CITY OF BOULDER
Planning and Development Services

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CITY OF BOULDER
LAND USE REVIEW RESULTS AND COMMENTS

DATE OF COMMENTS:	**November 4, 2011**
CASE MANAGER:	**Karl Guiler**
PROJECT NAME:	**Boulder Creek Commons**
LOCATION:	**5399 KEWANEE DRIVE & 5697 SOUTH BOULDER ROAD**
COORDINATES:	**S02W01**
REVIEW TYPE:	**Concept Plan Review & Comment**
REVIEW NUMBER:	**LUR2011-00069**
APPLICANT:	**MICHAEL BOYERS**
DESCRIPTION:	**CONCEPT PLAN REVIEW AND COMMENT: Request for citizen, Planning Board, and city comment on a proposal to annex and develop an existing 22-acre Boulder County parcel with 50 permanrntly affordable congregate care units, six permanently affordable duplex units, two permanently affordable single-family units, and 63 market rate single-family units for a total of 121 dwelling units. New public rights-of-way are proposed between Kewanee Drive and 55th Street. This plan will neither be approved or denied, but rather is an opportunity for the City and residents to comment on the general aspects of the proposal.**

IDENTIFIED MODIFICATIONS FROM THE LAND USE REGULATIONS:

- Potential modification to lot size and setbacks as part of a Flex District zone.

I. REVIEW FINDINGS

The comments below reflect a review of the conceptual plans submitted for the development of the roughly 22 acre site. This plan will neither be approved or denied, but rather is an opportunity for the City and residents to comment on the general aspects of the proposal. These comments and neighborhood correspondence will be forwarded to the Planning Board to review. The Planning Board hearing on this item is tentatively scheduled for January 5, 2012. The applicant is welcome to submit a written response to these comments prior to that hearing.

Based on detailed analysis of the proposal against the Boulder Valley Comprehensive Plan (BVCP) staff supports the general land use and configuration of uses on the site, as well as the connections provided within the site plan. The close proximity of senior housing to East Boulder Community Park, East Boulder Recreation Center and open space would be logical and use of the remaining portions of the site as mostly single-family residential would be consistent with the surrounding context. Staff also supports the preservation of the eastern parcel.

Staff does have concerns, however, about the proposed site plan and believes that improvements to the open space and streetscapes would be necessary to be more consistent with city policies. Further, the site continues to have a number of engineering and environmental challenges that also must be addressed before the proposed development can be supported. The following keys issues have been preliminary identified:

1. What additional issues must be considered related to groundwater before the project proceeds to Site Review?

2. Does the proposed wetland mitigation appear appropriate?

3. Does the proposed wildlife mitigation approach appear appropriate?

4. Is the proposed land use appropriate for the site?

5. Do the proposed uses and site design elements appear to constitute community benefit consistent with the

BVCP?

6. Are the on-site open spaces functional?

7. Preliminarily, does the trip generation appear to show that traffic impact will be adequately mitigated?

8. Should Kewanee Drive connect to 55th and if so, is its configuration appropriate to discourage through traffic?

Prior to Planning Board, public outreach via internet communications and focus groups are recommended to facilitate public feedback on the latest proposal. Staff will be in contact with the applicant regarding this outreach. Also, if the applicant would like to meet to discuss the comments herein, staff would be happy to set up a meeting. Please contact the Case Manager, Karl Guiler, at 303-441-4236 for scheduling of either of these meetings.

II. CITY REQUIREMENTS

Affordable Housing Michelle Allen 303.441.4076
Proposed annexations with additional development potential need to demonstrate community benefit consistent with Boulder Valley Comprehensive Plan (BVCP) policies in order to offset the negative impacts of additional development in the Boulder Valley. For proposed residential development, emphasis is given to the provision of permanently affordable housing. The BVCP lists the following additional benefits that may be considered as part of an annexation request: Receiving sites for transferable development rights; Reduction of future employment projections; Land or facilities for public purposes over and above that required by the land use regulations; Environmental preservation; or other amenities determined by the city to be a special opportunity or benefit.

The policy and practice for the past several years has been that 50% of new residential development be permanently affordable to low and middle income households, usually split evenly between the two income groups. The applicant has proposed that 48% of the units, including 2 single family homes and 6 duplexes affordable to middle income households and 50 senior congregate care units affordable to lower income households be permanently affordable to meet the community benefit requirement. While the proposed number of units is less than 50% and are not proportional in type (primarily stacked flats vs single family homes) they are substantially weighted towards lower income households thereby adequately meeting the overall affordable housing requirement.

The applicant has indicated that the senior apartments would be affordable to 60% of AMI and below. To be acceptable the income target should be no higher than 50% AMI for no more than half of the units, with the other half affordable to 30% and 40% AMI seniors.

Permanently affordable dwelling units must be functionally equivalent to market rate units and must meet the "Livability Guidelines and Standards for Permanently Affordable Housing." A Determination of Inclusionary Housing Compliance form and deed restricting Covenants to secure the permanent affordability of the units must be signed and recorded prior to application for any residential building permit. Permanently affordable units must be marketed and constructed concurrent with market-rate units. Additional requirements can be found on-line at www.boulderaffordablehomes.com click on "Are you a developer".

Building Design Karl Guiler, Case Manager, 303-441-4236
More detailed comments on building design are in Section V of this document below. Overall, staff finds the architectural approach of the project appropriate and attractive assuming that front loaded garages are deemphasized as much as possible, including but not limited to, setting them back further than front façades and porches, avoiding double doors and adding windows and detailing to the garage doors. Additionally, the congregate care building would benefit by better addressing 55th Street with perhaps shorter setbacks and more direct entries from that streetscape.

Drainage Scott Kuhna, 303-441-4071
1. Storm water quality enhancement and detention ponding are issues that must be addressed during the Site Review Process. A Preliminary Storm Water Report and Plan in accordance with the City of Boulder *Design and Construction Standards* must be provided by the applicant at time of Site Review application. Additional items that must be considered when developing a drainage plan include but are not limited to:

   - Adequate space to accommodate drainage and water quality facilities
   - Offsite drainage infrastructure improvements
   - Evaluation of negative impacts to downstream properties from existing offsite flow
   - Water quality for surface runoff using "Best Management Practices"

- Groundwater discharge
- Erosion control during construction activities
- Proposed “bio-swale” design
- Groundwater infiltration in the detention pond

2. The applicant is notified that detention and water quality ponds intended to detain and treat stormwater runoff will need to be located in “Outlots”, with maintenance responsibilities detailed in the subdivision agreement.

Engineering Scott Kuhna, 303-441-4071

1. The applicant is responsible for obtaining approvals for any relocations or modifications to irrigation ditches or laterals from the impacted ditch company. This includes the crossing of any irrigation ditch or lateral for vehicular or utility purposes and the release of storm water runoff into any ditch or lateral.

2. At time of Site Review, the applicant shall submit information (geotechnical report, soil borings, etc.) regarding the groundwater conditions on the property, and all discharge points for perimeter drainage systems must be shown on the plan. The applicant is notified that any proposed groundwater discharge to the city’s storm sewer system will require both a state permit and a city agreement. High groundwater may preclude basement construction on the site.

Flood Control (Katie Knapp, 303-441-3273)

1. The Hogan-Pancost property is impacted by South Boulder Creek 100-year and 500-year floodplain and will be subject to floodplain regulations as set forth in Chapter 9-3, Boulder Revised Code 1981 (B.R.C.). These requirements will include the need to apply for and obtain a floodplain development permit for any planned improvements in the floodplain.

2. The 100-year floodplain boundaries should be delineated on the site review and annexation plans to clearly identify the areas affected by flood waters. All flood conveyance systems on the site must be located in dedicated easements to preserve conveyance and provide accessibility for maintenance.

Fees

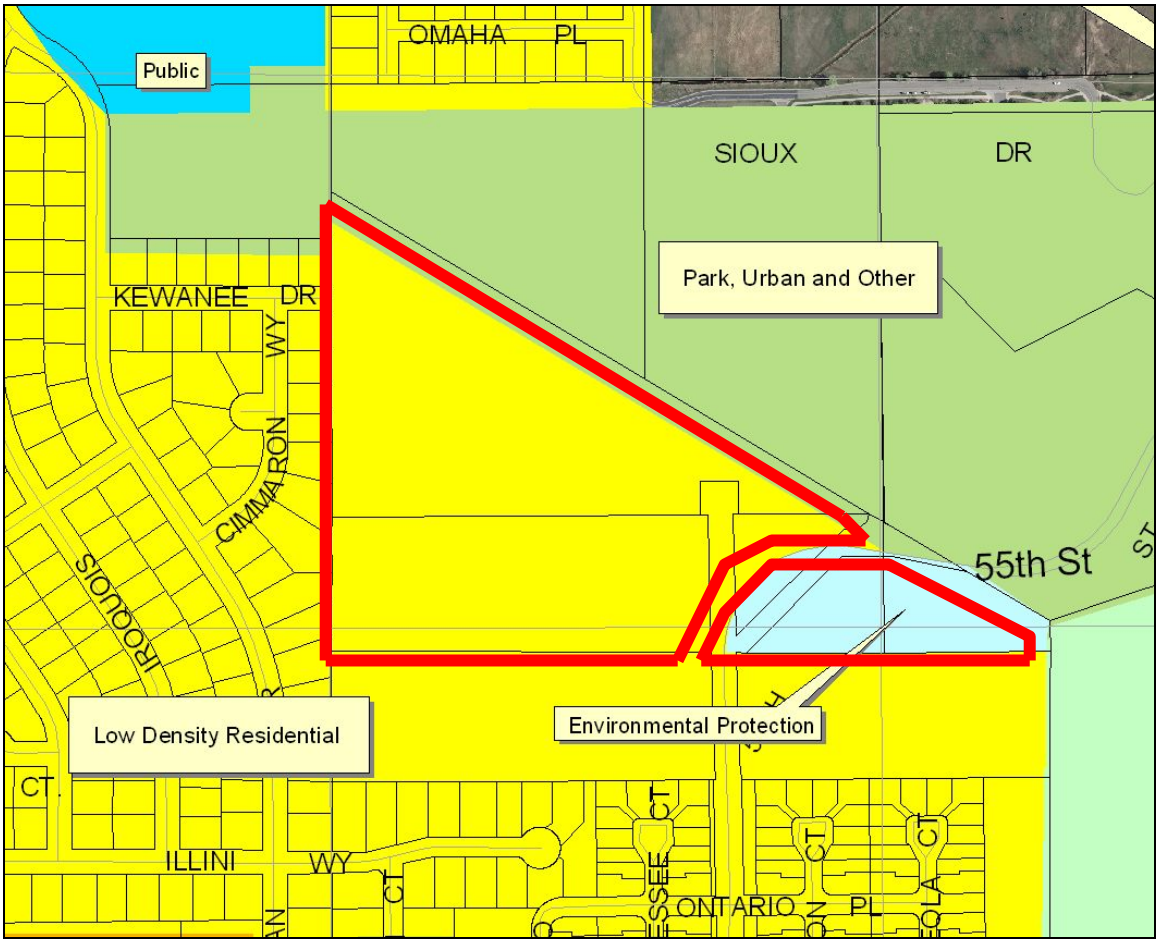
Because revisions or corrections are not required for this application, based on 2011 development review fees, hourly billing will not be applicable unless another application is required or the applicant revises the current proposal.

