



4705 Broadway* –

CI to MUB

*(*portion of property)*

Request #7**4705 Broadway**

Initiated by owner

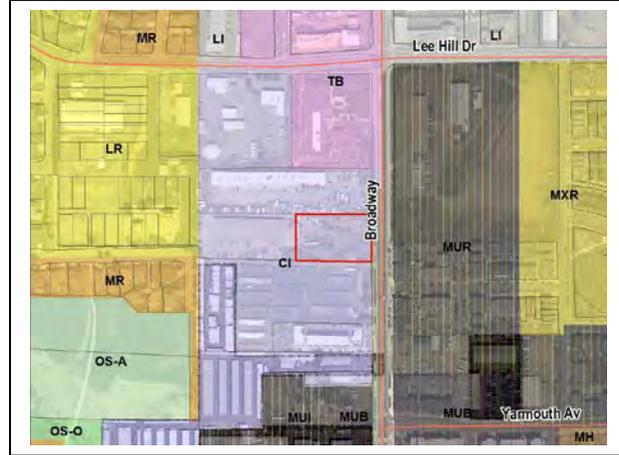
Request:

Change the east portion (approx. 1 acre) of 4705 Broadway from Community Industrial (CI) to Mixed Use Business (MUB), leaving the western 2.35 acres of the parcel in its current designation.

Staff Recommendation: No

Staff recommends that this request not be considered further as part of the 2015 BVCP major update for the following reason:

1. The proposed change to Mixed Use Business is not consistent with the North Boulder Subcommunity Plan.

**ANALYSIS:****1.) Consistent with the purposes of the major update?**

Yes. This is a land use designation change request, which is compatible with the purposes of the BVCP major update.

2.) Consistent with current policies in the BVCP or relevant subcommunity or area plans?

This property is within the plan area for the North Boulder Subcommunity Plan. The plan has a land use map which identifies appropriate areas for mixed use development, and the subject property is not in one of these identified areas. The plan recommends that this property remain industrial, therefore does not support a change in land use to Mixed Use Business for any portion of the site.

3.) Compatible with adjacent land uses and neighborhood context?

See #2 above.

4.) Was the proposed change requested or considered as part of a recent update to the Comp Plan or other planning process?

Yes. The property falls within the purview of North Boulder Subcommunity Plan, which was re-evaluated in 2013-2014 with no changes to this area.

5.) Is there any change in circumstances, community needs, or new information that would warrant the proposal be considered as part of this update?

The request identifies the redevelopment of North Broadway as a changed condition, namely residential redevelopment creates a need for additional local-serving retail and restaurants. The North Boulder Subcommunity Plan supports this reasoning and identifies appropriate areas for mixed use development, but not at this particular location.

6.) Are there enough available resources to evaluate the proposed change (city and county staffing and budget priorities)?

This request would require a significant amount of staff time. Analysis of the surrounding area and the impact of potentially allowing for the uses in the Mixed Use Business category would need to be carefully

considered. Staff would need to look at adjacent properties and potential changes to the North Boulder Subcommunity Plan.



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BOULDER VALLEY COMPREHENSIVE PLAN

BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION



II 1X

1) Type of Amendment (check all that apply):

- Land Use Map Amendment
- Changes to the Area II/III boundary
- Service Area contractions or Minor Changes to the Service Area Boundary
- Other Map Amendment

2) Please provide the following information

a. Brief description of the proposed amendment:

CHANGE EAST PORTION OF 4705 BROADWAY, THE PORTION BORDERING BROADWAY, AS INDICATED IN DRAWING (COLOR = PINK), TO "MIXED USE BUSINESS", TO ALLOW FOR THE CONSTRUCTION OF RESTAURANT/RETAIL.

b. Brief reason or justification for the proposed amendment:

AS NORTH BROADWAY DEVELOPS, AND RESIDENTIAL NEIGHBORHOODS FORM AROUND IT, THE NEED FOR RETAIL AND RESTAURANTS WOULD BE FULFILLED. THE WEST PORTION WILL REMAIN UNDER ITS CURRENT ZONING AND USE. (LIGHT INDUSTRIAL)

The east portion of the parcel, in question, is labelled "A"

a. Map(s) proposed for amendment: BOULDER VALLEY COMPREHENSIVE PLAN LAND USE DESIGNATION MAP

b. Brief description of location of proposed amendment:

EASTERN PORTION OF 4705 BROADWAY, MEASURED

Staff note: request included large format map indicating the portion of parcel to be considered in this request. This portion is indicated in the online map available at www.bouldercolorado.gov/planning/bvcp-changes

Section: 12 Township: 1-NORTH Range: 71-WEST

- c. Size of parcel: ENTIRE PARCEL = 102,268 (2.35 ACRES)
AREA TO BE AMENDED = 43,260 (LESS THAN 1 ACRE)



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BOULDER VALLEY COMPREHENSIVE PLAN



3) Applicant:

Name: ROBERT C. NAUMANN

Address: 626 CASCADE AVE.
BOULDER, COLORADO 80302

Phone: 303-931-8300

4) Owner:

Name: 4705 BROADWAY LLC

Address: 626 CASCADE AVE.
BOULDER, COLORADO 80302

Phone: 303-440-9300 / 303-931-8300 (PREFERRED)

5) Representative/Contact:

Name: <u>ARN RASKER</u>	<u>OR</u>	<u>ROBERT C. NAUMANN</u>
<u>4782 VALHALLA DR.</u>		<u>626 CASCADE AVE.</u>
Address: <u>BOULDER, CO 80301</u>		<u>BOULDER, CO 80302</u>
<u>arnrasker@gmail.com</u>		<u>rnaumann626@comcast.net</u>

Phone: 720-298-8888 303-931-8300

6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):

NO

Zacharias, Caitlin

From: Ed [edjabari@hotmail.com]
Sent: Friday, December 04, 2015 4:08 PM
To: Zacharias, Caitlin
Subject: 4715 Broadway Site Photos - 1
Attachments: IMG_1610.JPG; IMG_1680.JPG; IMG_1685.JPG; IMG_1689.JPG; IMG_1693.JPG; IMG_1703.JPG

Hi Caitlin,

I am attaching several site photos in a couple of emails. If you could look through those and let me know which ones you think would be best for your presentation, that would be great. I was in a pretty intense meeting when you came and I was taken off-guard.

Anyway, I appreciate your efforts on the BVCP; and I just need to make sure anything that goes out on my business and this property are aligned with the conversations I am concurrently having with the City Council and Staff. I want people to understand that this project is already happening and represents a "low-hanging fruit" that could serve as an example for some of the overarching goals of the BVCP update effort. In it's current state of transition between seasons, the garden does not show as well and the opportunity could go understated. Please also note that the house on the site is my private residence and not part of the proposed community project at this time; so I would like to more appropriately put emphasis on the garden space as a potential extraordinary community benefit.

As we have discussed, I would sincerely like to work with the city to provide detailed input and serve as a free (engineer/consultant) resource to help represent the North Boulder community. Would you be available in the next couple of days to have a meeting with me so I could present a few of my suggestions for the BVCP?





Thank you,



Ed



Zacharias, Caitlin

From: Ed [edjabari@hotmail.com]
Sent: Friday, December 04, 2015 4:22 PM
To: Zacharias, Caitlin
Subject: 4715 Broadway Site Photos - 2
Attachments: IMG_0565.JPG; IMG_0571.JPG; IMG_7063.JPG; IMG_7086.JPG; IMG_7132.JPG; IMG_7214.JPG







Zacharias, Caitlin

From: Ed [edjabari@hotmail.com]
Sent: Monday, December 07, 2015 11:47 AM
To: Zacharias, Caitlin
Subject: 4715 Broadway Site Photos - 3
Attachments: IMG_1121.JPG; _DSC3758.jpg; IMG_1902.JPG; IMG_1896.JPG; IMG_1050.JPG

Hi Caitlin,

Here is the last message I had send with a couple of photos removed. Please confirm if this gets through.







Thanks,
Ed



3550-3850 Frontier Ave. –
CI to MUB

Request #8
3550-3850 Frontier Ave.
 Initiated by owner

Request:

Change the BVCP land use designation from Community Industrial (CI) to Mixed Use Business (MUB) to implement Phase II of the Transit Village Area Plan (TVAP).



Staff Recommendation: No

Staff recommends that this request not be considered further as part of the 2015 BVCP major update for the following reasons:

1. The requested land use change is inconsistent with the Transit Village Area Plan (TVAP), which recommends a land use designation of Mixed Use Industrial (MUI) for these properties.
2. The conditions for initiation of Phase II of TVAP have not been met.

ANALYSIS:

1.) Consistent with the purposes of the major update?

Yes. This is a land use designation change, which is consistent with the purposes of the BVCP Major Update.

2.) Consistent with current policies in the BVCP or relevant subcommunity or area plans?

No. The subject property is located in the Phase II area of TVAP, the timeframe for which is 15 years or more beyond the adoption date of the plan. The TVAP Implementation Plan identifies the steps prior to considering land use changes to the BVCP for Phase II properties (see TVAP Implementation Plan pp. 1-2):

In terms of timing, the city will initiate a process for making BVCP land use map changes and rezoning after completion of the following:

- *The mechanisms for funding public improvements have been put in place; and*
- *Any necessary land use code changes have been completed.*

The criteria for city initiation of Phase II land use and zoning changes are the following:

- *Substantial redevelopment of Phase I;*
- *Plan in place for providing public improvements to Phase II; and*
- *Market support for Phase II land uses*

The Transportation Connections plan will not be applied to Phase II properties until land use map and zoning changes are made.

Properties in Phase II that wish to redevelop sooner could do so under current zoning, or could request BVCP land use designation and zoning changes consistent with the adopted Area Plan if it can be demonstrated that:

- *Adequate public facilities will be in place concurrent with redevelopment, including construction of transportation improvements shown on the Connections Plan that are necessary to serve the property and connect it to the arterial street network. An early action item for plan implementation will be development of a*

concurrency ordinance that would require adequate public facilities and services to be in place concurrent with redevelopment.

Planning Board and the City Council may also consider the market absorption of properties with similar uses in Phase I when considering BVCP land use map and zoning changes for Phase II properties.

There is currently no plan in place for providing public improvements to Phase II; therefore, a BVCP Land Use Map change cannot be supported at this time. Additionally, the proposed land use is inconsistent with TVAP, as noted in #3 below.

3.) Compatible with adjacent land uses and neighborhood context?

The TVAP land use plan identifies this site as Industrial Mixed Use 2 (IMU2), and the TVAP Implementation Plan further identifies Mixed Use Industrial, not Mixed Use Business, as the appropriate BVCP land use category to implement the IMU2. The proposed MUB land use is therefore inconsistent with TVAP and what was determined to be the appropriate land use pattern through the area planning process.

4.) Was the proposed change requested or considered as part of a recent update to the Comp Plan or other planning process?

No.

5.) Is there any change in circumstances, community needs, or new information that would warrant the proposal be considered as part of this update?

Phase I of TVAP is on track with key Phase I public improvements in place and the redevelopment of several key parcels in the eight years since the plan was adopted. The parcels comprising the S*PARK project, the city park, and the Pollard site are anticipated to redevelop over the next five years. There is currently no plan in place for providing public improvements to Phase II.

6.) Are there enough available resources to evaluate the proposed change (city and county staffing and budget priorities)?

This request would require a significant amount of time relative to the other 2015 BVCP change requests, as it would necessitate initiating the Phase II work for TVAP. The initiation of Phase II of TVAP is not currently on the work plan. Furthermore, the impacts of transitioning to Mixed Use Business instead of Mixed Use Industrial would need to be carefully considered, and the city would need to evaluate the request in concert with TVAP.



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**BOULDER VALLEY COMPREHENSIVE PLAN
2015 MAJOR UPDATE :
REQUEST FOR REVISION**

1) Type of Amendment (check all that apply):

<input checked="" type="checkbox"/>	Land Use Map Amendment
<input type="checkbox"/>	Changes to the Area II/III boundary
<input type="checkbox"/>	Service Area contractions or Minor Changes to the Service Area Boundary
<input type="checkbox"/>	Other Map Amendment

2) Please provide the following information

a. Brief description of the proposed amendment:

Change Land Use Map showing properties with addresses 3550 - 3850 Frontier Avenue, Boulder, CO from Community Industrial to Mixed Use Business

b. Brief reason or justification for the proposed amendment:

Mixed Use Business is the land use designation most consistent with the uses and intensity described in the Transportation Village Area Plan

a. Map(s) proposed for amendment: BVCP Land Use Designation Map

b. Brief description of location of proposed amendment:

Parcel A, B & C as shown in the attached survey. Parcel B has the address 3550 Frontier Avenue, Parcel C has the address 3850 Frontier Avenue, and Parcel A does not have an address

Section: 29 Township: 1 North Range: 70 West

c. Size of parcel: Parcel A: 40,054 SF, Parcel B: 7.345 Acres, Parcel C: 2.564 Acres



3) Applicant:

Name: Flax Pond LLC

Address: 929 Pearl Street, Suite 300, Boulder, CO

Phone: 303-225-7906

4) Owner:

Name: Flax Pond LLC

Address: 929 Pearl Street, Suite 300, Boulder, CO

Phone: 303-225-7906

5) Representative/Contact:

Name: Eli Feldman

Address: 929 Pearl Street, Suite 300, Boulder, CO

Phone: 303-225-7906

6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):

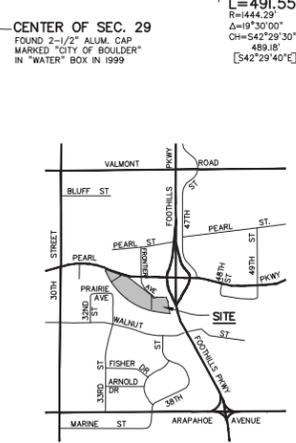
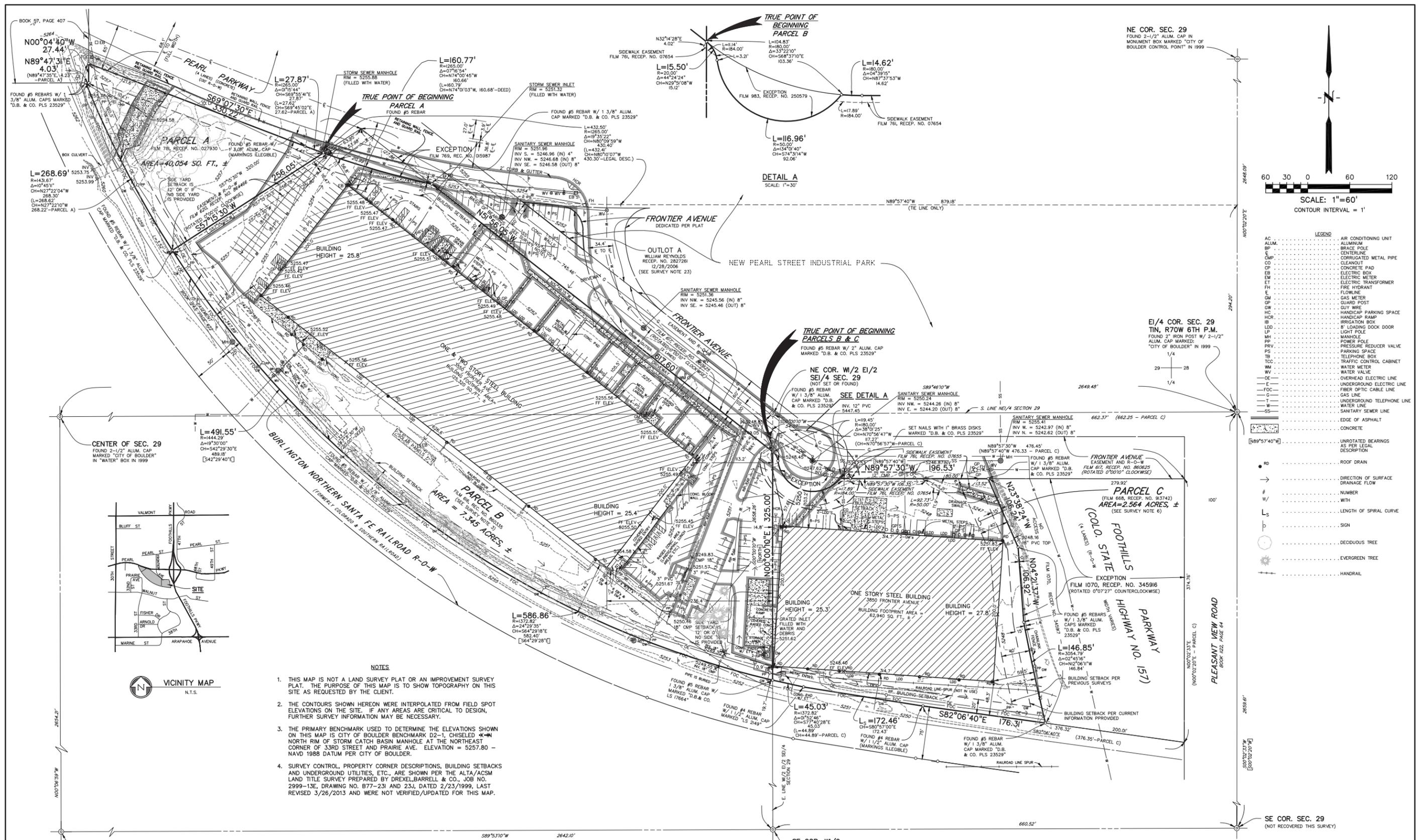
No current development application. Owner of the property.

