

**CITY OF BOULDER**  
**PLANNING BOARD ACTION MINUTES**  
**November 17, 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  
John Putnam  
Leonard May  
Crystal Gray  
Harmon Zuckerman

**PLANNING BOARD MEMBERS ABSENT:**

N/A

**STAFF PRESENT:**

Susan Richstone, Deputy Director of Planning  
Hella Pannewig, Assistant City Attorney  
Cindy Spence, Administrative Specialist III  
Jessica Stevens, Floodplain and Wetland Administrator  
Jay Sugnet, Senior Planner  
Caitlin Zacharias, Planner I  
Jean Gatza, Senior Planner  
Pieter Beyer, Civil Engineer II  
Douglas Sullivan, Engineering Project Manager

**1. CALL TO ORDER**

Chair, **J. Gerstle**, declared a quorum at 6:04 p.m. and the following business was conducted.

**2. APPROVAL OF MINUTES**

On a motion by **L. Payton** and seconded by **J. Putnam** the Planning Board voted 5-0 (**B. Bowen** abstained, **H. Zuckerman** absent) to approve the October 20, 2016 minutes as amended.

On a motion by **L. Payton** and seconded by **C. Gray** the Planning Board voted 6-0 (**H. Zuckerman** absent) to approve the November 3, 2016 minutes as amended.

### 3. PUBLIC PARTICIPATION

- a) **Mike Soucie** spoke regarding the City Council's request for Planning Board to reconsider the existing land use designation at the Table Mesa Shopping Center. He urged the board to not change their original decision.
- b) **Jeff Wingert**, with WW Reynolds Company, spoke regarding the Table Mesa Shopping Center land use request.

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

- A. Call Up Item: 236 Pearl Street; Floodplain Development Permit (LUR2016-00085); Wetland Permit (LUR2016-00091). This decision may be called up before Planning Board on or before November 17, 2016.
- B. Call Up Item: 4525 Palo Pkwy Subdivision Final Plat (TEC2016-00031). Request for approval of a Final Plat to replat an existing approximately 3.2-acre parcel as one lot suitable for development and grant easements. The call up period expires on November 22, 2016.

None of the items were called up.

### 5. PUBLIC HEARING ITEMS

- A. AGENDA TITLE: Planning Board public hearing to consider a public request for map changes to the Boulder Valley Comprehensive Plan (BVCP) for 3261 3<sup>rd</sup> Street.

*J. Gerstle recused himself from this item.*

#### Staff Presentation:

**C. Zacharias** presented the item to the board. Staff presented a changed map to the board the night of the meeting (*see attached map*).

#### Board Questions:

**C. Zacharias, S. Richstone** and **Nicole Wobus**, Planning Manager with Boulder County, answered questions from the board.

#### Applicant Presentation:

**Ed Byrne**, the applicant's representative, presented the item to the board.

#### Board Questions:

No questions from the board.

#### Public Hearing:

No one spoke.

#### Board Comments:

There was no discussion by the board.

**Motion:**

On a motion by **H. Zuckerman** seconded by **J. Putnam** the Planning Board voted 6-0 (**J. Gerstle** recused) to approve the following land use map changes to the Boulder Valley Comprehensive Plan:

- **3261 3<sup>rd</sup> St. (#25): Change to Low Density Residential and Open Space – Other**

On a motion by **H. Zuckerman** seconded by **J. Putnam** the Planning Board voted 6-0 (**J. Gerstle** recused) to approve the following Area I, II, III Map Change:

- **3261 3<sup>rd</sup> St. (#25): Change to Area II for a portion of the site**

**B.** AGENDA TITLE: City Council request for Planning Board to reconsider a Boulder Valley Comprehensive Plan map change for 0, 693, 695 Broadway (Table Mesa Shopping Center). The public hearing on this matter was concluded at the October 13, 2013 Planning Board meeting.

**Board Questions:**

**S. Richstone** and **J. Sugnet** answered questions from the board.

**Public Hearing:**

No one spoke. The public hearing on this matter was concluded at the October 13, 2013 Planning Board meeting.

