

CITY OF BOULDER
PLANNING BOARD AGENDA ITEM
MEETING DATE: December 3, 2015

AGENDA TITLE: Public hearing and consideration of an Amendment to Approved Site Plans to amend the approved fencing standards for the TrailCrossing at Lee Hill residential development located at 820 Lee Hill Drive to allow privacy fences in specific areas. The project site is zoned Residential - Low 2 (RL-2). Case No. LUR2015-00094.

Applicant: SCOTT CHOMIAK ON BEHALF OF TRAIL CROSSING AT LEE HILL HOMEOWNER ASSOCIATION

Owner: KUH-LEE HILL, LLC (LOTS 17, 18, 24, 25 AND 31 AND OUTLOT A),
JEREMY EPSTEIN AND SUSAN STRIFE (LOT 1)

REQUESTING DEPARTMENT:

Planning, Housing & Sustainability

David Driskell, Executive Director

Susan Richstone, Deputy Director

Charles Ferro, Development Review Manager

Sloane Walbert, 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:

SITE REVIEW AMENDMENT to amend a previously approved Site Review application (#LUR2013-00033). Proposal to amend the approved fencing standards for the TrailCrossing at Lee Hill residential development to allow privacy fences in specific areas. The proposal would allow 6-foot cedar privacy fencing on Outlot A, 5-foot solid cedar fencing with 1 foot of latticework above (6 feet total) on Lots 1 and 17 and solid 3'-10" cedar fencing on Lots 18, 24, 25 and 31. Visually permeable 3'-10" high split rail fences would remain in all other locations.

Project Name:

820 LEE HILL DRIVE

Location:

TrailCrossing at Lee Hill Development

Zoning:

Residential - Low 2 (RL-2)

Comprehensive Plan:

Low Density Residential

BACKGROUND:

Existing Site/Site Context

The project site is located between Lee Hill Drive and Yellow Pine Avenue, east of 8th Street (refer to **Figure 1**). The residential development was approved as a Site Review on October 24, 2013. The development includes 31 single-family homes with a mixture of attached and detached garages. As part of the development, Zamia Avenue was extended to the east and 10th Street was constructed as a connection from Yellow Pine Avenue to Lee Hill Drive. A few homes have been completed but the majority of the development is still under construction.

As shown in **Figure 2** on the following page, the development is located in a Residential - Low 2 (RL-2) zone district, which is described under section 9-5-2, B.R.C. 1981 as follows, “medium density residential areas primarily used for small-lot residential development, including, without limitation, duplexes, triplexes or townhouses, where each unit generally has direct access at ground level.”



Figure 1: Vicinity Map

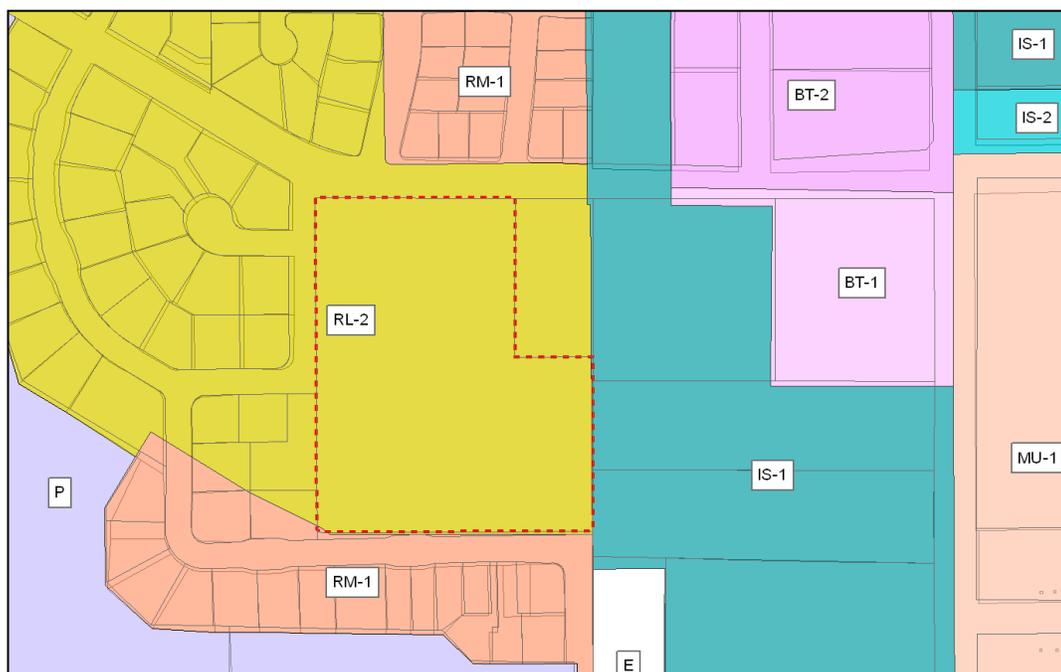


Figure 2: Zoning Map

Site Review Approval

In the initial submittal for a Site Review at the subject property, the applicant expressed their intent to develop a neo-traditional pedestrian-oriented neighborhood where houses and porches face the street (refer to **Figure 3**). The concept also included the intent to extend the perception of green space through the use of low visually permeable fences. The submitted written statement asserts, “The yards that surround the park extend the green space and create a larger common green around the park, especially to the south. When combined with the generously spaced east-west path that meanders through this area, this provides a larger green buffer, extends the perception of open space, and joins the parks and the more informal open space to the east by utilizing an area that is less like a path and more like a community space.”

