

## **BVCP Update – DRAFT Staff Recommendation for 2801 Jay Road**

### **BVCP MAP-BASED CHANGE REQUESTS**

The purpose of this draft report is to advance for public comment the draft staff recommendations for three public requests submitted as part of the Major Update to the Boulder Valley Comprehensive Plan that require action by both city and county agencies. The three properties include 3261 3<sup>rd</sup> Street, 2801 Jay Road, and 6655 and 6500 Twin Lakes, 0 Kalua Road. The four requests specific to the city will advance on a slightly later schedule as described below.

### **Background**

In October 2015, the city and county received 38 public requests to change either the BVCP land use designation or the Area II/III boundary on individual properties as part of the Boulder Valley Comprehensive Plan update (“map-based change requests”). In late 2015 through March 2016, the four applicable bodies decided to advance ten of these requests for further study plus three policies. Two of the requestors have withdrawn their requests leaving eight current requests (listed below). The decision to advance these requests was based on a variety of factors, including whether or not there were any changed circumstances that warranted the proposal be considered with this BVCP Major Update.

### **Analysis of 2016 BVCP Change Requests**

The city and county staff worked together to prepare the analyses for the public requests to support policy decisions by elected officials. Staff’s approach to analyzing public requests for map based changes is consistent with previous BVCP Major Updates (i.e., 2010, 2005) while reflecting priorities identified during this major update by the community and leaders (e.g., achieving diverse and affordable housing, furthering climate action goals, improving jobs and housing balance). Each request has been analyzed based on the overall intent and core values of the BVCP, with specific analysis included depending on individual property unique conditions or community concerns. Individual property reports cite the relevant core values, prior and ongoing community input, history, and other factors as part of the analysis, with the primary focus for most requests being on BVCP Core Values and associated policies.

The role of the comprehensive plan is to provide policy guidance to attain Boulder Valley’s future goals and address many topics of importance and need to the entire community; therefore, policies seemingly compete with each other, and often are cited in support of or against a proposal. The final decision should be consistent, on balance, with the policies and goals of the BVCP, not a weighting, zero sum analysis, or scorekeeping exercise. Therefore, staff gave consideration to different change requests on balance with the overall intent of the plan, unique property context and issues, and concerns and policies highlighted by the public. Ultimately, staff used professional judgment and precedent to guide the evaluation in support of policy decisions by elected and appointed officials.

### **Process and Schedule**

Pursuant to BVCP amendment procedures, some of the remaining requests require city (two body) approval and others require both city and county (four body) approval<sup>1</sup>. The Schedule and Next Steps section below summarizes the anticipated schedule and decision-making milestones in more detail.

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<sup>1</sup> Two body approval means only the city Planning Board and City Council vote on the request, with the County Planning Commission and Board of County Commissioners as a referral agency. Four body approval means that all four bodies vote on the request.

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### List of BVCP Change Requests Approved for Further Study in 2016

<b>Four Body Requests</b>		
<i>Requires action by both city and county agencies</i>		
25	3261 3rd Street	Area III to Area II to enable future annexation request
29	2801 Jay Road	Public (PUB) to Medium Density Residential (MR) or Mixed Density Residential (MXR)
35	6655 and 6500 Twin Lakes, 0 Kalua Road	Low Density Residential (LR) and Public (PUB) to Mixed Density Residential (MXR)
36	6655 and 6500 Twin Lakes, 0 Kalua Road	Low Density Residential (LR) and Public (PUB) to Open Space (OS) with Natural Ecosystems or Environmental Preservation designation
<b>Two Body Requests</b>		
<i>Requires action by city agencies</i>		
1	Naropa (two locations)	2130 Arapahoe Ave.: High Density Residential (HR) to Public (PUB); 6287 Arapahoe Ave.: Community Industrial (CI) to Community Business (CB)
3	385 Broadway	Transitional Business (TB) to Low Density Residential (LR)
12	0, 693, 695 Broadway (Table Mesa Shopping Center)	Medium Density Residential (MR) to Community Business (CB)
13	3485 Stanford Court	Low Density Residential (LR) to Medium Density Residential (MR)
Request #10 - 4801, 4855, 4865, 4885, & 4895 Riverbend Rd. and Request #26 - 3000 N. 63RD St. & 6650 Valmont Rd were withdrawn to pursue different processes.		