Fire Protection D. Lowrey, 303.441.4356

No issues with the concept plan.

Land Uses Karl Guiler, Case Manager, 303-441-4236

Currently, the subject property is not a part of the City of Boulder and remains under the jurisdiction of Boulder County. Although not part of the city at this time, the Boulder Valley Comprehensive Plan (BVCP) applies to the site. Development of the property, as proposed, would require Annexation to the City of Boulder. The current BVCP land use designation is Low Density Residential and Environmental Protection and is within Area IIA of the Boulder Valley Planning Area. Properties in Area IIA that have 1/6 of their boundaries contiguous to the city are eligible for annexation. The Low Density Residential designation in the BVCP Land Use Map allows residential densities of two to six dwelling units per acre. The BVCP land use map for the site and surrounding properties follows:



BVCP land use of the site and surrounding properties.

Landscaping Elizabeth Lokocz, 303.441.3138
Consider the following staff comments as design development continues.

1. Overall Site Design: Consider re-orienting the open space to take advantage of the westerly views. A more centrally located park or 'green' with an east-west orientation could reduce the number of smaller less useable open spaces. Although some transition may be needed to incorporate existing residential character, the design need not be a consistent suburban residential lot pattern throughout. Consider more of a clustered or conservation development pattern adjacent to the East Boulder Community Park and on the eastern half of the site. Abundant examples exist locally and in current literature. This approach could also help mitigate storm and ground water concerns. The proposed Flex zoning district could incorporate setbacks and open space to support this design solution.

2. Street and Streetscape Design: The proposed attached walk is not an appropriate solution and does not appear to meet transportation or landscaping standards. A detached sidewalk meeting the transportation comments and an eight foot landscape strip as specified in Chapter 2 of the Design and Construction Standards (DCS) is the starting point for development. The current proposed design and building setbacks creates a cramped space with many competing priorities including, but not limited to utilities, rooftop solar and large maturing shade trees.

3. Existing trees: Provide a tree inventory at the time of Site Review submittal including all trees with a diameter of six inches or great measured 54" above the ground regardless of the intention of preservation. Staff acknowledges that there are few existing trees on the site. Contact staff to discuss possible other solutions to this submittal requirement.

4. Water: Storm water and ground water concerns need to be further detailed and incorporated into the overall site design. With the many low impact development water quality and detention options, staff is not supportive of a single large detention pond. All efforts should be made to incorporate storm water management into the overall project design.

Legal Documents
Staff has obtained several legal documents and agreements that pertain to the site. Staff will forward these to the

applicant for their review.

Review Process Karl Guiler, Case Manager, 303-441-4236
Due to the size of the property (over three acres), a Concept Plan is required per Table 2-2 within Section 9-2-14(b), B.R.C. 1981. The Concept Plan is also an opportunity for the applicant to get comments from the community about the proposed plan before moving forward. "Concept Plan Review and Comment" requires staff review and a public hearing before the Planning Board. Planning Board, staff and neighborhood comments made at public hearings are intended to be advisory comments for the applicant to consider prior to submitting any detailed "Site Review" plan documents and moving forward with the proposed Annexation and Initial Zoning.

Transportation (Michelle Mahan, 303-441-4417)
Street Connectivity/Circulation

1. Details regarding right-of-way dedication and vacation along 55th Street will need to be determined at the time of Site Review. Please note that vacation of public right-of-way would require a Land Use Review application, which is subject to City Council approval. It would be best if this were processed at the same time as the proposed Annexation and Initial Zoning is brought before the City Council. Dedications on the site could be handled as part of the required Preliminary Plat and Final Plat subdivision process.

2. City transportation staff is supportive of the general layout of proposed Kewanee Street connection. It provides increased porosity and connectivity for the development and surrounding neighborhood while also discouraging cut-through traffic.

3. The plans show the proposed Kewanee Drive connection to be a Residential Street with 60-foot public right-of-way, 30-foot pavement section, and detached sidewalks and the remaining proposed internal public streets to be Access Streets with a 40-foot public right-of-way, 26-foot pavement section, and attached sidewalks.

    a. The applicant should note that the Access Street is to serve a maximum of 25 single family homes and would not be appropriate for the internal through streets as proposed in the Concept Plan submittal. The majority of these connections would require a 60-foot wide public right-of-way to be dedicated.

    b. The applicant should also note that due to the likelihood of the Kewanee Street connection becoming completely parked particularly on evenings and weekends by soccer field visitors, there may be difficulties with on-coming vehicles bypassing each other in the proposed 30 foot wide roadway since the benefit of gaps in parking created by residential driveways on the north side of the street are not available. For this reason, it is recommended that the extension of Kewanee Drive from the west property line to 55th Street be designed to the Base Street Standard as detailed in Section 2.06 (A) and Table 2-3 of the Design and Construction Standards. The Base Street has a 36 foot wide street section rather than the 30 foot wide Residential Street section currently proposed.

    c. At the time of Site Review, the traffic impact study will be required to analyze the expected traffic volumes and propose street sections in accordance with Section 2.09 and Table 2-13 of the City of Boulder Design and Construction Standards.

4. The plans propose a no outlet street near the west side of the site. All no outlet public streets require a turnaround area to be provided, which would interfere with the wetland area in this case. Staff would recommend that the lots be reconfigured potentially with a shared drive so that this stub and the associated required turnaround won't be necessary. If the no outlet street is pursued, an appropriate turnaround in accordance with Section 2.09 and Table 2-13 of the City of Boulder Design and Construction Standards will be required to be shown at the time of Site Review. The turnaround areas, including sidewalks, will be required to be located within dedicated public right-of-way.

5. At the time of Site Review, the applicant will be required to demonstrate compliance of the general horizontal street layout with sections 2.07 and 2.09 of the City of Boulder Design and Construction Standards (i.e. street spacing, centerline curvature, approach tangents, etc.) to ensure that the proposed site layout is functional.

6. The required vehicular/bicycle/pedestrian stub that extends to the southern edge of the property for a future cross access with the C.D. Bodam property will be required to be within a dedicated 60-foot wide public right-of-way, which must be shown on the plans at the time of Site Review.

7. Although public street lighting is not required for the proposed street connections, it may be provided at the proposed intersections and any identified pedestrian crossings only unless changes in horizontal or vertical

alignments demonstrate needs of additional lighting [section 2.12(B)(4)(b) of the City of Boulder Design and Construction Standards].

Pedestrian and Bicycle Connectivity/Circulation

8. A 5 foot wide sidewalk and an 8 foot wide landscape buffer are required to be installed along 55th Street per section 2.08 and Table 2-12 of the City of Boulder Design and Construction Standards. However, in order to better accommodate bicycle and pedestrian traffic, city transportation staff would recommend that an 8 foot wide sidewalk be constructed along 55th Street connecting the proposed Kewanee connection to the existing multi-use path just east of the East Boulder Recreation Center parking lot. A public access easement will be required to be dedicated which covers the landscape buffer and sidewalk width plus one foot beyond the back of walk. The plans must clearly show and dimension the required sidewalk, landscape buffer, and easement at the time of Site Review.

9. The plans show two bicycle/pedestrian links to be installed between the subject property and the soccer fields to the north. Since the ADA compliant sidewalk ramps required to be installed for these connections will cause the crossing to be considered a legal crosswalk, city staff recommends that the westernmost connection be eliminated and the easternmost connection remain since it is located at the natural extension of Kewanee Avenue. This should also connect to the path circling the Congregate Care Senior Building. In order for this connection to not interfere with the wetlands buffer, the site layout would need to be altered. See related comment under Wetlands.

Traffic Impact Study

10. A traffic impact study is a requirement of Site Review since trip generation was shown to exceed the residential development threshold of 20 vehicle trips or greater during any single hour. The traffic consultant or engineer preparing the study must contact Michelle Mahan (303-441-4417) to discuss the study parameters prior to initiating the study.

11. The submitted trip generation refers to the Congregate Care Senior Building shown on the plans as ITE Land Use #252, Attached Senior Adult Housing, which is defined as active independent living adult communities, generally lacking centralized dining and on-site medical facilities. However, the Concept Plan application and the submitted Transportation Demand Management (TDM) plan appear to be proposing a congregate care facility, which would provide centralized amenities. The application must be revised at the time of Site Review to clarify the operational characteristics of the proposed Congregate Care Senior Building. See associated comment under Zoning.

12. The proposal in the submitted TDM plan to provide Congregate Care Senior Building with paratransit services rather than eco-passes. This would be a viable TDM option if the proposed facility is more of a care facility with centralized amenities and less active seniors. However, if the proposed facility is for more active seniors, the eco-passes would be the better option. See related comment above. In addition, the TDM plan references providing bike parking, but in order to be considered a TDM option, the bike parking must exceed that which is required by the Boulder Revised Code. The submitted TDM plan must be revised and resubmitted at the time of Site Review. It must be incorporated into the Traffic Impact Study but also submitted as a separate document.