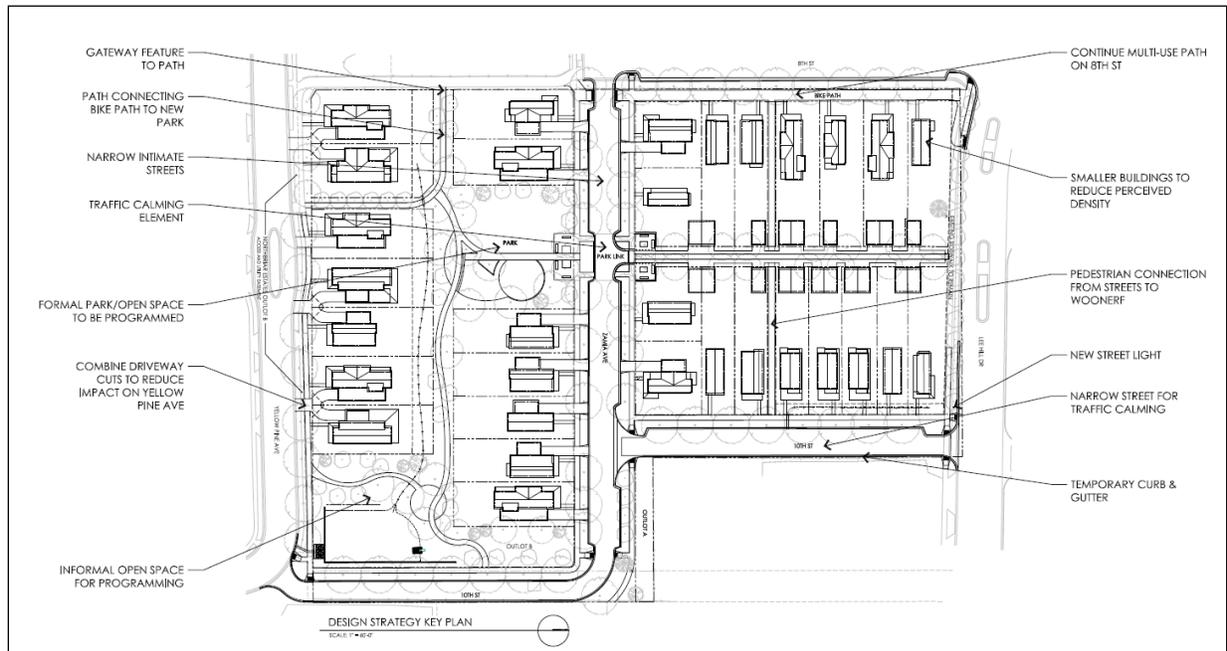
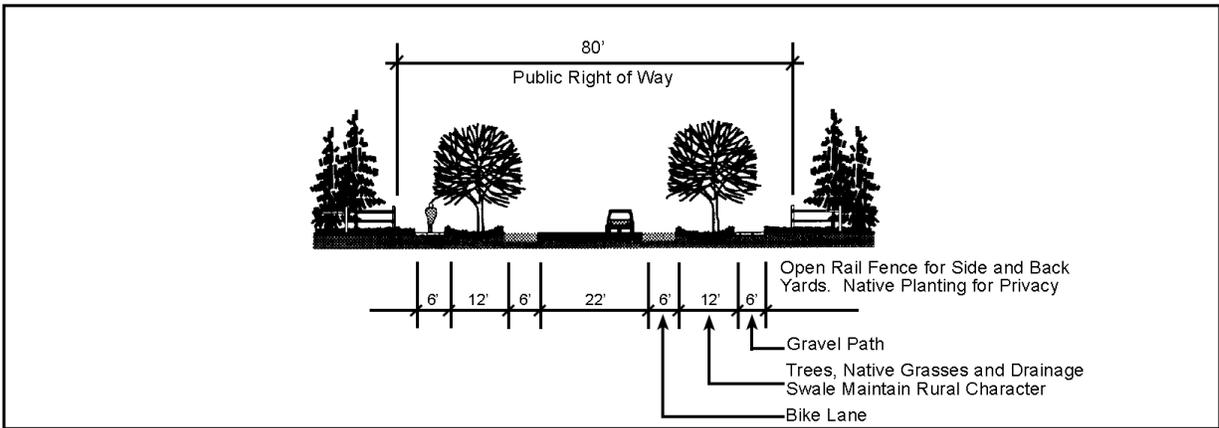


Figure 3: Approved Site Plan

In addition, at time of Site Review the proposal had to meet the design standards of the North Boulder Subcommunity Plan (NBSP). The development guidelines in the Plan for all neighborhoods states “leave front yards open wherever possible. When front yard fences are provided, they should be low and open.” The NBSP also includes a street section for this portion of Lee Hill (below), which shows an open rail fence for side and back yards along Lee Hill Road.



◆ Lee Hill Road in the residential area: from 11th Street west to the city limits

Figure 4: Lee Hill Street Section in NBSP

Approved Site and Architectural Plans

In response to the conditions of approval and Board discussion, the developer included a fence detail for a three-rail fence (see **Figure 5** below) and details regarding entry features with the final site and architectural technical documents. The intent of the fencing and entry features was to ensure that the proposed development would be integrated into the surrounding neighborhood and create a walkable and welcoming neighborhood.

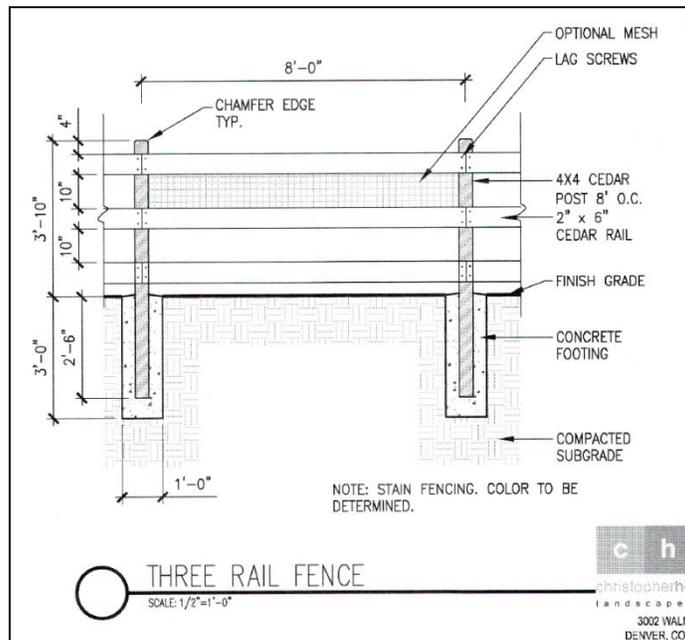


Figure 5: Approved Fencing Detail

The developer also submitted plans to demonstrate transparency and activity at the pedestrian level on the southeast corner of the site in order to promote safety (refer to **Figure 6** on the following page).



Figure 6: Building Facades Facing Informal Open Space

Project Description

The applicant is proposed a modification to the fencing plan for the development to allow for additional security and privacy within certain areas of the neighborhood. The proposed changes are as follows:

- 5 feet of solid cedar fencing with 1 foot of latticework (6 feet total) at the side and rear yards of Lots 1 and 17 adjacent to Lee Hill Drive;
- 6 foot cedar privacy fences along the north and east boundaries of Outlot A;
- Solid 3 feet-10 inch cedar fencing along a portion of the side yards of Lots 18 and 31 adjacent to the multi-use path, the side yard of Lot 25 and side and rear yard of Lot 24 adjacent to the informal open space;
- 3 feet-10 inch split rail fencing would remain in all other locations, including all front yards.

The intent of these changes is to address security and privacy concerns of current owners and anticipate future concerns. Refer to [Attachment D](#) for the proposed fencing plan with specific fencing locations and written statement.

REVIEW PROCESS:

The subject development was approved as a Site Review in 2013 (#LUR2013-00033). An Amendment to Approved Site Plans is required to modify the approval because the proposal will alter the basic intent of the site plan approval. The proposal may not be processed as a Minor Amendment because all approved dwelling units within the development phase have not been completed (section 9-2-14(l)(1)(A), B.R.C. 1981). On November 9, 2015, city staff approved the Amendment to Approved Site Plans to allow the proposed fencing plan modifications (refer to [Attachment A](#) for staff disposition). The Amendment is a staff-level decision subject to call-up by the Planning Board or by the public within 14 days of staff's decision. The application was called up for discussion by a member of the Planning Board on November 19, 2015.

KEY ISSUE:

Staff has identified the following key issue for the board's consideration:

Is the proposed Site Review Amendment consistent with the criteria for Minor Site Review Amendments to Approved Site Plans as set forth in section 9-2-14(m), B.R.C. 1981?

Staff finds that the proposal is consistent with the Site Review criteria set forth in section 9-2-14(h), "Site Review," B.R.C. 1981. Specifically, the proposed fencing will not detrimentally affect the neo-traditional design of the residential development. Staff finds that fencing to establish a level of boundary and privacy is appropriate in some locations of the development. Regarding fencing along Lee Hill, privacy fencing with latticework on the top serves to provide security and privacy but preserves a level of permeability. This design is also consistent with other fencing requirements in the North Boulder neighborhood. Regarding fencing along the multi-use path, solid 3'-10" cedar fencing serves as a boundary, not a barrier to the neighborhood. Similarly, solid 3'-10" cedar fencing is appropriate adjacent to the informal open space on the southeast corner of the site, considering that extensive landscaping is approved adjacent to the proposed fences and a solid fence would not affect the sight lines to this area. The fences would indicate that the back yards are private without creating an unwelcoming environment. Lastly, considering the commercial and industrial use of adjacent properties to the north and east, 6 foot privacy fencing is supportable on Outlot A. Refer to [Attachment C](#) for staff's complete analysis of the review criteria.

