C I T Y O F B O U L D E R
PLANNING BOARD AGENDA ITEM
MEETING DATE: August 6, 2015

AGENDA TITLE:
Public hearing and consideration of a USE REVIEW (LUR2015-00060) for a new tavern with outdoor seating area over 300 square feet in size to be operated in conjunction with "Boulder Food Park" mobile food vehicle sales at 2775 Valmont Rd. in the Business Community One (BC-1) zone district. Proposal includes a request for a 25% parking reduction to allow for 50 vehicle parking spaces to be provided on-site where 66 are required.

Applicant: Jeff Check of Coburn Development for Boulder Food Park
Owner: Stephen D. Tebo

REQUESTING DEPARTMENT:
Community Planning & Sustainability
David Driskell, Executive Director
Susan Richstone, Deputy Director
Charles Ferro, Development Review Manager
Chandler Van Schaack, Planner I

OBJECTIVE:
Define the steps for Planning Board consideration of this request:
1. Hear Applicant and Staff presentations
2. Hold Quasi-Judicial Public Hearing
3. Planning Board discussion
4. Planning Board action to approve, approve with conditions or deny

SUMMARY:

Proposal:	USE REVIEW: for a new tavern with outdoor seating area over 300 square feet in size to be operated in conjunction with "Boulder Food Park" mobile food vehicle sales at 2775 Valmont Rd. in the BC-1 zone district. Proposal includes a request for a 25% parking reduction to allow for 50 on-site vehicle parking spaces to be provided where 66 are required.
Project Name:	Boulder Food Park Tavern
Location:	2775 Valmont Rd.
Size of Tract:	83,262 square feet (1.91-acres)
Zoning:	BC-1 (Business – Community 1)
Comprehensive Plan:	High Density Residential, Mixed Use Business

KEY ISSUES:

1. **Is the proposed project consistent with the Use Review criteria set forth in Section 9-2-15(e), B.R.C. 1981?**

2. **Is the requested 25% parking reduction consistent with the criteria for Parking Reduction Criteria set forth in section 9-9-6(f)(3), B.R.C. 1981?**

BACKGROUND:

Existing Site/Site Context

The 83,262 square foot (1.91-acre) project site is located at 2775 Valmont Road, just west of the intersection of Valmont Rd. and 28th St., as shown below in **Figure 1**, within the Business – Community 1 (BC – 1) zoning district. Per section 9-5-2(c)(4)(B), B.R.C. 1981, the Business – Community 1 (BC-1) zone district is defined as *business areas containing retail centers serving a number of neighborhoods, where retail-type stores predominate*.

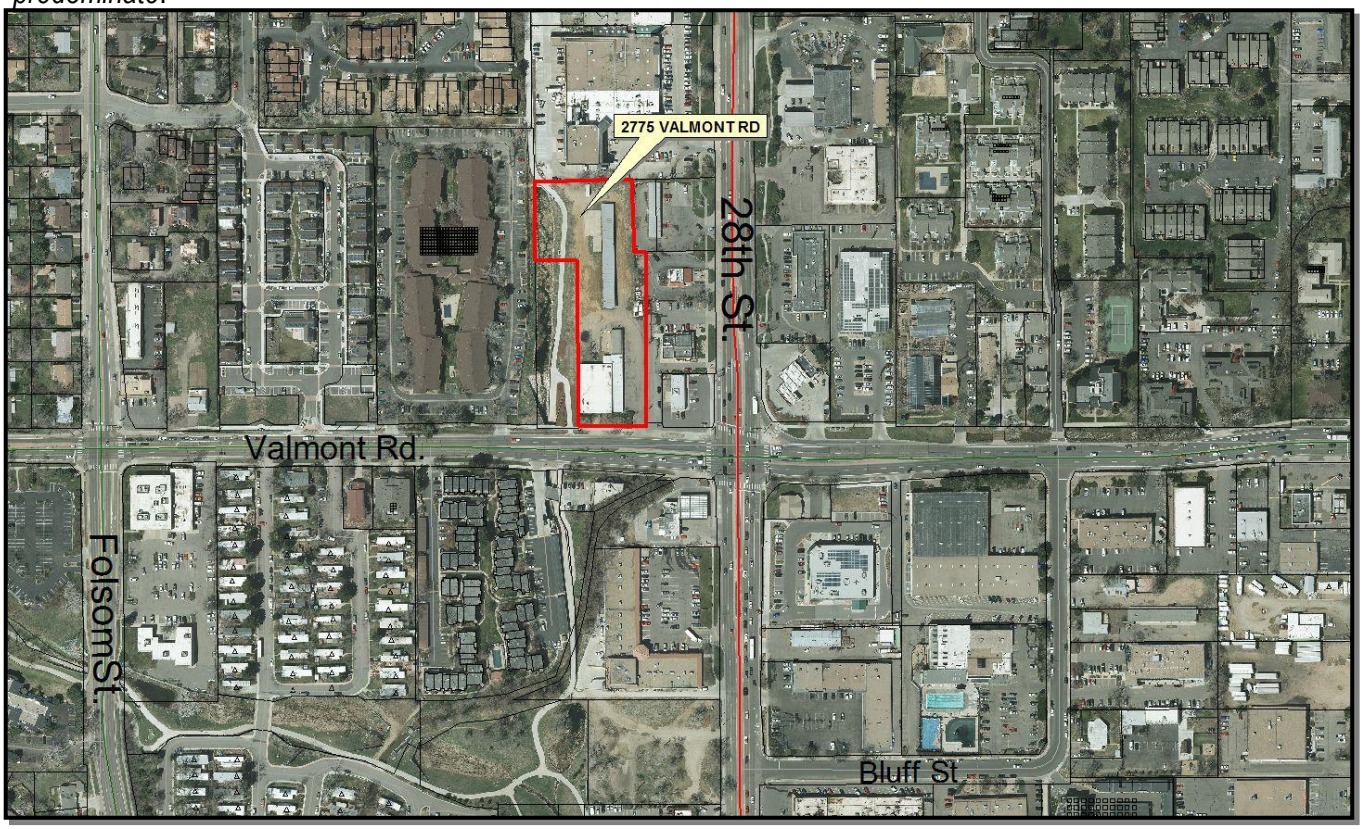


Figure 1: Vicinity Map

The existing 1-story, 9,826 sq. ft. building was constructed in 1956, and was the location of the former location of Rayback's Plumbing Supply and most recently, the "Futsal" indoor sports facility. The remainder of the site is a large, partially paved parking area with a canopy structure running north-south down the middle. To the east of the site are several existing commercial properties including a dispensary, a restaurant and a liquor store, all of which lie within a corridor of BC-1 and BC-2 zoning running north-south along both side of 28th Street. The Two Mile Creek multi-use path runs along the west side of the site, and roughly demarcates the boundary of between the BC zoning to the east and a large area of Residential High - 4 (RH-4) zoning to the west. Within the RH-4 zoned area lies the Two Mile Creek apartment complex immediately west of the project site as well as the Shady Hollow condominiums and Mapleton Mobile Home Park across Valmont to the south.

Project Description
The proposal is to redevelop the existing property at 2775 Valmont with two new principal uses: a tavern with an outdoor seating area and mobile food vehicle sales. The proposed tavern would utilize the existing tenant space and would be roughly 7,600 sq. ft. in size, with two new outdoor patio areas and a landscaped outdoor seating area including an area for outdoor games. There is roughly 2,226 sq. ft. of existing office space located in the subject building which would remain following the proposed conversion. The mobile food vehicle sales would occur in a designated area to the north of the tavern, with up to four mobile food vehicles operating at a time. As part of this application, the applicant is requesting a 25% parking reduction to allow for a total of 50 off-street parking spaces where 66 are required per the BC-1 zone district parking standards. As part of this request, the applicant has provided a Transportation Demand Management (TDM) Plan outlining strategies for reducing automobile travel to and from the site, including constructing a paved path connection onto the site from the existing Elmer's Two Mile Creek Path, providing RTD Eco-Passes to employees, offering periodic discounts to customers who arrive by bike, performing public outreach via the "The Boulder Cruiser Ride Group," and providing 30 bicycle parking spaces (22 short-term spaces and 8 long-term spaces) where 10 spaces are required per the city's bicycle parking standards.

The proposed hours of operation for the tavern are from 11:00am – 10:00pm, Monday – Friday, 11:00am – 11:00pm on Saturday and 11:00 am – 9:00pm on Sunday. Mobile food vehicles will operate in accordance with the City's mobile food vehicle regulations (section 9-6-5(d), B.R.C. 1981), which allow for hours of operation from 7:00 a.m. to 9:00 p.m., seven days per week. Outdoor seating will be available for mobile food vehicle patrons for all hours but tavern sales will only occur during the hours specified above. Amplified music will be played in the outdoors area at low volume levels during the regular tavern business hours. Periodically special events will take place where music will be more amplified but will be restricted to hours no later than 9:00 pm. Please see **Attachment A** for Applicant's Proposed Plans and Management Plan. These commitments have also been memorialized in the recommended conditions of approval included in this memorandum. If this application is approved, any future changes to the conditions of approval, the management plan or the operational characteristics would require a new Use Review.

Process
Prior to submitting the subject application, the applicant looked at various sites throughout the city but was unable to find an appropriate location for the use. On June 2, 2015, City Council passed Ordinance #8049 which allows the city manager to grant permission for mobile food vehicles within the BC-1 zone district to locate within 150 feet of an existing restaurant with written permission from the restaurant owner. Therefore, mobile food vehicles are now allowed to operate on the project site subject to the conditional use standards found in section 9-6-5(d), B.R.C. 1981. The use standards found in section 9-6-1, B.R.C. 1981 require a Use Review for the proposed tavern use because it includes an outdoor seating area over 300 sq. ft. in size and is located within 500 feet of a residential use module.

On July 16, 2015, following staff review of a Use Review application for consistency with the city's Use Review criteria, city staff approved the Boulder Food Park Tavern. Staff-level Use Review approvals may be called up by the board or by the public within 14 days of staff's decision. Following the Planning Board meeting on July 16, 2015 at which the Planning Board did not call up the decision, a member of the public called up staff's decision on July 17, 2015.