The eight remaining requests will be on slightly separate tracks for public hearings and final decision by the city and county. An open house will occur prior to the first public hearing and the requests will be grouped as either two body or four body review. The four body requests open house is scheduled for Aug. 8, 2016 in preparation for a county public hearing in late August. The two body request open house will occur the third week of September in preparation for the Oct. 13 city public hearing. A current schedule is available on the BVCP webpage <https://bouldercolorado.gov/bvcp/bvcp-changes>.

#### *Twin Lakes Process (Requests #35, #36)*

In March 2016, city and county bodies agreed to hold facilitated discussions addressing BVCP change requests #35 and #36 as part of the BVCP Major Update. While this request has the most structured and extensive engagement process of all the remaining BVCP map based change requests, the stakeholder group process was aligned with the decision making timeline. More information is available on the city webpage <https://bouldercolorado.gov/bvcp/twin-lakes>.

#### **Distinction between BVCP Land Use Designation Process and Development Review**

Site-specific issues are discussed in individual reports, but it is important to distinguish between what is analyzed as part of the BVCP map-based land use change request process versus at a subsequent, development review stage where more technical details are typically analyzed and addressed with costs borne by the developer.

Development is not assured with a specific designation. Many of the common issues cited by community members require a specific proposal for the city and community to review and evaluate based on specific annexation and site review criteria. If a development proposal does not meet the approval of either Planning Board or City Council, the proposal is rejected or approved with specific conditions. Below are the basic steps of the development review process that are often accompanied by public hearings before the city's Planning Board and Council.

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### City Development Review Process

1. Pre-application Meeting
2. Concept Plan (public hearing)
3. Annexation / Initial Zoning (public hearing)
4. Site Review (public hearing)
5. Technical Document Review (subdivision and site construction drawings)
6. Building Permit
7. Certificate of Occupancy

A more detailed overview is provided [here](#).

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# Request #29

# 2801 Jay Road

**Existing BVCP Land Use Map**



**Existing Planning Area Map**



**Site Photos**



**Request Summary**

- Requester: Margaret Freund, in association with a Concept Plan application (LUR 2015-00074)
- Type of Request: Land use map change
- Brief Description of Request: Public (PUB) to **Mixed Density Residential (MXR)**
- Approval Required: Four body

**Existing Conditions**

- BVCP Designation: Public (PUB)
- Zoning (county): Rural Residential (RR)
- Planning Area: II
- Lot Size: 207,274 sq. ft. (4.76 acres)
- Existing Buildings: Church building (14,000 sq. ft.)

**Jobs and Housing Assumptions**

- Current Estimated Dwelling Units: n/a
- Future Estimated Dwelling Units: 29-86 with MXR
- Future Estimated Jobs: n/a

**STAFF RECOMMENDATION FOR REQUEST #35**

Staff recommends that the site’s Land Use Designation be changed to **Medium Density Residential (MR)** for the following reasons:

- The parcels are in Area II (the area designated for urban services) and have been intended for annexation into the city since the 1970s.
- Urban services (i.e., water, wastewater, stormwater, roads) are readily available near the site.
- Diversity of housing types and costs is a core value of the Comprehensive Plan, recognizing that the availability of housing affordable to both low and moderate income populations is “a growing concern”.
- There is a scarcity of sites for housing in Boulder Valley. Allowing Medium Density Residential will allow a diversity of housing types and prices, and a significant portion of the units will be permanently affordable.
- The recommended Medium Density Residential designation furthers other key BVCP policies, including jobs:housing balance, compatibility of adjacent land uses, and sensitive infill and redevelopment, and strengthening community housing partnerships.
- Mixed Density Residential (MXR) is not recommended because the designation allows up to 18 units per acre (85 units) and constitutes a number of units that the city’s planning board indicated was not appropriate for the site (see Site History).
- The recommended MR designation allows 6-14 dwelling units per acre (28-66 units total). This is consistent with the mix of densities in the surrounding area and could be compatible with the surrounding developments.
- There is a scarcity of sites for housing remaining in city’s service area. Allowing medium density residential will allow a diversity of housing types and a significant portion of the units will be permanently affordable.
- The location and characteristics of the site make it suitable for new development with urban services, based on the apparent lack of sensitive environmental areas, hazard areas, and significant agricultural lands.