Land Use Change Request Map



Site = 11 acres
Pearl Parkway to the north
BNSF RR to the west and south
Foothills Parkway to the east
Frontier Avenue to the east

Google earth



- NOTES**
1. THIS MAP IS NOT A LAND SURVEY PLAT OR AN IMPROVEMENT SURVEY PLAT. THE PURPOSE OF THIS MAP IS TO SHOW TOPOGRAPHY ON THIS SITE AS REQUESTED BY THE CLIENT.
 2. THE CONTOURS SHOWN HEREON WERE INTERPOLATED FROM FIELD SPOT ELEVATIONS ON THE SITE. IF ANY AREAS ARE CRITICAL TO DESIGN, FURTHER SURVEY INFORMATION MAY BE NECESSARY.
 3. THE PRIMARY BENCHMARK USED TO DETERMINE THE ELEVATIONS SHOWN ON THIS MAP IS CITY OF BOULDER BENCHMARK D2-1, CHISELED NORTH RIM OF STORM CATCH BASIN MANHOLE AT THE NORTHEAST CORNER OF 33RD STREET AND PRAIRIE AVE. ELEVATION = 5257.80 - NAVD 1988 DATUM PER CITY OF BOULDER.
 4. SURVEY CONTROL, PROPERTY CORNER DESCRIPTIONS, BUILDING SETBACKS AND UNDERGROUND UTILITIES, ETC., ARE SHOWN PER THE ALTA/ACSM LAND TITLE SURVEY PREPARED BY DREXEL, BARRELL & CO., JOB NO. 2999-13E, DRAWING NO. B77-231 AND 231, DATED 2/23/1999, LAST REVISED 3/26/2013 AND WERE NOT VERIFIED/UPDATED FOR THIS MAP.

TOPOGRAPHIC MAP OF TRACTS OF LAND LOCATED IN THE SE 1/4 AND IN THE NE 1/4 OF SECTION 29, T1N, R70W OF THE 6TH P.M., CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO FOR: FLAX POND, LLC

IN ACCORDANCE WITH CRS 13-80-105:
 NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOUR FIRST DISCOVERY SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

Drexel, Barrell & Co. Engineers/Surveyors
 1800 38TH STREET BOULDER, COLORADO 80501 (303) 442-4338
 COLORADO SPRINGS, COLORADO (719) 280-0887
 GRAND JUNCTION, COLORADO (970) 257-1350
 STEAMBOAT SPRINGS, COLORADO (970) 878-1823

Revisions - Date	Date	Drawn By	Job No.
5/2/10	10/12/10	JKW	2999-13E
7/10/13	12/15/13	JKW	2999-13E
9/22/13	3/26/13	JKW	2999-13E
5/23/13			

Scale: 1" = 60'
 Drawing No. B77-23K
 Page 7 of 999-13F

**FLAX POND LLC
929 PEARL STREET, SUITE 300
BOULDER, COLORADO 80302
303-225-7905**

October 2, 2015

Via Email and U.S. Mail

BVCPchanges@bouldercolorado.gov

City of Boulder

Department of Community Planning and Sustainability

Attn: Caitlin Zacharias

P.O. Box 791

Boulder, CO 80306-0791

RE: Application for BVCP Land Use Amendment

I am the president of Flax Pond LLC, the owner of approximately 11 acres of land located at 3550 and 3850 Frontier Avenue, within the Boulder Junction Phase 2 planning area, as more particularly described in the attached application and exhibits. As a landowner, Flax Pond hereby submits a specific request to change the Boulder Valley Comprehensive Plan (BVCP) land use designation for its property from Community Industrial to Mixed Use Business. In addition, as a citizen of Boulder, I request that the city initiate the necessary land use and zoning changes for the entire area known as Phase 2 of Boulder Junction, to fully implement the vision of the Transit Village Area Plan (TVAP).

I. Request for Initiation of Boulder Junction Phase 2 Land Use Changes

Fifteen years ago, the city began planning a new transit hub at the geographic center of the city, together with a new transit-oriented neighborhood that would break from the car-oriented development pattern that exists elsewhere in the city. In 2004, the city and Regional Transportation District (RTD) purchased the “Pollard Motors” site at the corner of 30th and Pearl, for purposes of constructing a new transit hub and anchoring the new transit-oriented neighborhood. The city’s vision for the 160-acre area surrounding the transportation hub was formally adopted in 2007 as the Transit Village Area Plan (TVAP), and later renamed Boulder Junction. The TVAP is the product of extensive outreach, public input, hearings, planning studies and substantial effort over a long period of time. It represents the consensus and the vision for the future development of Boulder Junction. It’s land use designations and policies should be implemented in connection with the update of the BVCP.

At the time of adoption, the city anticipated that Boulder Junction would be implemented over a 30-year time horizon, divided into two phases. Phase 1 lies east of 30th Street and west of the railroad tracks. Phase 2 lies east of the railroad tracks and west of Foothills Highway. A market absorption analysis was conducted and based on

the estimated amount of development that could be absorbed in the Boulder market, TVAP anticipated that Phase 1 would be implemented in the first 10-15 years after the plan's adoption in 2007. Phase 2 was anticipated to follow Phase 1, and also take 10-15 years to complete. But, Phase 1 happened much faster than most had anticipated. TVAP states that Planning Board and the City Council may consider the market absorption of properties with similar uses in Phase 1 when considering BVCP land use map and zoning changes for Phase 2 properties. The rapid development and high occupancy in Phase 1 of Boulder Junction is perhaps the best evidence of the strong market demand for housing and commercial space in this geographic area.

The TVAP Implementation Plan lays out the following criteria for city initiation of Phase 2 land use and zoning changes:

1. Substantial Redevelopment of Phase 1;
2. Plan in place for providing public improvements to Phase 2; and
3. Market support for Phase 2 land uses.

As set forth below, these conditions have been met.

1. Substantial redevelopment of Phase 1 has occurred. Every key public infrastructure improvement designed for Phase 1 has been completed, or is nearing completion. These include the Junction Place Bridge over Goose Creek, underground RTD Bus-Rapid Transit (BRT) station, multi-way boulevard along Pearl Parkway, rehabilitation of the historic Depot building, pocket park along Goose Creek, new Junction Place Street and two traffic signals, addition of multi-use paths and mid-block pedestrian crossings, bike lanes on 30th Street, district parking structure, and stormwater improvements to the Boulder slough. The city has spent more than \$10M on these local infrastructure improvements, and approximately \$500M has been spent regionally on the US36 highway corridor, which will serve Boulder Junction and the BRT.

In addition to completing the key public infrastructure for Phase 1, the vast majority of private landowners within Phase 1 have either completed redevelopment projects, or obtained site and use review approval to commence redevelopment of their land. Completed or approved projects include the 319-unit Solana Apartments, a 150-room Hyatt Hotel, 71 permanently affordable residential units, the 10.5-acre mixed-use and mixed-income neighborhood on the former Sutherland site, known as "S'PARK," and "The Commons," a 100,000 SF highly sustainable office project in the Steelyards. Except for the city-owned Pollard Motors site, every significant parcel in Phase 1 of Boulder Junction has redeveloped, or has been approved for redevelopment through site and use review.

2. There is a plan in place for providing public improvements to Phase 2. TVAP set forth specific infrastructure improvements and estimated costs and sources of funds for upgrades to Old Pearl, Bluff Street west of 30th, traffic signal at Frontier and

Pearl, bridge over Goose Creek east of the tracks, Frontier extension to Goose Creek, ped/bike/multi-use paths, and stormwater improvements. The cost of the Phase 2 infrastructure was estimated at \$11.3M. Funds were anticipated to come from development-related taxes such as excise taxes and construction use taxes, as well as the Transportation Capital Improvement Program, and the Transportation Improvement Program.

3. There is market support for Phase 2 land uses. The city is experiencing a housing crisis, for lack of affordable units for middle-income residents, lack of accessible units for handicapped and elderly residents, and lack of family-oriented units. Vacancy rates in Boulder are at all-time lows for residential, office and commercial properties. The Boulder Primary Employer Study concluded in 2012 that (1) there is limited availability of suitable space for primary employer expansion, (2) there is a lack of flexibility in allowed uses, (3) the cost of land and cost of doing business is high, and (4) there is a lack of amenities in some areas of the city. These deficiencies persist.

Demand is so robust that it is resulting in development outside the boundaries of Boulder Junction, for example the Google office campus west of 30th and a large portion of Reve south of the Boulder Junction planning area. To realize the TVAP vision and concentrate development in the Boulder Junction planning area, and to achieve maximum utilization of the city's infrastructure investments and BRT, the city must change the land use and zoning in Phase 2. Otherwise, the city will continue to respond to development proposals that are not integrated with Boulder Junction, and lack necessary infrastructure, detailed cohesive planning, and adjacency to transit.

The city said that it “will monitor [TVAP] implementation ... as part of each mid-term and five-year update to the Boulder Valley Comprehensive Plan (BVCP).” And “appropriate components of the Implementation Action Plans will be incorporated into the BVCP Action plan.” TVAP Implementation Plan, p. 1. **In the context of this major five-year update to the BVCP, we request that the city initiate the Phase 2 land use and zoning changes to make the underlying land use consistent with the TVAP.** Not only are the TVAP criteria satisfied for commencing Phase 2 land use and zoning changes, but making the land use consistent with the TVAP is perhaps the single most effective means by which the city can advance its overarching goals with respect to climate change, multi-modal transportation, economic vitality, social equity and diversity, and affordable housing.

The major investments of time and money have been made. The BRT will start service in a matter of months, carrying riders along the massively improved US36 corridor. The local infrastructure improvements to Phase 1 are complete. By making the remaining investment in the Phase 2 infrastructure, and changing the land use, the entire Boulder Junction area - not just the western half - will be capable of taking advantage of the transit, bike and pedestrian amenities. The underutilized and inefficient industrial buildings in Phase 2 will give way to high efficiency affordable housing, commercial space and retail amenities, and a vibrant walk-able, bike-able neighborhood with premier transit access. Implementing the TVAP will ease concerns among established

neighborhoods outside of Boulder Junction that new development will be focused in this geographic area, where new buildings can leverage the transit infrastructure and co-located housing, retail and office functions.

While this is an Application for BVCP Land Use Map Amendment specifically concerning 11 acres of land south of Pearl Parkway in Boulder Junction Phase 2, we are simultaneously requesting an additional, and very important action be taken by the City at this time: **Authorize the staff to initiate the Phase 2 land use and zoning changes to make the underlying land use throughout Phase 2 consistent with the TVAP.** This is obviously a matter of citywide concern and is properly addressed in a major five-year BVPC update. Postponing consideration of land use in Phase 2 until the 2020 BVCP update would: (1) frustrate the city's Transportation Master Plan goals with respect to utilization of the BRT, and the ability of the new road, bridge, sidewalk, and utility improvements to serve their purposes, (2) delay the city's Climate Action Plan goal of 80% reduction in greenhouse gas emissions by 2050, and a reduction of 20% in vehicle miles of travel in the Boulder Valley by 2035, and (3) encourage ad hoc projects to develop outside of the area plan boundary. Until Phase 2 is redeveloped, the vision for the BRT, the city's Climate Action Plan, and the city's Transportation Master Plan will not be fully achieved.

II. Application for BVCP Land Use Map Amendment

Enclosed herein is an Application for BVCP Land Use Map Amendment concerning 11 acres of land south of Pearl Parkway, known as 3550 and 3850 Frontier Avenue. The current land use under the BVCP is Community Industrial for all of the land, and the zoning is IS-1 and IS-2 on the various parcels. The land use and zoning is inconsistent with the TVAP's designation of "Industrial Mixed Use 2," in both intensity and use. TVAP states that Industrial Mixed-Use 2 will have "Three- to four-story mixed-use buildings. Predominate use may be residential, office or industrial. Structured parking." At p. 17. We request that the land use be changed to match the TVAP description, so the zoning change may follow in due course. Specifically, we hereby request that the BVCP land use be changed to Mixed Use Business, which is the existing land use category most consistent with the TVAP vision.

The subject land is currently occupied by two 1960's-vintage metal warehouse buildings, totaling 190,000 square feet. As a result of their age and construction, the buildings lag behind modern standards of energy efficiency, and several acres of land are taken up by surface parking lots. These current conditions are inconsistent with TVAP and the city's overarching climate, transportation and housing goals.

The warehouses are occupied by a variety of distributors and other industrial tenants that primarily have a low ratio of workers to square footage, and use the vast majority of the space for storing goods. Several major employers - characterized as technical office users and computer engineering and design firms - have expressed a desire to lease space in these existing warehouse buildings. This is no surprise, as employees could make use of the new BRT facility, ample parking exists on site, interior

finishes could be completed quickly, and rents are relatively affordable. However, the current land use and zoning forbids technical office users and any professional office users larger than 5,000 SF. Given that the buildings are too large to break into 5,000 SF suites, and a huge component of our local office market is made up of technical office users, office users are effectively prohibited from occupying even the existing buildings. In this context, the land use and zoning map are directly at odds with the city's policy goals.

Changing the land use to Mixed Use Business will support the city's Climate Action Plan and Transportation Master Plan, by encouraging energy-efficient building construction, a resource-efficient land use pattern, and comprehensive transportation demand management strategies that will encourage transit use, reduce vehicle miles traveled, and reduce energy consumption. It will advance the city's social goals by increasing affordable housing supply, family housing supply, expanding employment and transportation options for all members of the community, and providing parks and civic spaces, which connect to neighboring residential areas.

Changing the land use to Mixed Use Business will advance the "Core Values" of the BVCP, which include "compact, contiguous development and infill that supports evolution to a more sustainable urban form," "culture of creativity and innovation," "a welcoming and inclusive community," "great neighborhoods and public spaces," "a vibrant economy based on Boulder's quality of life and economic strength," "a diversity of housing types and price ranges," and "an all-mode transportation system to make getting around without a car easy and accessible to everyone."

Finally, the requested amendment of the BVCP Land Use Map satisfies all of the criteria set forth in the BVCP, including:

(a) The proposed change is consistent with the policies and overall intent of the comprehensive plan. In fact, it is consistent with the specific intent of the TVAP, as well as the overall intent of the comprehensive plan.

(b) The proposed change would not have significant cross-jurisdictional impacts that may affect residents, properties or facilities outside the city. The cross-jurisdictional impacts will be positive.

(c) The proposed change would not materially affect the land use and growth projections that were the basis of the comprehensive plan. The land use and growth projections included in TVAP were, and remain consistent with the comprehensive plan.

(d) The proposed change does not materially affect the adequacy or availability of urban facilities and services to the immediate area or to the overall service area of the City of Boulder. In fact, the proposed change will pave the way for the creation of improved urban facilities and access to services.

(e) The proposed change would not materially affect the adopted Capital Improvements Program of the City of Boulder. The infrastructure improvements for Phase 2 are already a component of the city's Capital Improvements Program.

(f) The proposed change would not affect the Area II/Area III boundaries in the comprehensive plan.

For all of these reasons, and for the reasons set forth in Section I of this letter, the land use for the subject property should be amended to Mixed Use Business.

Thank you for consideration. Please do not hesitate to contact me with any questions.

Eli Feldman
President, Flax Pond LLC



2326, 2350/2364, & 2372

Norwood Ave. –

*VLR to unspecified
residential designation*

Request #9**2326, 2350/2364, & 2372 Norwood Ave.**

Initiated by owner

Request:

Change the BVCP land use designation to an unspecified residential designation so as to allow for the property to be rezoned to a district to accommodate a multi-unit affordable housing project (six units plus caretaker's quarters) configured to maximize solar access, drainage, and potential for gardening. Current zoning standards have setback and other requirements that the requestor claims interfere with these objectives.

**Staff Recommendation: No**

Staff recommends that this request not be considered further as part of the 2015 BVCP major update for the following reasons:

1. A change to a BVCP land use designation that would permit multi-unit residential would be inconsistent with the North Boulder Subcommunity Plan.
2. Existing zoning and development standards, not the land use map, preclude using the property in the way described in the request. Therefore, changing the land use designation will not address the request.

ANALYSIS:**1.) Consistent with the purposes of the major update?**

Yes. This is a land use designation change request, which is consistent with the purposes of the BVCP major update. While the requested residential designation is unspecified, the BVCP land use designations that could support multi-unit residential development would be Medium Density Residential or other more intense residential designations. The request also pertains to existing zoning and development standards, however, which are not within the purview of a comprehensive plan update.

2.) Consistent with current policies in the BVCP or relevant subcommunity or area plans?

When the property was annexed into the city in 2015, it received a zoning designation of RE (Residential Estate). This zoning designation is compatible with the Estate Residential land use designation identified for this property in the North Boulder Subcommunity Plan. The corresponding BVCP land use designation is Very Low Density Residential (VLR); changing the BVCP land use designation to a district that allows multi-unit development would be inconsistent with the North Boulder Subcommunity Plan.

3.) Compatible with adjacent land uses and neighborhood context?