KEY ISSUES:
Staff has identified the following key issues for the board's consideration:

1. **Is the proposed project consistent with the Use Review criteria set forth in Section 9-2-15(e), B.R.C. 1981?**

   Section 9-2-15(e), B.R.C. 1981 includes the procedures and review criteria for approval of a Use Review. The proposal was found to be consistent with the criteria for Use Review found in section 9-2-15(e), B.R.C. 1981. Please refer to **Attachment C** for staff's complete analysis of the review criteria.

2. **Is the requested 25% parking reduction consistent with the criteria for Parking Reduction Criteria set forth in section 9-9-6(f)(3), B.R.C. 1981?**

   The criteria for motor vehicle parking reductions are found in section 9-9-6(f)(3), B.R.C. 1981. The applicant has provided a Travel Demand Management Plan which meets the requirements of section 9-9-6(f)(3)(D), B.R.C. 1981; therefore, the requested parking reduction was found to be consistent with the review criteria. Please see **Attachment B** for Applicant's Travel Demand Management Plan and **Attachment C** for staff's analysis of the review criteria.

PUBLIC COMMENT AND PROCESS:

Required public notice was provided in the form of written notifications to property owners within 600 feet of the subject property. In addition, a public notice sign was posted on the property and therefore, all public notice requirements of section 9-4-3, "*Public Notice Requirements*," B.R.C. 1981 were met. The applicant also held a voluntary neighborhood meeting on June 25, 2015, at which they discussed the proposed management plan with several interested neighbors. Feedback from the meeting was largely positive; however, staff has received comments from several neighbors as well as the Two Mile Creek HOA expressing concerns over potential noise, visual and parking impacts from the proposed use. Public comments received by staff are included as **Attachment D**.

STAFF FINDINGS AND RECOMMENDATION:

Staff recommends that the Planning Board approve the Use Review application LUR2015-00060, adopting the staff memorandum as findings of fact, including the attached analysis of review criteria, and subject to the recommended conditions of approval.

RECOMMENDED CONDITIONS OF APPROVAL:

1. The Applicant shall ensure that the **development shall be in compliance with all approved plans** prepared by the Applicant on June 15, 2015 on file in the City of Boulder Planning Department. Further, the Applicant shall ensure that the approved use is operated in compliance with the following restrictions:

   a. The Applicant shall operate the business in accordance with the Management Plan dated July 22, 2015 which is attached to this Notice of Disposition.

   b. Size of the indoor tavern use shall be limited to 7,600 square feet, with a total of 180 interior seats. The total outdoor seating area including patios shall not exceed 3,060 square feet, with a total of

36 outdoor seats. All trash located within the outdoor seating area, on the tavern property and adjacent streets, sidewalks and properties shall be picked up and properly disposed of immediately after closing.

c. The approved tavern use shall be closed from 10:00 p.m. to 11:00 a.m., Mon. – Fri., before 11:00 a.m. and after 11:00 p.m. on Saturdays, and before 11:00 a.m. and after 9:00 p.m. Sundays.

2. The Applicant **shall not expand or modify the approved use**, except pursuant to Subsection 9-2-15(h), B.R.C. 1981.

3. This **approval shall be limited to the Boulder Food Park Tavern**, operated consistent with the Applicant's Management Plan dated July 22, 2015 as well as the Applicant's Travel Demand Management Plan dated July 22, 2015. Any changes in ownership shall be subject to the review and approval of the Planning Director. The purpose of such review shall be to inform such subsequent user of this space that it will be required to operate the tavern in compliance with the terms of this approval.

4. All **mobile food vehicles shall operate in accordance with the standards** set forth in subsection 9-6-5(d), B.R.C. 1981, except as amended by Ordinance 8049.

5. Prior to a building permit application, the Applicant shall submit an application for and obtain approval of an **Administrative Landscape Standards Modification** consistent with Subsection 9-9-12(c), B.R.C. 1981.

6. Prior to issuance of a certificate of occupancy, the Applicant shall submit an application for and construct water and sanitary sewer services to the existing structure consistent with Subsections 11-1-13(a) and 11-2-8(a), B.R.C 1981.

7. Prior to building permit application, the Applicant shall submit a **financial guarantee** in a form acceptable to the Director of Public Works, in an amount equal to $6,435 for the costs of providing eco-passes to the employees of the development for three years after the issuance of a certificate of occupancy as proposed in the Applicant's Transportation Demand Management (TDM) Plan.

Approved By:

David Driskell, Executive Director
Department of Community Planning and Sustainability

ATTACHMENTS:

A: Applicant's Proposed Plans and Management Plan
B: Applicant's Travel Demand Management Plan
C: Staff Analysis of Review Criteria
D: Neighborhood Comments

BOULDER FOOD PARK

2775 Valmont Rd. Boulder, CO

PROJECT TEAM

OWNER
BOULDER FOOD PARK
2775 VALMONT RD.
BOULDER, CO
P: 404-786-9125

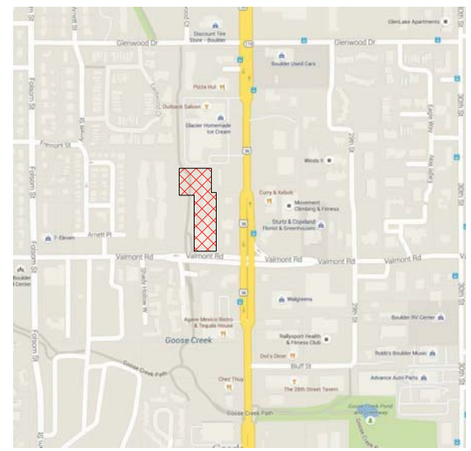
ARCHITECT
COBURN ARCHITECTURE
3020 CARBON PLACE #203
BOULDER, CO
P: 303-442-3351
F: 303-447-3933

BUILDING INFORMATION	
SQFT OF TENANT SPACE	7,600 SQFT
SQFT OF BUILDING	9,826 SQFT
TOTAL SQFT FOR SITE	83,262 SQFT
INDOOR SEATING AREA	5,850 SQFT
OUTDOOR SEATING AREA TOTAL	3,070 SQFT
SOUTH PATIO AREA	410 SQFT
NORTH PATIO/DECK AREA	300 SQFT
NORTH LANDSCAPED SEATING AREA	2,360 SQFT
BUILDING HEIGHT	16'-6"
OPEN SPACE	
REQUIRED (@20%)	16,652 SQFT
TOTAL OPEN SPACE SHOWN	29,851 SQFT
PARKING REQUIREMENTS	
EXISTING OFFICE TENANTS (@ 1:300 SQFT)	6
INTERIOR SEATING (180 @ 1:3 SEATS)	60
EXTERIOR SEATING (36 < 20% INTERIOR SEATING)	0
PARKING REQUIRED	66
TOTAL PARKING REQUIRED WITH 25% REDUCTION	50
• ACCESSIBLE SPACES REQUIRED	2 (1 VAN ACC)
• COMPACT SPACES POSSIBLE (50%)	25
STANDARD SPACES SHOWN	26
COMPACT SPACES SHOWN	22
ACCESSIBLE SPACES SHOWN	2
TOTAL PARKING SHOWN	50
BICYCLE PARKING REQUIREMENTS	
TAVERN (1 PER 750 SQFT, MIN OF 4)	10
LONG-TERM BIKE PARKING REQUIRED (25%)	3
TOTAL BICYCLE PARKING SHOWN	30 (8 LONG-TERM)
PARKING LOT LANDSCAPING	
PARKING LOT AREA	22168 SQFT
INTERIOR PARKING LOT LANDSCAPING REQUIRED (5%)	1108 SQFT
TOTAL INTERIOR PARKING LOT LANDSCAPING SHOWN	1608 SQFT

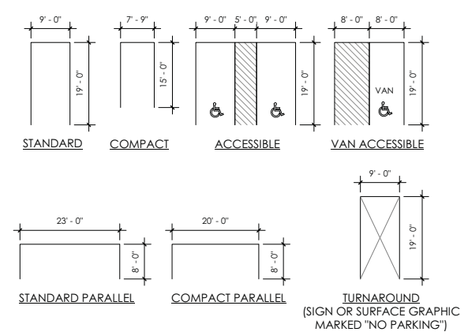
SITE INFORMATION	
LEGAL DESCRIPTION	TR 598-C LESS PT TO CITY 598-C 1 & 598-C-1-A & 598-D & 599-E & 599-E-1 IN 20-1N-70 TOTAL 98 ,843 SF OR 2.27AC M/L, BOULDER, CO
ZONING	BC-1
USE REVIEW	REQUIRED FOR TAVERN IN BC-1

DRAWING INDEX

UR-1	SITE PLAN
UR-2	FLOOR PLAN
UR-3	PRELIMINARY LANDSCAPE PLAN
UR-4	ELEVATIONS



VICINITY MAP
1" = 40'-0"



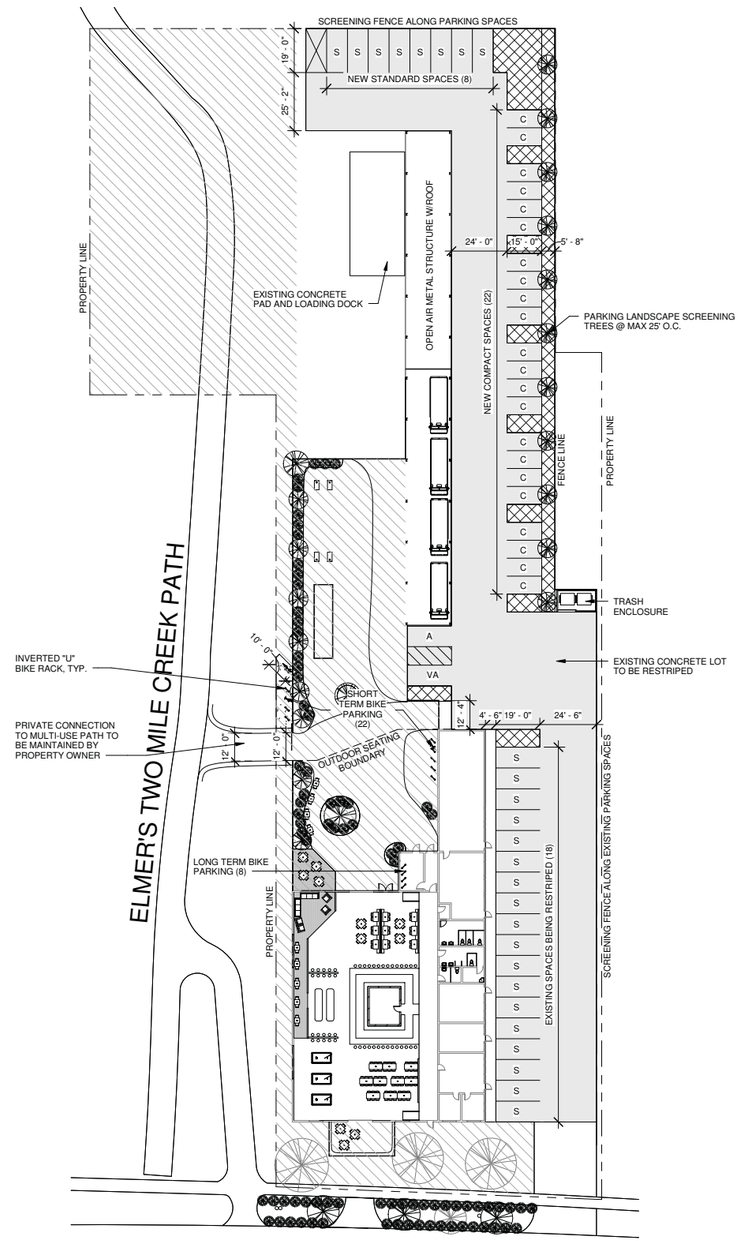
PARKING STALL SIZING
1/16" = 1'-0"