**Recommended Land Use Designation**



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### **OVERVIEW**

In addition to the land use request change to Mixed Density Residential (Request #29), staff analyzed Medium Density Residential as an alternative.

### **SITE DESCRIPTION**

The subject 4.76-acre property is located in Boulder County on the north east corner of the intersection of 28th Street/US 36, and Jay Road 28th Street serves as the current city limits in this area.

#### **Site History**

The subject property contains a church constructed in 1979 (county Building Permit 79-1094) and a parking lot. The Boulder First Church of the Nazarene operated on the property for many years and the property is currently owned by the Colorado District of the Church of the Nazarene. The site was approved in 1997 by Boulder County for a daycare center (which operates at night) for over-flow activity from the Boulder Shelter for the Homeless.

The north and east boundaries of the subject property are adjacent to Area III-Planning Reserve, that portion of Area III with rural land uses where the city intends to maintain the option of limited Service Area expansion. As part of the 2015 Boulder Valley Comprehensive Plan update, City Council directed staff not to move forward with a Service Area Expansion Assessment for the Planning Reserve during the current plan update. That means that the Planning Reserve area will continue as an option for future service area expansion until at least the next five-year update.

In 2015, the requestor submitted a Concept Plan for the site proposing a residential development with 94 permanently affordable units. The proposal includes 26 three-bedroom and 17 four-bedroom row houses, 8 four-bedroom town houses and 38 two-bedroom and 5 one-bedroom apartments. A portion of the units were proposed to satisfy inclusionary housing (IH) requirements generated for the proposed residential development at 3303 Broadway, and a portion to meet the site's annexation community benefit requirement. Planning Board held a hearing on October 1, 2015 and in general, the Board agreed with staff's analysis in the [memorandum](#). Staff raised concerns about the proposed density of the development for the location. In the end, the Board agreed they would support a lower density development, and supported including the property as part of larger Comprehensive Plan Land Use Change request process.

#### **Land Use Designations**

2801 Jay Road is located in unincorporated Boulder County with a land use designation of Public. The Public land use designations encompass a wide range of public and private nonprofit uses that provide a community service. This category includes municipal and public utility services such as the municipal airport, educational facilities, government laboratories; and other nonprofit facilities such as churches, hospitals, retirement complexes, and may include other uses as allowed by zoning. Residential development is allowed through a special review. The designation of this parcel as Public is due to presence of the church.

As part of the Concept Plan submittal to the city in 2015, the requestor proposed a zoning designation of Residential - Mixed 2 (RMX-2) as part of annexation. This zone district is described as residential areas with a mix from low to high density where complementary uses may be permitted" (Section 9-5-2(c), B.R.C. 1981). The RMX-2 zone allows 10 units per acre (up to 20 through a review process) and is the only zone which includes a density bonus for affordable housing. The bonus is on a sliding scale, up to an

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additional ten units per acre if at least forty percent of all units are permanently affordable. However, the BVCP defines medium density residential development as six to 14 dwelling units per acre. Thus, the proposal of 19.7 dwelling units per acre would be considered high-density development for purposes of the land use designation.

### **COMMUNITY INPUT**

Staff received public comments during the Concept Plan review and also during the BVCP Land Use Request Initial Screening process. Neighbors have expressed concern about the scale of the proposal and compatibility with the character of the area. The general themes of public comment received to date are summarized below.

- **Traffic and Access** – Jay Road is heavily trafficked and congested and future development would exacerbate these issues. The intersection of Jay Road and 28th Street/U.S. 36 is dangerous and very accident-prone (both automobile and bicycle). A large number of special events along Jay Road contribute to these issues.
- **Compatibility** – Future development needs to be compatible with existing character of the surrounding area. The scale of the buildings is not compatible with the area.
- **Wildlife** – Future development would affect the existing ecosystem, which includes prairie dogs, deer, fox and birds.
- **Connectivity** – There is not safe walking access to/from the site, especially along Jay Road. Future development needs to be integrated into a trail system.
- **Parking** – Need consideration of overflow parking from future residents.
- **Increased noise and air pollution.**
- **Role within Broader Development Pattern:** A larger planning effort needs to be undertaken if the property is to be redeveloped.