Adjacent land uses are Public (Centennial Middle School) and Low Density Residential. No properties in the vicinity of the request have a land use designation that would allow a multi-unit caretaker house. A change in the land use designation of this site from Very Low Density Residential to a designation that would allow such a development would not be compatible with adjacent uses or the neighborhood context.

4.) Was the proposed change requested or considered as part of a recent update to the Comp Plan or other planning process?

No.

5.) Is there any change in circumstances, community needs, or new information that would warrant the proposal be considered as part of this update?

No.

6.) Are there enough available resources to evaluate the proposed change (city and county staffing and budget priorities)?

This request would likely require a moderate to significant amount of time relative to the other 2015 BVCP change requests. The impacts of transitioning from Very Low Density Residential to a more intensive residential district that would allow multi-unit residential would need to be carefully considered, and the city would need to evaluate the request in concert with the North Boulder Subcommunity Plan, which had its overarching vision recently validated in the 2013-2014 update process.



OUR LEGACY. OUR FUTURE.

BOULDER VALLEY COMPREHENSIVE PLAN



BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION

1) **Type of Amendment (check all that apply):**

Land Use Map Amendment

Changes to the Area II/III boundary

Service Area contractions or Minor Changes to the Service Area Boundary

Other Map Amendment

2) **Please provide the following information**

a. Brief description of the proposed amendment:

see attached

b. Brief reason or justification for the proposed amendment:

see attached

a. Map(s) proposed for amendment:

See attached

b. Brief description of location of proposed amendment:

See attached

Section: 18 Township: 1N Range: 70W Tract 2517

c. Size of parcel:

< 1.25 ac minus 2 Rows
280 x 30, 180 x 14 + 14 x 60



**OUR LEGACY.
OUR FUTURE.**
BOULDER VALLEY COMPREHENSIVE PLAN



3) Applicant:

Name: MARILYN JORRIE
Address: Box 4116
Boulder, Co. 80306
Phone: 303 447 3888 / 720 939 6117 (cell)

4) Owner:

Name: NORWOOD GARDEN LLC
Address: Co Box 4116
Boulder, Co. 80306
Phone: 303 447 3888

5) Representative/Contact:

Name: MARILYN JORRIE
Address: Box 4116
Boulder, Co. 80306
Phone: 303 447 3888 / 720 939 6117

6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):

*Preparation for building/zoning
Studio enclosure permit forthcoming
Sweat lodge enquiry
Drainage planning & maintenance*

**Boulder Valley Comprehensive Plan
2015 Major Update
Request for Revision**

(pertinent to 2326, 2350/2364 and 2372 Norwood Avenue, Boulder, Colorado 80304, Norwood Garden LLC)

2 a Description of the proposed amendment

Allowing rezoning or zoning flexibility to accommodate configuration of building on a property can improve the possibility of best solar access, best drainage, and best environmental use, while density can be the same.

2 b Reason or justification for the proposed amendment

Present zoning requires building footprints with enormous setbacks interfering with solar access, drainage, and available land for gardens.

2 a Maps attached:

City Map NO6-WO5 north Boulder location map, amended 9.30.15

2326, 2350/2364, 2372 Norwood Avenue Improvement Location Certificate, amended 9.30.15

Site Specific drawing showing existing garden, growing areas at Norwood Garden LLC

Best Building Footprint Site, compared to Best Solar Garden area, and Solar/Shade Habitat at 2326, 2350/2364 and 2372 Norwood Avenue...overlayed on topographic survey

30 September 2015

Boulder Valley Comprehensive Plan

2015 Major Update

Request for Revision

(pertinent to 2326, 2350/2364 and 2372 Norwood Avenue, Boulder, Colorado 80304, Norwood Garden LLC)

The City, in 1999, asked me to build 7 separate affordable houses on the property. I tried to figure out how to fit...the ideas then.

I suggested to build the same number of 14 bedrooms in one building...not co-housing, probably 6 independent living suites, and 2 bedrooms for live-in caretakers who could have affordable housing.

With this configuration, **the property would not be consumed by setbacks** between multiple houses. There would be **something left to garden**. I suggested a conservation easement on the south half of the property.

A solar study will show...that building 55 feet (the setback for this RE zoning) will put shadows over the north half of the property...no sunshine to grow in. Shadowing a smaller northern setback and ROW streetscape will not impair the ROW, or diminish use of that area.

Drawing a building configuration which would be along the north boundary would create no problems, but allow more of the east-west oriented rectangular property to be used for gardening, housing, possible uses, with no interference with transportation.

The northern configuration will fit the present zoning density. Not allowing this variation in setbacks means someone must request different zoning/comp plan consideration.

The northern configuration wouldn't disturb neighbors along Norwood Avenue, and it creates no problems for Centennial Middle School.

If it is a low profile, a 2 story building which has a height lower than neighboring homes, east and west, would possibly disappear or be less prominent, visually. An agreement to trade off height for differing massing might be a good idea.

The BVCP policies provide the Sustainability Framework for community well-being, built environment, natural environment, housing, agriculture and food, energy and (climate), economy, and transportation.

This type of adjustment to the Comp Plan will create an improved possibility for the configuration of properties.

NORWOOD GARDEN LLC
 c/o MARILYN JORRIE
 mail@bouldermarketplace.net

Parcel Description
 (PROVIDED BY BOULDER COUNTY RECORDS)

THAT PORTION OF THE SE 1/4 SE 1/4 OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SECTION 18, A DISTANCE OF 698.24 FEET WESTERLY FROM THE SOUTHWEST CORNER OF SAID SECTION 18; THENCE NORTHERLY AND AT RIGHT ANGLES TO THE SOUTH LINE OF SAID SECTION 18 A DISTANCE OF 210.00 FEET; THENCE EASTERLY, PARALLEL WITH THE SOUTH LINE OF SAID SECTION 18, TO A POINT ON THE EAST LINE OF THE SW 1/4 SE 1/4 OF SAID SECTION 18; THENCE SOUTHERLY ALONG THE EAST LINE OF THE SW 1/4 SE 1/4 OF SAID SECTION 18, TO THE SOUTHWEST CORNER OF THE SW 1/4 SE 1/4 OF SAID SECTION 18; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 18, TO THE PLACE OF BEGINNING.

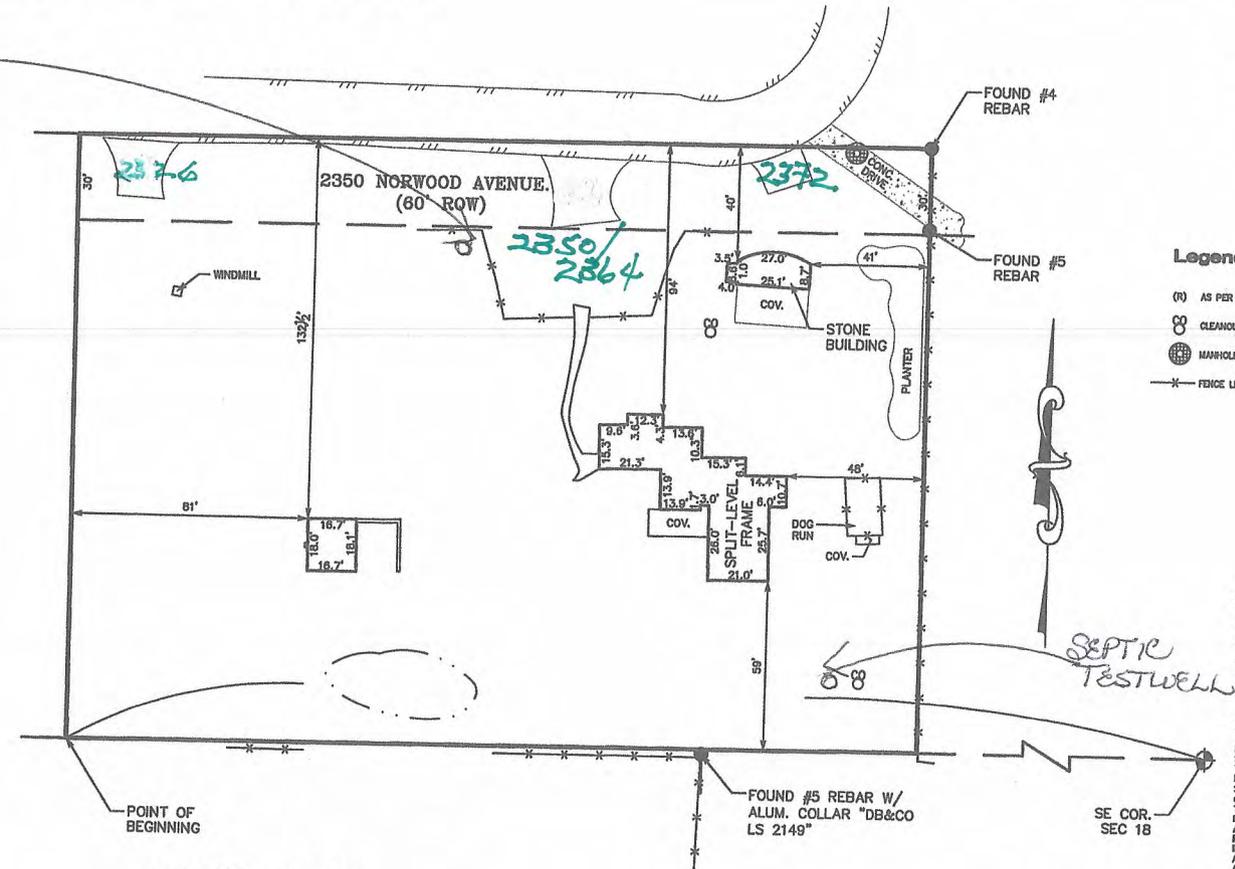
IMPROVEMENT LOCATION CERTIFICATE

A TRACT OF LAND, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO

Notes

- 1) THIS CERTIFICATE DOES NOT CONSTITUTE A TITLE SEARCH BY FLATIRONS, INC. TO DETERMINE OWNERSHIP, RIGHTS OF WAY, EASEMENTS OR ENCROACHMENTS NOT SHOWN BY THE PLAT THAT MAY AFFECT OR RESTRICT THIS TRACT OF LAND THAT ARE NOT SHOWN ON THIS CERTIFICATE.
- 2) AN IMPROVEMENT SURVEY PLAT IS RECOMMENDED TO DETERMINE MORE PRECISELY THE LOCATION OF THE IMPROVEMENTS SHOWN HEREON.
- 3) THE FENCES ARE NOT CONCORDANT WITH THE LOT LINES AS SHOWN HEREON.
- 4) PARCEL DESCRIPTIONS HEREON ARE GRAPHICALLY DEPICTED BASED ON DEED RECORDED WITH THE BOULDER COUNTY CLERK AND RECORDER AT RECEPTION NUMBER 099305, DATED APRIL 11, 1974.

CURTIS WELL



Legend

- (R) AS PER RECORD DESCRIPTION
- ⊗ CLEANOUT
- ⊕ MANHOLE
- X- FENCE LINE

AMENDED
 9.30.15



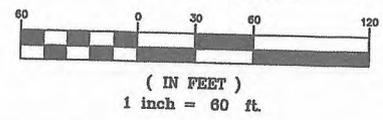
Surveyor's Statement

I HEREBY CERTIFY THAT THIS IMPROVEMENT LOCATION CERTIFICATE WAS PREPARED FOR MARILYN JORRIE THAT IT IS NOT A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT, AND THAT IT IS NOT TO BE USED UPON FOR THE ESTABLISHMENT OF A FENCE, BUILDING OR OTHER FUTURE IMPROVEMENT LINES. I FURTHER CERTIFY THAT THE IMPROVEMENTS ON THE ABOVE DESCRIBED PARCEL, ON THIS DATE, 13 JUNE 2014, EXCEPT UTILITY CONNECTIONS, ARE ENTIRELY WITHIN THE BOUNDARIES OF THE PARCEL, EXCEPT AS SHOWN. IF THERE ARE NO ENCROACHMENTS UPON THE DESCRIBED PREMISES BY IMPROVEMENTS ON ANY ADJOINING PREMISES, EXCEPT AS SHOWN, AND THAT THERE IS NO APPARENT EVIDENCE OR SIGN OF ANY EASEMENT CROSSING OR BURDENING ANY PART OF SAID PARCEL, EXCEPT AS NOTED.

JOHN B. GUYTON
 COLORADO P.L.S. #16408
 FSI JOB NO. 12-60,903

NOTICE: THIS IMPROVEMENT LOCATION CERTIFICATE IS PREPARED FOR THE SOLE USE OF THE PARTIES STATED HEREON. THE USE OF THIS IMPROVEMENT LOCATION CERTIFICATE BY ANY PERSON OR ENTITY OTHER THAN THE PERSON OR ENTITY CORRECTED TO WITHOUT THE EXPRESS PERMISSION OF FLATIRONS, INC. IS PROHIBITED. THIS CERTIFICATE IS ONLY VALID FOR 90 DAYS FROM THE SIGNATURE DATE. IT IS NOT A LAND SURVEY PLAT AS DEFINED BY C.R.S. 38-91-102(12) OR AN IMPROVEMENT SURVEY PLAT AS DEFINED BY C.R.S. 38-91-102(9). IT DOES NOT ESTABLISH PROPERTY CORNERS. A MORE PRECISE RELATIONSHIP OF THE IMPROVEMENTS TO THE BOUNDARY LINES CAN BE DETERMINED BY A LAND SURVEY PLAT OR AN IMPROVEMENT SURVEY PLAT. THE IMPROVEMENTS ARE GENERALLY SITUATED AS SHOWN, AND ONLY FLATIRONS, INC. AND JOHN B. GUYTON WILL NOT BE LIABLE FOR MORE THAN THE COST OF THIS IMPROVEMENT LOCATION CERTIFICATE, AND THEN ONLY TO THE PARTIES SPECIFICALLY SHOWN HEREON. ACCEPTANCE AND/OR USE OF THIS IMPROVEMENT LOCATION CERTIFICATE FOR ANY PURPOSE CONSTITUTES AGREEMENT TO ALL TERMS STATED HEREON.

GRAPHIC SCALE



DRAWN BY: B.SWIFT
 FSI JOB NO. 12-60,903

Flatirons, Inc.
 Surveying, Engineering & Geomatics

3825 IRIS AVE, STE 395
 BOULDER, CO 80301
 PH: (303) 443-7001
 FAX: (303) 443-9830

655 FOURTH AVE
 LONGMONT, CO 80501
 PH: (303) 776-1733
 FAX: (303) 776-4355

www.FlatironsInc.com
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NORWOOD GARDEN LLC
c/o Marilyn Sorrie
mari@bouldermarketplace.net

TRUCKSSESS
MABEE
DITCH
RIGHT

SILVER LAKE
DITCH
NORTH
NORWOOD
LATERAL

CREEK

CREEK &
FARMERS
DITCH

CENTENNIAL
MID SCHOOL

BROADWAY ← IRIS AVE →

19th St.