PUBLIC COMMENT:

Required public notice was provided in the form of written notifications of the application to property owners within 600 feet of the subject property. In addition, a public notice sign was posted on the property. All public notice requirements of section 9-4-3, "Public Notice Requirements," B.R.C. 1981 were met. In response to the public notice, a few emails were received from neighbors regarding the proposal (refer to [Attachment B](#) for public correspondence). One of the neighbors expressed that privacy fencing along Lee Hill or along the east border would be fine but anywhere else would segregate the development from its surrounding neighborhood. This is something that the neighborhood worked hard to discourage. Another neighbor commented that the request for privacy fences is an inevitable consequence of the setback variances that were approved in the original site review. Staff has also been in correspondence with the owners and residents of Lot 1 of the development. They are very concerned about the safety and security of their family since they are located on Lee Hill Drive. The homeowner of Lot 1 addressed the Planning Board at the meeting on November 19, 2015 and appealed to the Board to call-up the item to allow a 6-foot stockade fence on Lee Hill on his property.

STAFF FINDINGS AND RECOMMENDATION:

Per section 9-2-14(m), "Amendments to Approved Site Plans," B.R.C. 1981, no proposal to modify, structurally enlarge, or expand any approved site review, other than a minor modification or minor amendment, will be approved unless the site plan is amended and approved in accordance with the procedures prescribed for approval of a site review. Staff finds that the proposal is consistent with the Site Review criteria set forth in section 9-2-14(h), "Site Review," B.R.C. 1981. Therefore, staff recommends that Planning Board approve Land Use Review #LUR2015-00094, incorporating this staff memorandum and associated review criteria as findings of fact and subject to the recommended conditions of approval.

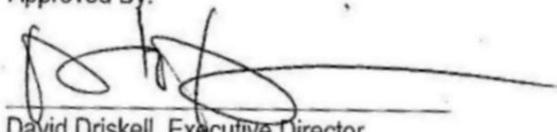
RECOMMENDED CONDITIONS OF APPROVAL:

1. The Applicant shall be responsible for **ensuring that the development shall be in compliance with all approved plans** prepared by the Applicant on November 5, 2015 and on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the

conditions of approval.

2. 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 agreements recorded in the records of the Boulder County Clerk and Recorder:
 - a. DEVELOPMENT AGREEMENT dated March 3, 2014 and recorded at Reception No. 03369182 on March 6, 2014.
 - b. SUBDIVISION AGREEMENT recorded at Reception No. 03407519 on October 13, 2014.

Approved By:

A handwritten signature in black ink, appearing to read 'David Driskell', is written over a horizontal line.

David Driskell, Executive Director
Department of Community Planning and Sustainability

ATTACHMENTS:

- A. Staff Disposition
- B. Neighborhood Correspondence
- C. Staff Analysis of Review Criteria
- D. Proposed Plans



**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
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: **820 LEE HILL DR**
DESCRIPTION: **SITE REVIEW AMENDMENT to amend the approved fencing standards at the TrailCrossing at Lee Hill development to allow privacy fences in specific locations. This approval will allow 6-foot cedar privacy fencing on Outlot A, 5-foot solid cedar fencing with 1 foot of latticework above on Lots 1 and 17 and solid 3'-10" cedar fencing on Lots 18, 24, 25 and 31. Revised fencing shall only be installed in locations detailed on the approved plans. Visually permeable 3'-10" high split rail fences will remain in all other locations.**

LOCATION: **820 LEE HILL DR**
COOR: **N09W07**
LEGAL DESCRIPTION: **Lots 1-31 and Outlots A-B, 820 Lee Hill Subdivision, County of Boulder, Colorado**

APPLICANT: **SCOTT CHOMIAK, KOELBEL URBAN HOMES**
OWNER: **KUH LEE HILL LLC**
APPLICATION: **Site Review Amendment, LUR2015-00094**
ZONING: **Residential - Low 2 (RL-2)**
CASE MANAGER: **Sloane Walbert**
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: 11/10/15
Date

By: 
David Driskell, Executive Director of Planning, Housing 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: 11/27/15

Final approval date: _____

Address: 820 LEE HILL DR

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

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

CONDITIONS OF APPROVAL

1. The Applicant shall be responsible for **ensuring that the development shall be in compliance with all approved plans** prepared by the Applicant on November 5, 2015 and on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of approval.
2. 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 agreements recorded in the records of the Boulder County Clerk and Recorder:
 - a. DEVELOPMENT AGREEMENT dated March 3, 2014 and recorded at Reception No. 03369182 on March 6, 2014.
 - b. SUBDIVISION AGREEMENT recorded at Reception No. 03407519 on October 13, 2014.

Address: 820 LEE HILL DR

From: Gail Promboin and Bob Burnham [mailto:burnboin@msn.com]
Sent: Thursday, October 08, 2015 6:45 AM
To: Walbert, Sloane
Cc: Bruce Goldstein
Subject: 820 Lee Hill

Hi, Sloane:

I noticed this week a sign posted across 10th Street from the project (not even on the property, but where hardly anyone would see it) saying that there was a revision to the site plan under review. However, I can't find anything about it on the City web site. Can you please send me a link or a description of what is being changed? Aren't they required to notify adjacent property owners? We sure didn't receive anything.

Thanks,

Gail Promboin
944 Yellow Pine Ave., Boulder

From: Gail Promboin and Bob Burnham [mailto:burnboin@msn.com]
Sent: Wednesday, October 14, 2015 5:05 PM
To: Walbert, Sloane
Cc: Bruce Goldstein
Subject: Re: 820 Lee Hill Site Review Amendment

Thank you, Sloane. I need you to know that the link you sent did not lead to any info on this modification. It was easier to find things on the older website.

Just a comment: These requests for privacy fences are the inevitable consequence of the wholesale setback variances that were approved in the original site review. Guess that's just how the City gets played.

Gail

From: Karie Kopljar [mailto:kkkopljar@hotmail.com]
Sent: Sunday, October 18, 2015 7:12 PM
To: Walbert, Sloane
Subject: REVIEW #: LUR2015-00094

Sloane:

Please advise as to where exactly the privacy fencing would be placed at this site. I was told by the sales agent that they were planning one along Lee Hill, which would be fine. Along the east border where there is commercial adjacent properties would be fine. Anywhere else would segregate this neighborhood from

its surrounding neighborhood, which is something that we worked hard to discourage. The lack of specificity in the Review Announcement leads me to believe that they are asking for an open option for placing this fencing. Please let me know if that is true or not.

This project is a huge improvement over what was located on this property previously, however, the fact that the city did not require that the developer bury the power lines adjacent to the property along Lee Hill is a huge oversight, if that. They removed the beautiful evergreens along the western border and allowed the power lines, which are atrocious, to remain. All other developments in the area have buried power lines. Inconsistency is not a sign of good planning. If you walk up Lee Hill from the RTD stop these power lines become quite an eyesore. I'm rather surprised that the developer did not choose to voluntarily bury these lines.....it's not too late.