PARKING SPACE LEGEND	
S	STANDARD PARKING STALL
C	COMPACT PARKING STALL
CP	COMPACT PARALLEL PARKING STALL
A	ACCESSIBLE PARKING STALL
VA	VAN ACCESSIBLE PARKING STALL
T	TURNAROUND

HATCH INDICATES PARKING LOT LANDSCAPING

OPEN SPACE

SITE PLAN LEGEND
1" = 20'-0"



1 SITE PLAN
1" = 30'-0"

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Boulder Food Park

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Boulder, CO 80304

BOULDER FOOD PARK

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ISSUED/REVISION SCHEDULE

#	DESCRIPTION	AUTHOR	CHECKED	DATE

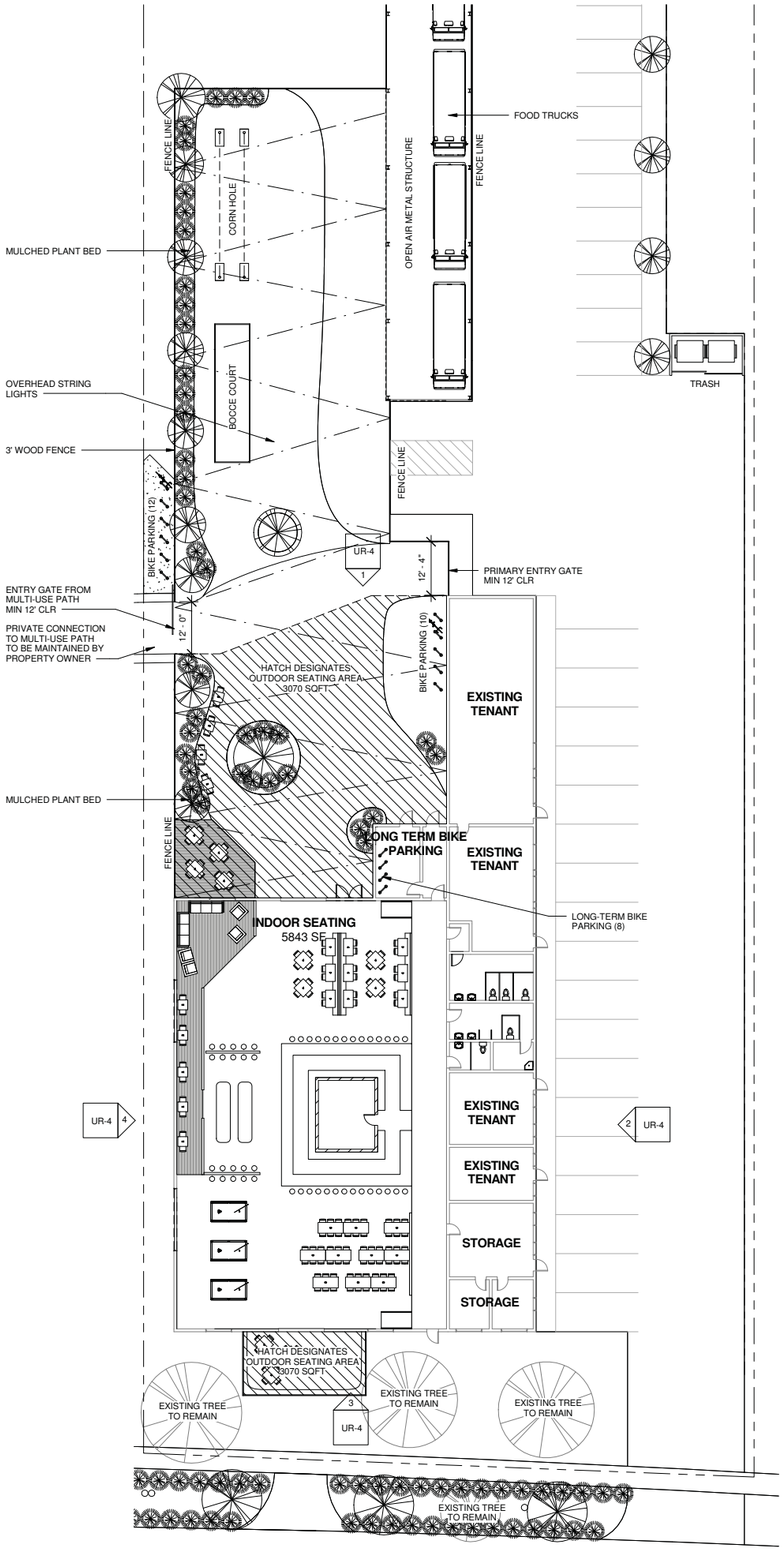
USE REVIEW
06/15/2015

SHEET No.