TRACT 2517
Sec. 18 T1N70W
2350 NORWOOD AVE.
BOULDER, CO. 80304

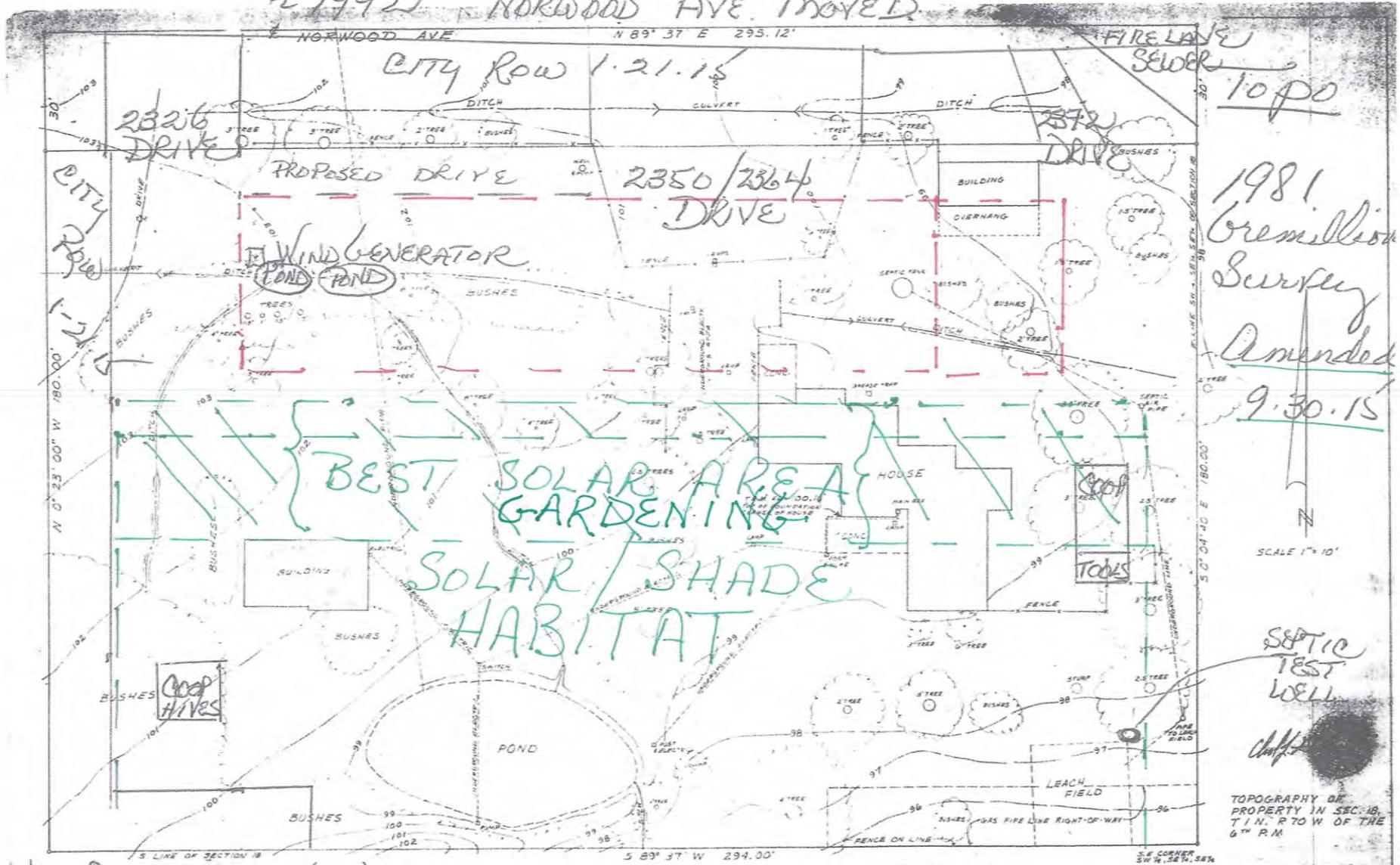
Amended
9.30.15

N06-W05
1403191

26th St
(for change)

NORWOOD GARDEN LLC BEST BLDG FOOTPRINT SITE

21992 NORWOOD AVE. MOVED



1090
1981
Cremillion
Survey
Amended
9.30.15

SCALE 1" = 10'

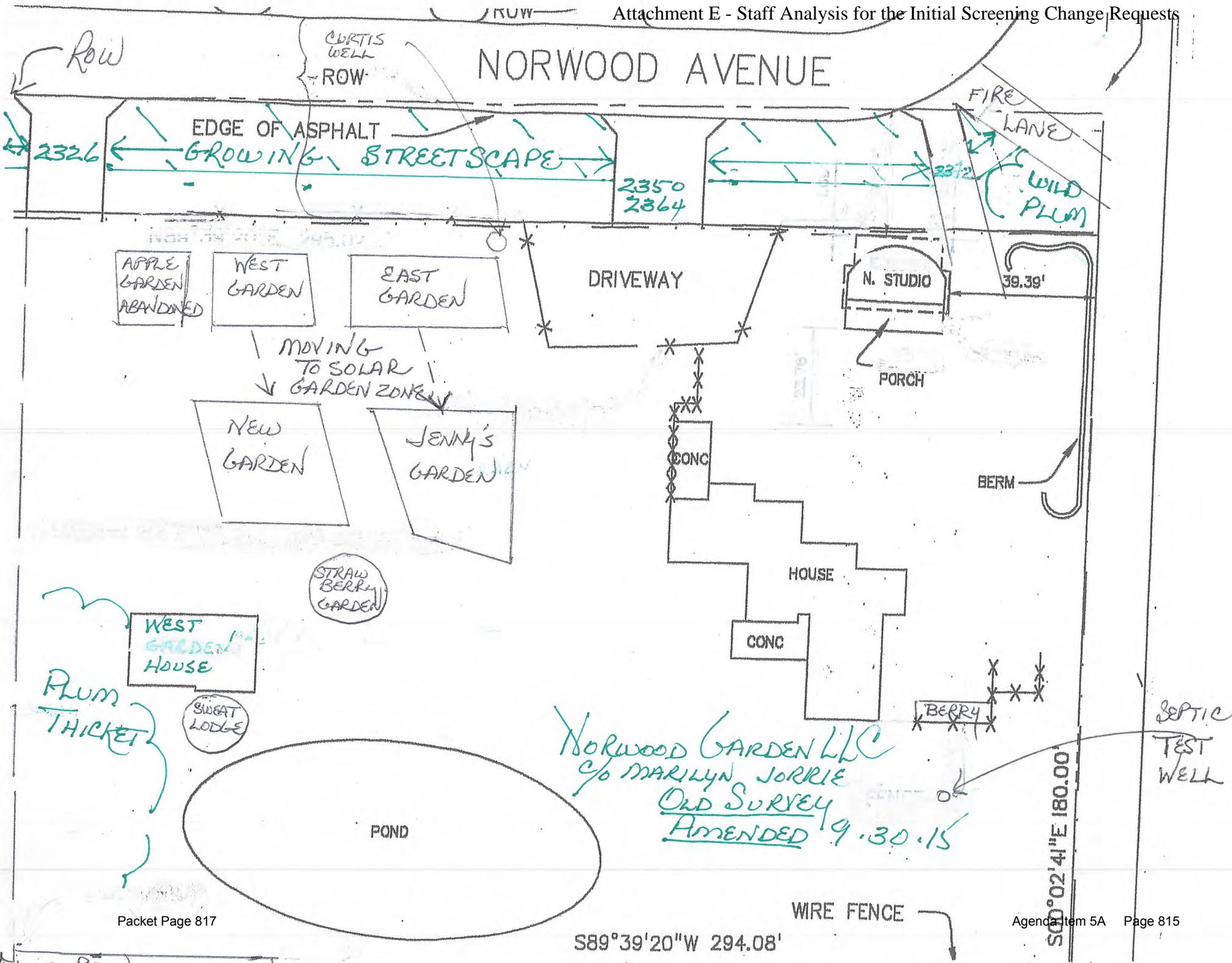
SEPTIC TEST WELL

TOPOGRAPHY OF PROPERTY IN SEC. 18, T.1 N., R.70 W. OF THE 6TH P.M.

CREMILLION SURVEYING CO.
SULLY, MINN.
SURV. 18-181-2017-20
DATE 08/15/15

SOME TREES GONE
LITTLE PONDS TO CONTROL TRASH FLOW
SOME UNDERGROUND ELECTRICAL REMOVED
SEPTIC REMOVED 6/15

JORRIE
mailto:polder
miller@polder.net
Agenda Item 5A Page 814



NORWOOD AVENUE

EDGE OF ASPHALT
GROWING STREETScape

2326

2350
2364

2312

FIRE LANE

WILD PLUM

APPLE GARDEN
ABANDONED

WEST GARDEN

EAST GARDEN

DRIVEWAY

N. STUDIO

39.39'

PORCH

MOVING TO SOLAR
GARDEN ZONE

NEW GARDEN

JENNY'S GARDEN

STRAW BERRY GARDEN

CONC

HOUSE

CONC

BERM

WEST GARDEN HOUSE

SWEET LODGE

PLUM THICKET

POND

NORWOOD GARDEN LLC
c/o MARILYN JORRIE
Old SURVEY
AMENDED 9.30.15

BERRY

SEPTIC TEST WELL

WIRE FENCE

S0°02'41"E 180.00'

S89°39'20"W 294.08'

10)

**4801, 4855, 4865, 4885,
& 4895 Riverbend Rd.
(Boulder Community
Health) –
*TB to PUB***

Request #10**Portions of Riverbend Office Park (4801, 4855, 4865, 4885 & 4895 Riverbend Rd.)**

Initiated by owner (Boulder Community Health)

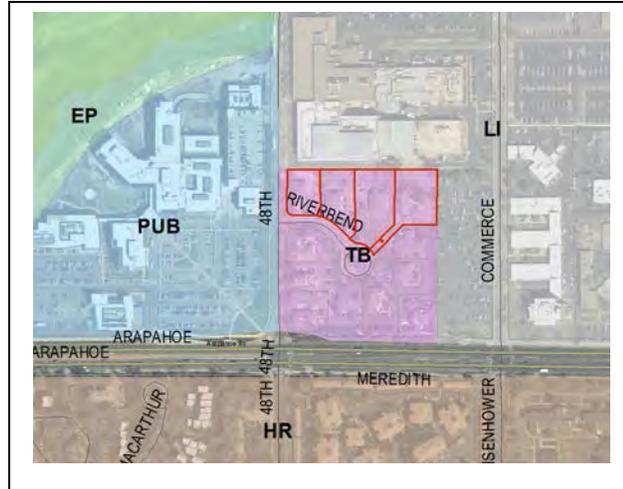
Request:

Change the BVCP land use designation from Transitional Business (TB) to Public (PUB) for portions of the Riverbend Office Park.

Staff Recommendation: Yes

Staff recommends that this request be considered further as part of the BVCP major update for the following reasons:

1. The request is generally consistent with BVCP policies in support of important community institutions and of concentrating activities that lead to a reduction in auto trips (BVCP policy 6.02).
2. The request addresses a change in circumstances resulting from the purchase of the site by Boulder Community Health (BCH), the closure of the BCH Broadway campus, and the need to further consolidate BCH-related facilities in close proximity to one another.

**ANALYSIS:****1.) Consistent with the purposes of the major update?**

Yes. This is a land use designation change request, which is consistent with the purposes of the BVCP major update.

2.) Consistent with current policies in the BVCP or relevant subcommunity or area plans?

Yes, the request is consistent with *Policy 8.10 – Support for Community Facilities*: “The city and county recognize the importance of educational, health and non-profit community agencies that provide vital services to the residents of the Boulder Valley and will work collaboratively with these agencies to reasonably accommodate their facility needs and consider location based on transportation accessibility,” as well as *Policy 6.02 – Reduction of Single Occupancy Auto Trips*. Consistency with additional BVCP plan policies needs further analysis as part of next phase of BVCP land use amendment process and/or the active land use case.

3.) Compatible with adjacent land uses and neighborhood context?

Yes, but needs further analysis as part of next phase of BVCP land use amendment process. The office park already has several medical office uses, is on a major high frequency transit corridor, and is adjacent to Boulder Community Health and light industrial uses. A change in designation to Public would be consistent with the land use designation of other BCH properties.

4.) Was the proposed change requested or considered as part of a recent update to the Comp Plan or other planning process?

The request is part of an active concept plan review (case no. LUR2015-00106) that is not yet scheduled for any public hearings.

5.) Is there any change in circumstances, community needs, or new information that would warrant the proposal be considered as part of this update?

Yes. The proposal is the result of a change in community needs, particularly with the closure of the Boulder Community Health Broadway campus and the need to further consolidate BCH-related facilities in close proximity to one another.

6.) Are there enough available resources to evaluate the proposed change (city and county staffing and budget priorities)?

Evaluation of this request should not require a significant amount of staff time. Since the properties were purchased by BCH, a public institution, staff anticipates that the analysis of the consistency with the purpose of the BVCP public land use designation will be straightforward.

**BOULDER VALLEY COMPREHENSIVE PLAN
2015 MAJOR UPDATE :
REQUEST FOR REVISION**

1) Type of Amendment (check all that apply):

<input checked="" type="checkbox"/>	Land Use Map Amendment
<input type="checkbox"/>	Changes to the Area II/III boundary
<input type="checkbox"/>	Service Area contractions or Minor Changes to the Service Area Boundary
<input type="checkbox"/>	Other Map Amendment

2) Please provide the following information

a. Brief description of the proposed amendment:

See attached

b. Brief reason or justification for the proposed amendment:

See attached

a. Map(s) proposed for amendment: Land Use Map

b. Brief description of location of proposed amendment:

North east corner of Arapahoe Ave & 48th Street

Section: _____ Township: _____ Range: _____

c. Size of parcel: 5.28 acres

3) Applicant:

Name: Boulder Community Health

Address: Foothills Hospital, 4747 Arapahoe Ave., Boulder, CO 80303

Phone: _____

4) Owner:

Name: Boulder Community Health

Address: Foothills Hospital, 4747 Arapahoe Ave., Boulder, CO 80303

Phone: _____

5) Representative/Contact:

Name: Vince Porreca

Address: P.O. Box 22, Boulder, Co 80306-0022

Phone: 303-447-9854

6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):

Yes, owner is in redevelopment planning stage. No application yet.

Boulder Community Health (BCH) is in the final stages of moving all of its facilities to the Foothills/Riverbend sites on East Arapahoe and in conjunction with that we are submitting a BVCP Land Use Map Revision request for the properties BCH owns within the Riverbend development at the northeast corner of Arapahoe and 48th Street. Our request is for the BVCP Land Use map to be revised for those properties (see attached map) to a Public Land Use Designation. Under the City's Land Use Regulations the only Zoning District that allows hospitals is the P (Public) zone. We will be following up this change with several Land Use Review applications, one of which will be a proposed rezoning to Public and having the BVCP Land Use Designation as Public will allow us to meet one of the fundamental tests that support a rezoning.

The BVCP Policies are rather sparse regarding hospitals, however here are a few Policies, along with a section of the Plan which apply:

Policies 1.04 b), 1.18, 8.07, 8.10 and the Public/Semi-Public Land Use Designations section of the Plan.

There has been much public discussion about the changes in zoning and land uses in the vicinity BCH's Foothill site that will result in additional, and more varied uses over time. The changes have also been the subject of recent City discussions and actions related to additional zoning and use changes in the East Arapahoe area. Some of those changes have already occurred, such as allowing medical uses throughout the office park at the southeast corner of Arapahoe and Foothills.

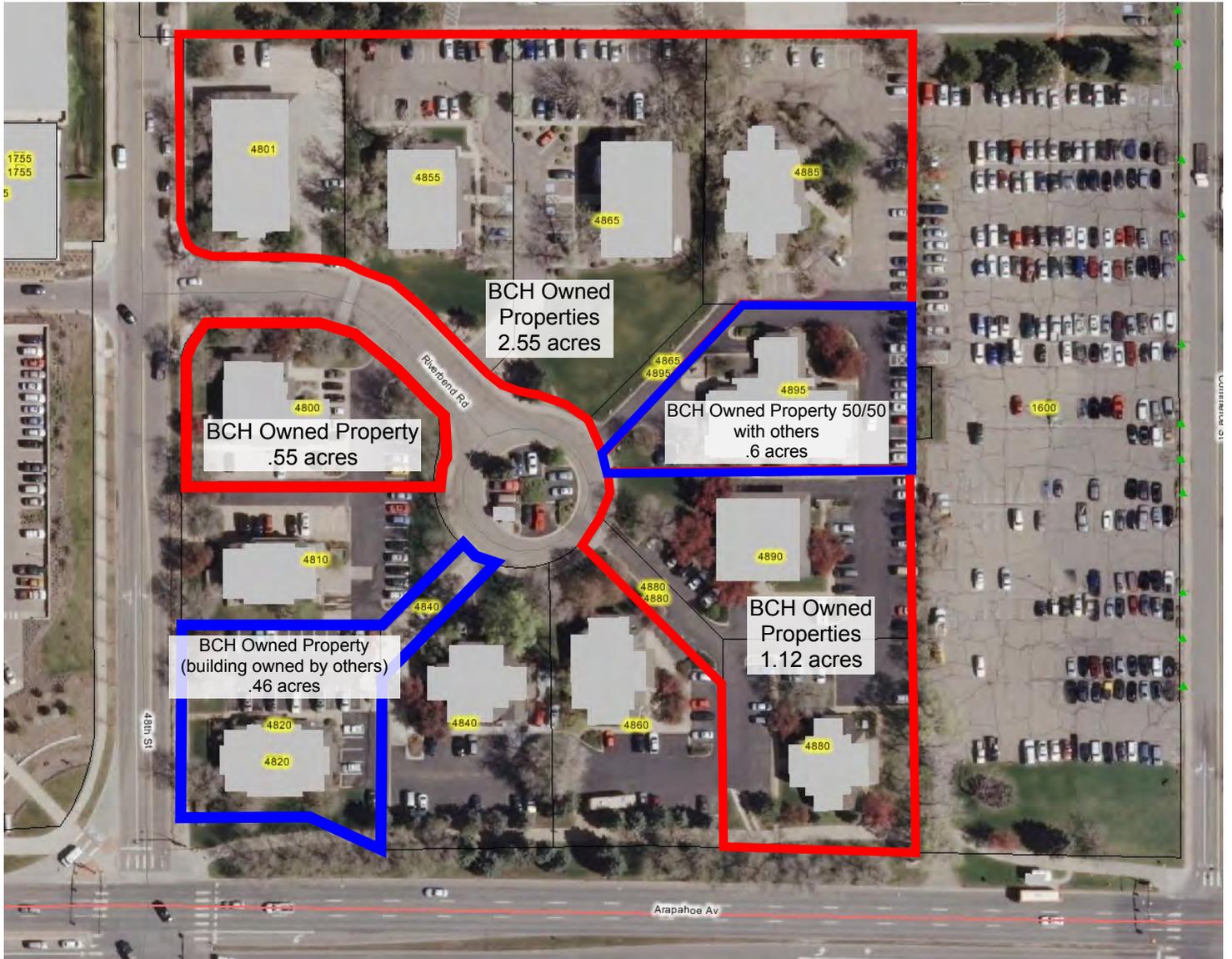
(1) Land Use Map changes:

The Land Use Map is not intended to be a zoning map. It is intended to provide policy direction and definition for future land uses in the Boulder Valley. Thus, a change to the land use designations may be considered at any time if it is related to a proposed change in zoning or proposed annexation and meets all of the following criteria:

- (a) The proposed change is consistent with the policies and overall intent of the comprehensive plan. [\(See attached narrative\)](#)
- (b) The proposed change would not have significant cross-jurisdictional impacts that may affect residents, properties or facilities outside the city. [\(The proposed Map change will not have this impact\)](#)
- (c) The proposed change would not materially affect the land use and growth projections that were the basis of the comprehensive plan. [\(The proposed Map change will not have this impact\)](#)
- (d) The proposed change does not materially affect the adequacy or availability of urban facilities and services to the immediate area or to the overall service area of the City of Boulder. [\(The proposed Map change will not have this impact\)](#)
- (e) The proposed change would not materially affect the adopted Capital Improvements Program of the City of Boulder. [\(The proposed Map change will not have this impact\)](#)
- (f) The proposed change would not affect the Area II/Area III boundaries in the comprehensive plan. [\(The proposed Map change will not have this impact\)](#)



BOULDER ASSOCIATES ARCHITECTS	Boulder Associates, Inc. Architecture + Interior Design 1426 Pearl Street, Suite 300 Boulder, Colorado 80302 303.499.7795 F 303.499.7767	PROJECT: BCH Riverbend	
		PROJECT NO.: 152699.0	SHEET: Vicinity Map
		DATE: 10.01.15	SHEET NUMBER:
		DRAWN BY: M.Fiore	Agenda Item 5A Page 823



Total BCH Property Area: 5.28 acres

BOULDER ASSOCIATES ARCHITECTS	Boulder Associates, Inc. Architecture + Interior Design 1426 Pearl Street, Suite 300 Boulder, Colorado 80302 303.499.7795 F 303.499.7767	PROJECT: BCH Riverbend	
	PROJECT NO.: 152699.0	SHEET: Land Use Map	
	DATE: 10.01.15	SHEET NUMBER:	
	DRAWN BY: M.Fiore	Agenda Item 5A Page 824	

Zacharias, Caitlin

From: sps851@comcast.net
Sent: Wednesday, November 04, 2015 7:59 AM
To: Zacharias, Caitlin
Cc: Brown, Darryl; Fiore, Mary; Rehnberg, Nick
Subject: Boulder Community Health Land Use Map Change application revised documents
Attachments: BCH BVCP revised detail map w_area.pdf; BCH revised BVCP Vicinity Map.pdf

Caitlin:

These 2 attachments are replacements for the *vicinity* and *detail* maps that we originally submitted with our BVCP Land Use Map change request for Boulder Community Health at our Riverbend site. There is a revised land area also shown on the detail map. Please replace the two in our original submittal with these.