You will also notice that a tree is planted immediately in front of a cross-walk sign. This is a very obscure cross-walk that is located at a center lane island on a curve. It is difficult enough to see the cross-walk, let alone having the sign obscured to on-coming traffic. Please have the developer amend this immediately before the poor tree takes root, ...or worse. Thank you.

I look forward to hearing from you in regards to my questions and concerns above.

Karie KP Koplak
4818 6th Street
Boulder, CO 80304

From: Strife, Susie [mailto:sstrife@bouldercounty.org]
Sent: Thursday, October 22, 2015 6:57 PM
To: Walbert, Sloane
Cc: Jeremy Epstein
Subject: Letter of Support

Dear Sloan,

Thanks for discussing our project with us. We greatly appreciate it and I am sorry to have missed the call.

Jeremy said you may need a letter of support, which is now attached.

Let us know if anything else would help.

Thank you kindly
Susie

Susie Strife
Sustainability Coordinator
Boulder County
303-441-4565



Sustainability Office

Street Address: 1325 Pearl Street 13th Boulder, Colorado 80302
PO Box 471, Boulder, CO 80306 • Tel: 303-441-4565

Susie Strife, PhD Environmental Studies
Sustainability Coordinator Boulder County Colorado
Boulder County Commissioners' Office
1325 Pearl Street, Boulder CO 80301
303-709-0293

9/30/2015

Dear City of Boulder,

When we first thought about purchasing our new house on 4790 8th Street, my partner Jeremy and I were *very* concerned about the proximity of Lee Hill and the proximity of the homeless shelter, as we have one young child and hoping for another soon. We expressed these concerns to multiple planners at the City of Boulder and we were beyond disappointed that the City was reluctant to approve a privacy fence.

On Saturday September 12th, we experienced one of the worst possible incidents involving our 4-year-old daughter, Riley. A strange (man) jumped over our small split rail fence and climbed into her little playhouse and asked her a lot of inappropriate questions. Riley came inside extremely upset and we have had a difficult time getting her to play in the yard given this person scared her very much. We called the police, and the police officer's first suggestion was to put up a privacy fence immediately especially now that the stranger knows Riley and where she plays, which may target her for future issues since there is no privacy in our yard. Over the last few weeks, Jeremy and I wondered why we purchased this home if the most precious thing in our lives (our daughter's safety) is compromised.

There are several reasons we are pleading with the City of Boulder to allow us a full privacy fence along where our property is proximate to Lee Hill. Firstly, we want our children and family to be safe and to ensure that Riley is protected from future potential perpetrators.

Secondly, in order for a young family to afford a home in Boulder, we have to pay another type of "price" which is being proximate to a fast, high-traffic road. Being adjacent to this road is the **only** reason we were able to afford this home, as the price was reduced because its proximity to Lee Hill. It is easy for our daughter to run right onto the street; given a split rail fence does nothing to keep her inside the property. It's unjust for us to be in a position of having to forgo safety just because we cannot afford a more private home.

After our major incident, we were glad to hear that the City discussed these issues with Koelbel, and now we are really hoping you approve the fence plans from Koelbel. We have reviewed the fence plans and we are very supportive of this design. We are hoping you could expedite the approval, as we feel unsafe in our backyard and really want to start enjoying our new home.

Thank you for helping us find a solution that achieves privacy and safety for our family.

Sincerely,

A handwritten signature in cursive script that reads "Susie Strife".

Susie Strife, PhD
Boulder County Sustainability Coordinator

Section 9-2-14(m) Amendments to Approved Site Plans:

- (1) No proposal to modify, structurally enlarge, or expand any approved site review, other than a minor modification or minor amendment, will be approved unless the site plan is amended and approved in accordance with the procedures prescribed by this section for approval of a site review, except for the notice and consent provisions of this subsection.
- (2) No proposal to modify, structurally enlarge, or expand that portion of a building over the permitted height will be approved unless the site plan is amended and approved in accordance with the procedures prescribed by this section for approval of a building above the permitted height.
- (3) If an applicant requests approval of an amendment to an approved site plan, the city manager shall provide public notice pursuant to Section 9-4-3, "Public Notice Requirements," B.R.C. 1981.
- (4) The owners of all property for which an amendment is requested shall sign the application.

Section 9-2-14(h), B.R.C. 1981, "Site Review"

No site review application shall be approved unless the approving agency finds that:

(1) Boulder Valley Comprehensive Plan:

- ✓ (A) The proposed site plan is consistent with the land use map and the service area map and, on balance, the policies of the Boulder Valley Comprehensive Plan.

The proposal is in consistent with the following policies of the BVCP:

- *2.09 Neighborhoods as Building Blocks: The city and county will foster the role of neighborhoods to establish community character, provide services needed on a day-to-day basis, foster community interaction, and plan for urban design and amenities. All neighborhoods, whether residential areas, business districts, or mixed land use areas, should offer unique physical elements of neighborhood character and identity, such as distinctive development patterns or architecture; historic or cultural resources; amenities such as views, open space, creeks, irrigation ditches, and varied topography; and distinctive community facilities and business areas.*
- *2.10 Preservation and Support for Residential Neighborhoods: The city will work with neighborhoods to protect and enhance neighborhood character and livability and preserve the relative affordability of existing housing stock. The city will seek appropriate building scale and compatible character in new development or redevelopment, appropriately sized and sensitively designed streets and desired public facilities and mixed commercial uses. The city will also encourage neighborhood schools and safe routes to school.*
- *2.30 Sensitive Infill and Redevelopment: With little vacant land remaining in the city, most new development will occur through redevelopment. The city will gear subcommunity and area planning and other efforts toward defining the acceptable amount of infill and redevelopment and standards and performance measures for design quality to avoid or adequately mitigate negative impacts and enhance the benefits of infill and redevelopment to the community and individual neighborhoods. The city will also develop tools, such as neighborhood design guidelines, to promote sensitive infill and redevelopment.*

- 2.31 Design of Newly-Developing Areas: The city will encourage a neighborhood concept for new development that includes a variety of residential densities, housing types, sizes and prices, opportunities for shopping, nearby support services and conveniently sited public facilities, including roads and pedestrian connections, parks, libraries and schools.
- 2.32 Physical Design for People by designing in a manner that is sensitive to social, health and psychological needs, including accessibility to those with limited mobility; provision of coordinated facilities for pedestrians, bicyclists and bus-riders; provision of functional landscaping and open space; and the appropriate scale and massing of buildings related to neighborhood context.
- 2.37 Enhanced Design for Private Sector Projects: Through its policies and programs, the city will encourage or require quality architecture and urban design in private sector development that encourages alternative modes of transportation, provides a livable environment and addresses the elements listed below.

N/A (B) The proposed development shall not exceed the maximum density associated with the Boulder Valley Comprehensive Plan residential land use designation. Additionally, if the density of existing residential development within a three-hundred-foot area surrounding the site is at or exceeds the density permitted in the Boulder Valley Comprehensive Plan, then the maximum density permitted on the site shall not exceed the lesser of:

Not applicable; fencing does not impact density.

N/A (i) The density permitted in the Boulder Valley Comprehensive Plan, or,

N/A (ii) The maximum number of units that could be placed on the site without waiving or varying any of the requirements of Chapter 9-8, "Intensity Standards," B.R.C. 1981.