Utilities Scott Kuhna, 303-441-4071

1. On-site and off-site water main and wastewater main construction per the City of Boulder *Design and Construction Standards (DCS)* as necessary to serve the development, as well as perpetuate the overall system, will be required. All proposed public utilities for this project shall be designed in accordance with the *DCS*. A Utility Report per Sections 5.02 and 6.02 of the *DCS* will be required at time of Site Review application to establish the impacts of this project on the City of Boulder utility systems.

2. The depths of existing wastewater mains adjacent the site may preclude gravity flow for basement construction throughout the development.

3. In street sections with proposed water mains, wastewater mains, storm mains, and/or piped irrigation ditches it can be difficult to maintain required utility separations as detailed in Section 4.06 of the *DCS*. This should be taken into account when designing the underground utilities, easements, streets and street tree landscaping for the Site Review application.

4. The applicant should note that trees are not permitted within ten feet of underground utility lines. At Site Review, the applicant will need to demonstrate that their plans can meet both landscaping and utility requirements.

5. The applicant is notified that, though the city allows Xcel and Qwest to install their utilities in the public right-of-way, they generally require them to be located in easements on private property.

Wetlands (Katie Knapp, 303-441-3273)

1. The applicant should be creating high functioning wetland areas for the enhanced and mitigated wetland areas proposed on the property. Therefore, these wetland areas will have a 50-foot buffer consisting of a 25-foot inner buffer and a 25-foot outer buffer. The site layout should preserve these buffer areas and keep them free from structures and pavement to the greatest extent possible. A riparian buffer around the wetland areas on the eastern parcel is also desired. If the entire eastern parcel is not required for wetland mitigation, the applicant should consider providing a combination of wetland and upland areas to increase the diversity of the natural habitat on the site.

2. In order to protect the hydrology of the enhanced and mitigated wetland areas on the site, below grade building construction and permanent dewatering systems should be avoided.

Zoning Karl Guiler, Case Manager, 303-441-4236

Currently, the subject property is not a part of the City of Boulder and remains under the jurisdiction of Boulder County. Boulder County zoning on the site is Suburban Residential and Rural Residential. The applicant is requesting an initial zoning of Flex District pursuant to section 9-5-2(c)(7), B.R.C. 1981, which includes a combination of use, form, and intensity modules not already used as a present zoning district. The land use code requires that Flex Districts be initiated by Planning Board or City Council and generally as part of an Annexation review. The appropriateness of this request and general consistency with the BVCP is discussed under the 'zoning' section of the Informational Comments below.

III. INFORMATIONAL COMMENTS

Area Characteristics and Planning/Zoning History Karl Guiler, Case Manager, 303-441-4236

An Annexation and Initial Zoning application was submitted in 2006 (#LUR2006-00099) and continues to be an active application. Several Concept Plan applications have been submitted since that time. Since 2000, three requests have been made by the South East Boulder Neighborhood Association to change the BVCP Planning Area from Area IIA to Area III-Rural Preservation; the most recent of which was made during the Year 2010 Major Update of the BVCP. As part of the Year 2000 major update to the BVCP, the city and county reviewed a land use suitability study of undeveloped Area II properties to determine their suitability for urban development as part of the consideration to change the Planning Area to Area III-Rural Preservation for the Hogan-Pancost site.

As part of that study, it was concluded by council that the west portion of the Hogan-Pancost site was suitable for residential development while the portion east of 55th Street would be more appropriate for environmental preservation. Consequently, the city and the county kept the site in Area II, changed the land use designation on the eastern portion of the site to Environmental Protection, and retained the existing Low Density Residential designation on the remaining portion of the site. Staff has recently recommended against a change to Area III-Rural Preservation pending the results of the environmental study and also to allow the processing of the annexation and initial zoning application. If it is determined through additional review of the application that the proposal to annex and develop the site is not supportable, reconsideration of the Planning Area change to Area III-Rural Preservation would be appropriate. Staff presented this option to City Council this year and the council agreed.

Previous efforts to annex and develop the property have faced significant neighborhood opposition related to environmental concerns including wetlands, ground water, flood and wildlife habitat as well as potential impacts to the surrounding neighborhood from additional density and traffic, resulting in the applicant withdrawing their application. Controversy also surrounded overlot grading to "contain groundwater seepage from irrigation ditches in the area" that occurred in 2008.

As part of a previous Concept Plan in 2007, which did not proceed to Planning Board for review and was subsequently withdrawn, the property owners agreed that prior to the submittal and review of a subsequent Concept Plan application, the property owners would provide staff with more detailed environmental analyses for the property.

These environmental analyses were completed by the applicant's consultants and were submitted to the city and city-contracted third party consultants for analysis. The studies were distributed to the neighborhood as well for their review. These studies were reviewed by the Planning Board at a public hearing on Jan. 6, 2011. At that hearing, Planning Board found that the studies affirmed that the site was suitable for development and noted that a Concept Plan specific to site and building design etc. could be submitted, although there were some follow-up items that that the board requested such as the more on-site testing of neighbors lots, including the East Boulder Recreation Center, if possible to understand the groundwater issues on the site, more analysis of the potential traffic impacts, and additional information related to wildlife mitigation strategies.

Land Uses Karl Guiler, Case Manager, 303-441-4236

BVCP Policies

Below are most applicable identified BVCP policies to the proposed project. One policy to focus on is 1.27, Annexation, below – particularly subsection (d). A discussion on preliminary compliance with these policies is within Section V below:

1.20 Growth Requirements.

The overall effect of urban growth must add significant value to the community, improving quality of life.
The city will require development and redevelopment as a whole to provide significant community benefits and to maintain or improve environmental quality as a precondition for further housing and community growth.

1.27 Annexation.

The policies in regard to annexation to be pursued by the city are:

a) Annexation will be required before adequate facilities and services are furnished.

b) The city will actively pursue annexation of county enclaves, Area II properties along the western boundary, and other fully developed Area II properties. County enclave means an unincorporated area of land entirely contained within the outer boundary of the city. Terms of annexation will be based on the amount of development potential as described in (c), (d), and (e) of this policy. Applications made to the county for development of enclaves and Area II lands in lieu of annexation will be referred to the city for review and comment. The county will attach great weight to the city's response and may require that the landowner conform to one or more of the city's development standards so that any future annexation into the city will be consistent and compatible with the city's requirements.

c) Annexation of existing substantially developed areas will be offered in a manner and on terms and conditions that respect existing lifestyles and densities. The city will expect these areas to be brought to city standards only where necessary to protect the health and safety of the residents of the subject area or of the city. The city, in developing annexation plans of reasonable cost, may phase new facilities and services. The county, which now has jurisdiction over these areas, will be a supportive partner with the city in annexation efforts to the extent the county supports the terms and conditions being proposed.

d)In order to reduce the negative impacts of new development in the Boulder Valley, the city will annex Area II land with significant development or redevelopment potential only if the annexation provides a special opportunity or benefit to the city. For annexation considerations, emphasis will be given to the benefits achieved from the creation of permanently affordable housing. Provision of the following may also be considered a special opportunity or benefit: receiving sites for transferable development rights (TDRs), reduction of future employment projections, land and/or facilities for public purposes over and above that required by the city's land use regulations, environmental preservation, or other amenities determined by the city to be a special opportunity or benefit. Parcels that are proposed for annexation that are already developed and which are seeking no greater density or building size would not be required to assume and provide that same level of community benefit as vacant parcels unless and until such time as an application for greater development is submitted.

e) Annexation of substantially developed properties that allows for some additional residential units or commercial square footage will be required to demonstrate community benefit commensurate with their impacts. Further, annexations that resolve an issue of public health without creating additional development impacts should be encouraged.

f) There will be no annexation of areas outside the boundaries of the Boulder Valley Planning Area, with the possible exception of annexation of acquired open space.

g) Publicly owned property located in Area III and intended to remain in Area III may be annexed to the city if the property requires less than a full range of urban services or requires inclusion under city jurisdiction for health, welfare and safety reasons.

h) The Gunbarrel Subcommunity is unique because the majority of residents live in the unincorporated area and because of the shared jurisdiction for planning and service provision among the county, the city, the Gunbarrel Public Improvement District and other special districts. Although interest in voluntary annexation has been limited, the city and county continue to support the eventual annexation of Gunbarrel. If resident interest in annexation does occur in the future, the city and county will negotiate new terms of annexation with the residents.

2.06 Design of Community Edges.

Well defined edges for the city's boundaries are important because they support an understanding and appreciation of the city's image and create a clear sense of arrival and departure. Natural features are most effective as edges, but public open land, major roadways or heavy tree planting can also function as community edges. As new areas are developed,
the definition of a community edge will be a design priority.

2.13 Support for Residential Neighborhoods.

In its community design planning, the city will support and strengthen its residential neighborhoods. The city will seek appropriate

building scale and compatible character of new development or redevelopment, desired public facilities and mixed commercial uses, and sensitively designed and sized rights-of-way.

2.19 Compatibility of Adjacent Land Uses.
In order to avoid or minimize noise and visual conflicts between adjacent land uses that vary widely in use, intensity or other characteristics, the city will use tools such as interface zones, transitional areas, site and building design and cascading gradients of density in the design of subareas and zoning districts. With redevelopment, the transitional area should be within the zone of more intense use.

2.31 Commitment to a Walkable City.
The city and county will promote the development of a walkable city by designing neighborhoods and business areas to provide easy and safe access by foot to places such as neighborhood centers, community facilities, transit stops or centers, and shared public spaces and amenities.

2.32 Trail Corridors/Linkages.
In the process of considering development proposals, the city and county will encourage the development of trails and trail linkages for appropriate uses such as hiking, bicycling or horseback riding, so as to provide a variety of alternative recreation and transportation opportunities. Implementation of this goal will be achieved through the coordinated efforts of the private and public sectors.

2.39 Sensitive Infill and Redevelopment.
Overall, infill and redevelopment will be expected to provide significant benefits to the community and the neighborhoods. The city will develop tools such as neighborhood design guidelines to promote sensitive infill and redevelopment. The city will work with neighborhoods to protect and enhance neighborhood character and livability.