**Board Comments:**

- **B. Bowen** stated that he would most likely vote in favor of staff's original recommendation to adopt the applicant's proposed land use change.
- **L. May, L. Payton** and **J. Gerstle** stated they would not change their original conclusions. The previous decision made by the board was appropriate.
- **H. Zuckerman** stated that a land use change would be appropriate. Having fifty years of commercial land use under a residential land use designation and zoning does not make sense. The current zoning and land use buffer are not working. A physical buffer is needed and to make changes to the actual land and not the land use. It would be a mistake to continue to impose these regulations where they do not belong.
- **C. Gray** stated that she supports Planning Board's original decision. She is concerned with changing the land use designation because of possible changes in uses that could occur on the site and the potential impacts to the neighborhood. She stated that she would like to see more information.
- **J. Putnam** agreed with **H. Zuckerman** and **B. Bowen**. This change is desperately needed in this area. He suggested that the change could come through a zoning designation. This area should not be designated as a Medium Residential land use. Community Business would reflect what is actually used in this area. He said that he would recommend moving forward with the property owner's request and encourage the applicant and neighbors to work together with staff on the main issues of concern.
- **B. Bowen** added that keeping the current land use as Medium Residential to protect the neighbors is not working. In order to address the existing problems, there would need to

be a change to the zoning. He stated he would like to see concrete plans addressing the neighbors' concerns.

- **C. Gray** said that she would feel more confident if there were a zoning category under Community Business that could address an interface area that would overlay between the neighborhood and the commercial areas.
- **L. Payton** stated that often Community Business zones are surrounded by streets and that does not exist in this location.
- **J. Putnam** argued that the existence of streets does not make a difference on the BVCP. Those details are worked out at site review. He stated that this would not be a reason to keep something designated as a residential land use when it is not.
- **L. May** explained that some things are working in this area under the current zoning contrary to earlier comments. The noise issues are not working, but changing the zoning will not change that. He said the current overall zoning is working. He suggested creating a land use designation that does not currently exist. This could then provide review possibilities that do not currently exist.
- **B. Bowen** added that trying to address adjacencies between properties and neighbor complaints at the land use level does not make sense. That is what site review is for.
- **H. Zuckerman** has concerns regarding illegal spot zoning. Generally, the three elements of spot zoning are (1) where the use is significantly different from actual and surrounding uses, (2) the area requested is small, indicating lack of area-wide planning, and (3) the request only benefits one or a few people, not the community. Here, staff's recommendation appears to meet all three prongs of the test for spot zoning. Moreover, posing zoning as a regulatory hurdle is an inappropriate use of zoning. He would support the change the requestor is asking for.

**Motion:**

On a motion by **J. Putnam**, seconded by **H. Zuckerman**, the Planning Board voted 3-4 to approve the following land use map changes to the Boulder Valley Comprehensive Plan for 0, 693, 695 Broadway (#12) to *Community Business*. Motion failed.

- C. AGENDA TITLE: Public Hearing and Recommendation to City Council for Acceptance of the Boulder Wastewater Collection System Master Plan (WWCSMP) and Action on the Proposed Amendments to the Comprehensive Plan (BVCP) Wastewater Utility Summary.

**Staff Presentation:**

**J. Gatza** introduced the item.

**P. Beyer** and **D. Sullivan** presented the item to the board.

**Board Questions:**

**J. Gatza**, **P. Beyer** and **D. Sullivan** answered questions from the board.

**Public Hearing:**

No one spoke.

**Board Comments:**

There was no discussion by the board.

**Motion:**

On a motion by C. Gray seconded by J. Putnam the Planning Board voted 7-0 to recommend to City Council the acceptance of the WWCSMP and to approve the BVCP Wastewater Utility Summary.

**D.** AGENDA TITLE: Public Hearing and Recommendation to City Council for Acceptance of the Boulder Stormwater Master Plan and Action on the Proposed Amendments to the Comprehensive Plan (BVCP) Flood and Stormwater Utility Summary.

**Staff Presentation:**

**J. Gatza** introduced the item.

**P. Beyer** and **D. Sullivan** presented the item to the board.

**Board Questions:**

**J. Gatza**, **P. Beyer** and **D. Sullivan** answered questions from the board.

**Public Hearing:**

No one spoke.