Please let me know if you have any questions or require any additional information.

thanks,
Vince Porreca



BOULDER ASSOCIATES

Boulder Associates, Inc.
 Architecture + Interior Design
 1426 Pearl Street, Suite 300
 Boulder, Colorado 80302
 303.499.7795 F 303.499.7767

ARCHITECTS

PROJECT: **BCH Riverbend**

PROJECT NO.: **152699.0**

DATE: **11.03.15**

DRAWN BY: **M.Fiore**

SHEET: **Land Use Map**

SHEET NUMBER:

Agenda Item 5A Page 826



BOULDER ASSOCIATES ARCHITECTS	Boulder Associates, Inc. Architecture + Interior Design 1426 Pearl Street, Suite 300 Boulder, Colorado 80302 303.499.7795 F 303.499.7767	PROJECT: BCH Riverbend	
		PROJECT NO.: 152699.0	SHEET: Vicinity Map
		DATE: 11.02.15	SHEET NUMBER:
		DRAWN BY: M.Fiore	Agenda Item 5A Page 827

11)

4395 Snowberry Ct. –
LR to MUR

Request #11
4395 Snowberry Ct.
 Initiated by owner

Request:

Change the zoning from Residential Low-2 (RL-2) to Mixed Use-3 (MU-3) in order to convert a single family home to a larger multi-use structure featuring a public meeting space and art studio.



Staff Recommendation: No

Staff recommends that this request not be considered further as part of the 2015 BVCP major update for the following reasons:

1. The property is not identified in the North Boulder Subcommunity Plan for future mixed use development.
2. MU-3 zoning would allow a wide range of other uses beyond the identified public meeting space and art studio that would be out of context with the surrounding single family residential neighborhood.

ANALYSIS:

1.) Consistent with the purposes of the major update?

While the request seeks a change in zoning to Mixed Use-3 (MU-3), a land use designation change to Mixed Use Residential (MUR) would need to proceed or run concurrently with a change in zoning. As such, this request was evaluated in terms of an appropriate land use designation.

The request also seeks a new use category (“Neighborhood Gathering Place”) in reference to the use modules (c.f. BRC Sec. 9-6-1). Amendments to the use schedule in the Title 9 Land Use Code are not within the purview of the comprehensive plan update.

2.) Consistent with current policies in the BVCP or relevant subcommunity or area plans?

This property is within the plan area for the North Boulder Subcommunity Plan. The plan identifies appropriate areas for mixed use development, and the subject property is not in one of these identified areas; therefore, the requested change is inconsistent with the North Boulder Subcommunity Plan.

3.) Compatible with adjacent land uses and neighborhood context?

The proposed change would be inconsistent with adjacent land uses and neighborhood context, which consist solely of single family residential. Although the request states that the specific redevelopment proposal would continue to meet all RL-2 setback and footprint parameters, development allowed by right in the MU-3 district would not guarantee this. Furthermore, the MU-3 zoning would allow a wide range of other uses that would be out of context with the surrounding single family residential neighborhood.

The subject property is also part of the larger Lhasa Lane PUD, wherein the open space requirements for other lots are met, in part, by the subject property. Developing the property under MU-3 would therefore require not only a rezoning, but also removing the property from the PUD and likely result in other properties becoming deficient in their open space requirements.

4.) Was the proposed change requested or considered as part of a recent update to the Comp Plan or other planning process?

No.

5.) Is there any change in circumstances, community needs, or new information that would warrant the proposal be considered as part of this update?

No.

6.) Are there enough available resources to evaluate the proposed change (city and county staffing and budget priorities)?

This request would likely require a moderate to significant amount of staff resources. The impacts of transitioning from low density residential to mixed use residential would need to be carefully considered, and the city would need to evaluate the request in concert with the North Boulder Subcommunity Plan, which had its overarching vision largely validated in the 2013-2014 update process.



OUR LEGACY. OUR FUTURE.

BOULDER VALLEY COMPREHENSIVE PLAN



BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION

1) Type of Amendment (check all that apply):

<input checked="" type="checkbox"/>	Land Use Map Amendment
<input type="checkbox"/>	Changes to the Area II/III boundary
<input type="checkbox"/>	Service Area contractions or Minor Changes to the Service Area Boundary
<input type="checkbox"/>	Other Map Amendment

2) Please provide the following information

- a. Brief description of the proposed amendment:
Change zoning for (1) house lot from RL-2 to MU-3, to facilitate the conversion of a small single family single story ranch house on an oversize lot to a larger multi-use structure, that would still conform to the RL-2 footprint and setback parameters.
- b. Brief reason or justification for the proposed amendment:
The current PUD zoning restrictions have blocked efforts by the applicants to make a conforming RL-2 addition to our house, enabling use for creating art and holding community events.

Application isn't allowing me to paste in a map.

a. Map(s) proposed for amendment: _____

b. Brief description of location of proposed amendment:
4395 Snowberry Ct. (SW corner of Snowberry and Utica Ave.)
Boulder, CO 80304

Section: 13 -1N -71 Township: Boulder Range: Parcel # 146113124001
9,802 s.f., .23 acres

c. Size of parcel: _____



3) Applicant:

Margaret Kumin & Jesse Kumin
Name: _____

Address: 4395 Snowberry Ct. Boulder, CO 80304

303 440-8230
Phone: _____

4) Owner:

Margaret Kumin & Jesse Kumin
Name: _____

Address: 4395 Snowberry Ct. Boulder, CO 80304

303 440-8230
Phone: _____

5) Representative/Contact:

Ed Byrne, Smart Land Use
Name: _____

Address: 250 Arapahoe Avenue, Ste. 300
Boulder CO 80302-5838

(303) 447-2555
Phone: _____

6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):

No

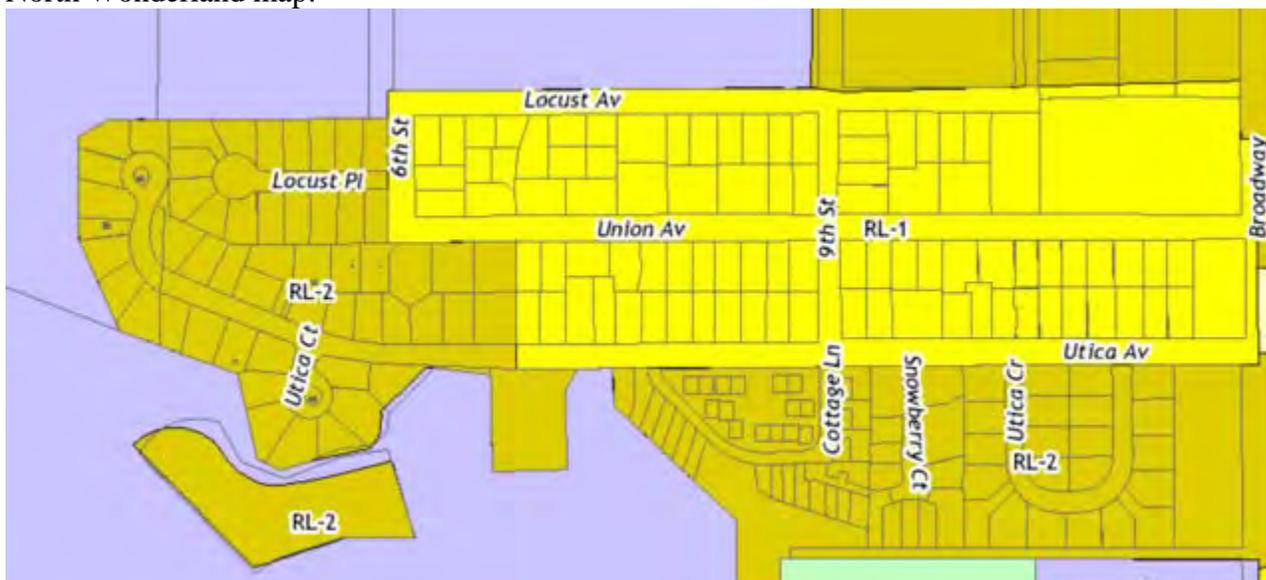
Zacharias, Caitlin

From: Jesse Kumin [jkumin@icloud.com]
Sent: Friday, October 02, 2015 3:57 PM
To: BVCPchanges
Cc: Ed Byrne
Subject: proposed amendment to BVCP 4395 Snowberry Ct. Boulder 80304
Attachments: BVCP proposal 4395 Snowberry Ct.pdf

Pages 2 & 3:

Parcel number should read: [146113124001](#)

North Wonderland map:



Subject property is at the SW corner of Snowberry Ct. and Utica Ave.

Page 4: #1: Margaret and I are applying for the creation of a new use category, to be called: “Neighborhood Gathering Place”. It would enable us to host gatherings of 25 - 50 people at our home 2 to 4 times per month. It requires storage capability for tables and chairs. We would have amplified sound during daylight hours (not on every occasion).

This new use category would serve as a pilot project and example of potential new gathering places across the city of Boulder, in existing neighborhoods that lack any public gathering places. Our house is within ten minutes walking distance of all 215 households in our neighborhood, mitigating the need for any parking. The new format could work in neighborhoods all over Boulder.

North Wonderland, a neighborhood of approximately 215 single family houses, approximately 600 residents, does not have a single public meeting space, no cafes, restaurants, churches or public schools. Every property in the neighborhood is zoned either RL-1 or RL-2. We, the applicants, Margaret and Jesse Kumin, have been active in our neighborhood organization since September, 2003. The North Wonderland Community (NWC) NECO Pass was born and organized in our kitchen. The NWC NECO Pass morphed into the 501(c)3 North Wonderland Community corporation with over 100 member families and nearly 20 volunteer block captains and board members. Besides the RTD NECO Pass, the NWC now has annual potlucks, usually in the Kumin’s large garden, and is participating in a neighborhood effort to slow the spread of the Emerald Ash Borer. We still

conduct meetings in our kitchen, which has very limited space. The NWC has outgrown our house and lacks any other facility within the neighborhood to conduct indoor events.

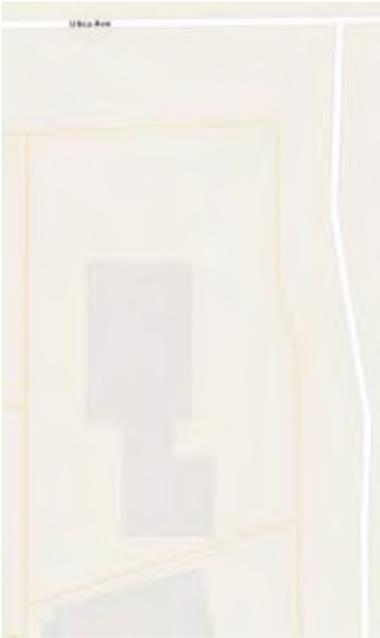
We have been attempting to build a conforming RL-2 addition, to our conforming RL-2 house, on our conforming RL-2 lot for use as a studio for 13.5 years. I, Jesse Kumin received a Bachelor of Fine Arts from the U. of Colorado Boulder in 1979 in Studio Arts - Painting. As an undergrad at CU, I taught non-credit classes in photography at the UMC. Among my many other photography skills, I have photographed thousands of art reproductions since 1975. I would like to pass along my knowledge to the next generation of artists by teaching small classes on art reproduction in a low cost, low overhead studio on our property, where I could also return to my painting. The proposed public meeting facility /art studio would have a third use as an exhibition space for Open Studios each fall, which neighbors could participate in. The City of Boulder has a stated goal of further developing North Boulder as an art district. Our goals mesh perfectly with the city's stated goals of turning North Boulder into an art district and promotes the 15 minute neighborhood. The proposed addition would still meet all RL-2 footprint and setback parameters. Changing the zoning to mixed use with a public meeting space and art studio would be of great benefit to the North Wonderland neighborhood.

Pg. 4: #2 Prepared by Jesse Kumin, applicant.

Pg. 4 #3 Map: SW corner of Snowberry Ct. and Utica Ave.



Pg 4 #4



12)

0, 693*, & 695*

**S. Broadway (Table Mesa
Shopping Center) –**

MR to CB

*(*portion of properties)*

Request #12**0, 693 & 695 S. Broadway**

Initiated by owner (Table Mesa Shopping Center LLC)

Request:

Change the BVCP land use designation of 0 South Broadway and portions of 693 & 695 South Broadway (southern portion of the Table Mesa Shopping Center) from Medium Density Residential (MR) to Community Business (CB).

**Staff Recommendation: Yes**

Staff recommends that this request be considered further as part of the 2015 BVCP major update for the following reasons:

1. To determine if changing the land use designation to Community Business would be compatible with adjacent land uses and neighborhood context.
2. To determine if changing the land use designation to Community Business would better address the needs of the current shopping center to change uses within its buildings over time.

ANALYSIS:**1.) Consistent with the purposes of the major update?**

Yes. This is a land use designation change request, which is consistent with the purposes of the BVCP Major Update.

2.) Consistent with current policies in the BVCP or relevant subcommunity or area plans?

The proposed land use change would remove an area of Medium Density Residential land use and replace it with Community Business, which is inconsistent with some BVCP policies related to housing and neighborhoods. At the same time, the proposed change would be consistent with BVCP policies related to promoting a vital and productive retail base and supporting business retention.

3.) Compatible with adjacent land uses and neighborhood context?

Although Medium Density Residential land use is presently mapped along the southern edge of the shopping center site, the current use is commercial: portions of existing commercial buildings and associated surface parking are presently located within this MR area. Changing the land use to Community Business would be consistent with both the property's current use and Community Business land use that is mapped on the remainder of the shopping center site.

Because the single family homes on Armer Drive are adjacent to request properties, however, further analysis is needed to determine if a land use change to Community Business would be compatible with these adjacent uses.

4.) Was the proposed change requested or considered as part of a recent update to the Comp Plan or other planning process?

No.

5.) Is there any change in circumstances, community needs, or new information that would warrant the proposal be considered as part of this update?

The neighborhood has expressed concern about the idea of residential development at this location in the past. Further research and analysis is needed to determine if the portion of the property with Medium Density Residential land use could reasonably support residential development as shown on the land use map. If not, then this could represent a change in circumstances that could justify a land use change to Community Business, consistent with the remainder of the shopping center site.

Additionally, the existing MR land use and RM-2 zoning on this portion of the site has created challenges in the past for use review, as commercial uses change in the shopping center over time. Further analysis would be needed to determine if changing the land use designation to Community Business would better address the needs of the current shopping center to change uses within its buildings.

6.) Are there enough available resources to evaluate the proposed change (city and county staffing and budget priorities)?

If this change request moves forward to the next phase of analysis, it will likely require a parallel community outreach process due to the potential for increased impacts to the adjacent existing residential neighborhood associated with a land use change to Community Business. This would require moderate to significant staff resources.