✓ (C) The proposed development's success in meeting the broad range of BVCP policies considers the economic feasibility of implementation techniques require to meet other site review criteria.

The development would not be rendered infeasible in meeting the BVCP policies or the site review criteria based upon the requirements and recommendations made within these comments.

(2) Site Design: Projects should preserve and enhance the community's unique sense of place through creative design that respects historic character, relationship to the natural environment, multi-modal transportation connectivity and its physical setting. Projects should utilize site design techniques which are consistent with the purpose of site review in subsection (a) of this section and enhance the quality of the project. In determining whether this subsection is met, the approving agency will consider the following factors:

✓ (A) **Open Space:** Open space, including, without limitation, parks, recreation areas, and playgrounds:

✓ (i) Useable open space is arranged to be accessible and functional and incorporates quality landscaping, a mixture of sun and shade and places to gather;

The proposed fencing will not affect the accessibility or functionality of usable open space.

N/A (ii) Private open space is provided for each detached residential unit;

Not applicable; fencing will not affect private open space.

N/A (iii) The project provides for the preservation of or mitigation of adverse impacts to natural features, including, without limitation, healthy long-lived trees, significant plant communities, ground and surface water, wetlands, riparian areas, drainage areas and species on the federal Endangered Species List, "Species of Special Concern in Boulder County" designated by Boulder County, or prairie dogs (*Cynomys ludovicianus*), which is a species of local concern, and their habitat;

Proposed fencing will affect natural features.

N/A (iv) The open space provides a relief to the density, both within the project and from surrounding development;

Not applicable; fencing will not affect open space that provided relief to the density.

N/A (v) Open space designed for active recreational purposes is of a size that it will be functionally useable and located in a safe and convenient proximity to the uses to which it is meant to serve;

N/A (vi) The open space provides a buffer to protect sensitive environmental features and natural areas; and

N/A (vii) If possible, open space is linked to an area- or city-wide system.

N/A (B) ***Open Space in Mixed Use Developments (Developments that contain a mix of residential and non-residential uses)***

N/A (C) ***Landscaping***

N/A (i) The project provides for aesthetic enhancement and a variety of plant and hard surface materials, and the selection of materials provides for a variety of colors and contrasts and the preservation or use of local native vegetation where appropriate;

N/A (ii) Landscape design attempts to avoid, minimize or mitigate impacts on and off site to important native species, healthy, long lived trees, plant communities of special concern, threatened and endangered species and habitat by integrating the existing natural environment into the project;

N/A (iii) The project provides significant amounts of plant material sized in excess of the landscaping requirements of Sections 9-9-12, "Landscaping and Screening Standards," and 9-9-13, "Streetscape Design Standards," B.R.C. 1981; and

N/A (iv) The setbacks, yards and useable open space along public rights of way are landscaped to provide attractive streetscapes, to enhance architectural features and to contribute to the development of an attractive site plan.

N/A (D) **Circulation:** Circulation, including, without limitation, the transportation system that serves the property, whether public or private and whether constructed by the developer or not:

N/A (i) High speeds are discouraged or a physical separation between streets and the project is provided;

N/A (ii) Potential conflicts with vehicles are minimized;

N/A (iii) Safe and convenient connections are provided that support multi-modal mobility through and between properties, accessible to the public within the project and between the project and the existing and proposed transportation systems, including, without limitation, streets, bikeways, pedestrianways and trails;

N/A (iv) Alternatives to the automobile are promoted by incorporating site design techniques, land use patterns, and supporting infrastructure that supports and encourages walking, biking, and other alternatives to the single-occupant vehicle;

N/A (v) Where practical and beneficial, a significant shift away from single-occupant vehicle use to alternate modes is promoted through the use of travel demand management techniques;

N/A (vi) On-site facilities for external linkage are provided with other modes of transportation, where applicable;

N/A (vii) The amount of land devoted to the street system is minimized; and

N/A (viii) The project is designed for the types of traffic expected, including, without limitation, automobiles, bicycles, and pedestrians, and provides safety, separation from living areas, and control of noise and exhaust.

N/A (E) **Parking**

N/A (i) The project incorporates into the design of parking areas measures to provide safety, convenience, and separation of pedestrian movements from vehicular movements;

N/A (ii) The design of parking areas makes efficient use of the land and uses the minimum amount of land necessary to meet the parking needs of the project;

N/A (iii) Parking areas and lighting are designed to reduce the visual impact on the project, adjacent properties, and adjacent streets; and

N/A (iv) Parking areas utilize landscaping materials to provide shade in excess of the requirements in Subsection 9-9-6(d), and Section 9-9-14, "Parking Lot Landscaping Standards," B.R.C. 1981.

✓ (F) Building Design, Livability, and Relationship to the Existing or Proposed Surrounding Area

- ✓ (i)** The building height, mass, scale, orientation, architecture and configuration are compatible with the existing character of the area or the character established by adopted design guidelines or plans for the area;

The proposed fencing changes are consistent with the character of the neighborhood and the North Boulder Subcommunity Plan. The proposed privacy fencing will not affect integration of the development to the surrounding neighborhoods.

- N/A (ii)** The height of buildings is in general proportion to the height of existing buildings and the proposed or projected heights of approved buildings or approved plans or design guidelines for the immediate area;

- N/A (iii)** The orientation of buildings minimizes shadows on and blocking of views from adjacent properties;

- ✓ (iv)** If the character of the area is identifiable, the project is made compatible by the appropriate use of color, materials, landscaping, signs, and lighting;

Proposed cedar fencing is compatible with the character of the existing area.

- ✓ (v)** Projects are designed to a human scale and promote a safe and vibrant pedestrian experience through the location of building frontages along public streets, plazas, sidewalks and paths, and through the use of building elements, design details and landscape materials that include, without limitation, the location of entrances and windows, and the creation of transparency and activity at the pedestrian level;

The proposed fencing will not detrimentally affect the pedestrian experience. Open fencing will remain in all front yards and along the streetscape.

- N/A (vi)** To the extent practical, the project provides public amenities and planned public facilities;

- N/A (vii)** For residential projects, the project assists the community in producing a variety of housing types, such as multifamily, townhouses and detached single family units, as well as mixed lot sizes, number of bedrooms and sizes of units;

- N/A (viii)** For residential projects, noise is minimized between units, between buildings, and from either on-site or off-site external sources through spacing, landscaping, and building materials;

- N/A (ix)** A lighting plan is provided which augments security, energy conservation, safety, and aesthetics;

- N/A (x)** The project incorporates the natural environment into the design and avoids, minimizes, or mitigates impacts to natural systems;

- N/A (xi) Buildings minimize or mitigate energy use; support on-site renewable energy generation and/or energy management systems; construction wastes are minimized; the project mitigates urban heat island effects; and the project reasonably mitigates or minimizes water use and impacts on water quality.
- N/A (xii) Exteriors or buildings present a sense of permanence through the use of authentic materials such as stone, brick, wood, metal or similar products and building material detailing;
- N/A (xiii) Cut and fill are minimized on the site, the design of buildings conforms to the natural contours of the land, and the site design minimizes erosion, slope instability, landslide, mudflow or subsidence, and minimizes the potential threat to property caused by geological hazards;
- N/A (xiv) In the urbanizing areas along the Boulder Valley Comprehensive Plan boundaries between Area II and Area III, the building and site design provide for a well-defined urban edge; and
- N/A (xv) In the urbanizing areas located on the major streets shown on the map in Appendix A of this title near the Boulder Valley Comprehensive Plan boundaries between Area II and Area III, the buildings and site design establish a sense of entry and arrival to the City by creating a defined urban edge and a transition between rural and urban areas.

