

## MEMORANDUM

**TO:** Planning Board  
**FROM:** Elaine McLaughlin, Case Manager  
**DATE:** March 3, 2016  
**SUBJECT:** **Call Up Item:** USE REVIEW (LUR2016-00015): Use Review for a 2,500 square foot meeting/event space comprised of a 2,000 square foot meeting room and a 500 square foot pre-function area within a 7,000 square foot retail building currently under construction within the Gunbarrel Gateway property located at 6315 Lookout Road. The call-up period expires on **March 15, 2016**.

**Process Summary.** The owner of 6315 Lookout Rd. (near the intersection of 63<sup>rd</sup> Street and Lookout Road) would like to add a meeting/event space within a retail building that would serve both the existing adjacent hotel and the restaurant recently permitted and under construction within the same retail building. While a meeting space is considered to be compatible with a hotel use and a restaurant, the building is located on a separate lot from the hotel and the meeting space (defined as a “conference center” use is therefore considered a primary use which requires a use review under the Business Community -2 (BC-2) zoning district.

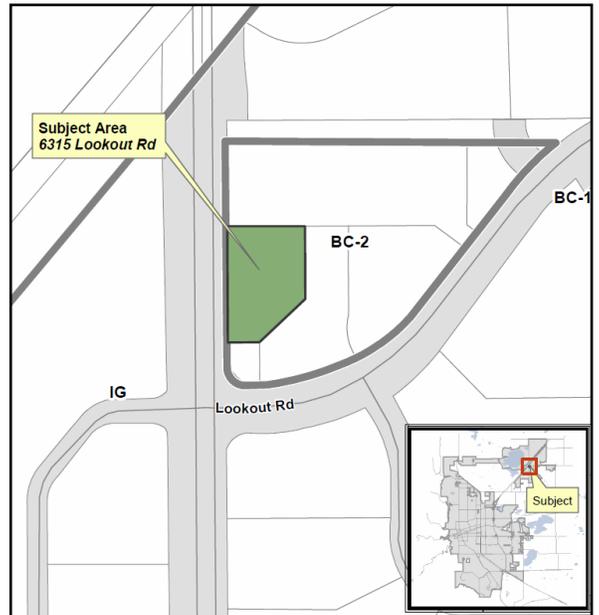
**Background.** The planned meeting/event space is intended to be located within a building currently under construction. The building was approved through a Site Review (LUR2008-00022) for the Gunbarrel Gateway site, currently built out with a Hampton Inn Hotel. During the permitting process for the tenant finish, it was found that the planned use as a meeting space (conference space) required the Use Review. The site’s zoning of BC-1 is *business areas containing retail centers serving a number of neighborhoods, where retail-type stores predominate.* The project site is also within the boundaries of the Gunbarrel Community Center Plan which designates the site as “Community Business.” The plan defines this as,

*“a focal point for commercial activity serving a subcommunity. These areas are designated to serve the daily convenience shopping and service needs of the local population, and are generally less than 150,000 to 2000,000 square feet in area.”* Example uses within the plan are noted as, *“restaurants, personal services, large or small retail, banks, hotels, motels, medical or dental offices, recreational facilities, schools, day care, art studios and professional offices.”*

As a part of the retail building’s construction, where the meeting space will be located, a tenant finish for a restaurant was issued that includes a roof top patio. Additional improvements also include landscaping and buildout of a parking area to serve the building.

**Project Proposal.** The 2,500 square foot meeting space is planned as banquet space for the adjacent restaurant as well as conference space for the adjacent hotel. The applicant indicated that on weekends it can be used as a wedding venue or party facility and on weekdays it can serve as a meeting space for nearby businesses and community organizations as well as hotel guests. The hours of operation planned are from 7:30AM to 12:00 AM. It will have no dedicated employees but will utilize employees already at the adjacent hotel and/or restaurant, with management of the space operated by the hotel.

**Public Comment.** Required public notice was given in the form of written notification mailed to all property owners within 600 feet of the subject property and a sign posted on the property for at least 10 days. All notice requirements of section



9-4-3, "Public Notice Requirements," B.R.C. 1981 have been met. There were no comments received regarding the application.

**Analysis.** The proposal was found to be consistent with the Use Review criteria pursuant to subsection 9-2-15(e), "Criteria for Review," B.R.C. 1981. Refer to **Attachment B** for the complete Use Review analysis.

**Conclusion.** Staff finds that the proposed project meets the relevant criteria of section 9-2-15, "Use Review," B.R.C. 1981. The proposal was **approved** by staff on **March 3, 2016** and the decision may be called up before Planning Board on or before **March 17, 2016**. Questions about the project or decision should be directed to the Case Manager, Elaine McLaughlin at (303) 441-4130 or at [mclaughline@bouldercolorado.gov](mailto:mclaughline@bouldercolorado.gov)

**Attachments:**

- A. Signed Disposition
- B. Analysis of Use Review Criteria



**CITY OF BOULDER  
Planning and Development Services**

1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791  
phone 303-441-1880 • fax 303-441-3241 • email [plandevelop@bouldercolorado.gov](mailto:plandevelop@bouldercolorado.gov)  
[www.boulderplandevelop.net](http://www.boulderplandevelop.net)