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BOULDER VALLEY COMPREHENSIVE PLAN



BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION

1) **Type of Amendment (check all that apply):**

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Land Use Map Amendment

Changes to the Area II/III boundary

Service Area contractions or Minor Changes to the Service Area Boundary

Other Map Amendment

2) **Please provide the following information**

a. Brief description of the proposed amendment:

SEE ATTACHED

b. Brief reason or justification for the proposed amendment:

SEE ATTACHED STAFF MEMO EXCERPT

a. Map(s) proposed for amendment: LAND USE

b. Brief description of location of proposed amendment:

SW CORNER (SEE ATTACHED)
BROMWAY & TABLE MESA

Section: _____ Township: _____ Range: _____

c. Size of parcel: 2.9 ACRES



OUR LEGACY. OUR FUTURE.

BOULDER VALLEY COMPREHENSIVE PLAN



3) Applicant:

Name: TABLE MESA SHOPPING CENTER LLC

Address: 1375 WALNUT
BOULDER, CO 80302

Phone: 303-442-8687

4) Owner:

Name: SAME AS ABOVE

Address: _____

Phone: _____

5) Representative/Contact:

Name: VINCE PORRECA

Address: PO BOX 22
BOULDER, CO 80306-0022

Phone: 303-447-9854

6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):

Staff analysis of Use Review for the subject property, approved by Planning Board on Aug.7, 2014 by a 6-0 vote.

“ANALYSIS OF USE REVIEW CRITERIA:

(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 Residential Medium-2 (RM-2). These areas are defined in the City's Land Use Code as "Medium density residential areas which have been or are to be primarily used for attached residential development, where each unit generally has direct access to ground level, and where complementary uses may be permitted under certain conditions." Additionally, Section 9-6, B.R.C. 1981 supports "Adult Education Facility" uses through the Use Review process. The proposed relocation of the existing culinary school into a different tenant space is consistent with the intent of complimentary uses contemplated by the RM-2 zone district.

(2) Rationale: The use either: (A) Provides direct service or convenience to or reduces adverse impacts to the surrounding uses or neighborhood;

Not applicable

(B) Provides a compatible transition between higher intensity and lower intensity uses; The proposed use will not result in additional impacts compared to the existing use. Additionally, a landscape buffer and fencing exists directly to the south to screen adjacent residential properties.

(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;

Not applicable.

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

Not applicable.

(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 proposal is compatible with the surrounding area. The exterior of the existing building will not change and no new impacts will be created.

The current fitness center use of the building represents a high-traffic, high turn-over use that will be reduced by the new proposed use. The fitness center is open 363 days per year, seven days a week from 5:00 A.M. to 10:00 P.M. Monday – 7:00 P.M. on Saturdays, and 8:00 A.M. to 7:00 P.M. on Sundays, totaling 107 hours of operation per week. With over 700 persons holding memberships, and offerings of almost 65 fitness classes per month, added to a population that largely accesses the property via private vehicle, this business relies on large numbers of patrons to remain viable. In contrast, the culinary school has a somewhat typical academic schedule comprised of classes that are offered weekdays with regular seasonal breaks. The hours of operation are from 7:00 a.m. to 11:00 p.m., Monday through Friday totaling 80 hours of operation per week. There are no classes on holidays, and there are winter and summer breaks. Classes are held in three sessions per day Monday through Friday and the average class size is 12-15 students. The

school has a total active student body of 170 adults 18 years and over attending classes and 16 faculty members in the current location and other locations in the City of Boulder that will all be located at Table Mesa Shopping Center. The average age of the students is 24 to 28 years. With regard to parking, there is currently a previously approved 6% parking reduction granted for the entire shopping center. Since the parking requirements for an adult education use are the same as a gym (1 space per every 300 square feet), the parking requirements on the site will not be impacted. Overall, proposed use will have reduced impacts on surrounding properties and will maintain more predictable periods of operation than the previous use. Gyms are considered high Turn-over uses for parking, similar to a medical or dental office whereas the school will maintain three regular sessions per day and provide eco passes to students. Weekend impacts will also be diminished since the school is not open on Saturdays or Sundays. While there are no dedicated parking spaces for the culinary school, the lease indicates that there is a "preferred" parking area along the edge of the building and to the southwest. With regard to the use, the zoning in the area supports a variety of non residential uses including office uses and a variety of personal service and convenience retail however; the location of the space is considered low visibility and is not necessarily a desirable retail space

(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 proposed development will not adversely impact the existing Infrastructure of the surrounding area. The replacement of a gym use with a culinary school use will not introduce new demands on the exiting systems.

(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; and The expansion of the existing culinary school use into an additional tenant space will not alter the character of the area. The shopping center has served a multitude of diverse retail, office, restaurant, automotive and personal services uses over the last 50 years. Further, the culinary school has held a presence in the shopping center for over 20 years. (Note that there are no area plans or design guidelines that have been adopted for the area).

(6) Conversion of Dwelling Units to Non-Residential Uses:

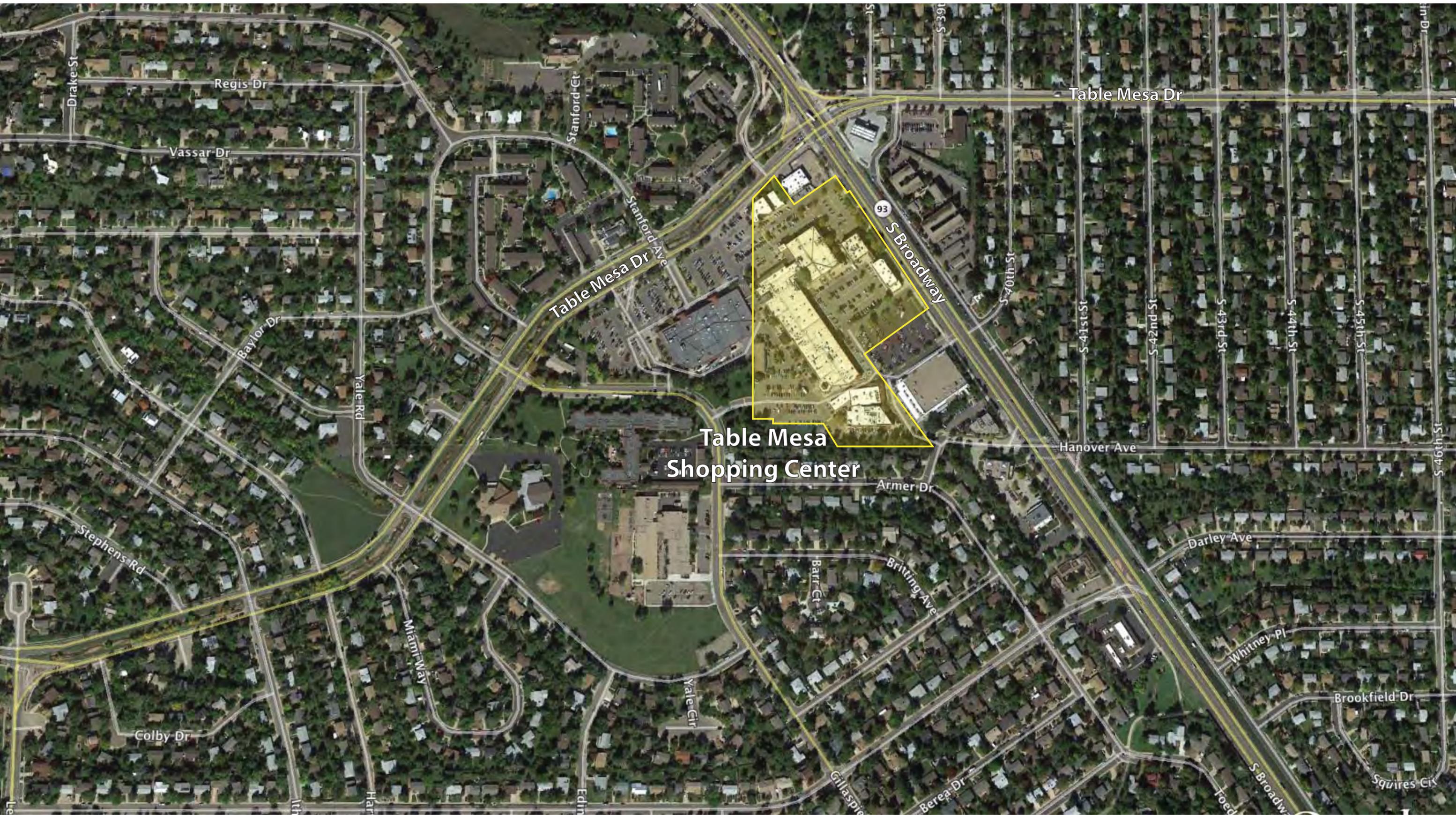
There shall be a presumption against approving the conversion of dwelling units in the residential zoning districts set forth in Subsection 9-5-2(c)(1)(a), B.R.C. 1981, to non-residential uses that are allowed pursuant to a use review, or through the change of one non-conforming use to another non-conforming 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.

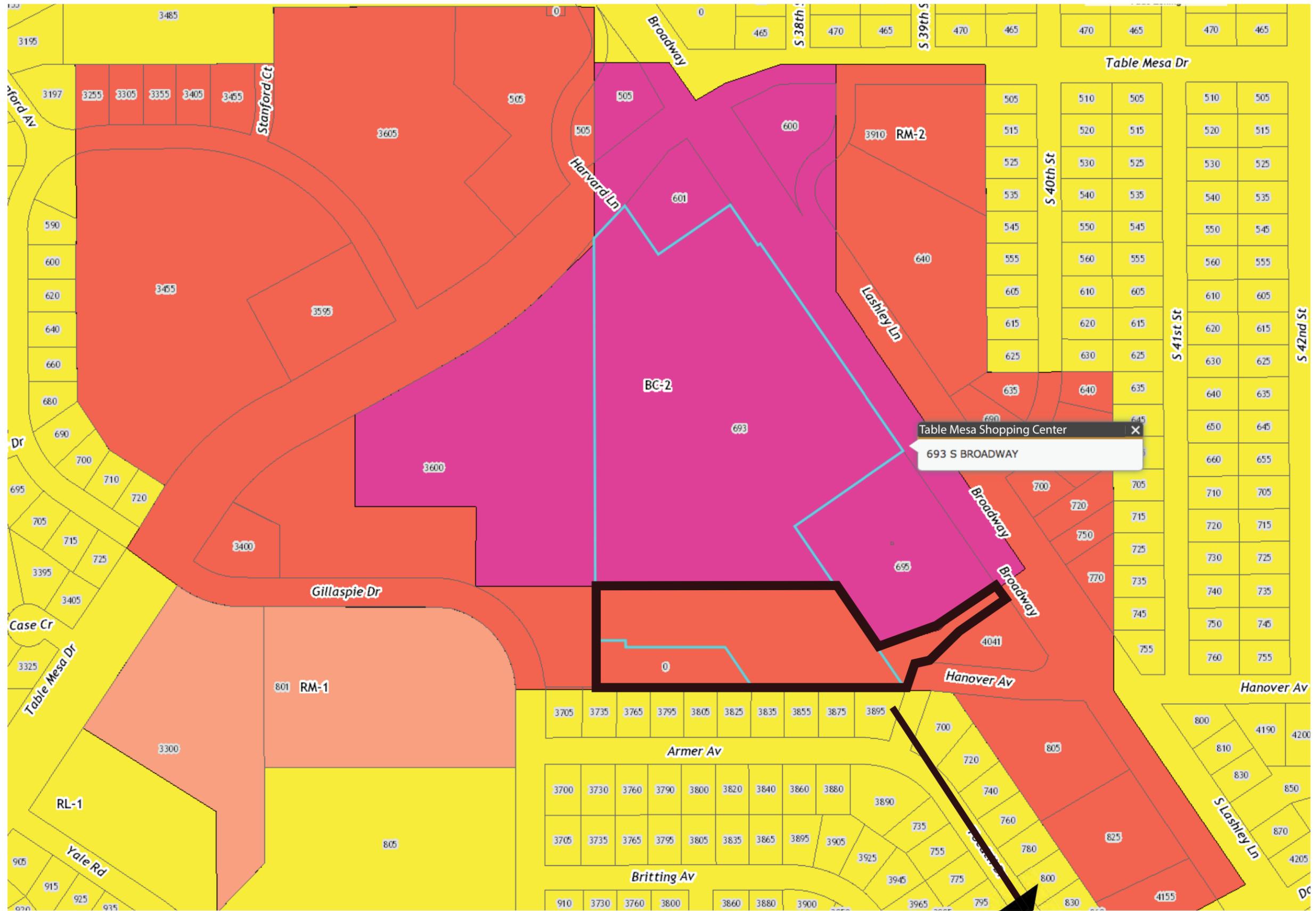
Not applicable”

(1) Land Use Map changes:

The Land Use Map is not intended to be a zoning map. It is intended to provide policy direction and definition for future land uses in the Boulder Valley. Thus, a change to the land use designations may be considered at any time if it is related to a proposed change in zoning or proposed annexation and meets all of the following criteria:

- (a) The proposed change is consistent with the policies and overall intent of the comprehensive plan. [\(See attached narrative\)](#)
- (b) The proposed change would not have significant cross-jurisdictional impacts that may affect residents, properties or facilities outside the city. [\(The proposed Map change will not have this impact\)](#)
- (c) The proposed change would not materially affect the land use and growth projections that were the basis of the comprehensive plan. [\(The proposed Map change will not have this impact\)](#)
- (d) The proposed change does not materially affect the adequacy or availability of urban facilities and services to the immediate area or to the overall service area of the City of Boulder. [\(The proposed Map change will not have this impact\)](#)
- (e) The proposed change would not materially affect the adopted Capital Improvements Program of the City of Boulder. [\(The proposed Map change will not have this impact\)](#)
- (f) The proposed change would not affect the Area II/Area III boundaries in the comprehensive plan. [\(The proposed Map change will not have this impact\)](#)





Change BVCP current land use designation from Medium Density Residential to Community Business



PARCEL C
CONTAINS
0.367
ACRES. ±

CONTAINS 10,062 ACRES. ±



TABLE MESA SHOPPING CENTER
SCHEMATIC SITE PLAN
NTS
Agenda Item 5A Page 848

13)

3485 Stanford Ct. –
LR to MR

Request #13**3485 Stanford Ct.**

Initiated by owner (Mt. Calvary Lutheran Church)

Request:

Change the BVCP land use designation from Low Density Residential (LR) to Medium Density Residential (MR).

**Staff Recommendation: Yes**

Staff recommends that this request be considered further as part of the 2015 BVCP major update for the following reasons:

1. There is a current community need for additional housing that warrants further analysis of this proposal as part of the update.

ANALYSIS:**1.) Consistent with the purposes of the major update?**

Yes. This is a land use designation change request, which is consistent with the purposes of the BVCP major update. The request states that it is looking for a change in zoning from Residential – Low 1 (RL-1) to Residential Medium – 2 (RM-2); staff clarified the BVCP change request process and corresponding land use designation with the owner.

2.) Consistent with current policies in the BVCP or relevant subcommunity or area plans?

The request is seeking the medium density residential designation to “allow for possible Senior/Multi housing product in the future. This is consistent with several BVCP policies, including *Policy 7.06 - Mixture of Housing Types* “to provide and maintain a mixture of housing types . . . to meet the housing needs of the full range of the Boulder Valley population,” *Policy 7.09 - Housing for a Full Range of Households*, which encourages “preservation and development of housing attractive to . . . persons at all stages of life . . . [including] seniors;” and *Policy 2.16 - Mixed Use and Higher Density Development*, which encourages “well-designed mixed use and higher density development that incorporates a substantial amount of affordable housing in appropriate locations, including . . . in proximity to multimodal corridors.” Further analysis is needed to determine consistency with additional BVCP policies.

3.) Compatible with adjacent land uses and neighborhood context?

Compatibility with adjacent land uses and neighborhood context needs further analysis. The property is located in an established residential neighborhood and borders on both low and medium density residential uses. Further analysis would also need to consider the potential of the site to reasonably accommodate multi-family development given the steep gradient on the northern portion of the property and the Building Height Modifications Ordinance (Ordinance No. 8028), approved by City Council on March 31, 2015.

4.) Was the proposed change requested or considered as part of a recent update to the Comp Plan or other planning process?

No.

5.) Is there any change in circumstances, community needs, or new information that would warrant the proposal be considered as part of this update?

Yes. There is a current community need for additional housing that warrants further consideration of this request as part of the update.

6.) Are there enough available resources to evaluate the proposed change (city and county staffing and budget priorities)?

This request will likely require moderate to significant staffing resources to evaluate.