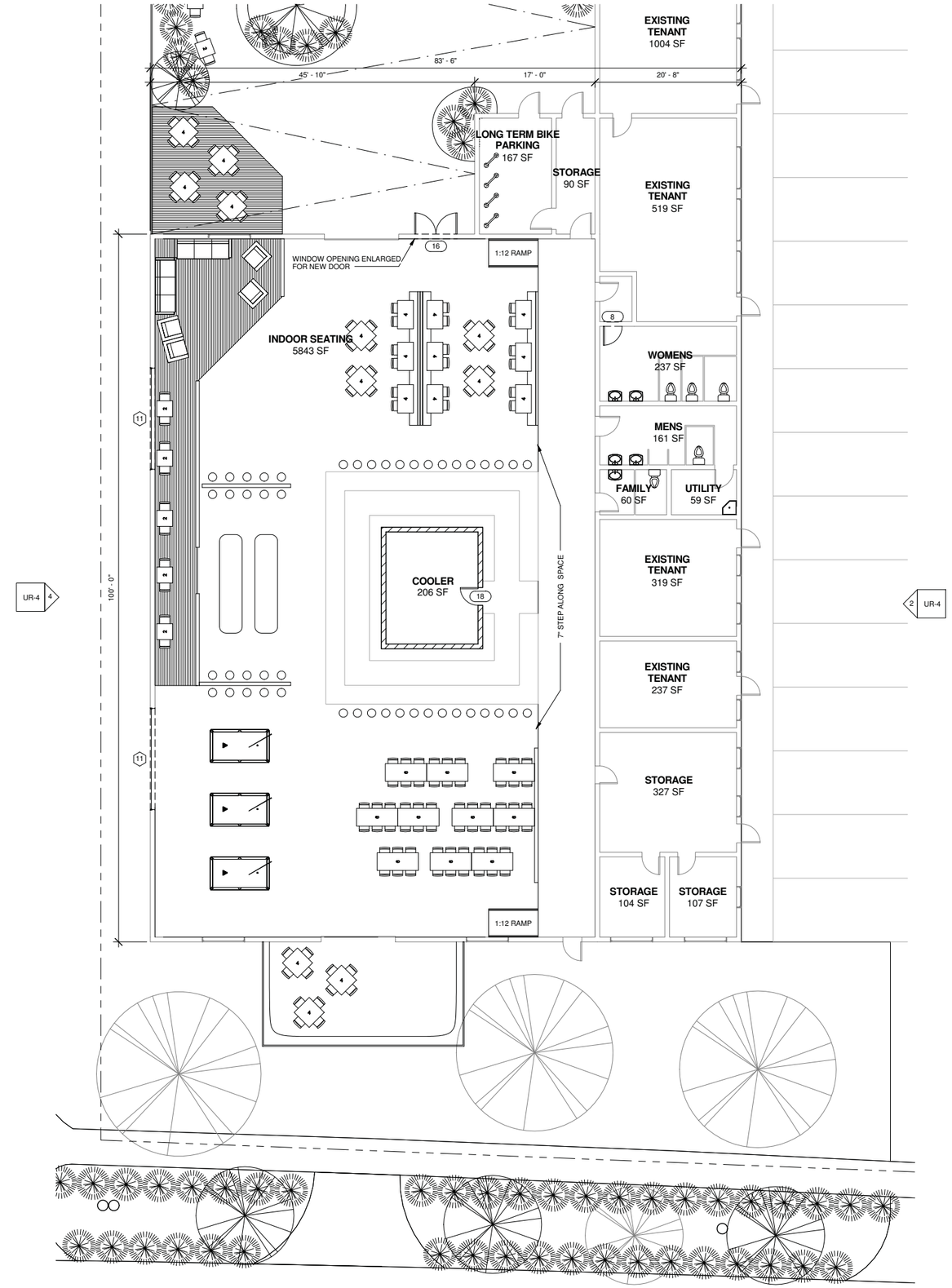
UR-1

SITE PLAN

ATTACHMENT A



2 AREA LAYOUT
1/16" = 1'-0"



1 FLOOR PLAN
1/8" = 1'-0"

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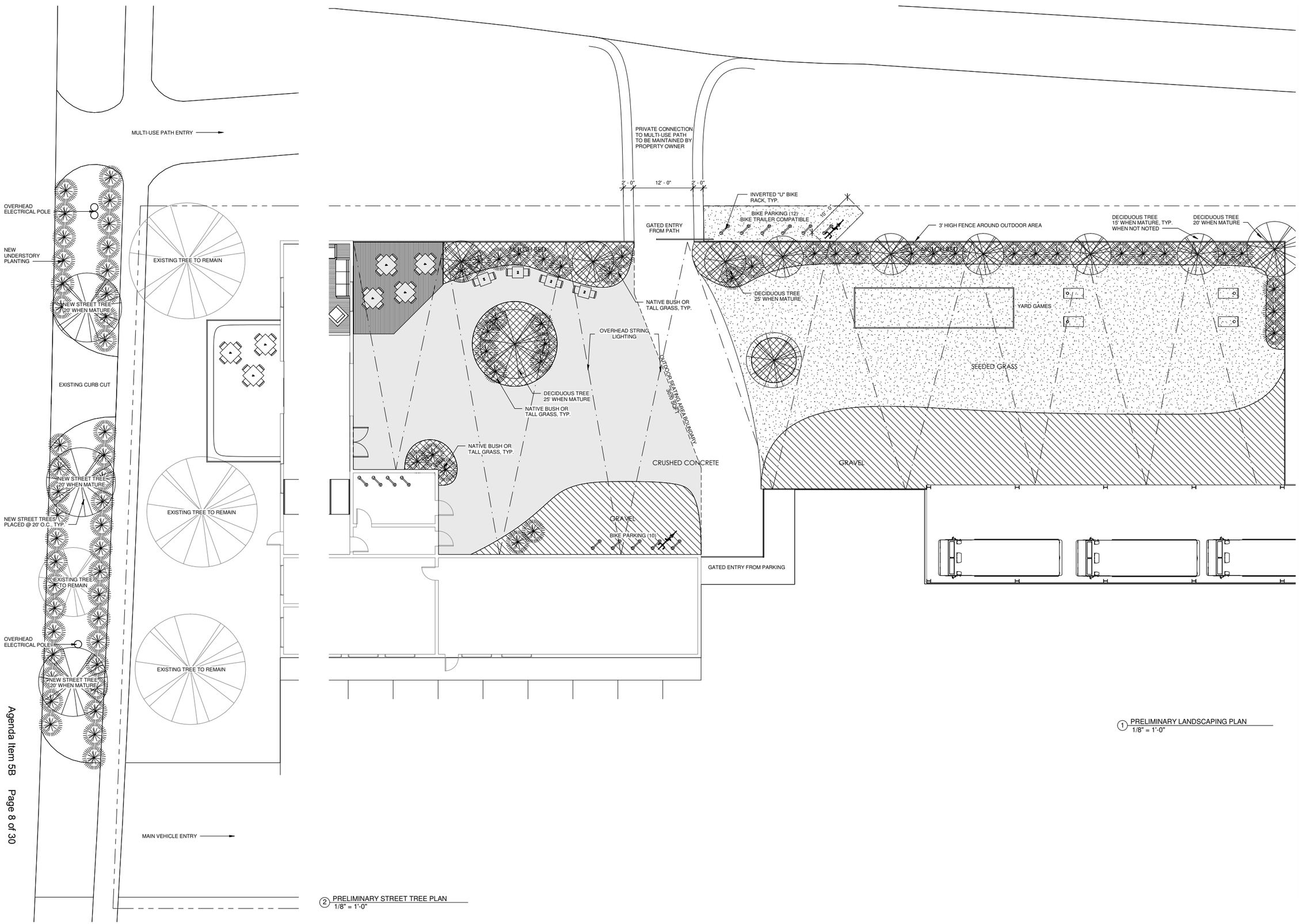
USE REVIEW
06/15/2015

SHEET No.

UR-2

FLOOR PLAN



1 PRELIMINARY LANDSCAPING PLAN
1/8" = 1'-0"

2 PRELIMINARY STREET TREE PLAN
1/8" = 1'-0"

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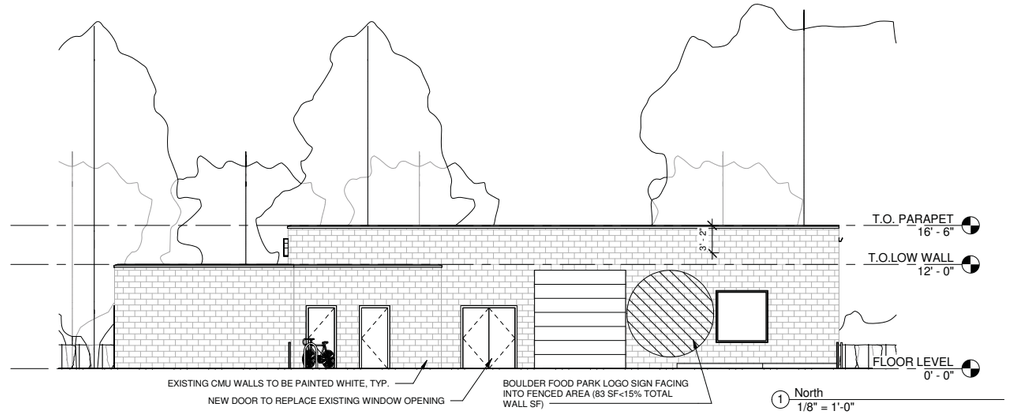
USE REVIEW
06/15/2015

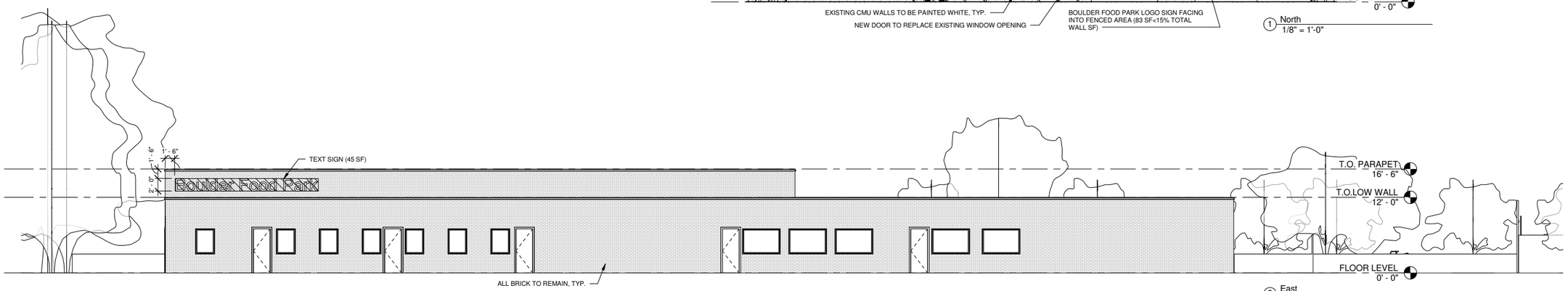
SHEET No.

UR-3

PRELIMINARY LANDSCAPE PLAN



1 North
1/8" = 1'-0"



2 East
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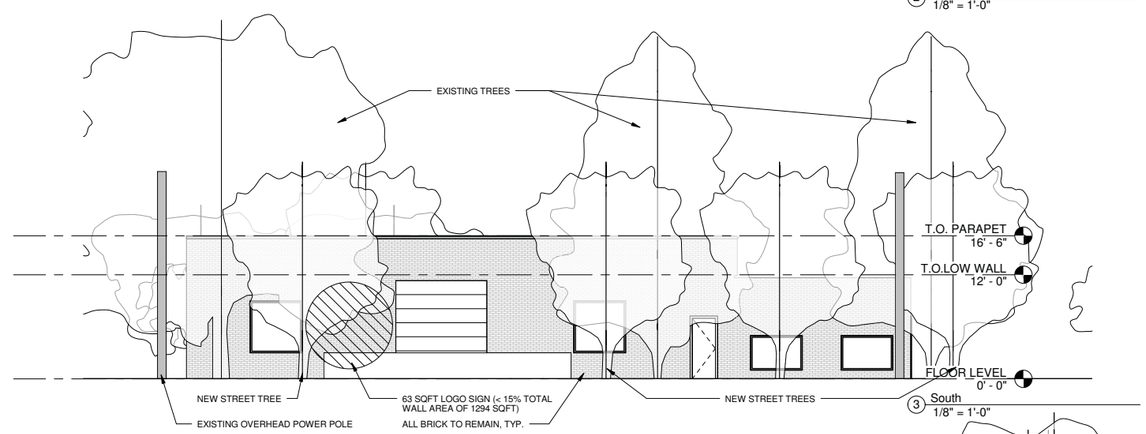

3 South
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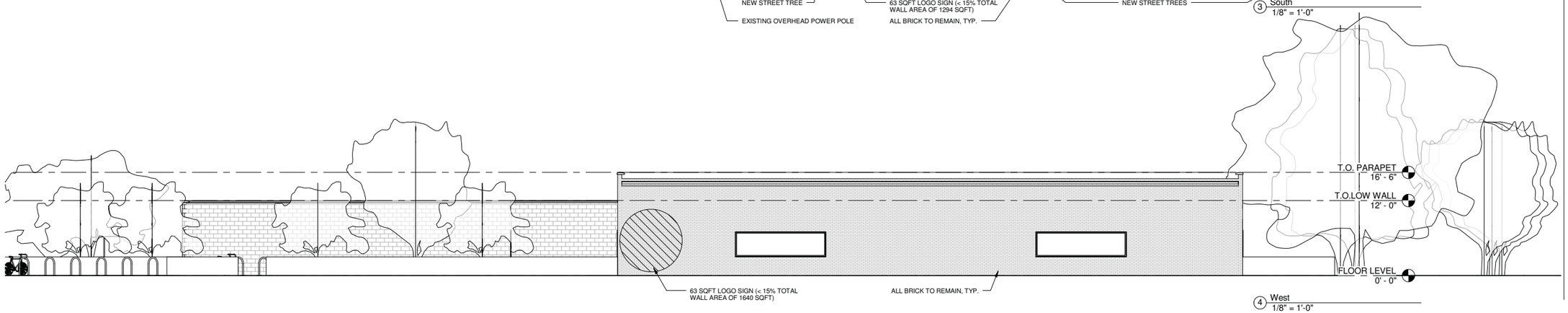

4 West
1/8" = 1'-0"

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USE REVIEW
06/15/2015

SHEET No.