N/A (G) **Solar Siting and Construction:** For the purpose of ensuring the maximum potential for utilization of solar energy in the City, all applicants for residential site reviews shall place streets, lots, open spaces, and buildings so as to maximize the potential for the use of solar energy in accordance with the following solar siting criteria:

- N/A (i) *Placement of Open Space and Streets:* Open space areas are located wherever practical to protect buildings from shading by other buildings within the development or from buildings on adjacent properties. Topography and other natural features and constraints may justify deviations from this criterion.
- N/A (ii) *Layout and Building Siting:* Lots are oriented and buildings are sited in a way which maximizes the solar potential of each principal building. Lots are designed to facilitate siting a structure which is unshaded by other nearby structures. Wherever practical, buildings are sited close to the north lot line to increase yard space to the south for better owner control of shading.
- N/A (iii) *Building Form:* The shapes of buildings are designed to maximize utilization of solar energy. Buildings shall meet the solar access protection and solar siting requirements of Section 9-9-17, "Solar Access," B.R.C. 1981.
- N/A (iv) *Landscaping:* The shading effects of proposed landscaping on adjacent buildings are minimized.

N/A (H) **Additional Criteria for Poles Above the Permitted Height:** No site review application for a pole above the permitted height will be approved unless the approving agency finds all of the following:

N/A (i) The light pole is required for nighttime recreation activities, which are compatible with the surrounding neighborhood, or the light or traffic signal pole is required for safety, or the electrical utility pole is required to serve the needs of the city; and

N/A (ii) The pole is at the minimum height appropriate to accomplish the purposes for which the pole was erected and is designed and constructed so as to minimize light and electromagnetic pollution.

N/A (I) *Land Use Intensity Modifications*

N/A (i) *Potential Land Use Intensity Modifications:*

(a) The density of a project may be increased in the BR-1 district through a reduction of the lot area requirement or in the Downtown (DT), BR-2, or MU-3 districts through a reduction in the open space requirements.

(b) The open space requirements in all Downtown (DT) districts may be reduced by up to one hundred percent.

(c) The open space per lot requirements for the total amount of open space required on the lot in the BR-2 district may be reduced by up to fifty percent.

(d) Land use intensity may be increased up to 25 percent in the BR-1 district through a reduction of the lot area requirement.

N/A (ii) *Additional Criteria for Land Use Intensity Modifications:* A land use intensity increase will be permitted up to the maximum amount set forth below if the approving agency finds that the criteria in paragraph (h)(1) through subparagraph (h)(2)(H) of this section and following criteria have been met:

N/A (J) *Additional Criteria for Floor Area Ratio Increase for Buildings in the BR-1 District*

N/A (K) *Additional Criteria for Parking Reductions:* The off-street parking requirements of Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, may be modified as follows:

N/A (L) *Additional Criteria for Off-Site Parking:* The parking required under Section 9-9-6, "Parking Standards," B.R.C. 1981, may be located on a separate lot if the following conditions are met:



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820 LEE HILL DR.
BOULDER, CO

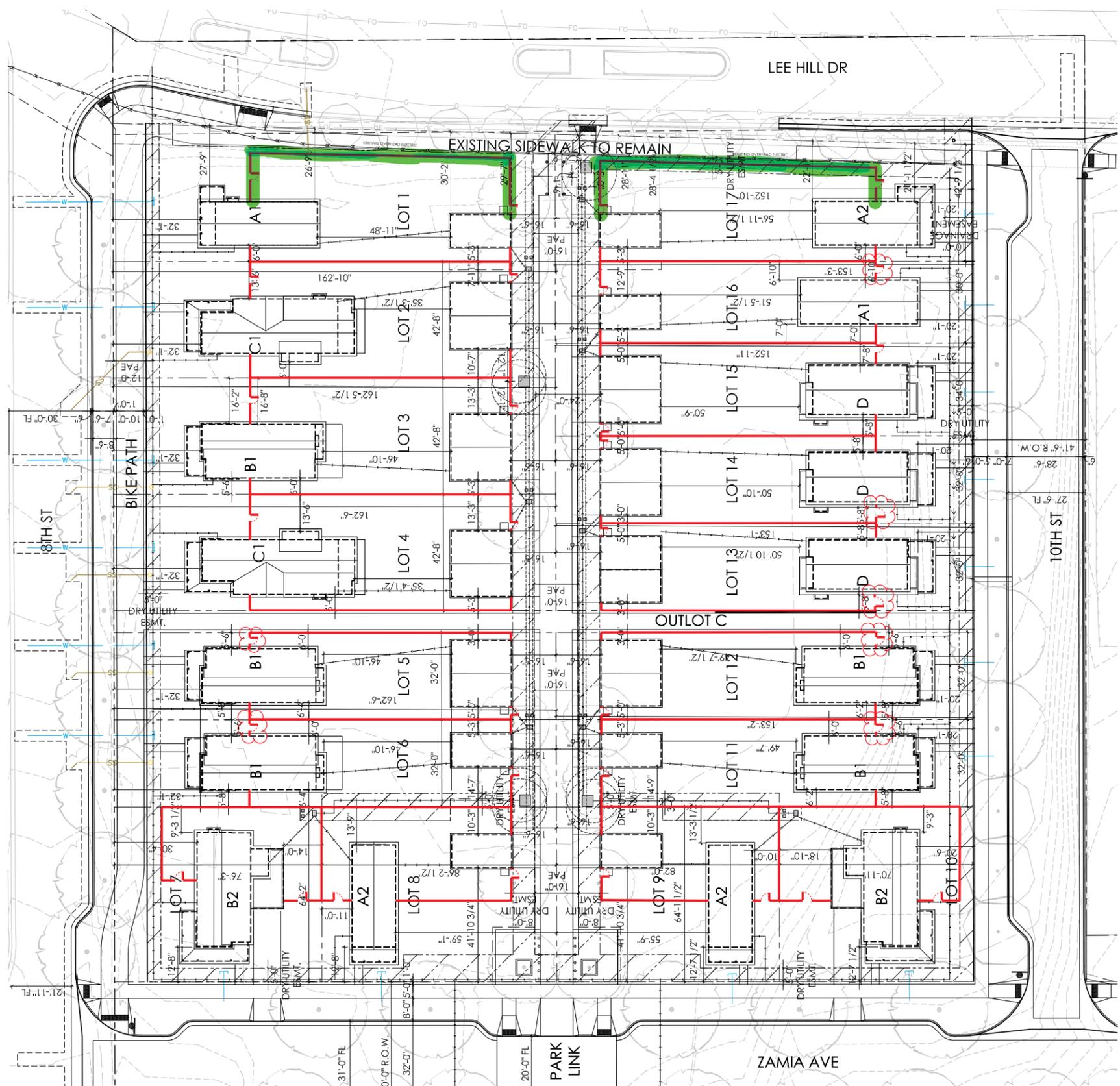
Disclaimer:
These documents are provided by Coburn Development Inc., for the design intent of this specific project and only this project. The contractor shall be responsible for all construction coordination, methods and materials required for the successful completion of the project. This includes but is not limited to the quality of workmanship and materials required for execution of these documents and work or materials supplied by any subcontractors. All work shall comply with governing codes and ordinances. The contractor shall review and understand all documents and shall notify the Architect immediately of any discrepancies in the drawings, field conditions or dimensions.