1D



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BOULDER VALLEY COMPREHENSIVE PLAN


BOULDER VALLEY COMPREHENSIVE PLAN 2015 MAJOR UPDATE : REQUEST FOR REVISION

1) Type of Amendment (check all that apply):

- Land Use Map Amendment
- Changes to the Area II/III boundary
- Service Area contractions or Minor Changes to the Service Area Boundary
- Other Map Amendment

2) Please provide the following information

a. Brief description of the proposed amendment:

We request a change of zoning from our current R-1 to RM-2 to allow for possible Senior/Multi housing product in the future.

b. Brief reason or justification for the proposed amendment:

During the past annual meeting of the congregation, consideration was given to the need for relocating our church to a smaller facility and possibly addressing the growing need for Senior housing in South Boulder within our property.

a. Map(s) proposed for amendment: Vicinity, Zoning, Contour and Aerial

b. Brief description of location of proposed amendment:

Mount Calvary Lutheran Church sits on a ridge 40 feet above the single family residences to the north. It's entrance abuts an apartment complex and rental duplexes to the south and east, as well as three single family residences to the west. South Boulder shopping center is 1 1/2 blocks away. +

Section: 5 Township: T1S Range: 70W

c. Size of parcel: 4.74 acres



**OUR LEGACY.
OUR FUTURE.**
BOULDER VALLEY COMPREHENSIVE PLAN



3) Applicant:

Name: Mount Calvary Lutheran Church

Address: 3485 Stanford Court, Boulder, Colorado 80305

Phone: 303-499-1444

4) Owner:

Name: SAME

Address: _____

Phone: _____

5) Representative/Contact:

Name: Michael Wood - Congregational Member

Address: 6383 Swallow Lane, Boulder, Colorado 80303

Phone: 303-929-2396

6) Does the applicant have a development application or some interest in a property that in any manner would be affected by this amendment proposal? (If yes, please explain):

NO

NARRATIVE

MOUNT CALVARY LUTHERAN CHURCH 3485 Stanford Court Boulder, Co. 80305

ZONING CHANGE REQUEST

Due to downsizing within our congregation, Mount Calvary Lutheran Church is considering the need to relocate to a smaller facility. Our current location borders RM-2 to the south and is 1 ½ blocks to the convenience of the South Boulder Shopping Center as well as mass transit transportation.

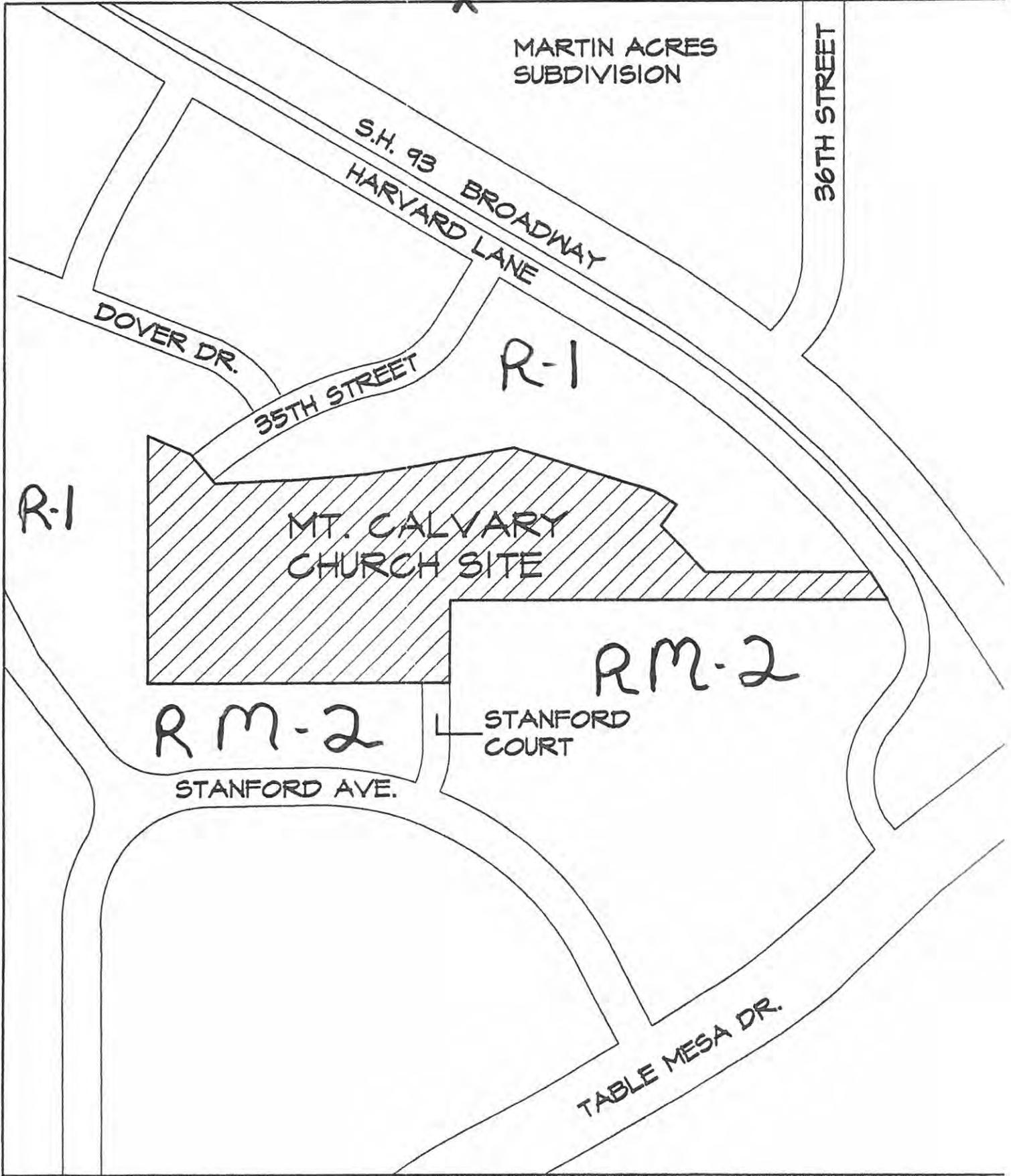
In consideration of the limited senior/multi housing available in South Boulder and the proposed senior/multi housing needs in the near future, our goal would be to make our parcel available to address those residential needs.

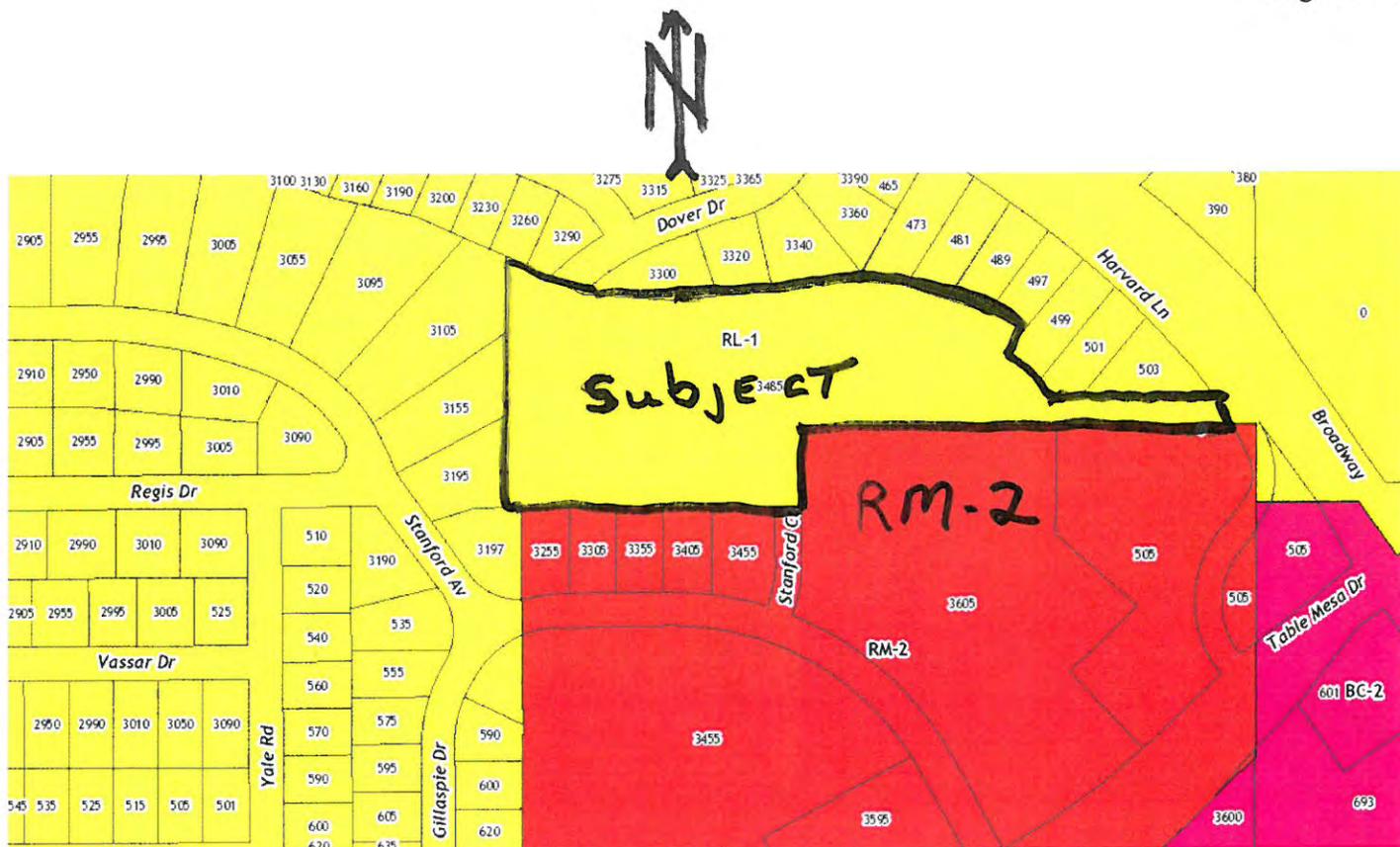
With unobstructed views toward downtown to the north and the Flatirons to the west, it would offer a dramatic setting for a residential setting without being obtrusive to the surrounding community.

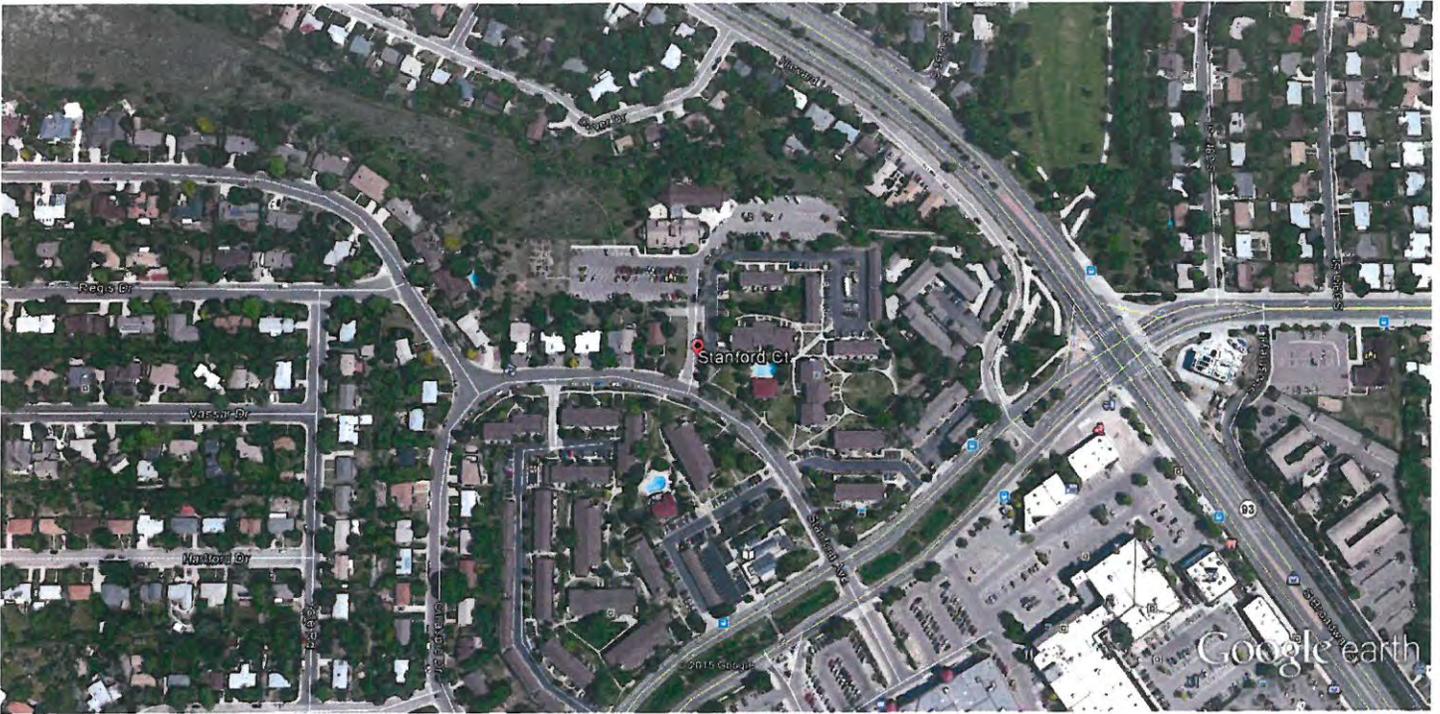


VICINITY MAP

N.T.:



