

**CITY OF BOULDER**  
**PLANNING BOARD ACTION MINUTES**  
**August 4, 2016**  
**1777 Broadway, Council Chambers**

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: <http://www.bouldercolorado.gov/>

**PLANNING BOARD MEMBERS PRESENT:**

John Gerstle, Chair  
Liz Payton, Vice Chair  
Bryan Bowen  
Leonard May  
Crystal Gray  
Harmon Zuckerman

**PLANNING BOARD MEMBERS ABSENT:**

John Putnam

**STAFF PRESENT:**

David Driskell, Executive Director of Community Planning  
Thomas Carr, City Attorney  
Cindy Spence, Administrative Specialist III  
Karl Guiler, Senior Planner / Code Amendment Specialist  
David Thompson, Civil Engineer II / Transportation

**1. CALL TO ORDER**

Chair, **J. Gerstle**, declared a quorum at 6:02 p.m. and the following business was conducted.

**2. APPROVAL OF MINUTES**

On a motion by **L. Payton** and seconded by **H. Zuckerman** the Planning Board voted 6-0 (**J. Putnam** absent) to approve the July 14, 2016 and July 21, 2016 minutes as amended.

**3. PUBLIC PARTICIPATION**

No one spoke.

**4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS / CONTINUATIONS**

**5. PUBLIC HEARING ITEMS**

**A. AGENDA TITLE:** Public hearing to consider Site Review application, LUR2015-00012, to develop the Armory site (The Armory Community), an 8.55-acre site located at 4750 Broadway (the southeast corner of Broadway and Lee Hill Dr.), with a mixed-use project with up to 200 dwelling units and 8,400 square feet of storefront retail along Broadway

and two new street connections (13<sup>th</sup> Street and Zamia Avenue). The proposal includes a 23 percent parking reduction request to permit 261 parking spaces where 341 are required, but otherwise contains no other modifications to the Land Use Code.

Applicant: Bruce D. Dierking  
Property Owner: The State of Colorado

***Board members were asked to reveal any ex-parte contacts they may have had on this item.***

**J. Gerstle** disclosed that he visited the site in connection with the maintenance on the Silver Ditch Lateral and had brief conversations with the public in person and on the telephone regarding this issue. He feels he can deal with this issue on a fair and objective manner. **B. Bowen** has had numerous conversations with residents in the Holiday neighborhood over the years regarding this project. None would cause him to be biased over this project. **C. Gray** has attended a site tour. **L. Payton** attended a site visit and reviewed numerous emails which all Planning Board members received. Also recently received a phone call regarding the prairie dog issue and asked the caller to send an email. **H. Zuckerman** currently sits on the board of the Colorado Prairie Initiative which is a small non-profit group dedicated to the conservation and rehabilitation of Colorado's prairies. The prairie dogs issue does come up from time to time but he believes that he can be fair and impartial with the review of this project.

**Staff Presentation:**

**D. Driskell** introduced the item.

**K. Guiler** presented the item to the board.

**Board Questions:**

**K. Guiler, T. Carr, D. Driskell** and **D. Thompson** answered questions from the board.

**Applicant Presentation:**

**Liz Peterson**, with The Mulhern Group, Ltd, the applicant's representative, presented the item to the board.

**Board Questions:**

**Liz Peterson**, with The Mulhern Group, Ltd, and **Bruce Dierking**, with the Armory Community, answered questions from the board.

**Public Hearing:**

1. **Kristen Marshall** spoke concerning the existing prairie dogs at the Armory location and requested they be live-trapped and relocated.
2. **Carse Pustmueller** spoke concerning the existing prairie dogs at the Armory location and requested they be live-trapped and relocated.
3. **Dave Waller** spoke in opposition to the project in regards to the proposed parking reduction.
4. **Terry Palmos**, the developer of Violet Crossing, spoke in support to the project.