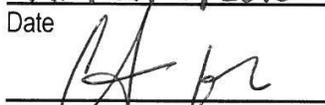
**CITY OF BOULDER PLANNING DEPARTMENT  
NOTICE OF DISPOSITION**

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

DECISION: **Approved with conditions**  
PROJECT NAME: **GUNBARREL GATEWAY CONFERENCE SPACE**  
DESCRIPTION: **USE REVIEW to install a 2,500 s.f. conference center.**  
LOCATION: **6315 LOOKOUT RD**  
COOR: **N10E03**  
LEGAL DESCRIPTION: **Lot 2, Gunbarrel Business Park Replat B,  
City of Boulder, County of Boulder, State of Colorado**  
APPLICANT: **BILL MCDERMID**  
OWNER: **Boulder Hospitality, LLC**  
APPLICATION: **Use Review, LUR2016-00015**  
ZONING: **BC-2**  
CASE MANAGER: **Elaine McLaughlin**  
VESTED PROPERTY RIGHT: **NO; the owner has waived the opportunity to create such right under  
Section 9-2-19, B.R.C. 1981.**

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

Approved on: MARCH 3, 2016  
Date

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

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

Appeal to Planning Board expires: MARCH 17, 2016

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

Address: 6315 LOOKOUT RD

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

#### CONDITIONS OF APPROVAL

1. The Applicant shall ensure that the **development shall be in compliance with all plans prepared by the Applicant on January 27, 2016 and the written statement dated Feb. 1, 2016** on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval. Further, the Applicant shall ensure that the approved use is operated in compliance with the following restrictions:
  - a. Size of the approved interior use shall be limited to 2,500 square feet.
  - b. The approved interior use shall be closed from 12:00 a.m. to 6:00 a.m. seven days per week.
  - c. Trash and bottles shall not be removed to outside trash containers between the hours of 10:00 p.m. and 8:00 a.m.
2. The Applicant **shall not expand or modify the approved use**, except pursuant to subsection 9-2-15(h), B.R.C. 1981.
3. The Applicant shall **comply with all previous conditions** contained in any previous approvals, except to the extent that any previous conditions may be modified by this approval, including, but not limited to, the following:
  - a. the Development Agreement recorded at Reception No. 2972299 on October 9, 2008 in the records of the Boulder County Clerk and Recorder; and
  - b. the Subdivision Agreement recorded at Reception No. 03214070 on April 4, 2012 in the records of the Boulder County Clerk and Recorder.

**Address: 6315 LOOKOUT RD**

## ATTACHMENT B: USE REVIEW CRITERIA

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

√ **(1) Consistency With Zoning and Nonconformity:** The use is consistent with the purpose of the zoning district as set forth in [section 9-5-2](#), "Zoning Districts," B.R.C. 1981, except in the case of a nonconforming use;

The project site is zoned BC-2; the zoning district purpose for BC-2 is defined as, "business areas containing retail centers serving a number of neighborhoods, where retail-type stores predominate." The project site is also within the boundaries of the Gunbarrel Community Center Plan which designates the site as "Community Business." The plan defines this as,

*"a focal point for commercial activity serving a subcommunity. These areas are designated to serve the daily convenience shopping and service needs of the local population, and are generally less than 150,000 to 2000,000 square feet in area."*  
Example uses within the plan are noted as, "restaurants, personal services, large or small retail, banks, hotels, motels, medical or dental offices, recreational facilities, schools, day care, art studios and professional offices."

The location of the proposed conference space in Retail Building 1 was considered as a part of the Site Review approval for Gunbarrel Gateway, under case no. LUR2008-00022. The intent of both the zoning and the Site Review approval is to permit active uses in this area of Gunbarrel.

√ **(2) Rationale:** The use either:

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

The intent of the small conference facility is to provide meeting space that would serve the hotel, and be augmented by the adjacent restaurant, also within Retail Building 1. There's a particular synergy to having both the restaurant use (which is permitted by right in the zoning district), the conference space, and the hotel. All of them provide services to the site and the surroundings. Similarly, not only could the conference space be used by hotel guests, but is within close proximity to a number of offices within the Gunbarrel Business Park.

n/a **(B) Provides a compatible transition between higher intensity and lower intensity uses;**

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

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

√ **(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 conference space is compatible with the adjacent restaurant and the hotel. Because the majority of the users of the space will be hotel guests, this compatibility will likely have a minimal negative impact on the use of nearby properties. Residential uses are located well away from the site such that impacts would likely not occur.

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

The infrastructure for the site is already integrated into the urban context of the site.

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

The character of the area is that of a community business area as designated by the land use. There are offices and industrial buildings along with banking services and other uses. The existing hotel will be augmented with the construction of Retail Building 1 where the planned conference space will be located.

n/a (6) **Conversion of Dwelling Units to Nonresidential Uses:** There shall be a presumption against approving the conversion of dwelling units in the residential zoning districts to nonresidential uses that are allowed pursuant to a use review, or through the change of one nonconforming use to another nonconforming 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 daycare center, park, religious assembly, social service use, benevolent organization use, art or craft studio space, museum, or an educational use.

Not applicable to this case, this is not a proposed conversion of residential to non-residential use.