**Board Comments:**

There was no discussion by the board.

**Motion:**

On a motion by C. Gray seconded by L. Payton the Planning Board voted 7-0 to recommend to City Council the acceptance of the Stormwater Master Plan and to approve the revised BVCP Flood and Stormwater Master Plan Summary.

**L. Payton** made friendly amendment that the Stormwater Master Plan reflect the sources of precipitation data used in the analysis and why.

**B. Bowen** made a friendly amendment that the BVCP Flood and Stormwater Master Plan Summary to amend the first sentence to read “The Stormwater Master Plan (SMP) was updated in 2016 incorporating new data from the 2013 flood event”.

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

**A.** Discussion of Planning Board Subcommittee Regarding Community Benefit

**Board Comments:**

- **J. Putnam** reported to the board that they compiled a matrix of possible triggers for “enhanced community benefit” and types of benefit. This was sent to the board.

- **L. May** asked for the board members to review the matrix and decide what they would consider “community benefits” at the Comp Plan level. He suggested that community benefits should be objective rather than subjective.
- **C. Gray** prioritized affordable housing and affordable businesses as top community benefits. She would like to add “up zoning”.
- **L. Payton** stated that she would not include “urban design” on the matrix.
- **B. Bowen** said that the Design Advisory Board uses the “urban design” community benefit often within their reviews.
- **J. Putnam** advised the board to focus on the items that are most important. In his opinion, “increases in units/FAR” and “annexation” are the most important triggers. The board should focus on the types of community benefits that are truly the most important to them.
- **B. Bowen** and **H. Zuckerman** agreed.
- **L. Payton** added that the community is concerned about height issues therefore it should not be eliminated.
- **C. Gray** agreed with **L. Payton**. She also said that parking reduction should be considered.
- **J. Putnam** disagreed regarding the height issue because the site review criteria are very clear and height is a design consideration.
- **B. Bowen** stated that it needs to be clear on who would receive a height modification.
- **L. May** stated that wherever the board ends up on its decision of height, it should address height outside of FAR (floor area ratio).

**B. Letter to City Council**

**Board Comments:**

- The board agreed to email their proposed topics for the Letter to Council to **L. Payton**.
- **S. Richstone** informed the board of the items that are on staff’s work plan for 2017.
- This item will be discussed under “*Matters*” at the next Planning Board meeting on December 1, 2016.

**7. DEBRIEF MEETING/CALENDAR CHECK**

**8. ADJOURNMENT**

The Planning Board adjourned the meeting at 10:51 p.m.

APPROVED BY

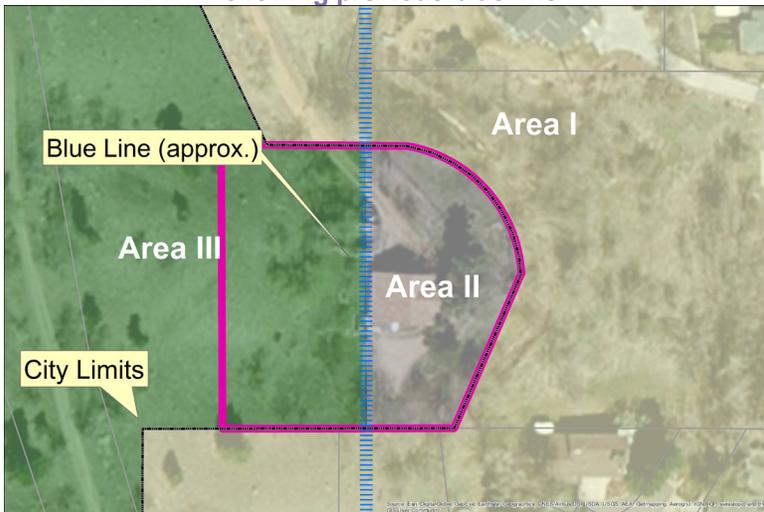
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Board Chair