UR-4
ELEVATIONS

Attachment A: Management Plan Language
7/22/15

Background: Boulder Food Park (BFP) is designed to provide Boulder with an environment where they can enjoy local food, beer, and community. The site will be adaptively reused to have an inviting 6,900 square foot indoor eating, drinking, and event space, with the total floor area of the tenant space not to exceed 7,600 square feet. The outside will be landscaped to create an inviting area for seating, games, and music. The site will host two principal uses: a tavern and mobile food vehicle sales. The mobile food vehicle sales will be located in the mobile food vehicle park which will host 4 rotating food trucks which will provide local food choices to the patrons of Boulder Food Park. The mobile food vehicle sales use will operate in accordance with the City's mobile food vehicle regulations (section 9-6-5(d), B.R.C. 1981). The tavern use will provide beer and wine options, and will include outdoor seating and music for patrons.

Tavern Hours of Operation: Monday –Friday 11:00am – 10:00pm. Saturday 11:00am – 11:00pm. Sunday 11:00 am – 9:00pm.

Food Truck Hours: All week no earlier or later than 7am-9pm as allowed by city law. **Note:** Outdoor seating will be available for mobile food vehicle patrons for all hours but tavern sales will only occur during the hours specified above.

Parking: 50 off-street parking spaces will be provided on-site. Employees will be encouraged to use alternate forms of transportation such as the bike path which connects to the property and RTD (RTD Eco Passes will be provided to all employees of Boulder Food Park). At this time, our number of employees will range from 3-10 starting at the lower end now while the business ramps up, and then increased depending on business traffic, business financials, and security to ensure all areas are being watched. The employees who do choose to drive will be instructed to use on-site parking and not surrounding business or neighborhood parking areas. Food Trucks will be required to park in the designated area shown on the site plan, which has been designed to meet the minimum required separation from adjacent residential zoning and to be separate from the customer parking area.

Deliveries: These will be instructed to drive to the designated food truck staging area out of the way of BFP patrons.

Trash and Recycling: Trash, recycling, and composting receptacles will be provided both indoors and outdoors and maintained by BFP staff. The trash dumpster will be kept on the north end of the property in an area accessible for the trash service. Trash, recyclables, and compostables shall not be collected between the hours of 10:30 p.m. and 7:30 a.m. to avoid noise that may impact surrounding neighborhoods. All trash located within the outdoor dining area, on the restaurant or tavern property, and adjacent streets, sidewalks, and properties shall be picked up and properly disposed of immediately after closing.

Noise:
Noise: There will be NO live music played outside (amplified or acoustic). Live or amplified acoustic music may be played in the indoor tavern area only. On no more than two (2) days per week, special events may take place where live music will be played indoors during tavern business hours.

Amplified music may be played in the outdoor seating areas during regular tavern business hours via a typical restaurant / tavern sound system. The intent of the outdoor music is ONLY to provide background music to enhance ambiance and not to create noise pollution to residents.
We will comply with all City of Boulder regulations regarding approved decibel levels, as directed by Section 5-9-3 of the Boulder Revised Code.

The sound system will be designed and installed by a professional without the use of omni-directional speakers to ensure sound is focused to specific locations on the property only. Small outdoor speakers will be positioned and angled appropriately to avoid any unintended sound travel.

Food Trucks will run on BFP provided electrical outlets and not be allowed to run their generators or engines. The food trucks will not be allowed to play their own music while on site.

Drug and Alcohol Policy: BFP will provide stringent training and established alcohol policies congruent with the Boulder Police Departments and other state certified guidelines for safe and controlled consumption of alcohol on the premises by patrons at least 21 years of age. The entire property will be fenced in so that alcohol use can be moderated. Designated entries and exits will be noted where alcohol is prohibited.

Neighborhood Outreach and Methods of Future Communication: Before opening a “Neighborhood Meeting” will be heard to address any suggestions or concerns. After operations commence, owners may be reached at info@boulderfoodpark.com and all inquiries will be addressed.

Methods of Dispute Resolution with Surrounding Neighborhood: BFP will uphold its performance as a good neighbor and strive to prevent any disputes. Should a dispute with the surrounding neighborhood arise, the owner or manager will participate in discussions and find resolutions to the problems cited.. An employee meeting will then be scheduled to implement the solutions. Irreconcilable differences will be handled first through mediation, then arbitration, then court proceedings as necessary.

Boulder Food Park

Travel Demand Management Plan- 7/22/15

1 INTRODUCTION

The site is located off of 28th Street and Valmont Road. The proposed adaptive reuse of the building and surrounding property is a 6900 square foot indoor bar and seating area as well as a 8000 square foot outdoor seating and entertainment area. The current access to the site is through a street entrance at 2775 Valmont Road. The location of the site with respect to the surrounding land uses and roadway system is shown in Figure 1. The proposed site plan is shown in Figure 2.

2 EXISTING MODES DESCRIPTION

Currently the site is accessible by a driveway into the existing parking lot from Valmont Road and by The Regional Transportation District (RTD), a fixed route transit service, on the 28th St & Valmont Rd Station. Figure 3a &3b shows the exiting bus stops and transit routes within the vicinity of the site including:

- BOLT
- 205
- 205T
- Call-n-Rides

The Boulder Food Park is well positioned to make good use of these existing opportunities.

3 PLANNED ALTERNATIVE TRANSPORTATION ADDITIONS

The location of the site runs directly along the Elmer's Two Mile Creek Greenway. The Elmer's Two Mile Creek Greenway begins just north of Elmer's Two Mile Park on the north end of Boulder, shown in Figure 4. It is paved and generally flat, graveling through open spaces, parks, neighborhoods and commercial areas. This Greenway connects directly to The Goose Creek Greenway which offers a major east-west route through Boulder. The Goose Creek Greenway connects the downtown Boulder area and the University of Colorado all the way through to the North part of Boulder at the Valmont Bike Park.

We plan to have direct access from the Elmer's Two Mile Creek Greenway to the Boulder Food Park. We expect a large portion of our patrons to access the site through this method and entrance.

4 TRANSPORTATION DEMAND MANAGEMENT STRATEGY FOR BOULDER FOOD PARK

The package we have created for The Boulder Food Park takes advantage of the traditional and alternative methods of transportation and combines them with proactive measures by business management to promote the use responsible use of all site access venues.

Beginning with our employees, we will provide an ecopass for all employees (10) for a period of 3 years. Upon hire, we will orient all employees on how to access the site using the bike path. Both of these combined will encourage employees to use the alternate transportations options and not use onsite parking.

The site will have 50 parking spots with a combination of handicap, compact, and standard spaces to server the customers who do decide to come by car. This is a 25% reduction which is only part of the 50% reduction we believe to be justified by the alternate modes described in this plan.

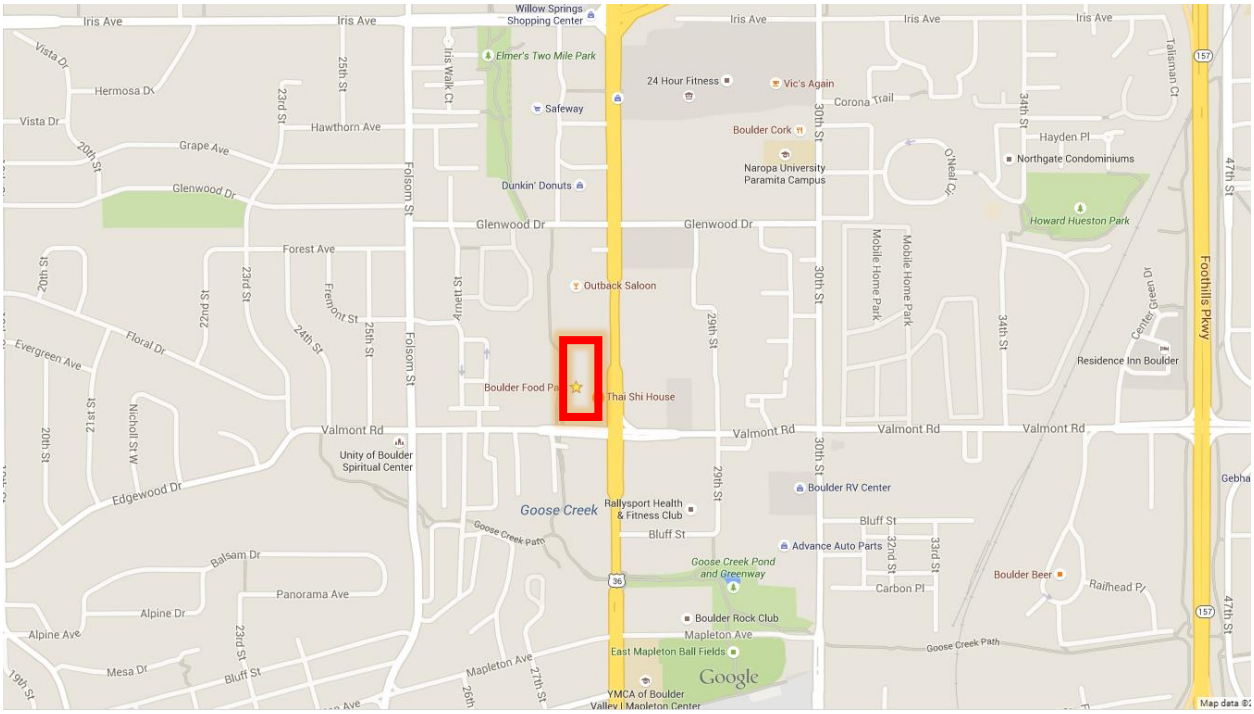
The patrons of Boulder Food Park will have several incentives to use alternate modes of transportation. Periodically Boulder Food Park will advertise and give discounts to customers who arrive by bicycle. Currently Boulder Food Park founders have an agreement with "The Boulder Cruiser Ride" group to have their Thursday Ride end at Boulder Food Park. This will raise awareness to a large part of the population that enjoys bike accessible locations.

City Code requires that bike parking is equal to 10% of car parking which in the case of Boulder Food Park would be 13 spots. Boulder Food Park will provide over 30 bike parking spots in the form of exterior bike racks assuming 2 bikes per inverted U-location and 8 long term spots.

In general, The Boulder Food Park's outdoors and locals environment is expected to attract a crowd that is already use to using these alternate modes of transportation. The surrounding areas is a high density residential area which has many people walking distance from the site. There are also several commercial office buildings which have people who walk to surrounding business for lunch as shopping.

