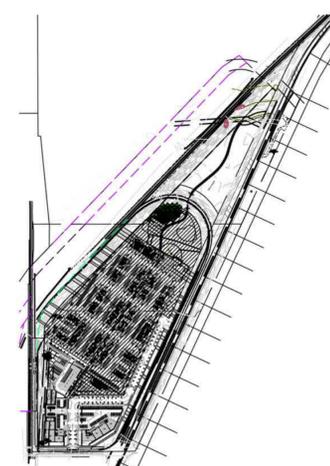
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CR-9 Building A2 Level 1
scale: 1/16"=1'-0"



3
CR-9 Building A2 Level 2
scale: 1/16"=1'-0"



2
CR-9 Building A2 Level 3
scale: 1/16"=1'-0"



1
CR-9 KEY
scale: 1"=500'-0"



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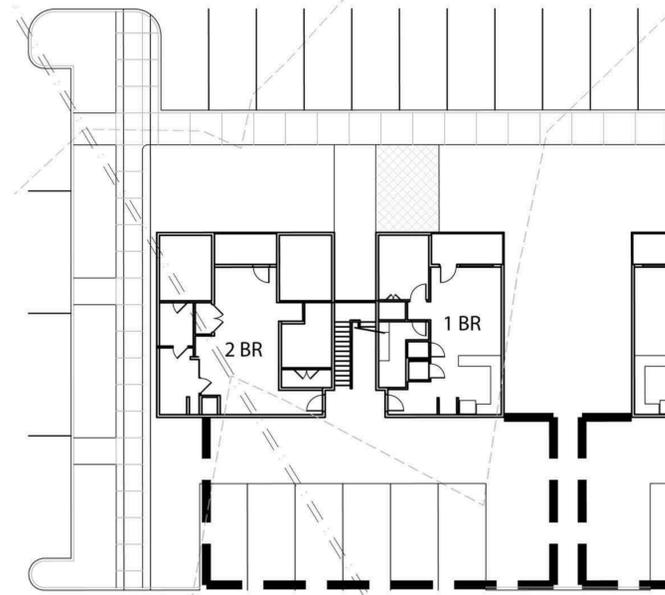
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CONCEPT
PLAN REVIEW

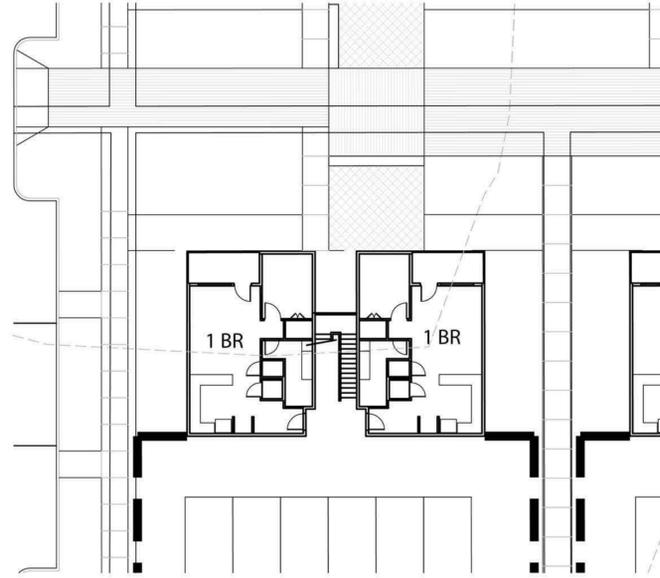
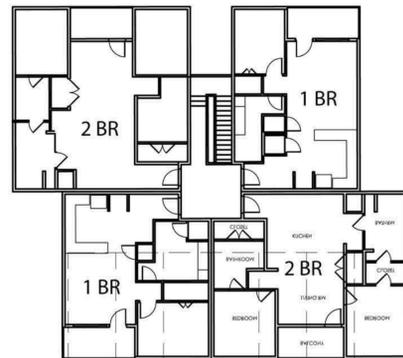
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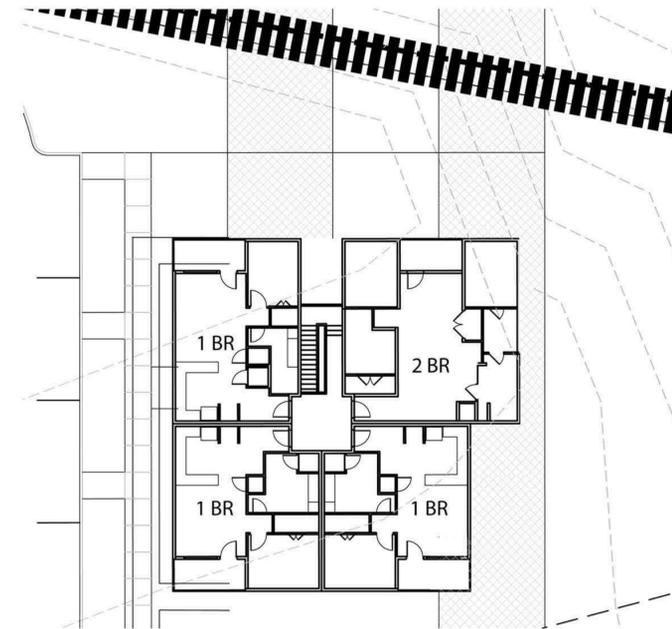
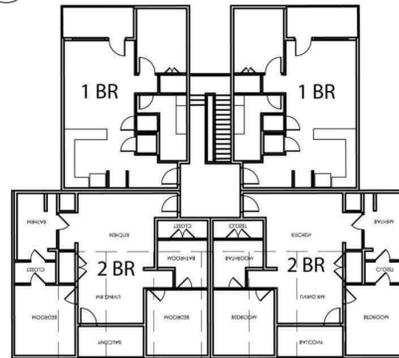
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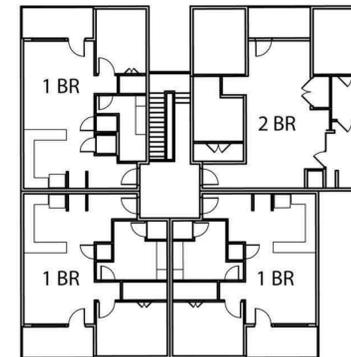
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CR-10 scale: 1/16"=1'-0"