## **Board Comments:**

### **Key Issue #1: Is the proposed project consistent with the BVCP?**

- **L. May, B. Bowen** and **H. Zuckerman** all agreed that the proposed project is generally consistent with the BVCP.
- **C. Gray** also agreed that the proposed project is generally consistent, but added that she may add a motion to further recommend Council to consider the southern grassland habitat conservation area for the relocation of the displaced prairie dogs.
- **L. Payton** stated that the project is generally consistent with the Comp Plan and the Land Use Map. She expressed concern regarding density and the method of calculating net area which determines the amount of square footage that can be placed on the site. She said that including part of the public right-of-way in the net area calculation amounted in a density bonus. In addition, she has concern that the project has no on-site affordable housing. **C. Gray** agreed with **L. Payton**.
- **J. Gerstle** agreed that this project complies with the Comp Plan. He agrees with **L. Payton's** concerns surrounding the calculation of area and right-of-way. With respect to the prairie dogs, he can be sympathetic.
- **H. Zuckerman**, as to affordable housing issues, because the proposed project will be offering over 60% one-bedroom units and pricing will be at the low end of the market, it will be making de-facto affordable housing available and providing a product we need more of. With regard to the density calculation, allowing easement right-of-way as part of the net area complies with the Code and was not inappropriate.
- **B. Bowen** explained that in density impact situations, one will get a fair amount of surface parking and no structured parking. If the buildings are kept at two-story, 0.6 FAR, and meet parking requirements, those areas add up and will reduce consolidated open space. If a building were allowed to be taller and denser, it may actually result in a better public realm and more shared open space. He agreed with **L. Payton** that this method should be reviewed in the Land Use Code because the 0.6 FAR, a two-story cap, and a 15% open space requirement may not be giving the results that are desired.
- **C. Gray** disagreed with **B. Bowen** that the public realm was lost with the lower buildings.

### **Key Issue #2: Is the proposed site design, open space, street configuration and pedestrian connections consistent with the Site Review criteria of Section 9-2-14(h)(2), B.R.C. 1981?**

- **H. Zuckerman** agreed that the staff report showed compliance with the site design, open space landscaping and circulation and parking design criteria. The only issue is whether the parking reduction meets the criteria for a reduction.
- **L. May** supports the parking reduction and site design. It satisfies many community policies.
- **C. Gray** suggested that if the project had less density, then perhaps there would be less parking and more green space. The design is otherwise excellent. There could be more gathering spots to enhance the public realm. She would like to have the retail on the lower floor as it would enliven the neighborhood. She sees the parking as problematic. She would like to offer a condition that the EcoPasses be offered longer than three years. Finally, she suggested more vegetation on the interior area, especially Block 1.
- **B. Bowen** site design is simple and good. He is pleased that the existing Mess Hall building will be saved. The streetscapes and the southern paseo are all positive. The uses

are arranged well on the site. He stated that he is missing the previously proposed plaza from the Concept Plan; however, he finds the parking reduction acceptable.

- **L. Payton** agreed with the other board members. She finds the layout satisfactory. The proposed plan fits within the height limits and setbacks. She mentioned that the existing plan has a lot of hardscape and needs more greenspace. She questioned if shared parking options for future Armory site employees with the Holiday Inn across Broadway have been explored. She supports the parking reduction.
- **J. Gerstle** agreed with the proposed site plan and found it reasonable and attractive. He stated that there seems to be a lack of greenspace. He questioned if the previously proposed plaza could remain on the plans and parking could be moved underground. He supports the parking reduction.
- **L. May** explained that this current proposed plan, in comparison to the Concept Plan, has many smaller buildings at lowered heights and follow the contour of the site. What comes with that more desirable scale is to give up more greenspace. If the buildings were increased in height, then more open greenspace might exist. Regarding balance on the site, the proposed plan is more desirable than what was seen in the Concept Plan.
- **H. Zuckerman** stated that the project is proposing 20% open space where 15% is required. The board agreed that the proposed project meets the open space criteria within the Comp Plan and the Code.

**Key Issue #3: Are the proposed building designs consistent with the Site Review criteria of Section 9-2-14(h)(2)(F), B.R.C. 1981?**