2.40 Physical Design for People.
The city and county will take all reasonable steps to ensure that new development and redevelopment, public as well as private, be designed in a manner that is sensitive to social, physical and emotional needs. Broadly defined, this will include factors such as 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.

2.42 Enhanced Design for the Built Environment.
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.

a) The context.

Projects should become a coherent part of the neighborhood in which they are placed. They should be preserved and enhanced where the surroundings have a distinctive character. Where there is a desire to improve the character of the surroundings, a new character and positive identity as established through area planning or a community involvement process should be created for the area. Special attention will be given to protecting and enhancing the quality of established residential areas that are adjacent to business areas.

b) The public realm.

Projects should relate positively to public streets, plazas, sidewalks and paths. Buildings and landscaped areas—not parking lots—should present a well-designed face to the public realm, should not block access to sunlight, and should be sensitive to important public view corridors.

c) Human scale.

Projects should provide pedestrian interest along streets, paths and public spaces.

d) Permeability.

Projects should provide multiple opportunities to walk from the street into projects, thus presenting a street face that is permeable. Where appropriate, they should provide opportunities for visual permeability into a site to create pedestrian interest.

e) On-site open spaces.

Projects should incorporate well designed functional open spaces with quality landscaping, access to sunlight and places to sit comfortably. Where public parks or open spaces are not within close proximity, shared open spaces for a variety of activities should also be provided within developments.

f) Buildings.

Buildings should be designed with a cohesive design that is comfortable to the pedestrian, with inviting entries that are visible from

public rights of way.

3.25 Support for Community Facilities.
The city and county recognize the importance of the health care, social service, educational and nonprofit community agencies that provide vital services to the residents of the Boulder Valley and will work collaboratively with these agencies to reasonably accommodate their facility needs.

4.09 Wetland Protection.
Natural and human-made wetlands are valuable for their ecological and, where appropriate, recreational functions, including their ability to enhance water and air quality. Wetlands also function as important wildlife habitat, especially for rare, threatened and endangered plants and wildlife. The city and county will continue to develop programs to protect and enhance wetlands in the Boulder Valley. The city will discourage the destruction of wetlands, but in the rare cases when development is permitted and the filling of wetlands cannot be avoided, new wetlands will be created or degraded wetlands will be restored.

4.21 Flood Management.
The city will protect the public and property from the devastating impacts of flooding in a timely and cost-effective manner while balancing community interests with public safety needs. The city will manage the potential for floods by implementing the following guiding principles: a) Preserve floodplains b) Be prepared for floods c) Help people protect themselves from flood hazards d) Prevent unwise uses and adverse impacts in the floodplain e) Seek to accommodate floods, not control them

4.32 Groundwater.
The city and county will continue to evaluate aquifers, groundwater recharge and discharge areas, and sources of groundwater pollution within the Boulder Creek watersheds and formulate appropriate pollution and source protection programs. Impacts to groundwater will be considered in land use planning, development review and public land management practices.

4.40 Energy-Efficient Land Use.
The city and county will encourage the conservation of energy through land use policies and regulations governing placement, orientation and clustering of development and through housing policies and regulations. The conservation of energy is served by the development of more intense land use patterns; the provision of recreation, employment and essential services in proximity to housing; the development of mass transit corridors; and efficient transportation.

6.09 Transportation Impact.
Traffic impacts from a proposed development that cause unacceptable community or environmental impacts or unacceptable reduction in level of service will be mitigated. All development will include strategies to reduce the vehicle miles traveled (VMT) generated by the development. New development will be designed and built to be multimodal and pedestrian-oriented. Strategies to reduce the VMT generated by new development will include all modes of travel as well as travel management programs such as the Eco Pass. The design of new development will especially focus on providing continuous modal systems through the development, on connecting these systems to those surrounding the development and on providing connections between the modes. (See Policy 3.05 Growth to Pay Fair Share of New Facility Costs.) The city will provide tools and resources to help businesses manage employee access and mobility and support public-private partnerships such as transportation managementorganizations to facilitate these efforts.

6.12 Neighborhood Integration.
The city and county will strive to protect and improve the quality of life within neighborhoods while at the same time facilitating the movement of vehicular, bike and pedestrian traffic. Improving access and safety within neighborhoods by controlling vehicle speeds will be given priority over vehicle mobility. Transportation actions will not be implemented solely to shift a problem or impact from one location to another. Neighborhood needs and goals will be balanced against the community benefit of a transportation improvement.

6.13 Neighborhood Streets Connectivity.
New neighborhood streets will be designed in a well connected and fine grained pattern of streets and alleys to effectively disperse and distribute vehicle traffic and to promote bike and pedestrian travel.

7.01 Local Solutions to Affordable Housing.
The city and county will emphasize locally developed solutions to meet the housing needs of their low and moderate income households, including those who work but may not live in Boulder County. The city and county further recognize that such needs may not be met solely through private development. To facilitate availability of housing for this segment of the population, appropriate federal, state and local programs and resources will be used both locally and in collaboration with other jurisdictions. The city's pursuit of additional affordable housing programs will include an analysis of the unmet need for such programs as well as an analysis of the financial, social, demographic and community resources and constraints.

7.04 Populations with Special Needs.
The city and county will encourage development of housing for very low and low income populations with special needs including facilities for the older adults, people with disabilities and other populations requiring group homes or other specialized facilities where appropriate. The location of such housing should be in proximity to shopping, medical services, entertainment and public transportation. Every effort will be made to avoid concentration of these homes in one area. (See Policy 2.40 Physical Design for People and Policy 6.05 Accessibility.)

7.06 Mixture of Housing Types.
The city and county, through their land use regulations and incentive programs, will encourage the private sector to provide and maintain a mixture of housing types with varied price ranges and densities, which attempt to meet the affordability needs of a broad range of the Boulder Valley population. This includes families, essential workers, older adults, persons with disabilities, at-risk children and adults and vulnerable, very low income residents. (See Policy 2.18 Mixture of Complementary Land Uses and Policy 2.42 Enhanced Design for the Built Environment.)

7.10 Keeping Low- and Moderate-Income Workers in Boulder.
The city will explore policies and programs to increase housing for low and moderate income Boulder workers, particularly essential workers, by fostering housing opportunities through mixed use and multi-family development, developing permanently affordable housing on vacant and redevelopable sites, by considering the conversion of commercial and industrial zoned or designated land to residential use, and providing preferences within city-subsidized projects for housing Boulder's workforce. (See Policy 2.21 Mixed Use.)

Neighborhood Comments Karl Guiler, Case Manager, 303-441-4236
Staff has received a number of written and verbal comments on the proposal and will forward any written correspondence directly to the applicant and the Planning Board. Staff will keep the neighborhood apprized as to future public outreach efforts.

Parks and Recreation Jeff Haley, Parks Planner, (303) 413.7233
Parks has the following comments related to the concept plan review for the ***Boulder Creek Commons***:

1. ***Compatible Use***
   The concept plan doesn't specifically address the compatibility between the proposed development and the existing park to the north. With regard to the compatibility between the uses of the public community park and the private residential development, staff recommends adequate vegetative buffer and potentially aesthetic screening walls to address the potential for future conflict between the uses.

2. ***Drainage, Flood Control and Wetland Preservation***
   Parks staff wants to ensure that the proposed development will not negatively impact any existing regulatory/non-regulatory wetlands along the south boundary of the EBCP. Additionally, the proposed grading/drainage plan must not convey any surface runoff or groundwater on to the park property to the north above historic rates.

3. ***Connectivity***
   The applicant will need to coordinate any proposed sidewalk/trail connections into EBCP with parks staff regarding compliance with planning/permitting, design, construction and appropriate wayfinding/regulatory signage. All financial costs will be incurred by the applicant.

Please also consider the following comments from 2003 that are relevant from the project. Please contact Parks and Recreation regarding these comments and their current applicability:

1. At the time the park was developed the Parks and Recreation Department condemned the 55th St. right-of-way across the Hogan property. This included additional right-of-way necessary to access the proposed parking area near the current dog park. This right-of-way is not depicted in the current concept plan and may affect the location of the proposed lots.

2. The future developer of the Hogan property will be required to reimburse the Parks and Recreation Department for the $267,758 cost of constructing the portion of 55th St. across the Hogan parcel and $16,044 for the associated water line construction costs.

3. The condemnation agreement for the construction of 55th St. across the Hogan property led to a related agreement that addressed compensation for the diminution in development potential resulting from the street alignment. This agreement between the City and the owners of the Hogan property requires that a minimum of 21,055 square feet of property shall be set aside as open space not subject to development. The property that was designated to partially fulfill this requirement, subject to the determination of the city manager, was shown on a map attached to this agreement. With the consolidation of the Pancost and Hogan parcels, it may make sense to consider meeting this requirement in some other area of the development. An amendment to the agreement would be required if the location of open space is changed.

4. The Parks and Recreation Department would be interested in working with the developer to complete piping the Superphostical Ditch northwest of 55th Street.

Site Design Karl Guiler, Case Manager, 303-441-4236
More detailed comments on site design are in Section V of this document below. While the general layout is supported with the larger congregate care structure positioned away from existing development and close to amenities, the layout of streets and quality of the streetscapes are of concern to staff. Staff has the following general suggestion for an improved site layout:

- Situate the congregate care building closer to the street and with well defined entries to the building from the streetscape to create a less suburban frontage.

- Consider a path connection from the congregate care to the East Boulder Community Park and Kewanee sidewalk and other ways to better integrate the building with the rest of the site.

- Enlarge the central park on the site and make it more of an organizing element of the site plan. This may include the relocation, reconfiguration and/or elimination of residences around it, which on the current plan create what appears to be an awkward, minimally useable space. Residences could be move to front along Kewanee Drive where it intersects with 55th.

- Look into the possibility for alleys for some residences where it could create a more attractive streetscape and potentially allow for residences to front on and frame the central open space.

- Connect the Dry Creek Ditch path back into the development, rather than dead ending it at the southwest corner.