AUTHORSHIP		
DRAWN BY	CHECKED	DATE
DL, TM	BH	03.17.14

REVISIONS	
ISSUE	DATE
TEC DOC	03.17.14
RESUBMITTAL	05.19.14
RESUBMITTAL 2	06.16.14
MINOR MOD 2	01.12.15
REVISIONS	
MINOR MOD 3	03.16.15
REVISIONS	
MINOR MOD 4	05.06.15
REVISIONS	

Minor Mod - Fence

EXHIBIT 1
11.05.15



Key:

- 3'-10" Open Rail Fence as currently approved (per TEC 2014-00025, dated 8/5/14)
- 6' Solid Cedar Fence
- 5' Solid Cedar Fencing with 1' Lattice detail
- Optional 3'-10" Solid Cedar Fence. Otherwise, 3'-10" Open Rail Fence.

Fence and gate locations are subject to change. Coordinate fence and gate locations in the field to avoid conflicts with windows, window wells, gas meters, condensers, and landscape plan. All fencing must be a minimum of 18" from all sidewalks.

NORTH LOT UTILITY DETAIL
SCALE: 1" = 20'-0"



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MINOR MOD 2	01.12.15
REVISIONS	
MINOR MOD 3	03.16.15
REVISIONS	
MINOR MOD 4	05.06.15
REVISIONS	

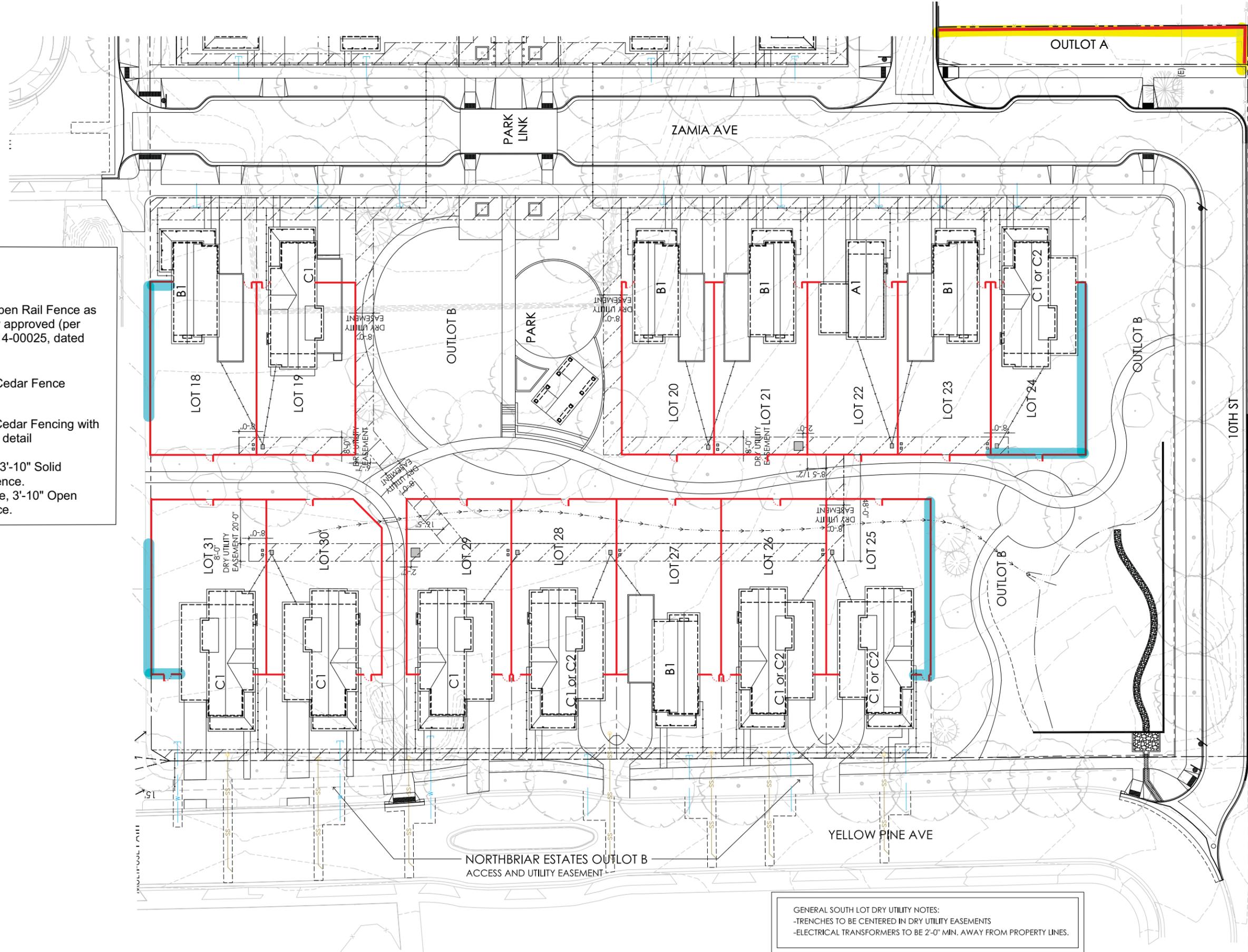
Minor Mod - Fence

EXHIBIT 2

11.05.15

Key:

- 3'-10" Open Rail Fence as currently approved (per TEC 2014-00025, dated 8/5/14)
- 6' Solid Cedar Fence
- 5' Solid Cedar Fencing with 1' Lattice detail
- Optional 3'-10" Solid Cedar Fence. Otherwise, 3'-10" Open Rail Fence.



SOUTH LOT UTILITY DIAGRAM
SCALE: 1" = 30'-0"

GENERAL SOUTH LOT DRY UTILITY NOTES:
-TRENCHES TO BE CENTERED IN DRY UTILITY EASEMENTS
-ELECTRICAL TRANSFORMERS TO BE 2'-0" MIN. AWAY FROM PROPERTY LINES.

Fence and gate locations are subject to change. Coordinate fence and gate locations in the field to avoid conflicts with windows, window wells, gas meters, condensers, and landscape plan. All fencing must be a minimum of 18" from all sidewalks.