\_\_\_\_\_  
DATE

**REVISED BLUE LINE (as of Nov. 8, 2016):**

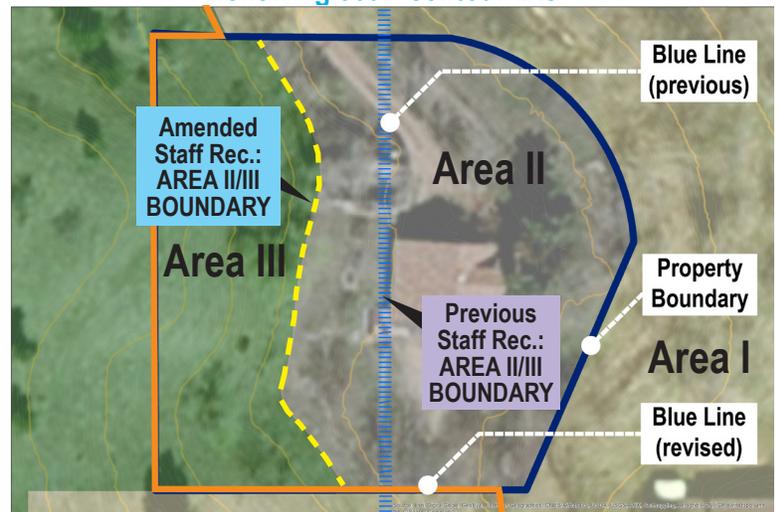


**PREVIOUS STAFF RECOMMENDATION:  
following previous blue line**

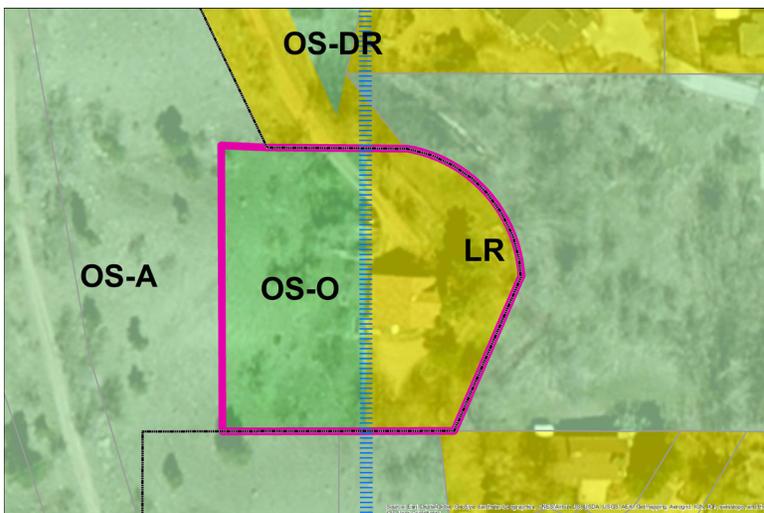


Area Map

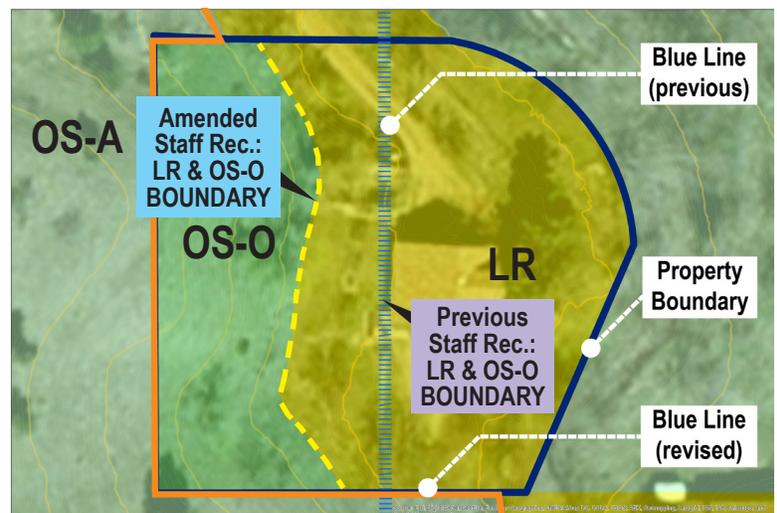
**AMENDED STAFF RECOMMENDATION:  
following 5601' contour line**



Area Map



Land Use Map



Land Use Map