### **ANALYSIS**

The analysis includes three BVCP land use options, including Public (current), Mixed Density Residential (Request #29), and Medium Density Residential.

#### **Compatibility with Surrounding Land Uses**

The site is located in the Area II Community Service Area of the BVCP and has been designated for urban development in the BVCP since the early 1970s.

The location and characteristics of this land make it potentially suitable for new development with urban services. This is based on the apparent lack of sensitive environmental areas, hazard areas, and significant agricultural lands, the feasibility of efficient urban service extension, and contiguity to the existing Service Area, to maintain a compact community.

The surrounding area is characterized by primarily low-density single-family residential development. However, a variety of uses exists in the immediate area. A single-story worship building (the Lubavitch Synagogue) is currently under construction immediately to the south, across Jay Road (2810 Jay Rd.). The Foothills Animal Clinic is located east of the synagogue (2810 Jay Rd.). In addition, the Peace Evangelical Lutheran Church is located catty-corner to the site on the southwest corner of the intersection of Jay Road and 28th Street.

The requested land use designation of Mixed Density Residential is not compatible with the density of

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development immediately around it (refer to Table below). Mixed Density Residential allows up to 18 dwelling units per acre. This is significantly higher than neighboring subdivisions that range from 1.1 to 9.2 dwelling units per acre. Because the site is located along two arterial roadways, medium density development is more appropriate.

	Subdivision	Estimated Density (Dwelling Units Per Acre)
<b>Requested (HD)</b>		More than 14
<b>Northeast</b>	Orange Orchard	2.1
<b>South</b>	Gould	1.1
<b>Southeast</b>	Palo Park	5.9
<b>Southeast</b>	Four Mile Creek	5.6
<b>West</b>	Arbor Glen	5.6
<b>West</b>	Sundance	9.2
<b>Recommended (MD)</b>		6-14

Notes: Residential density is reflected in dwelling units per acre. Calculations reflect select sum of select subdivision's area that includes lots with housing units. Common area/shared ownership lots without housing units and rights of way were excluded from the calculations, with the exception of the Palo Park townhomes (south side of Subdivision #4 above) which have individual lots for townhome units and shared open space. Subdivision boundaries based on city's GIS database.

The Site Review phase of development for the property would provide an opportunity to determine the community's desired future for the area and assign the zoning that is more consistent with the surrounding area.

### Availability of Services

The site is in close proximity to existing development and infrastructure.

**Transportation.** The requestor submitted a trip generation report as part of the Concept Plan [application](#) in 2015 showing minimal traffic impacts on the system. The requestor would be required to submit a Traffic Impact Study and Parking Study/Transportation Demand Management (TDM) Plan at the Site Review phase. Transit is available adjacent to the site. The 205 bus provides connections to the Gunbarrel Town Center, 28th Street, and Downtown Boulder. Although Jay Road contains an on-street bike lane, there are no other connections to the larger bike network. Both Jay Road and 28<sup>th</sup> Street lack sidewalks or a shoulder for pedestrians. Future bike and pedestrian connections would need to be addressed at the time of annexation. An on-street bike lane and multi-use path are proposed in the Transportation Master Plan adjacent to the site on 28<sup>th</sup> Street.

**Water, Stormwater, and Wastewater.** The site is in close proximity to existing infrastructure and the city's water, stormwater, wastewater master plans anticipate providing services to the site (similar to all Area II lands). The map to the right shows the existing sewer system mains. Connecting to the system and any needed upgrades will be the responsibility of the requestor (similar for all infrastructure). See **Attachment A** for additional information.



Existing Sewer Mains

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### **Environment**

There are no natural communities, rare plants, riparian corridors, or critical wildlife habitat as defined by the BVCP or mapped on the property. The requestor would be required to submit complete information regarding existing on-site environmental conditions with the annexation and initial zoning application.

Future annexation and site planning for the site would need to include the preservation of important wildlife habitat. The site contains a few mature trees. A tree inventory will be required at the time of Site Review to determine whether any of the existing trees should be preserved. The property has views of the foothills to the west. To the extent possible, view shed corridors should be preserved through careful site design and building orientation.