7 Building C3 Level 1
CR-10 scale: 1/16"=1'-0"



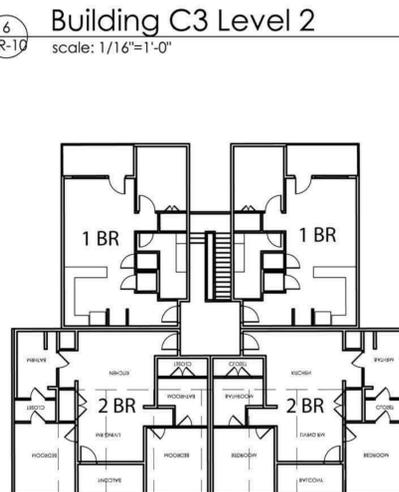
4 Building C3 Level 1
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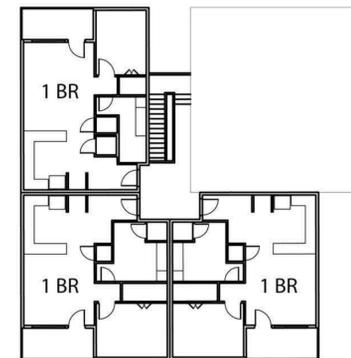
9 Building C3 Level 2
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6 Building C3 Level 2
CR-10 scale: 1/16"=1'-0"



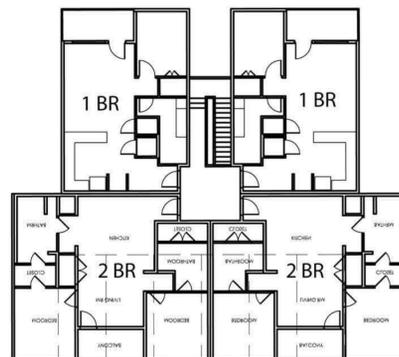
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CR-10 scale: 1/16"=1'-0"



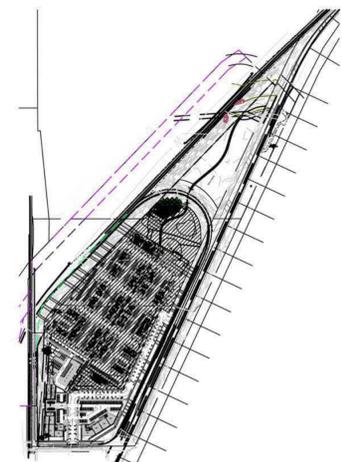
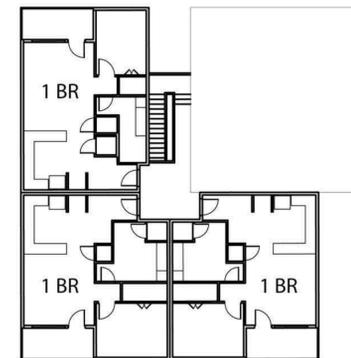
8 Building C1 Level 3
CR-10 scale: 1/16"=1'-0"



5 Building C2 Level 3
CR-10 scale: 1/16"=1'-0"



2 Building C3 Level 3
CR-10 scale: 1/16"=1'-0"



1 KEY
CR-10 scale: 1"=500'-0" N