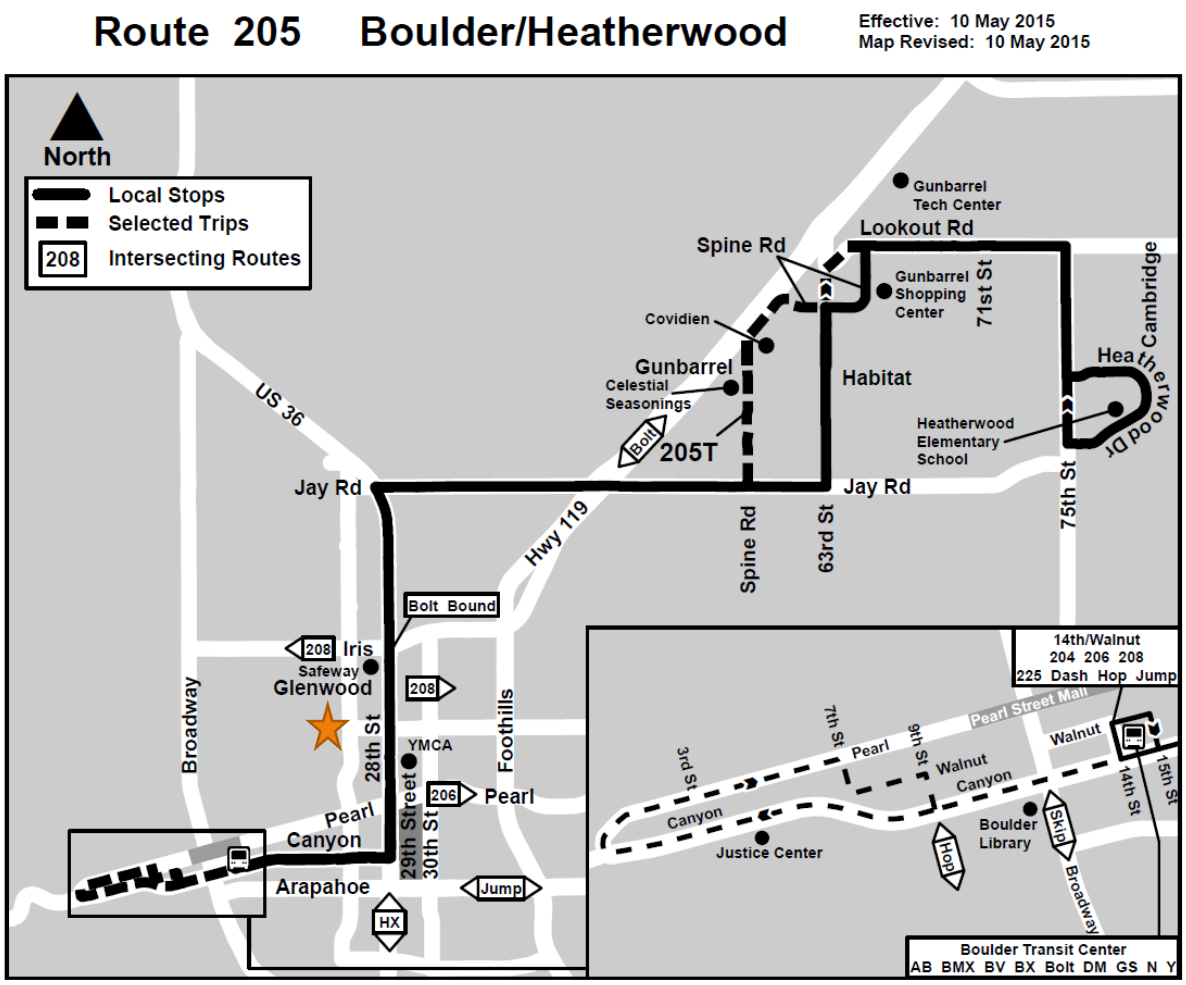
Lastly, the bus stop is both visible from Boulder Food Park and those being dropped off can see the Boulder Food Park site. This gives another access point to the site which patrons will be encouraged to use as a responsible alternative to driving.

5 FIGURE 1 – BOULDER FOOD PARK LOCATION



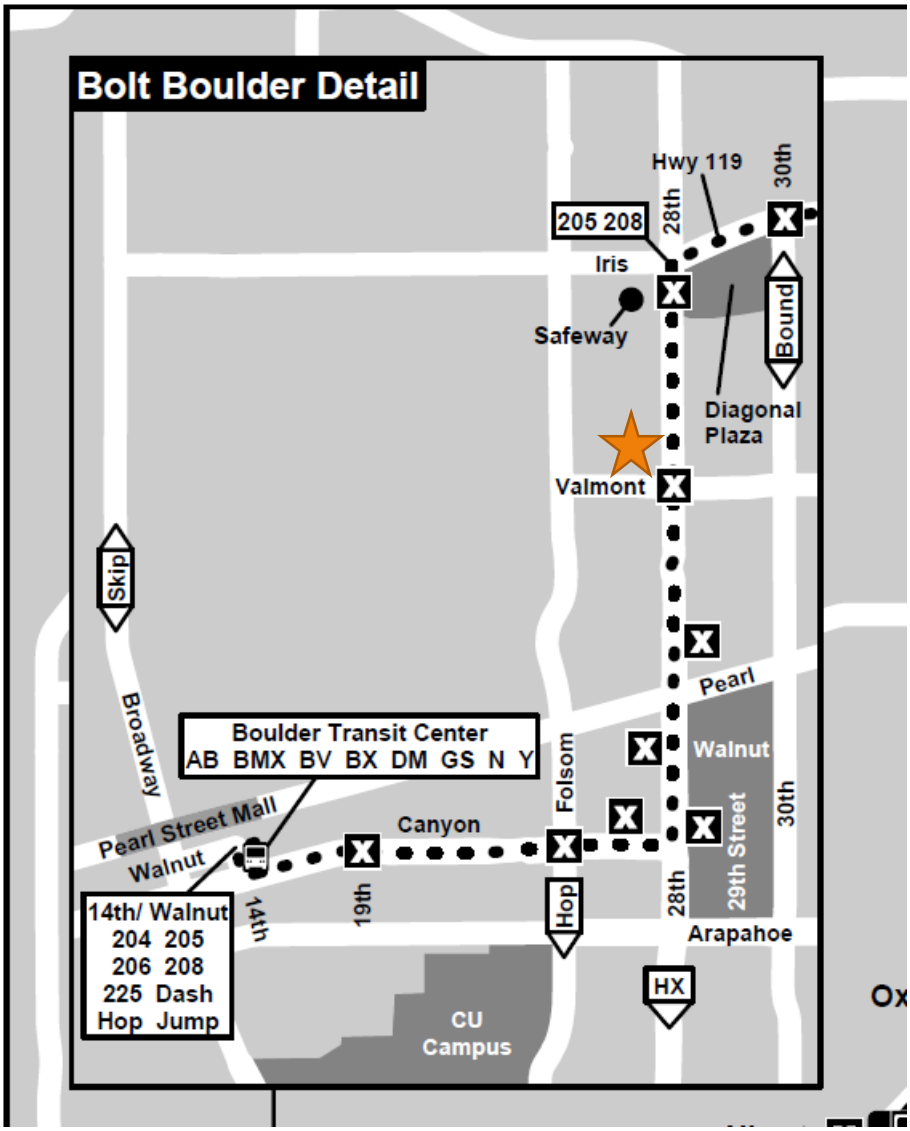
6 FIGURE 2 – SITE PLAN (TRANSPORTATION)