- Detached sidewalks should be providing within the entire development to create more attractive streetscapes and ability for mature trees in the future.

Zoning Karl Guiler, Case Manager, 303-441-4236
Site size
The application indicates a total site size of 22.17, including the main parcel west of 55th and the open space parcel east of 55th. Based on the application materials the following lot size information is relevant:

Gross lot size *including* portion of 55th Street (to be vacated) and eastern parcel	23.6 acres
Gross lot size *excluding* portion of 55th Street (to be vacated) and including eastern parcel	22.17 acres (application reference)
Net lot size *excluding* portion of 55th Street (to be vacated) and eastern parcel	19.44 acres

At time of Site Review, a survey prepared by a licensed surveyor would be required to determine the actual site size.

Density
There are a number of ways to calculate density on the site based on the different acreages above and also based on city density calculations whereby three congregate care units can equate to one dwelling unit. Information relative to all is below.

Density considering congregate care units on a 1:1 ratio	
121 units / 23.6 acres	5.13 du/ac
121 units / 22.17 acres	5.45 du/ac
121 units / 19.44 acres	6.22 du/ac
Density considering congregate care units on a 3:1 ratio	
88 units / 23.6 acres	3.72 du/ac
88 units / 22.17 acres	3.9 du/ac
88 units / 19.44 acres	4.5 du/ac

According to all the calculations, the range is appropriate per the two to six dwelling units per acre permitted in the BVCP Low Density Residential land use designation for the site. Obviously, the ultimate density will depend on what zoning is selected and approved for the site and how the dedication of public rights-of-way may affect the calculation. As an annexation, it is possible that despite the dedication of rights-of-way the density could be calculated using the gross

figures. Staff also finds that it would be appropriate to use the gross site size including the eastern parcel so long as the six dwelling units per acre is not exceeded using the 1:1 ratio with the congregate care units.

Initial Zoning

The application indicates that Flex District zoning would be proposed, although there is no clarification of what Use, Form and Intensity Modules would compose the Flex District. It would be helpful if this information was provided prior to Planning Board. This is important as Flex Districts are a combination of use, form, and intensity standards not reflected in any existing zoning district. Rezoning to a flex district may only be initiated by the Planning Board or City Council as part of an annexation, rezoning after concept review, or area plan, and upon the determination that the flex zone would implement the goals of the Boulder Valley Comprehensive Plan. When rezoning to a flex district the rezoning ordinance (Initial Zoning in this case) shall identify the specific use, form and intensity modules which shall be identified on the official zoning map.

Staff has provided the following guidance on what should be considered:

- Use Modules R1 or R2 would be most appropriate considering the surrounding low density residential context. Use Modules greater than R2 are not recommended as they may include uses that would not be compatible at the site. R1 and R2 do not permit congregate care units and if the use is supported, it may be necessary to consider the use as a permitted use in the annexation agreement.

- Form Modules i, j or k would match the more traditional setbacks proposed in the application. K may be most akin to what is proposed, although the rear setback of 20 feet would not be met. Staff does not recommend applying Flex District zoning if modifications would be broadly required.

- Intensity Modules 4 or 6 could be possibilities. Staff estimates that if Intensity Module 4 were implemented and considering the deduction of land for public rights-of-way, the site size divided by 7,000 square feet per this module would equate to roughly 122 dwelling units, which is consistent with the proposed amount. This, however, would require a reduction in lot sizes as a modification through Site Review.

Congregate Care

At time of Site Review, the applicant would need to demonstrate that the proposed senior units qualify as congregate care by submitting a detailed written statement and floor plans that support that the use meets the definition in Chapter 9-16 of the Land Use Code and that the standards in sections 9-6-3(f), “Residential Care, Custodial Care, and Congregate Care Facilities,” B.R.C. 1981 and 9-8-6(g), B.R.C. 1981, “Occupancy Equivalencies for Group Residences,” B.R.C. 1981. Please note that staff is processing amendments to section 9-6-3(f), B.R.C. 1981 and the definition to make sure that such uses operate as congregate care with expected services for seniors, a minimum number of units, and limitations on the unit sizes. At present, it is unclear whether the proposed changes will be adopted by City Council, but the proposal does not otherwise appear to be inconsistent with the proposed changes.

Also, congregate care uses have density calculations that are different from typical dwelling units (i.e., three congregate care units equals one dwelling unit for density purposes). In general, congregate care uses are expected to have less of an impact on traffic given that the residents would be expected to be less independent than those living in apartments, but more independent relative to, for example, a nursing home.

The information submitted with the Site Review application should be very clear about the nature of the congregate care use and what the expected level of independence of its residents would be. It would necessary to make sure that the use chosen for the trip counts in ITE accurately matches what is proposed and that the Transportation Demand Management strategies also coincide with what would be most useful for the residents as alternatives to the automobile.

Building Heights

In low density residential zoning districts, building height would be limited to 35 feet using the definition of ‘building height’ in the Land Use Code and City Charter whereby the measurement is made from the lowest point within 25 horizontal feet of each building’s tallest side. Any buildings over that height would require Planning Board review and approval of a height modification as part of a Site Review. Given the context of single-family neighborhoods and few buildings over the height limit, staff would recommend against any height modifications.

Building Massing

Dependent on what zoning district is selected for the site, form and bulk standards and intensity standards that govern floor area, lot coverage and bulk plane requirements (known as the Compatible Development regulations adopted in 2010) may apply to reduce the massing of buildings. Please note that such regulations may be applied to the site irrespective of the zoning should the city find the bulk limiting standards would be necessary to ensure compatibility with

the surrounding neighborhoods. Please review chapters 9-7, “Form and Bulk Standards,” B.R.C. 1981 and 9-8,”Intensity Standards,” B.R.C. 1981 for more information.

Building Setbacks
The applicable setbacks will be based on whatever Form Module is chosen for the Flex District. At this time, the proposed setbacks do not completely match a Form Module, but are most akin to Form Modules i, j, or k. The main exception between the modules is the rear setback of 15 feet, which should be looked into further. Staff finds that any less than 20 feet may create insufficiently sized backyards.

Development Standards
Please be advised that the project would be subject to all of the development standards of Section 9-9, Development Standards.

Parking
Generally, it appears that parking requirements would be met with at least one space per single-family dwelling unit. Please note that attached units would be required to meet a different standard (e.g., based on bedrooms). Please see section 9-9-6, “Parking Standards,” B.R.C. 1981 for more information. More information is required on the proposed Congregate Care use as section 9-6-3(f)((1)(B), B.R.C. 1981 states, “*off-street parking is appropriate to the use and needs of the facility and the number of vehicles used by its occupants, regardless of whether it complies with other off-street parking requirements of this chapter.*” A parking study would be necessary at the Site Review stage to substantiate the proposed parking for the facility.

Open Space
The Useable Open Space requirement will be dependent on what Use Module is chosen for the Flex District. Please review section 9-9-11, “Useable Open Space,” B.R.C. 1981 to better understand what counts as open space.

Outdoor Lighting
Please note that development of the lot will require compliance with Section 9-9-16, Outdoor Lighting.

Solar Access
Please be advised that the property, as low density residential development, would become part of Solar Area I and would have to comply with the 12 foot solar fence limitation per section 9-9-17 of the Land Use Regulations. It will be important to review this section prior to Site Review submittal to determine compliance with the requirements of that section.

Occupancy of Dwelling Units
Please note the occupancy limits set forth in Section 9-8-5.

IV. NEXT STEPS

1. Review the comments within this document. If necessary, a response to the comments may be prepared prior to Planning Board review.

2. Community outreach via the internet and focus groups will be initiated by the city prior to the board hearing.

3. The Planning Board hearing is tentatively scheduled for January 5, 2012.

V. CITY CODE CRITERIA CHECKLIST

Guidelines for Review and Comment

The following guidelines will be used to guide the Planning Board’s discussion regarding the site. It is anticipated that issues other than those listed in this section will be identified as part of the concept plan review and comment process. The Planning Board may consider the following guidelines when providing comments on a concept plan.

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

The roughly 22-acre vacant site, known as the Hogan-Pancost property (see Figures 1 and 2 below), is located at 5399 Kewanee Drive and 5697 South Boulder Road in east Boulder near the East Boulder Recreation Center. The site can be accessed from 55th Street from South Boulder Road to the south of the site or from 55th Street from the north by way of the East Boulder Recreation Center.