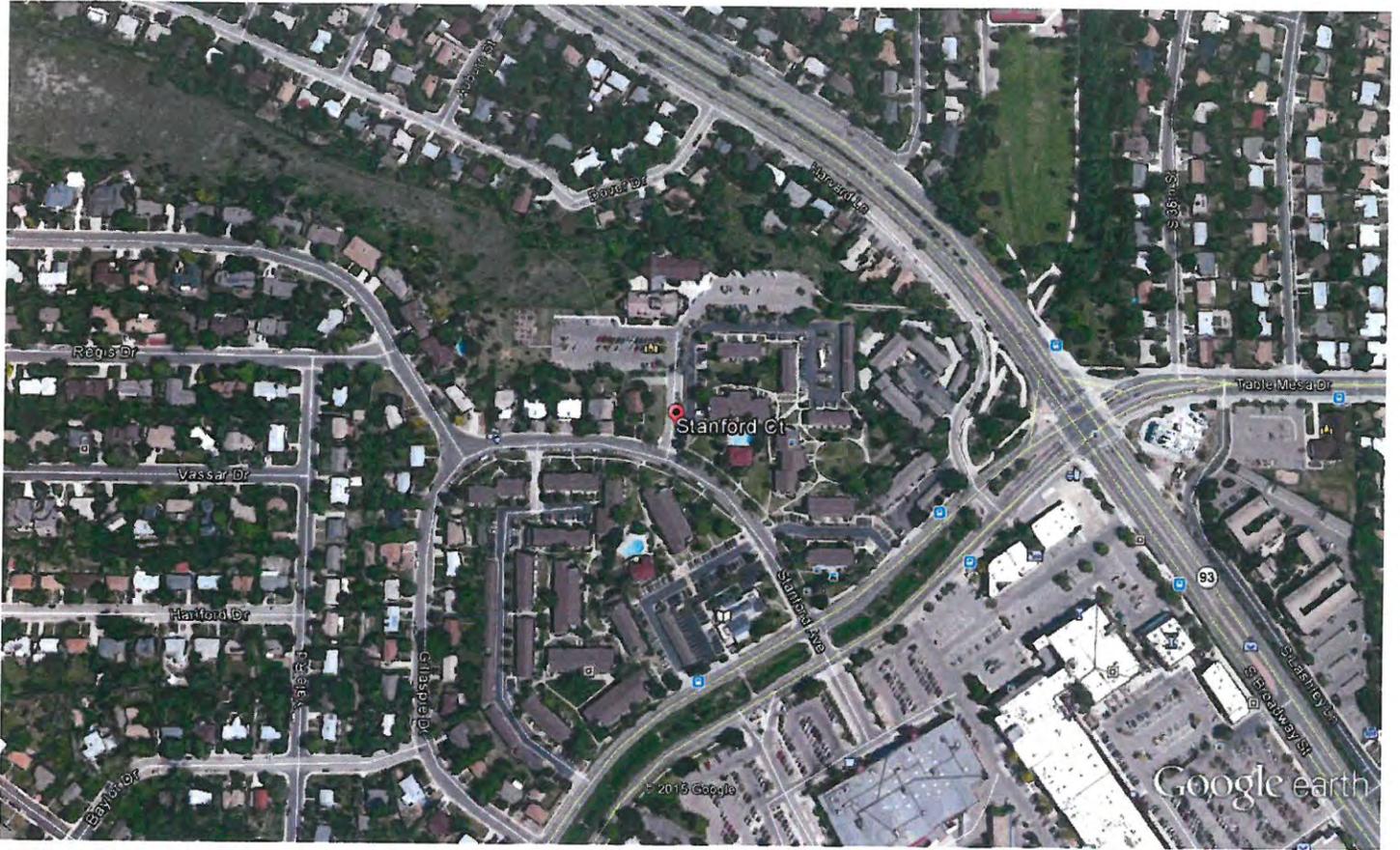




Google earth

feet
meters





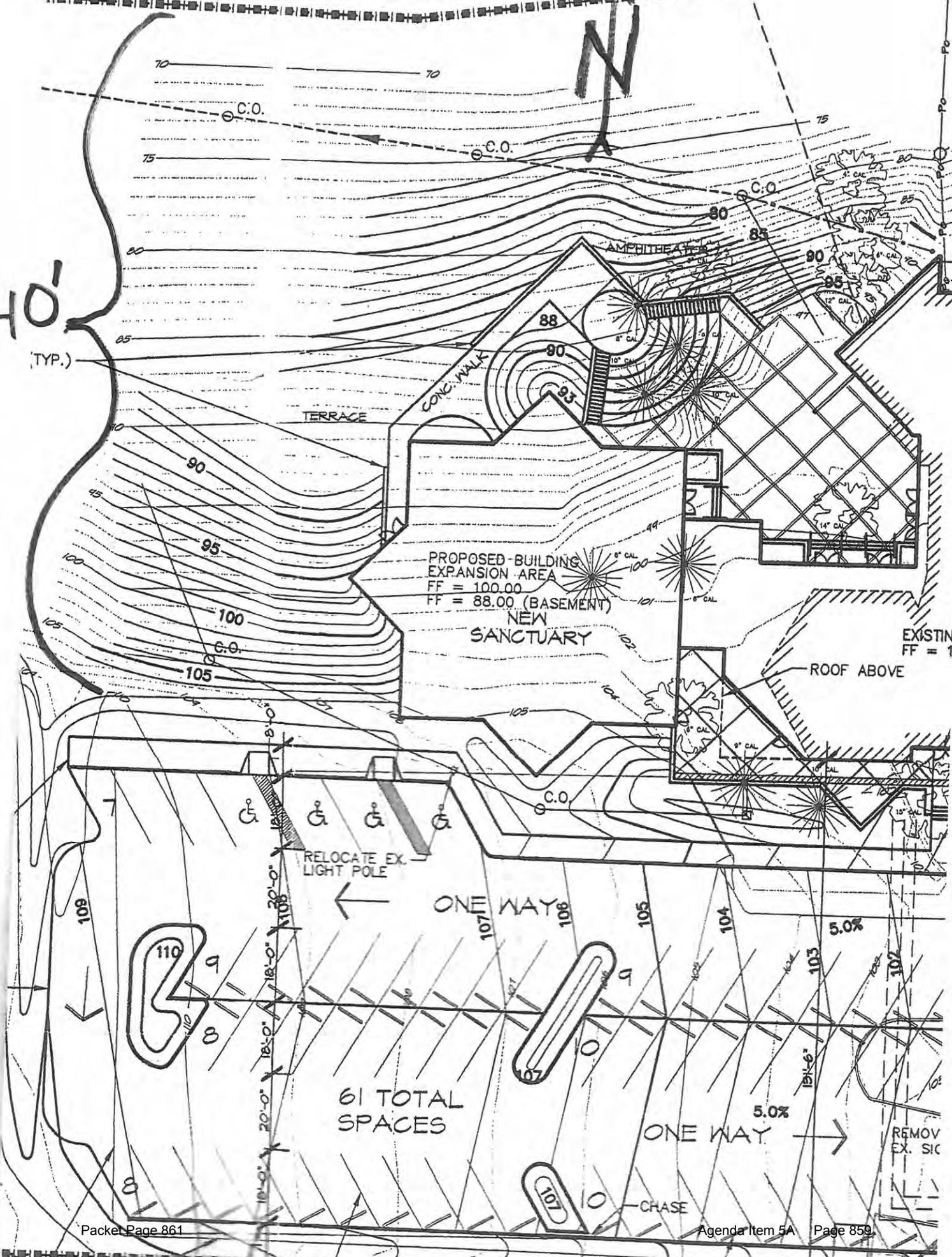
Google earth

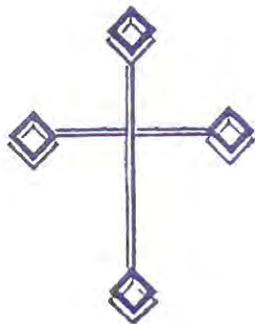
feet
meters



89°24'10" E 124.69'

40' (TYP.)





Mount Calvary Lutheran Church

November 13, 2015

Caitlin Zacharias
City of Boulder Planning
1739 Broadway, 3rd floor
Boulder, Co. 80306-0791

Re: Mount Calvary Lutheran Church
3485 Stanford Ct. Boulder, Co. 80305

Caitlin,

Enclosed is a current Letter of Intent we have received from United Properties. They have stated that their desire is "to develop 80-100+ senior community on our property with independent, assisted living and/or memory care." Their interest is based on the availability of a change in zoning to procure more density on our site. They are currently based out of Denver and fully understand the rigors with the approval process within the City of Boulder.

Our Council has reviewed this proposal and intend on presenting it at our next annual meeting to the congregation for consideration. Though nothing is binding at this time, this is a direction that we see our church heading.

United Properties is in the process of working on some initial drawings to help understand what development potential our parcel may have. If your staff would care for any additional information from us, our United Properties, please let me know.

Thank you for your time.

A handwritten signature in blue ink, appearing to read "Michael Wood". The signature is fluid and cursive, written over the printed name below.

Michael Wood



November 1, 2015

MOUNT CALVARY EVANGELICAL LUTHERAN CHURCH
c/o Michael Wood
Via Email

**RE: Letter of Intent to Purchase Land
3485 Stanford Court, Boulder Colorado 80303**

Dear Mr. Wood:

On behalf of United Properties, I am pleased to submit to you this LOI for the purchase of the church's property in Boulder. This letter outlines the general terms and conditions in which an affiliate of United Properties ("Purchaser") would be willing to enter into a Sale and Purchase Agreement ("Purchase Agreement") for the acquisition of the fee simple title to the approximately 4.75 acres of land located at 3485 Stanford Court, Boulder, CO ("Property"). If the general terms and conditions outlined below are acceptable, United Properties will draft a binding Purchase Agreement. Only a mutually executed Purchase Agreement would bind either party, other than the provisions below entitled Confidentiality and Other Negotiations, which are immediately binding on the parties. Some of the more significant terms and conditions to be contained in the Purchase Agreement are as follows:

Property: 4.75 Acres located at 3485 Stanford Court, Boulder, CO – please provide Legal Description in response.

Purchase Price: \$3,250,000.

Earnest Money: Purchaser shall deposit \$25,000 Earnest Money to be paid upon execution of the Purchase Agreement. All Earnest Money shall be held by Fidelity National Title, 4643 S. Ulster St., Denver, CO 80237 (the "Title Company"), pursuant to Escrow instructions reasonably satisfactory to counsel for Seller and Purchaser. Said Earnest Money Deposit shall be refundable through the Due Diligence and Approval Periods identified later in this letter.

Purchaser Contingencies: Any obligation on the part of Purchaser to purchase the Property shall be contingent upon each of the following being satisfied:

- a) Title to the Property shall be acceptable to Purchaser;
- b) The Property shall have received acceptable environmental assessments;
- c) The Property shall have received such soil tests, inspections, reviews, surveys, examinations and storm water/drainage approvals as Purchaser deems necessary, with the results of each being satisfactory to Purchaser;
- d) Purchaser shall have obtained all necessary government approvals necessary for proposed use; and
- e) Purchaser shall have confirmed financial viability of development, including satisfactory market studies and research.

Purchaser shall make the determination of whether each of the foregoing contingencies has been satisfied in its sole discretion. Purchaser shall, however, use commercially reasonable efforts to satisfy each such contingency by the end of the applicable contingency period.

Due Diligence Period: Purchaser will have a 180 calendar day due diligence period to conduct studies, tests, analyses or other determinations desired by Purchaser with regard to the subject property. During such Due Diligence Period, Seller shall use reasonable efforts to pursue an amendment to the City of Boulder Comprehensive Plan that will allow the development of over 80 senior housing units on the Property. The Due Diligence Period will commence on the day following the Effective Date of the formal Purchase and Sale Agreement (the "Agreement").

If Purchaser is dissatisfied with the property for any or no reason as a result of its studies and investigations, Purchaser may terminate the Agreement and receive back its deposit.

Approval Period: Following the expiration of the Due Diligence Period, if Purchaser has not terminated the Agreement, Purchaser shall have a ten (10) month period in which to obtain all necessary governmental zoning/development approvals for Purchaser's intended use. If, at the end of the Approval Period, the Purchaser has not received all necessary governmental zoning/development approvals, the Purchaser may extend the Approval Period by three sixty (60) calendar days by stipulating that \$5,000 of the Earnest Money Deposit shall become non-refundable for each extension but applicable to the Purchase Price.

Real Estate Taxes and Special Assessments: The real estate taxes due and payable in the year of closing (excluding any installment of special assessments payable therewith) shall be prorated based on a calendar year and the date of actual closing by the parties as of the date of closing ("Closing Date"). Seller shall pay all outstanding levied, deferred and pending special assessments on or prior to the Closing Date.

Seller Deliveries: Seller, within five (5) days after the mutual execution of the Purchase Agreement, will provide Purchaser with access to all tests, studies, documents, and information concerning the Property in Seller's possession or control including, but not limited to: Environmental Site Assessments; surveys; engineering studies and soils reports; sewer estimates and other utility information; warranties covering any equipment or improvements; plans and specifications concerning any improvements; property tax documents; title records; governmental correspondence and reports; and property insurance records.

Representations of Seller: Seller is selling the Property "as-is". Notwithstanding the foregoing, however, the Purchase Agreement entered into by the parties shall contain such representations as are mutually agreed to by the parties, but at minimum an environmental representation, which shall be based on the actual knowledge of an appropriate representative of Seller without independent investigation, to afford Purchaser the "innocent purchaser" safe harbor afforded by state law. The Property shall be conveyed to Purchaser at closing by a recordable limited warranty deed containing only such exceptions to the title considered acceptable to Purchaser. Notwithstanding the above, Seller shall not be required to take any action to delete the standard exceptions other than to provide a seller's affidavit that is limited to those items specifically listed in the purchase agreement, as the parties mutually agree. Seller shall confirm to Purchaser in writing whether it will be able to deliver title as required by this paragraph not less than within the first thirty (30) calendar days of the Due Diligence Period, and if not, the additional exceptions to the title that exist. Purchaser shall then have the right to either accept the additional exceptions or exercise its right to terminate the purchase agreement.

Purchase and Sale Agreement: Upon full execution of this Letter of Intent, Purchaser's attorney shall immediately prepare and provide Seller and its attorney an initial draft of the purchase and sale agreement.

Both parties shall negotiate in good faith with a view of executing the agreement as soon as possible after the execution of this Letter of Intent.

Confidentiality: The parties and their agents hereto will keep the existence of the terms of this Letter of Intent and the proposed purchase confidential, except as required by law, or as otherwise agreed. The parties hereby agree that they may each disclose the terms hereof to their respective attorneys, accountants, and lenders.

Broker's Fee: None.

Closing Date: Closing of the purchase and sale will occur within thirty (30) days after the end of the Approval Period, unless otherwise agreed to by the parties.

Other Negotiations: Until the execution of a Purchase Agreement or until the termination of negotiations pursuant to this Letter of Intent, but in all events for not less than thirty (30) days after the execution of this Letter of Intent, Seller agrees not to enter into any discussions or negotiations with any third parties regarding the sale of the Property.

Survey and Title Insurance; Payment of Costs: Purchaser shall pay the cost for a new ALTA survey and topographical survey for the Property and provide copies to Seller at no cost to Seller. Seller shall pay the title insurance premium for the base owner's title policy in the amount of the Purchase Price. Purchaser shall pay the cost of any title policy endorsements it desires and any costs associated with any loan policy. Seller will pay for the cost of the deed tax stamps, and will pay all other closing costs customarily paid by a Seller in the metropolitan Denver Area. The cost of any closing or escrow costs charged by the Title Company will be split equally between Seller and Purchaser. Purchaser shall pay the cost of recording the instruments of conveyance, and any instruments related to any mortgage loan obtained by Purchaser, and pay all other closing costs customarily paid by Purchaser in the metropolitan Denver Area. Each party shall pay its own attorney's fees.

Soils Conditions: Purchaser will at its own expense pay for soil studies of the site and provide copies to Seller for its use at no cost to Seller, but with no representations or warranties of any kind by Purchaser, at no cost to Purchaser other than nominal copying or delivery charges, and subject to the rights of the third-party preparer.

Environmental: Purchaser will pay for an environmental study of the site and provide the information to Seller for its use at no cost to Seller, but with no representations or warranties of any kind by Purchaser, at no cost to Purchaser other than nominal copying or delivery charges, and subject to the rights of the third-party preparer.

Restoration of Property and Indemnification: After each test or investigation that Purchaser performs on the Property, Purchaser shall promptly restore the Property to substantially the same condition as it existed before the test or investigation occurred. The Purchase Agreement shall contain a mutually acceptable provision obligating Purchaser to defend, indemnify and hold Seller and the Property harmless from all claims, losses, expenses and liens associated with Purchaser's testing and inspection of the property. Purchaser shall pay each vendor performing such services as they are performed and shall not allow any liens to attach to the Property as a result of such services.

Contingency: It is acknowledged that this nonbinding Letter of Intent is contingent upon the two parties signing a fully executed Purchase Agreement. Only a mutually executed Purchase Agreement will bind

either party to the terms of this Letter of Intent, other than the above provisions entitled Confidentiality and Other Negotiations, which are intended to be immediately binding on the parties.

If the terms of this Letter of Intent are acceptable to Seller, please have a copy of this Letter executed by your earliest convenience. We will then work expeditiously toward obtaining a fully executed Purchase Agreement.

Please call me to discuss if you have concerns or questions about specific provisions. Thank you for your attention to this Letter of Intent. We look forward to working with you!

Sincerely,

Mike Dailey
Senior Vice President
Development

AGREED TO BY SELLER:

BY: _____

ITS: _____

DATE: _____

Zacharias, Caitlin

From: Diane Curlette [dcurlette25@gmail.com]
Sent: Tuesday, December 08, 2015 2:27 PM
To: Zacharias, Caitlin
Subject: Re: 3485 Stanford Ct

Hi Caitlin,

Comments on the application of 3485 Stanford Ct. to change the zoning of the Mount Calvary Lutheran Church property from LR (low density residential) to MR (medium density residential) to permit sale of the property to United Properties to develop a senior housing complex.

Thanks so much for forwarding the information to me. I applaud the proposed additional units of senior housing contemplated by the church and United Properties for this site. I feel we need more senior housing located close to service centers and bus stops, as this one would be.

However, the density contemplated is too high. A large portion of this property is on a steep slope which may not be buildable. In the application they variously mention 80, or 80 to 100 senior housing units to be placed on the property. The property is 4.9 acres and at current land use of LR (low density residential) they would be allowed 2 to 6 housing units/acre on the property, or roughly 10 to 30 units total. If it is changed to MR (medium density residential) they would be allowed 6 to 14 housing units/acre or roughly 30 to 70 units on the property. Please note that the maximum units mentioned in the application at 80 to 100 exceeds the legal maximum of 70 units, even if the land use change is granted. And these maximum units crowded only on the "buildable" portion of the site. I recommend a determination be made as to how much of the site is "buildable" and the application be modified to reflect that portion of the site.

The proposal by United Properties is to build a senior housing complex serving independent living, assisted living and memory care patients that will function as a large medical facility, with large food preparation areas and laundries. I would like to know if this type of use is permitted under medium density residential.

This area of the neighborhood is very quiet and natural, with open ground in the north portion of many of the large lots on Stanford. It currently feels parklike. Only careful siting and planning will maintain the current values of quiet and nature if a noisy and around the clock busy medical facility is constructed here.

This property currently serves as a buffer between an area of multi-family units along Table Mesa and Broadway and the LR zoned single family homes nearby. Care should be taken to maintain an area of buffer between these two uses if possible.

Thanks for the opportunity to comment and please notify me of future developments of this application.

Diane Curlette
530 Hartford Drive

On Dec 8, 2015, at 1:36 PM, Zacharias, Caitlin wrote:

Hi Diane,

Request is attached.

Best,
Caitlin

Caitlin Zacharias

City of Boulder Planning, Housing + Sustainability

1739 Broadway, 4th Floor, Boulder, CO 80302

Email: zachariasc@bouldercolorado.gov

Phone: (303) 441-1886

<1D_Wood_3485 Stanford.pdf>

Zacharias, Caitlin

From: Michael [mcprez@hotmail.com]
Sent: Monday, September 28, 2015 7:47 AM
To: Zacharias, Caitlin
Subject: RE: Land use request

Follow Up Flag: Follow up
Flag Status: Completed

Caitlin,

Actually I am not familiar with the two types of amendments. Did I fill out the wrong form? Am I supposed to seek a zoning map amendment instead of Land use? With the clock ticking I want to make sure I'm pursuing the correct course. I have an appointment this morning, but will try to reach you by phone later this morning to clarify my direction.

Thank You.

Michael Wood

From: ZachariasC@bouldercolorado.gov

To: mcprez@hotmail.com

Subject: Land use request

Date: Fri, 25 Sep 2015 21:05:01 +0000

Hi Michael,

This is a confirmation that we have received your land use map amendment request.

I'm seeing here that your request centers around zoning and would like to clarify that this request process targets land use map amendments as opposed to zoning map amendments.

As you are likely familiar, land use map amendments are advisory and precede zoning amendments, which are regulatory. We can evaluate your request in terms of your existing land use designation (low density residential, or LR) and what your proposed zoning would translate to in terms of land use designation.

Please let me know if you have any further questions.

Best,
Caitlin

Caitlin Zacharias

City of Boulder Community Planning + Sustainability

1739 Broadway, 4th Floor, Boulder, CO 80302

Email: zachariasc@bouldercolorado.gov

Phone: (303) 441-1886