7 FIGURE 3A – RTD ROUTE MAPS

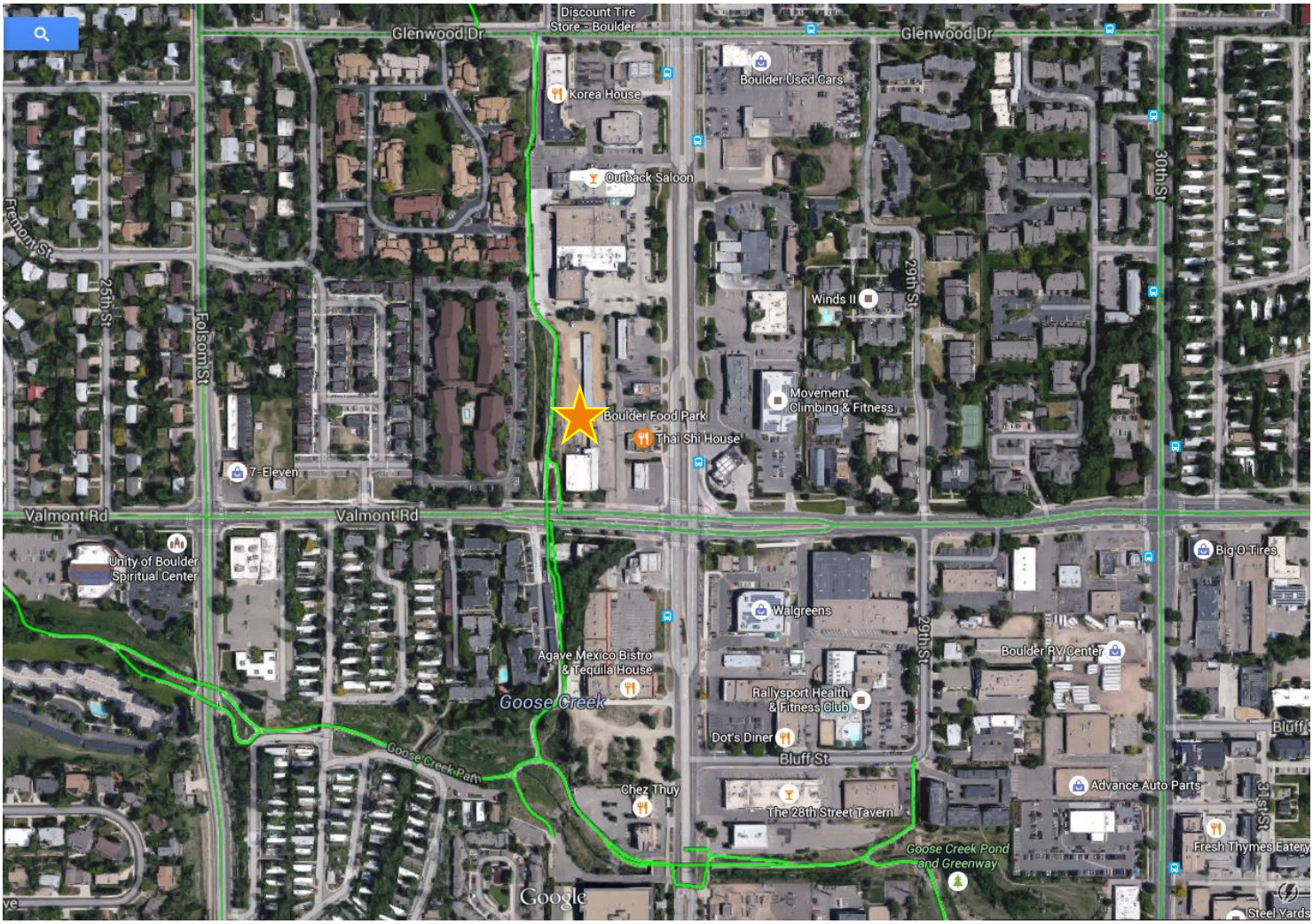


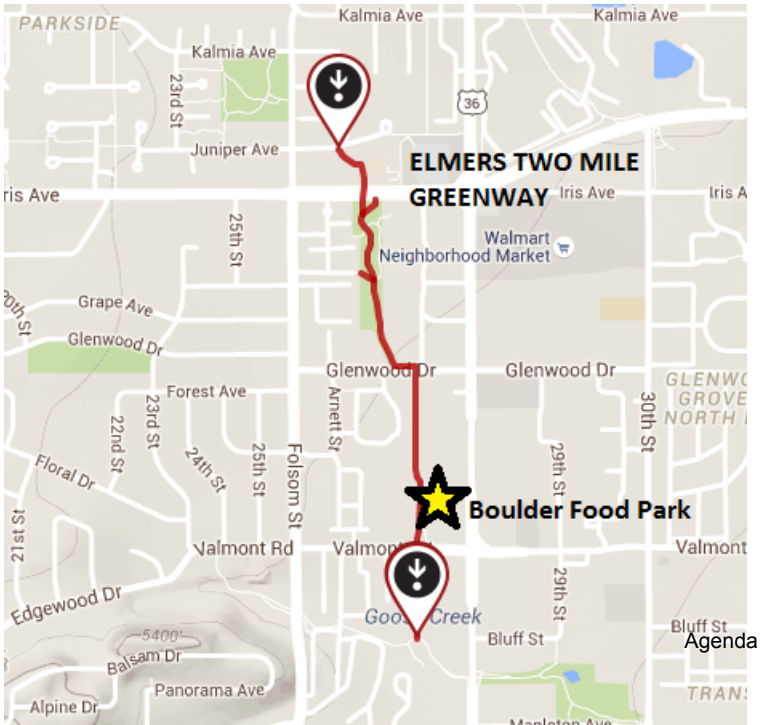
8 FIGURE 3B – RTD ROUTE MAPS

Route BOLT Boulder



9 FIGURE 4 – GREENWAY MAPS





Case #: LUR2015-00060

Project Name: Boulder Food Park

Date: 7/16/15

USE REVIEW CRITERIA

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

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

The project site is zoned BC-1 (Business- Community 1), defined in the land use code as: "Business areas containing retail centers serving a number of neighborhoods, where retail-type stores predominate" (section 9-5-2(c)(2)(G)). For the purposes of applying zoning, the proposed use is considered a combination of a "tavern with an outdoor seating area of 300 square feet or more within 500 feet of a residential zoning district," which requires a Use Review to operate in the BC-1 zone, and a "Mobile Food Vehicle" use, which is permitted to operate subject to the conditional use standards found in section 9-6-3(d) of the Boulder Revised Code. It should be noted that on June 2, 2015, City Council adopted ordinance 8049, which allows the proposed food trucks to locate within 150 feet of the existing restaurant to the east (the code previously did not allow this); however, the code still requires a Use Review for the proposed tavern/ outdoor seating area.

_____ (2) Rationale: The use either:

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

The proposed tavern and food truck park will provide a direct service the surrounding uses and neighborhood by re-using an existing vacant space to provide a new family-friendly eating, drinking and event space serving local food and beer. In addition to the proposed 7,600 sq. ft. indoor tavern, the use will include a large outdoor landscaped area for seating, music and games. Being located immediately adjacent to the Elmer's Two-Mile multi-use path and near the intersection of two major roads, Valmont Road and 28th Street, the site is easily accessible by various transportation modes including biking, walking, transit and automobile. In addition, there are several high density residential developments within walking distance of the proposed use that will benefit from having a community-oriented eating and drinking establishment in close proximity.

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

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

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

✓ 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 location, size, design and operating characteristics of the proposed use are such that the use will be reasonably compatible with and have minimal negative impact on the use of nearby properties. In terms of the location, as previously mentioned the site is located near the intersection of Valmont and 28th St., which are classified as an arterial and a highway, respectively, and as such routinely accommodate very high levels of traffic. The surrounding area is currently a mix of high density residential uses to the west along Valmont and higher intensity commercial uses along the 28th Street corridor to the north, east and south. The Elmer's Two-Mile Path runs along the west side of the site and aside from providing direct pedestrian and bicycle access to the site acts as a buffer between the proposed use and the residential uses to the west. Given the ease of access as well as the predominantly retail and service-based character of the nearby area, the proposed site is an appropriate location for the food truck park.

In terms of size and design, the proposed tavern use is to be located in an existing roughly 7,600 sq. ft. tenant space formerly used as the "Futsal" indoor sports facility. Therefore, the size and design of the building are not changing. In terms of the site, the existing conditions are undesirable and include a large dirt parking area almost entirely devoid of landscaping as well as a large, somewhat dilapidated carport structure running up the center of the site. The applicant proposes to pave and stripe the parking area and to create a roughly 3,060 sq. ft. landscaped area for seating music and games, which will greatly improve the overall appearance of the site.

In terms of the proposed operating characteristics, the previous tenant was the Futsal indoor sports facility, which was a by-right use that operated from 7:00 am to 2:00 am, and included numerous sports events with high turnover and large numbers of attendees. The proposed tavern and food truck park will be subject to a Management Plan and will therefore increase the predictability of the use compared to the previous use. Per the Management Plan, the tavern will have hours of operation from 11 am – 10 pm, Mon – Fri, 11 am – 11 pm on Saturdays and 11 am – 8 pm on Sundays. Food trucks will be able to serve between 7:00 a.m. and 9:00 p.m., seven days per week. There will be amplified music during regular tavern business hours, as well as occasional outdoor musical performances which will not be amplified past 9:00 pm. If the Use Review is approved, the applicant will be required to obtain a 25% parking reduction in order to allow for them to provide 50 parking spaces on-site as proposed where 66 are required per section 9-9-6, B.R.C. 1981. The applicant has provided a Travel Demand Management Plan outlining several ways in

which the applicant proposes to reduce the number of vehicle trips to and from the site, including providing a direct paved connection to the bike path from the site, subsidizing eco-passes for employees of the facility, offering periodic discounts to people who travel to the site by alternate modes and holding bicycle-oriented events with local organizations to promote awareness. In addition, the applicant is proposing to provide 30 bicycle parking spaces, including 22 short-term spaces and 8 long-term spaces, where only 8 are required by the land use code. All of the measures combined will significantly reduce the number of vehicles travelling to and from the site, which will reduce the chance the use will have any significant impact on traffic and parking in the surrounding area.

__✓__ (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 use will re-use an existing building that has been in the current location since 1956. Currently, the site is not served by City water or sewer; however, the site will be required to connect to City utilities through the building permit process. The site will also be required to meet all drainage requirements at time of building permit. The existing utilities in the area are over-sized for the existing and future demand, and are designed to accommodate any additional development that may occur on the site. In addition, the anticipated traffic generated by the site will not adversely affect either of the two streets serving the site, Valmont Rd. and 28th St., which are a major arterial and a state highway, respectively, and are well within acceptable level of service ranges. Therefore, the proposed use will not significantly affect the infrastructure of the surrounding area.

__✓__ (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 use will not change the predominant character of the surrounding area, which is a mix of high density residential uses to the west along Valmont and higher intensity retail and service uses to the north, east and south along the 28th Street corridor. Given the building's location on the south side of the site as well as the site's location to the rear (west) of several existing businesses including a restaurant, dispensary and drive-thru liquor store and to the east of the Elmer's Two-Mile path, the proposed outdoor seating area and food truck park will be buffered on three sides and will only be minimally visible from adjoining rights-of-way. In addition, the proposed Management Plan will help ensure ongoing predictability of the use.

__N/A__ (6) Conversion of Dwelling Units to Non-Residential Uses: There shall be a presumption against approving the conversion of dwelling units in the residential zoning districts set forth in Subsection 9-5-2(c)(1)(a), B.R.C. 1981, to non-residential uses that are allowed pursuant to a use review, or through the change of one non-conforming use to another non-conforming use. The presumption against such a conversion may be overcome by a finding that the use to be approved serves another compelling social, human services, governmental, or recreational need in the

community including, without limitation, a use for a day care center, park, religious assembly, social service use, benevolent organization use, art or craft studio space, museum, or an educational use.

Not applicable, as the subject proposal is for the replacement of a previously existing commercial use with a new commercial use, and does not include any conversion of existing dwelling units to non-residential uses.

Van Schaack, Chandler

From: Clyda Stafford [clyda@q.com]
Sent: Friday, July 03, 2015 1:43 PM
To: Van Schaack, Chandler
Subject: App. for 2775 Valmont Rd. Tavern

Dear Mr. Van Schaack,

I am emailing my comment on the application to the Planning Dept. for a Food Park and Tavern at 2775 Valmont Rd. Today, I see that the letter from Planning Dept. says to send them before July 3, but when I first read the letter, I had July 3 in my mind as the deadline. Please accept my comment today.

I live in the Willow Brook Townhomes that border on Glenwood Drive on the north, the Two Mile Creek bike path on the east, and Red Oak Park (city public housing) on the southeast. My town home (3120 Eastwood Ct.) is in the southeast corner of our HOA. I am only yards from the bike path, Two Mile Creek condos, and the open space for the bike path extends down to Valmont. Although a tavern at 2775 Valmont would be a block and half away from me, it is in a direct line of open space to my townhouse; therefore, I could hear noise from an outside seating area. Inevitably, there would be noise-- a "tavern" is a bar, especially from music that plays until possibly 2:00 a.m.