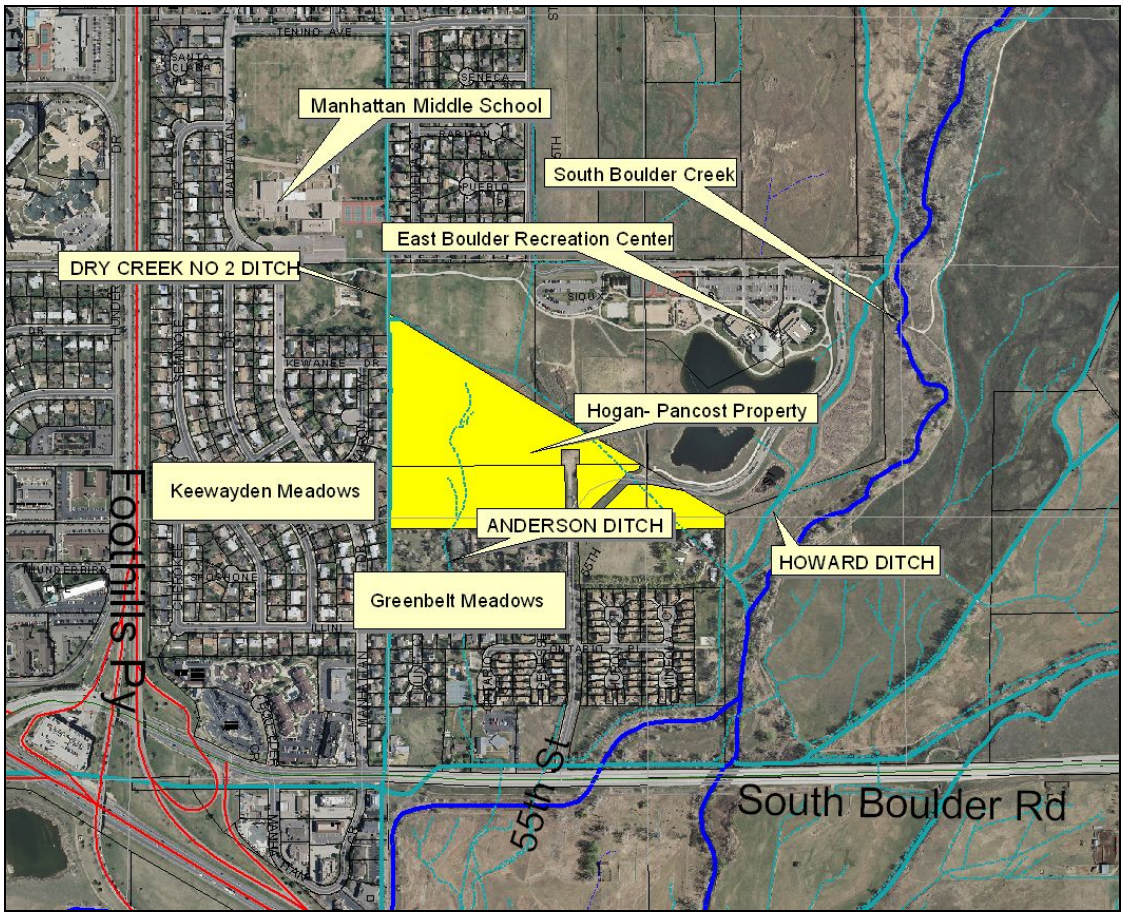


Figure 1- Vicinity map and context.

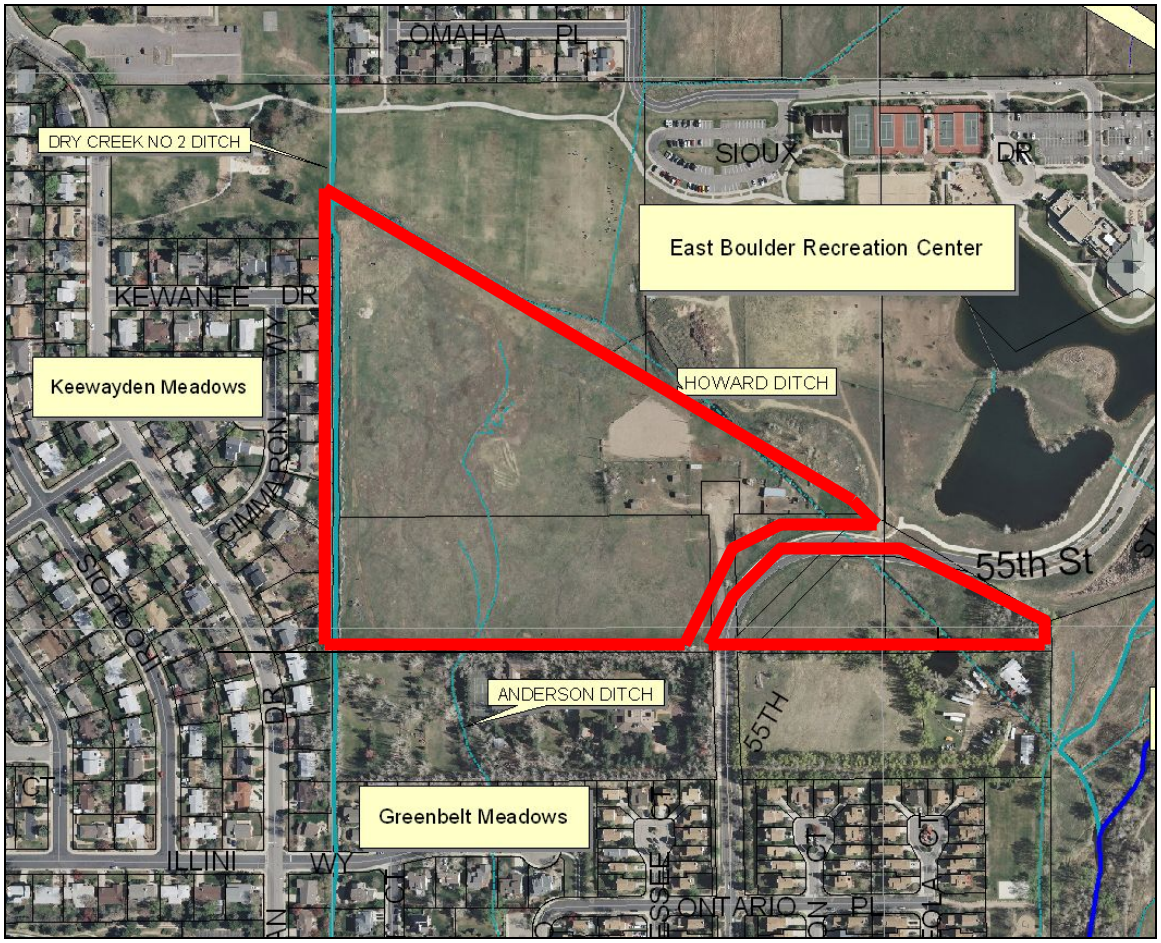


Figure 2- Immediate site context (Hogan-Pancost properties outlined in red)

The Hogan-Pancost properties have been historically used for grazing and agricultural purposes and are within Boulder County; however, as shown in Figure 3 below, almost the entirety of the site is surrounded by city annexed land – namely the single-family residential developments of Keewayden Meadows to the west, Greenbelt Meadows to the south, and the East Boulder Recreation Center to the northeast.

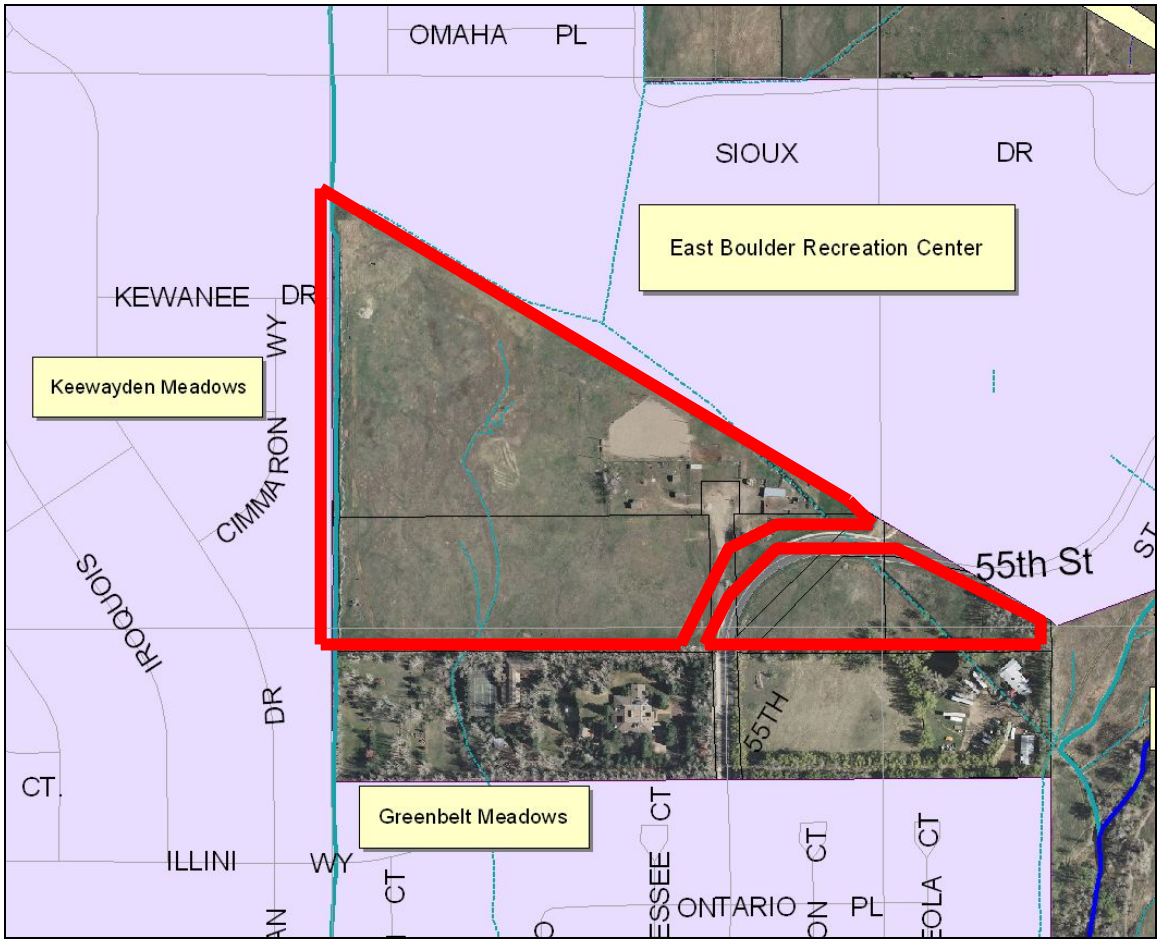
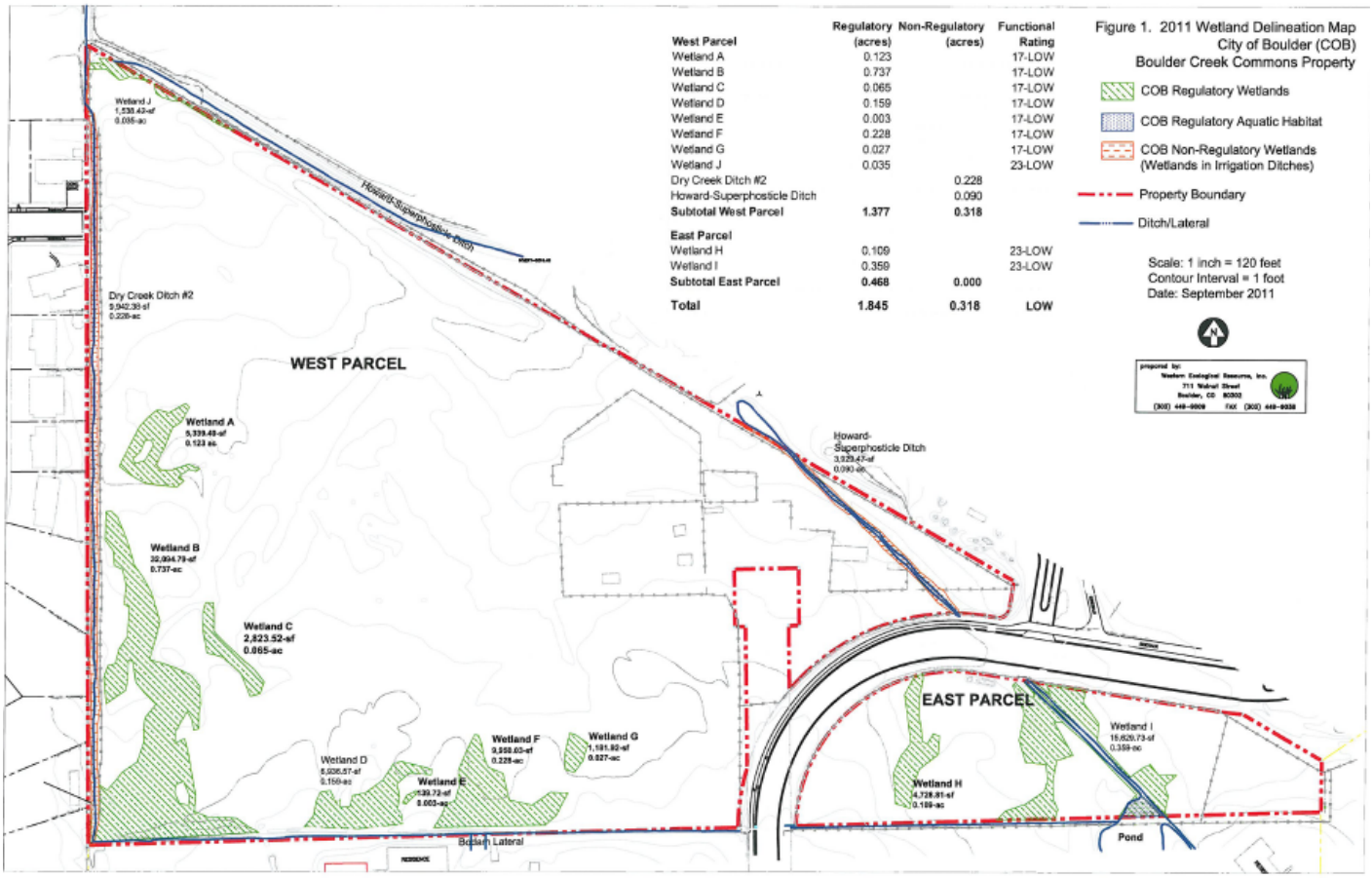