### **Affordable Housing**

In 1978, the Boulder Valley and Boulder County Comprehensive Plans identified the need to provide a diversity of housing types and costs. The 1986 BVCP was more explicit, adding policies recognizing that the availability of housing affordable to both low and moderate income populations was “a growing concern,” and that public/private programs, funding and incentives needed to be tapped and developed to augment the limited supply of such housing being provided through private development. A BVCP Core Value is now to provide a diversity of housing types and price ranges and identified in the 2015 BVCP Community Survey as the community value in greatest need of increased attention by 42 percent of the respondents. Allowing Medium Density Residential will create a diversity of housing types on the sites and a significant portion of the units will be permanently affordable (40-60 percent of the units deeded as permanently affordable is an annexation requirement).

### **BVCP Policies**

Staff reviewed all the BVCP policies and the most relevant are discussed below. Staff also prepared a high level analysis of how the four land use designations are positive, negative, or neutral in relation to BVCP core values (see table below).

The property is located in Area II in the Boulder Valley Comprehensive Plan (BVCP), which is the “area now under county jurisdiction, where annexation to the city can be considered consistent with policies 1.16 Adapting to Limits on Physical Expansion, 1.18 Growth Requirements and 1.24 Annexation. New urban development may only occur coincident with the availability of adequate facilities and services and not otherwise.” The additional housing units will also help balance available housing with area jobs (Policy 1.19 Jobs: Housing Balance).

Few planned locations for housing remain in the city’s service area. Allowing medium density residential on these sites is an efficient use of land and resources and will further many BVCP policies listed below. There will be significant community benefit by allowing a diversity of housing types to serve area households, with a significant portion of the units being permanently affordable.

The site is adjacent to Area III which raised concerns about the transition between Area II and III. Staff believes transition issues are better addressed through the Site Review phases of development. Additionally, there is concern in the community regarding sensitive infill and redevelopment on the site. The requestor would be required to conduct the studies necessary to proceed with an informed development plan that will reflect any constraints associated with the land, while remaining sensitive to the concerns of the neighbors, and working collaboratively to address their interests.

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Below is a summary chart of the relevant BVCP Core Values related to the various land use options.

CONSISTENCY WITH RELEVANT BVCP CORE VALUES	BVCP LAND USE OPTIONS		
	Public (current)	Medium Density Residential (recommended)	Mixed Density Residential (#29)
A welcoming and inclusive community	=	+	+
Our unique community identity and sense of place	+	+	--
Compact, contiguous development and infill that supports evolution to a more sustainable urban form	--	+	+
Open space preservation	=	=	--
Great neighborhoods and public spaces	=	+	--
Environmental stewardship and climate action	=	=	=
A vibrant economy based on Boulder’s quality of life and economic strengths	=	+	+
A diversity of housing types and price ranges	--	+	+
An all-mode transportation system to make getting around without a car easy and accessible to everyone	=	=	=
+ positive, = neutral, -- negative			

**ATTACHMENTS**

- A. Availability of Services

## Attachment A: Availability of Services

### Water

All properties within the city service area (Area 1 and 2), that surround 2801 Jay Rd., are connected to the city's water line. The church is served by city water (12 in. diameter water main) per an out-of-city utility agreement and revocable permit signed in 1987. The site is served by Water Pressure Zone 2, which generally serves areas that are between 5,270 and 5,450 feet.



Figure 1: Existing Water Mains

### Stormwater

The site is bordered by two sub-basins, Fourmile Canyon Creek and Lower Boulder Creek. A minor storm drain from the west extends into the south-west corner of the site and a detention pond is located directly west of the site. The existing storm drains are sized for existing levels of development and any new development will require new storm sewers or up-sizing of existing systems.



Figure 2: Existing Storm Mains

### Waste Water

The property is not connected to the city's sewage lines or has any lines running adjacent to the site. City sewage lines are found in the surrounding neighborhoods of the site such as Palo Park, Orange Orchard, Crestview, and Sundance.



Figure 3: Existing Sewer Mains

### **LINKS:** City of Boulder Public Works Department Master Plans

- [Comprehensive Flood and Stormwater Plan, 2004](#)
- [Stormwater Master Plan, 2007](#) – update in progress
- [Water Utility Master Plan, 2011](#)
- [Wastewater Utility Master Plan, 2009](#)
  - [Wastewater Collection System Master Plan](#) – update in progress
  - [Wastewater Treatment Plant Master Plan](#)
  - [Water Quality Strategic Plan](#)