- **B. Bowen** stated that the Design Advisory Board (DAB) did a good job reviewing this project and the applicant did a good job taking direction from them. He offered no changes in regards to building design. The work performed by the Landmarks DRC in regards to Building E was successful. In regards to the Design Guidelines in the RMX-2 zone, they need to be interpreted by staff used to ensure a positive outcome.
- **H. Zuckerman** echoed **B. Bowen** and he supports the fenestration and solidity of the project.
- **L. Payton** reviewed the individual elevations of the buildings. Overall, she approved of the elevations along Broadway. She expressed concern with the RMX-2 buildings using too many materials, planes and roof levels. She suggested they be simpler and refined. She approves of Buildings D and T. She added that the architecture shown in the elevations along the southern and eastern edges of the Phase 1 area seem chaotic and should be simplified.
- **C. Gray** added that the buildings are properly broken up and scaled for the site. She approves of the entry to the residences off the street.
- **L. May** added that the simple design along Broadway of the proposed plan achieves elegance. He stated the buildings along Lee Hill appear less composed. The proposed Hardy Panel material does not read well. Would not want to approve these plans with these Design Guidelines as they currently read.
- **H. Zuckerman** disagreed with **L. May** regarding the Design Guidelines and would be happy to approve the project with the Guidelines as they are currently written. He approves of variegated architecture. Also impressed by the design of Building T.

- **J. Gerstle** suggested the applicant consider roof-top access to residents. Roof space that is below the maximum height should be put to good use. He added that the permeability of site is successful.

**Key Issue #4: Does the 23 percent parking reduction meet the parking reduction criteria of Section 9-2-14(h)(2)(K), B.R.C. 1981?**

- The board had already discussed the parking reduction under Key Issue #2.

**Key Issue #5: Historic Preservation**

- **L. May** suggested that rather than a “good faith effort” to pursue landmarking, a requirement to support landmarking should be done.
  - **T. Carr** responded by stating that this with this project, the applicant has already filed the individual landmark designation application and it is being considered. It is currently active. In addition, the landmarking actually has to be complete before they applicant can receive their permit.

**Key Issue #6: Design Guidelines**

- **L. Payton** mentioned that she has concerns with the with Design Guidelines and some of the suggested buildings appear complicated and chaotic. She suggested that too much flexibility exists for each element of the buildings. She questioned if the board can make a condition that the Design Guidelines for the RMX-2 buildings be reviewed by DAB or staff.
  - **K. Guiler** suggested the board add a condition stating that “the Design Guidelines shall be revised to address the following...” and to be very specific as to changes so it can be submitted at time of TEC doc. Therefore, when the revised Design Guidelines are received, staff will have specific things to look for.
- **B. Bowen** explained that he had the same concerns regarding the Design Guidelines but he is not prepared to state any specific changes.
- **L. Payton** added that developers focus on the images and character illustrations of Design Guidelines and are critical. Perhaps a condition could be made regarding the Supplemental Information (A through E) within the Design Guidelines to be revised to reflect simpler forms and materials or stricken completely.

**Motion:**

On a motion by **B. Bowen** seconded by **H. Zuckerman** the Planning Board voted 6-0 (**J. Putnam** absent) to approve Site Review application LUR2015-00012, incorporating this staff memorandum and the attached Site Review criteria checklists as findings of fact, and subject to the recommended conditions of approval.

Friendly amendment made by **L. Payton** to remove the “Supplemental Information” pages A through E within the Design Guidelines and replace the interior image for the Loft Building Type B on page 13 to show an exterior picture of an example loft. Passes unanimously.

Friendly amendment made by C. Gray to extend the EcoPasses for a period of five years unless a community pass is offered sooner. Passes unanimously.

Friendly amendment made by L. May to revise the Design Guideline 2.1 on page 7 to include the following additional statement: “The design should pay special attention to the quality of images provided in this document with respect to simplicity of building form and simplicity of building materials.” Passes unanimously.

## **6. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY**

### **A. Recommendation to City Council regarding Prairie Dogs**

- **Motion:**

On a motion by C. Gray seconded by L. Payton the Planning Board voted 5-1 (H. Zuckerman opposed, J. Putnam absent) further recommended the City Council pursue finding an appropriate site for displaced prairie dogs.

### **B. Net Area Calculation Method**

- **L. Payton** suggested to recommend to City Council impose a moratorium regarding this applying this method of density calculation until it has been vetted through the public and City Council.
- After discussion, the board agreed to schedule this topic for a future Planning Board agenda. Staff will prepare a history of using this method to present to the board.

### **C. Planning Board Calendar Review / August Meetings**

- **C. Spence** reviewed the upcoming Planning Board meetings with the board. She will send an email to the board with all the dates, times and locations.

## **7. DEBRIEF MEETING/CALENDAR CHECK**

## **8. ADJOURNMENT**

The Planning Board adjourned the meeting at 9:49 p.m.

APPROVED BY

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Board Chair

\_\_\_\_\_  
DATE