Figure 3- Site respective to city limits shown shaded.

As shown in Figure 4, there are existing wetland areas on the site. There has been a significant environmental concern from the community related to development upon wetlands and the impact to wildlife on the site, including but not limited to prairie dogs and Preble mice. Environmental studies have indicated that the wetland areas are a result of seepage from unlined ditches that run through the site and that the property does not contain suitable habitat for Preble mice. Extensive environmental studies have been conducted on the site and conclusions have indicated that the site could be developed and impacts to the environmental features mitigated. Staff would expect more detailed information at time of Site Review to illustrate how the mitigation will be successfully completed.



West Parcel	Regulatory (acres)	Non-Regulatory (acres)	Functional Rating
Wetland A	0.123		17-LOW
Wetland B	0.737		17-LOW
Wetland C	0.065		17-LOW
Wetland D	0.159		17-LOW
Wetland E	0.003		17-LOW
Wetland F	0.228		17-LOW
Wetland G	0.027		17-LOW
Wetland J	0.035		23-LOW
Dry Creek Ditch #2		0.228	
Howard-Superphosticle Ditch		0.090	
Subtotal West Parcel	**1.377**	**0.318**	
East Parcel			
Wetland H	0.109		23-LOW
Wetland I	0.359		23-LOW
Subtotal East Parcel	**0.468**	**0.000**	
Total	**1.845**	**0.318**	**LOW**

Figure 4- Wetland areas.

The site also contains 100-year and 500-year floodplain areas as shown on Figure 5. The majority of the 100-year floodplain areas is on the eastern parcel and would be preserved as a wetland area. Any development within the 100-year floodplain would require a floodplain development permit. The City of Boulder does not currently have any regulations for the 500-year floodplain, but is in the process of developing regulations for critical facilities and mobile populations within the 500-year floodplain. It is not anticipated that the proposed regulations would impact this development unless the senior housing component of the project was a nursing home facility.

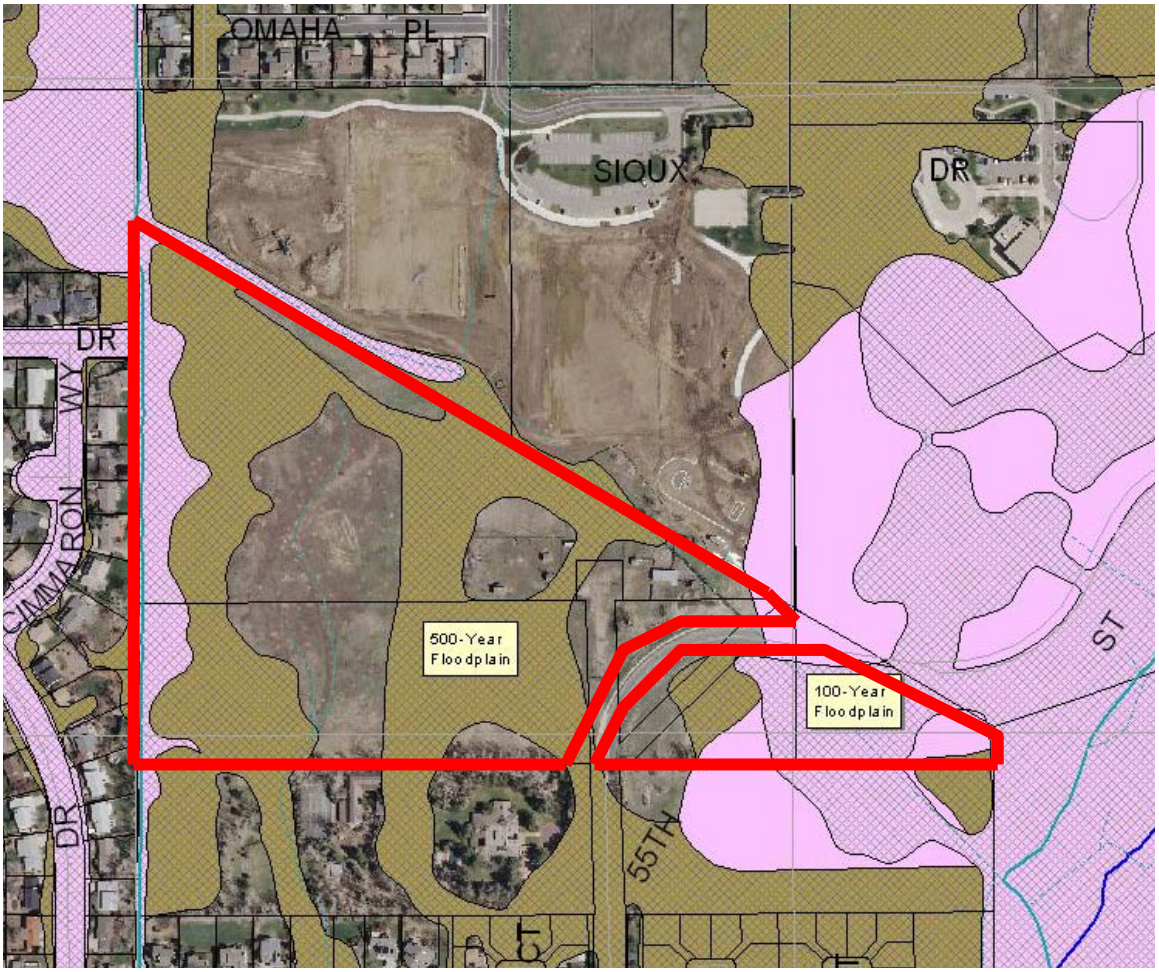


Figure 5- Floodplain Map

2. **Community policy considerations including, without limitation, the review process and likely conformity of the proposed development with the Boulder Valley Comprehensive Plan and other ordinances, goals, policies, and plans, including, without limitation, subcommunity and subarea plans;**

<u>General land use, annexation and community benefit</u>

The properties are currently part of Boulder County. In order to develop the site as proposed, annexation to the City of Boulder would be required. As part of the Annexation and Initial Zoning process, the appropriate city zoning must be determined and any zoning district and resultant proposal must be found consistent with goals and policies of the Boulder Valley Comprehensive Plan (BVCP).

Policy 1.27, Annexation, requires that any parcel proposed to be annexed into the city where there is significant development potential must include significant benefit to the community. In this case, the applicant is proposing 48% of the units as deed restricted permanently affordable units. Over 40% of the units would be affordable rental units for seniors, which would be managed by a non-profit housing entity. The proposal also entails the preservation of the 2.73 acre eastern parcel where there would be wetland mitigation.

Policy 1.20, Growth Requirements, also touches on the "community benefit" requirement, by stating: "*the overall effect of urban growth must add significant value to the community, improving quality of life. The city will require development and redevelopment as a whole to provide significant community benefits and to maintain or improve environmental quality as a precondition for further housing and community growth*." Policy 1.27 (subsection d) further specifies that permanently affordable housing and environmental preservation are key considerations in determining community benefit.