Shady Hollow East and Two Mile Creek condos are only yards from that location. All of the area west of that location is very dense residential housing. I already hear noise from 28th St., Valmont Rd., the back of the shopping center to my east that is on 28th (especially the car wash), noise from the back parking lot of Two Mile Creek condos, noise from Red Oak Park (city public housing), noise from my own neighborhood (very dense), and sometimes at night -- even noise from the Elmers's Two Mile Creek bike path. I don't want more noise.

Just because the people who live in all these dense neighborhoods, in condos and townhouses, are living in affordable housing, doesn't mean that the City (especially the Planning department) can assume we have not right to a decent quality of life and the peace and quiet of our own homes. The City (including the Planning department) preaches "affordable housing" and "residential density" as if those ideas are a religion. But, they do no understand what their policies do to the quality of life for the people who live in affordable housing -- after all, they don't live there.

Clyda Stafford
303-443-8313
3120 Eastwood Ct.
Boulder, CO 80304

June 30, 2015

City of Boulder Planning and Sustainability
1739 Broadway
Boulder, CO 80306

TwoMile Creek HOA
2707 Valmont
Boulder, CO 80304

Mr. Van Schaack:

TwoMile Creek (TMC) appreciated the opportunity to attend the developers' meeting regarding the proposed use at 2775 Valmont Road.

We do believe, however, that some concerns need to be "on the record" and written plans in place to deal with the following issues that we believe are likely or probable problems that will result from the project going forward:

- the location of windows (operable or not) facing TwoMile Creek will result in noise transmission from the existing building. We request no windows facing TMC.

- patrons parking in our parking lot; I personally saw many people park there the night of the meeting; it's convenient and I think there is every reason that will be a problem.

- *the extent of effective sound mitigation for not just the outside music, but the noise of scores of people whose volume cannot be "turned down."* This was not discussed at the meeting and is likely to be substantial as people will be drinking---even wine and beer.

- car lights facing TMC will disturb residents (bedrooms face the project) if extensive sight mitigation is not installed *all along the area where cars will be facing TMC.*

- professional security supervision to make sure that we will not have an incursion of vagrants or tavern patrons onto our property when "the party is over" at the tavern site.

We would ask that the city require, and the developers agree, to hiring security to be sure that their customers are not parking in our lot and that their site is cleared completely when they close. <u>We also ask that both sound and sight mitigation measures</u> be **VERY** extensive before the project is allowed to go forward; it is unlikely that changes will be made once approval is gained. Further, we would like to have a specific plan in place to address problems should they occur and would like to see those plans prior to construction.

We ask that the City very seriously consider that TMC's residents will not be able to "go home" to escape noise that is too loud, or car lights too bright, if they are deprived of their parking spaces or if vandalism occurs. This project has the potential to permanently change the quality of their life. We ask that you work with TMC if this project is to go forward.

Suzanne Wong
TwoMile Creek Board President

Van Schaack, Chandler

From: Michael May [mmay303@yahoo.com]
Sent: Tuesday, June 23, 2015 12:48 PM
To: Van Schaack, Chandler
Subject: Boulder Food Park & Tavern

Hi Chandler Van Schaack,
I received your letter about this project in my neighborhood and would like to comment.

In general. I am greatly in favor of this project and think it will be great for Boulder. My two concerns are:
1) the noise from this location drifting into my neighborhood if there will be outdoor music. This is primarily of concern during the the last hour that it is open each day as this is getting into the bedtime for children.
2) good parking has to be provided for customers so as to not encourage people from parking in the parking lots of neighboring condo and apartment buildings nearby.

Regards,

Michael May
2982 Shady Hollow West
Boulder, CO
President of the Shady Hollow HOA

303-241-0119

Van Schaack, Chandler

From: Tom Wilberding [twilberding@comcast.net]
Sent: Saturday, June 20, 2015 7:23 PM
To: Van Schaack, Chandler
Cc: Barb Wilberding
Subject: 2775 Valmont

In response to your mailing about this project, Boulder Food Park and Tavern, my wife and I vote no—outside taverns are not appropriate next to residential. Inside tavern with zero outdoor tables would be okay with us, subject to their obeying Boulder noise and other ordinances.

Thank you,

Thomas W. Wilberding
Barbara A. Wilberding
3108 Eastwood Court
Boulder, CO 80304-2957

Van Schaack, Chandler

From: Ellen Shriver [ellen.r.shriver@gmail.com]
Sent: Saturday, June 20, 2015 11:40 AM
To: Van Schaack, Chandler
Subject: tavern

since you are listed as project contact on the letterhead stationery from the community planning & sustainability i am directing my questions to you. this letter which included a colorful brochure/invitation from the young investors in the food park project was described in your letter as a good neighbor meeting. however the letter with brochure was inserted into our mail boxes.... u.s. postal boxes, by an unknown hand. some boxes that had enough space around the sides or the bottom for the envelop to slide through got the letter.
those boxes which are by their construction too tight for the envelope to slide through did not. first of all who was messing with our mail boxes; second, a hit or miss approach for informing the neighbors is not a formal notification. some residents were informed, some were not. has the city government become so careless as to use a questionable method of informing the public of a meeting that concerns them? to use the u.s. postal mail boxes of the residents at 2707 valmont road rather than taking the time to deliver the notice, since it did not come through the mail, door to door? a letter under the city of boulder letterhead which included a brochure from the aforementioned investors in the food park smacks of tacit support from the city for this business project. what about city support for the densely populated residential area that this business borders? does the city council now make it's decisions based on weather a proposal is "cool" or uncool? it is cause for concern to the public that city government is behaving in such an irresponsible manner as regards this matter. ellen r. shriver, 2707 valmont road.

2707 Valmont Rd. D202
Boulder, CO. 80304
7/1/15

Chandler Van Schaack
P.O. Box 791
Boulder, CO. 80306
RE: Boulder Food Park & Tavern

Dear Mr. Van Schaack,

This letter is my comments on the proposed Boulder Food Park & Tavern Review Number: LUR2015-00060 in response to the notice I received dated June 16,2015.

I would like to begin by reiterating our telephone conversation. I explained to you the neighborhood meeting invitations were found in our locked mailboxes without address or postage, and not all residents received them. I asked you how this could be a legitimate meeting since not all the residents were invited. Your response was that since they are not required to have a neighborhood meeting there was nothing you could do. You told me you suggested to them that they postpone the meeting and send out proper notice but they refused. This was not fair to the residents who did not know about the meeting, and to the food truck that may have had more customers if the meeting had been properly noticed.

The next item I would like to bring up is conflicting information. It was verbally stated at the meeting that the music would be indoors. On the management plan document we received it states" Amplified music will be played in the outdoors area at low volume levels during the regular business hours of operation. Periodically special events will take place where the music will be more amplified but will be restricted to hours no later than 9pm." I am very confused.

Thirdly, at the meeting one of our homeowners made a request that closing time be earlier. The response was no with no offer of negotiation.

If I were on a review board, I would see the above mentioned behaviors as red flags and would question if these people are capable of running a business.

In regard to noise, even if the music is indoors and under control, what about people's voices? We can hear people talking on the bike path so how is it going to be with people sitting outdoors eating and drinking?

I deserve to have a quiet home without disturbance from neighboring businesses. I am requesting that this application be denied. If my request is denied, they should be required to build a fence with sound proofing material and take full responsibility for any sound seepage.

Please send me notice of your decision.

Sincerely ,
Karen Aronson

CC Stephen Tebo
Law Office of Riggs, Abney, Neal,
Turpin, Orbison, & Lewis

Van Schaack, Chandler

From: Dan Corbett [dcorbett@climbtrees.com]
Sent: Tuesday, July 21, 2015 3:52 PM
To: Van Schaack, Chandler
Subject: Fwd: 2775 Valmont Review

---------- Forwarded message ----------
From: **Dan Corbett** <dcorbett@climbtrees.com>
Date: Sat, Jun 27, 2015 at 2:47 PM
Subject: 2775 Valmont Review
To: vanschaackc@bouldercolorado.com

Greetings Chandler,

My wife and I received the City's notice on the planning of the food trucks at 2775 Valmont in the mail. We live across the street in the Shady Hollow townhouse complex. While I am all for using the space for something better I have a few concerns about the project.

1. Noise - We have a three year old child, and may be adding another. During much of the year we like having our windows open. Having outdoor seating and (more importantly) drinking will undoubtedly add lots of noise pollution that will distract from the quiet comfort of our house and may make it more difficult for our son to sleep. I would much prefer to limit the hours of operation to 8pm.

2. Quality of Life - There are already a large number of people who use the ditches near the townhouse complex as their toilet and bathtub, in addition to camping out along the bike path. It is frustrating having to explain to my three year old why someone is vomiting or defecating when we are going for a walk. Alcohol will bring more problems, both from patrons and from homeless begging. While it won't help with the homeless camping and behaving poorly, I would prefer not needing alcohol. Isn't the point of mobile food trucks food, not booze?

3. Parking - We have extremely limited parking in our complex. During an event like the Bolder Boulder, as well as any normal Saturday night, it is near impossible to find an open spot. If the food trucks come in there needs to be a way to ensure people are not parking in our complex.

Please keep me informed on planning board hearings or decisions.

Thank you,
Dan Corbett
2978 Shady Hollow West

Van Schaack, Chandler

From: Don Elsborg [don.elsborg@gmail.com]
Sent: Tuesday, July 21, 2015 3:09 PM
To: Van Schaack, Chandler
Subject: Please approve the Boulder Food Truck Park - LUR2015-00060

Hello,
I would like to urge you to approve the Food Park.
I live in the neighborhood at Floral and 23rd. I think it would be a great neighborhood addition and bring some life to our neighborhood. I spoke with several of my neighbors and everyone is excited to be able to take a short walk to the new Food Park.
Quoting someone else who voiced a very logical opinion:
"Note its current ugliness (in spite of a nice location near creek and away from cars). 2. Now imagine a community-oriented #thirdspace for cyclists and walkers -- this would be great for#Boulder and the community. 3. Lastly, consider the boring/offensive alternatives for this site -- yet another 3-story monstrosity after years of construction with no use to neighbors and existing community? Please approve the food truck park."

Can you tell me what the next steps are in the approval process?

Thanks
Don Elsborg
3010 23rd st.
Boulder