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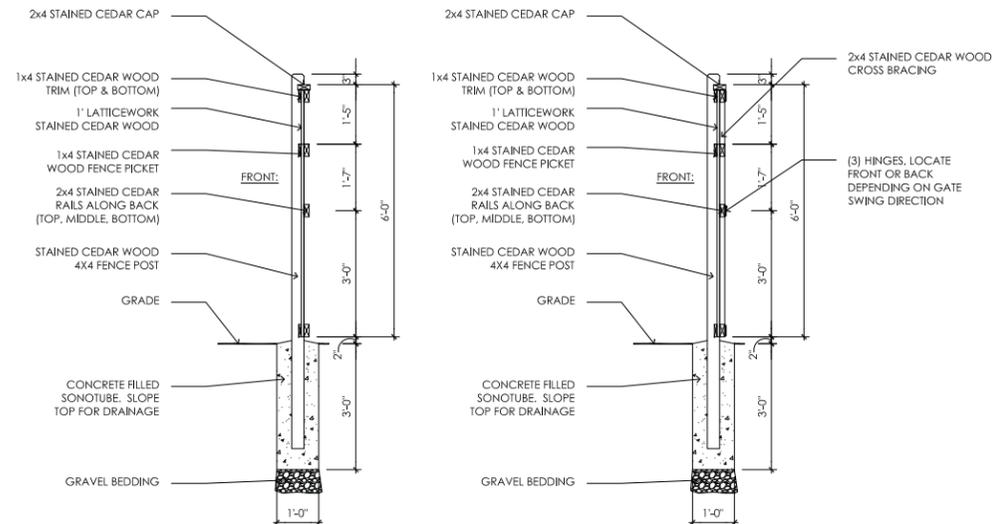
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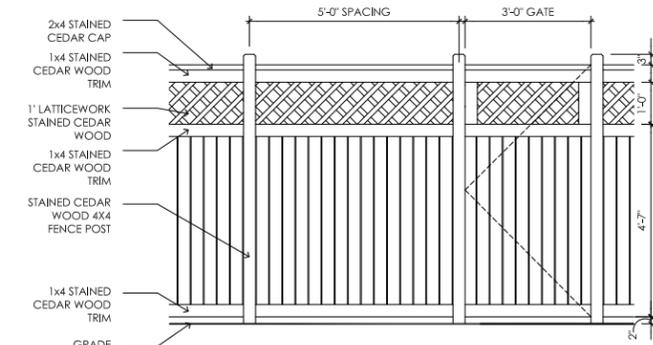
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PROPOSED 6' SOLID CEDAR FENCE W/LATTICE DETAIL:

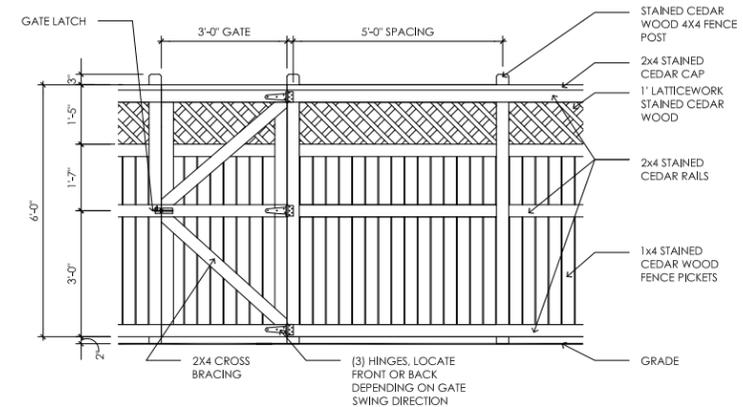


SECTION AT FENCE:
SCALE: 1/2" = 1'-0"

SECTION AT GATE:
SCALE: 1/2" = 1'-0"



FRONT ELEVATION:
SCALE: 1/2" = 1'-0"

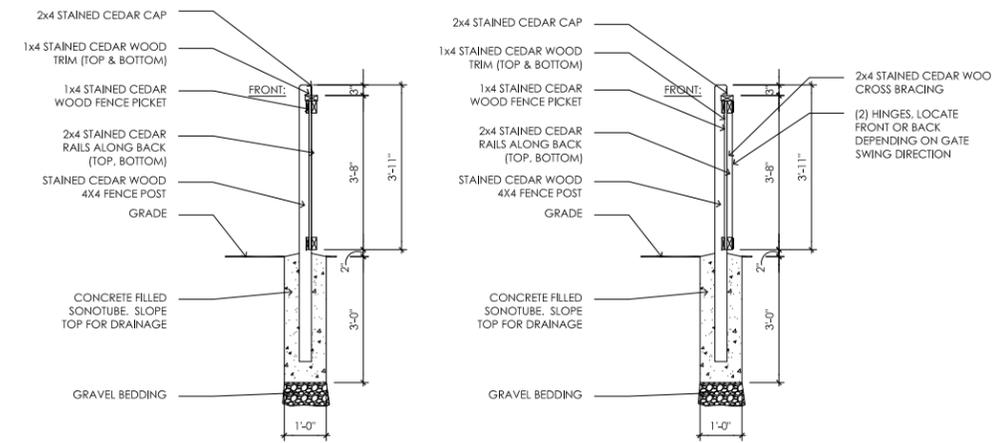


BACK ELEVATION:
SCALE: 1/2" = 1'-0"

820 LEE HILL DR.
BOULDER, CO

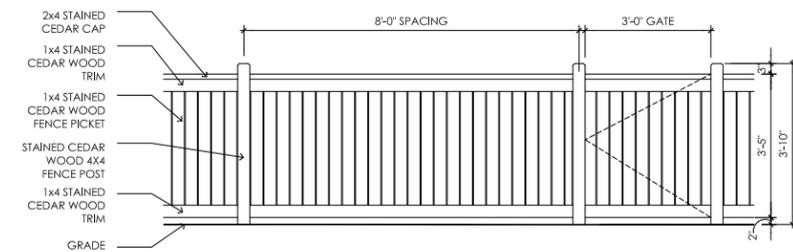
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PROPOSED 3' - 10" SOLID CEDAR FENCE DETAIL:

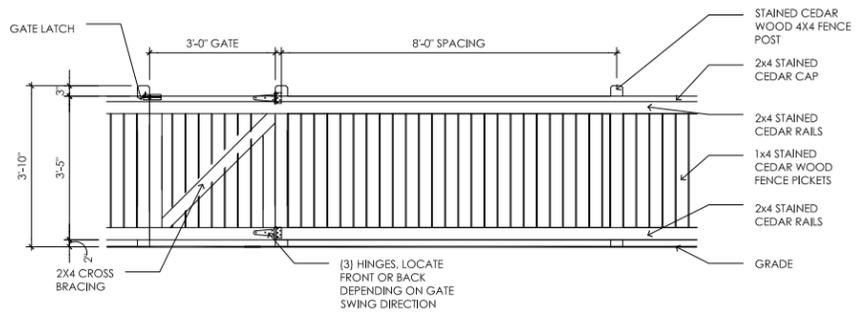


SECTION AT FENCE:
SCALE: 1/2" = 1'-0"

SECTION AT GATE:
SCALE: 1/2" = 1'-0"



FRONT ELEVATION:
SCALE: 1/2" = 1'-0"



BACK ELEVATION:
SCALE: 1/2" = 1'-0"

AUTHORSHIP		
DRAWN BY	CHECKED	DATE
DL, TM, AM	BH	05.30.14

REVISIONS	
ISSUE	DATE

MINOR MOD
FENCE

EXHIBIT 4

11.05.15



October 5, 2015

Sloane Walbert
Planner 1

Department of Community Planning and Sustainability
City of Boulder
1739 Broadway, 3rd Floor
Boulder, Colorado 80306

RE: 820 Lee Hill Drive, Minor Amendment to an Approved Site Plan – Written Statement

Sloane-

Per the discussions that have occurred over the past two weeks, we are submitting an application for Minor Amendment to an Approved Site Plan. As you are aware, a new existing homeowner which lives in the first house constructed in this neighborhood bordering Lee Hill Drive had an unfortunate experience of having a trespasser on their property. This led to discussions with the City regarding adding more secure fencing in areas that are adjacent to off-site public areas.

The proposal is very limited in scope and locates 6' cedar fences at the properties adjacent to Lee Hill road, in the Park Area and on section adjacent to an eastern neighboring property. The fence height and construction meets the City of Boulder Fencing Regulations and does not affect any criteria for approval from the Approved Tech Doc.

Thank you and please call me with any questions.

Sincerely

Scott Chomiak
KUH Lee Hill, LLC

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WWW.KOEBELCO.COM