Staff finds that the combination of 48% of the units as permanently affordable , inclusion of housing for seniors, and environmental protection of the eastern parcel would be an appropriate community benefit for the site. Provision of affordable congregate care senior housing, a growing need in the community, and 8 other deed restricted units, in a compact form would be consistent with the following BVCP policies:

-Policy 3.25, Support for Community Facilities

-Policy 4.40, Energy Efficient Land Use

-Policy 7.01, Local Solutions to Affordable Housing

<u>Community design and neighborhood compatibility</u>

The BVCP also has an extensive section related to community design to ensure that development is high quality, compact, efficient and compatible with the surrounding context. Holistically, development of the property is logical considering that it abuts city land for over 60% of its perimeter. Further, 55th Street creates a logical boundary of city developed lands and protected lands (Planning Area III) to the east where development is not expected to occur. This is consistent with Policy 2.06, Design of Community Edges, which states that "*natural features are most effective as edges*." The basic layout of the development with the congregate care structure fronting on 55th also contributes to this sense of an edge and also is intuitively placed to give seniors convenient access to the East Boulder Recreation Center and open space. This is also consistent with Policy 2.40, Physical Design for People, which states, "*new development…be designed in a manner that is sensitive to social, physical and emotional needs*." The proposed plan would also establish new pedestrian connections from within to East Boulder Community Park consistent with Policies 2.31, Commitment to a Walkable City, and 2.32, Trail Corridor/Linkages. As stated below, staff finds that a better integration of the congregate care building should be looked into for the site.

While a controversial aspect of this project, the connection of Kewanee Drive through the site is considered consistent with Policy 6.13, Neighborhood Streets Connectivity which states, "*new neighborhood streets will be designed in a well connected and fine grained pattern of streets and alleys to effectively disperse and distribute vehicle traffic and promote bike and pedestrian travel.*" Based on this, staff supports the extension of Kewanee Drive through the development to 55th Street. Staff finds that not making this connection would unduly impact the Greenbelt Meadows development by channeling all traffic through that development and putting more traffic pressure on the 55th and South Boulder Road intersection. City policy is to connect developments and effectively disperse traffic.

That said, the mitigation of traffic and other impacts on the adjacent neighborhoods are important factors of whether a development should be approved. There is no doubt that the conversion of a roughly 22-acre site to having 121 dwelling units in multiple buildings serviced by new streets, will present visual and traffic impacts and potentially environmental impact on surrounding neighborhoods. The applicant must demonstrate that such impacts will be appropriately mitigated to be compatible with the surrounding context and are to the extent that negative impacts are offset by required community benefits per Policy 1.27, Annexation. BVCP policies related to compatibility are as follows:

-Policy 2.13, Support for Residential Neighborhoods

-Policy 2.19, Compatibility of Adjacent Land Uses

-Policy 2.39, Sensitive Infill and Redevelopment

-Policy 6.09, Transportation Impact

In general, the character of the proposed development borrows from surrounding context with lots that are similarly sized to Greenbelt Meadows and with front-loaded residences and attached sidewalks like Keewayden Meadows. Policy 2.13 states, "*the city will seek appropriate building scale and compatible character of new development*." While the development would be more compact in appearance than Keewayden Meadows, its apparent density and massing would be similar to Greenbelt Meadows in appearance by virtue of the lot sizes. To create a greater level of compatibility, the applicant proposes a 60-foot buffer along the west lot line of the property with Keewayden Meadows. Staff finds that this would be an appropriate interface.

In terms of assessing character based on existing conditions, the observations above point to some level of compatibility as long as the applicant appropriately demonstrates that traffic impacts will be avoided. The proposed circuitous nature of

Kewanee Drive through the development also appears appropriate as to provide the intended connection and effectively disperse traffic, but discourage the frequency of through travel. The configuration of Kewanee and whether or not it should connect is a key issue of the review.

From a design perspective, staff's greatest apprehension about the development is its general design quality. Using the BVCP as guidance, Policy 2.42, Enhanced Design for the Built Environment, sets up the level of expectation for private developments. The policy touches on compatibility with context, buildings and landscape areas that address the public realm, human scale buildings that are comfortable to the pedestrian, visual permeability and quality of open spaces. As discussed above, it could be argued that the project is consistent with the context of the area, as required by subsection (b), which states, "*projects should become a coherent part of the neighborhood in which they are placed*." However, staff finds that the development of the site is an opportunity to improve on the character. In this regard the policy states, "*where there is a desire to improve the character of the surroundings, a new character and positive identity as established through area planning or a community involvement process (such as this concept plan) should be created for the area."*

Staff finds that the proposed plan appears somewhat uninspired with a focus on fitting in lots with little sense of order and continuity. More noticeable is how the open spaces within the project are left as more remnant areas and as areas for stormwater detention. Subsection (e) related to useable open space states, "*project should incorporate well designed open spaces with quality landscaping, access to sunlight and places to sit comfortably*." While it is true that there is ample open space provided around the site, open space within the project should be improved to be more formalized and functional. The configuration of homes around the central open space is awkward with few areas that appear useable. It appears that much of the space would be allotted to a swale, which while potentially visually attractive; areas around it may not be attractive for use. A reconfiguration or deletion of lots may be necessary to increase the size of the space, better integrate the congregate care building to the rest of the site, and enable intuitive trail connections to the park to the north.

The architectural character proposed for the homes (see page 11 of the concept plan) appears to be appropriate with a high level of detailing and diversity for pedestrian interest and garages that are deemphasized by narrower doors and setbacks beyond the front of each building. Previous iterations of the plan included proposals for alley-loaded homes, which of course, would be more aesthetically pleasing, but would not match the established pattern of the area. Despite context, the city has supported alley loaded homes in many parts of the city to create more attractive streetscapes conducive to pedestrians and to effectively conceal parking areas. While alley loaded homes would be more attractive as viewed from the streetscape, staff understands the hesitance to this approach based on the existing context and additional pavement that would be required on the site for alleys- especially upon a site where environmental issues are prevalent. Staff, however, finds that if front-loaded residences are proposed, the attractiveness of the streetscape should be further enhanced with detached sidewalks with tree lawns throughout the development despite the surrounding context. This would be another opportunity to improve on the character of the area. Furthermore, staff could see some areas of the site that could take advantage of alley loaded homes and/or even potentially more duplexes or townhomes on the east side of the site to create a greater diversity of housing types (see Policy 7.06, Mixture of Housing Types) and to free up space for detached sidewalks and improved open space within the site.

<u>Environmental preservation and impact avoidance</u>

As stated above, there have been significant concerns on the property related to groundwater discharge, and impact to wetlands and wildlife. The appropriateness of the site for development based on the environmental concerns is another important factor in whether the development should be approved. BVCP policies related to environmental conditions are as follows:

-Policy 4.00, Wetland Protection

-Policy 4.21, Flood Management

-Policy 4.32, Groundwater

While detailed studies have been provided about the feasibility of developing the site, more detailed information and plans would be required at time of Site Review before the city can conclude that any impact to wetlands, flood plains and wetland are adequately mitigated consistent with the policies above. It appears that Policy 4.21 would be met by virtue of the eastern parcel, which contains 100-year floodplain would be protected; however, the issues related to wetland protection and groundwater will require additional analysis.

3. **Applicable criteria, review procedures, and submission requirements for a site review;**

The project would require City Council approval of an Annexation and Initial Zoning application. Concurrent with that, a Site Review would be required and would be subject to all the criteria in Section 9-2-14(h) of the Land Use Regulations. Submission requirements would be the same as any other Annexation and Site Review and would have to satisfy the requirements of sections 9-2-16 and 9-2-14(d).

Reviews would follow a standard three-week review track where comments or a decision would be rendered at the end of that time. If revisions were required, additional review tracks could be scheduled. Ultimately, review by Planning Board, which must act on any land use map change, and City Council, the final decision making body, would be required. As the Annexation is contingent on the Site Review, staff will refer the Site Review application to the City Council.

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

Concurrent to Site Review it is expected that the Annexation and Initial Zoning application will be processed. This would require City Council review and decision. After Site Review, Technical Documents would be required to allow staff to review more detailed plans to affirm compliance with regulations related to engineering, architecture, landscaping, drainage, lighting etc. Further, a Preliminary Plat (Land Use Review) and Final Plat (Technical Document review) would be required to subdivide the properties and dedicate any new public rights-of-way. As there is existing public right-of-way on the site for 55th Street, portions of this would require vacation, which requires a separate Land Use Review application for City Council review and approval.

Once all the site conditions were found to be compliant with all applicable codes, a building permit for new structures could be reviewed and issued. Flood Development Permits may be required dependent on the scope of work near Four Mile Creek.

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

Development of the site presents the opportunity to connect Kewanee Drive through the site to 55th. The conceptual design of this connection is such that cut-through traffic will be discouraged, while connectivity and porosity in the street system is still provided, thereby decreasing the amount of vehicle miles traveled and increasing mobility and livability in the neighborhood. The site also presents opportunities for new pedestrian connections between the neighborhoods with the East Boulder Community Park, East Boulder Recreation Center and open space.

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

As stated throughout these comments, there are significant concerns related to environmental impact from development of the property. There are wetlands and floodplain that need to be protected and potential impacts to wildlife, such as prairie dogs. Concerns have been raised about Preble (Meadow Jumping) mice; however, the U.S. Fish and Wildlife Service has concluded that no mice have been observed on the site and are not likely to occupy the site based on the unsuitable habitat it would present for the mice. The applicant argues that development on the site, which includes piping of the Dry Creek Ditch and potentially the Bodam Lateral, could reduce the wetlands on the site that are apparently from unlined ditches and reduce groundwater problems on neighbors. The applicant also proposes to mitigate wetlands on the eastern parcel.

7. **Appropriate ranges of land uses; and**

As the site is designated by the BVCP for Low Density Residential development, single-family dwellings are appropriate and consistent with surrounding land uses. Congregate Care units would also be appropriate considering the excellent access for seniors to the East Boulder Recreation Center, East Boulder Community Park and the open space trails east of the site. The area would provide a healthy and diverse living environment for seniors, a segment of the population expected to grow, as well as families and other residents of the project.

8. The appropriateness of or necessity for housing.

As stated above, the site is designated in the BVCP as Low Density Residential and is therefore, expected to be used for housing. A mix of housing on the site and provision of senior housing is appropriate considering the convenient access to parks, open space and recreational uses in the area.

VI. Conditions On Case

Not applicable to Concept Plans.