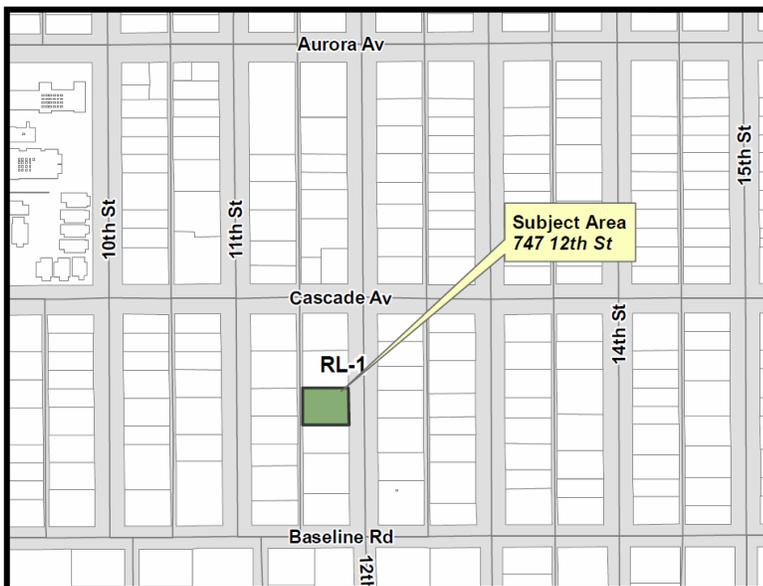


MEMORANDUM

TO: Planning Board
FROM: Elaine McLaughlin, Case Manager
DATE: August 15, 2016
SUBJECT: **Call Up Item:** University Place Replat D Subdivision (LUR2016-00017) located at 747 12th Street: Final Plat to replat the existing site into two lots.

Attached is the disposition for the approval (see [Attachment A](#)) for the Final Plat for the University Place Replat D Subdivision (which is located within the Residential – Low 1 (RL-1) Zoning District, between Baseline Road and Cascade Avenue. As shown in a copy of the final plat in [Attachment B](#), this approval will result two lots: Lot 1 of 6,116 square feet in size and Lot 2 of 6,467 square feet. The Final Plat was approved on Aug. 15, 2016 and is subject to a 14-day call-up period by the Planning Board concluding on Aug. 29, 2016. There is one Planning Board hearing during the call up period on **Aug. 18, 2016**.

The plat will subdivide the existing 12,583 square foot lot into two lots of 6,116 square feet (Lot 1) and 6,467 square feet (Lot 2) respectively, pursuant to Ordinance No. 8075. Proposal also includes the transfer of 330 square feet of allowable floor area from Lot 2 to Lot 1. The subdivision is the result of Ordinance 8075 adopted by the City Council in 2015 to permit modifications to Land Use Code standards including minimum lot size, setbacks, and building separation. The intent in the ordinance was to ensure preservation of the existing historic resource on the property, the Cowgill Residence, that was landmarked under a separate ordinance (no. 8029) link found [here](#). A link to Ordinance 8075 is found [here](#). As stated in the staff memo of Sept. 15, 2015 related to adoption of both ordinances,



“The subdivision of a property to create two, non-standard lots is very unusual and requires the City Council to adopt a special ordinance. However, staff considers that the special circumstances of this case including the high historic significance of the property that might otherwise be lost and that the limitations on and review of new construction of the new lots, will result in compatible development in the streetscape in a manner that balances property rights and the public interest.”

Further, findings in the adoption of Ordinance 8029 to landmark the property located at 747 12th Street (as shown in Figure 1) included:

The buildings proposed for designation have exceptionally high architectural, historic and environmental significance. The property is associated with Marthana and Josephine Cowgill, who cared for tuberculosis patients in the house prior to purchasing the Mesa Vista Sanatorium; the property possesses a high level of architectural integrity as an example of architecture of that period, and the property has been identified as contributing resource to the identified potential University Hill local and National Register of Historic Places District.

Under Ordinance No. 8075, the subdivision was permitted includes the following provisions:

- The total permitted floor area ratio that is permitted on the property shall not exceed the amount that would apply to the entire property when calculated as a single building site.



Figure 1. Façade, 747 12th St., 2014.

- The floor area will be allocated to each lot based upon the proportion of the lot to the Property. By mutual agreement of the lot owners, up to 330 square feet of floor area may be transferred between the lots.
- The lots shall be generally consistent with Lots 35 and 36 (*now "Lot 1" of replat*) comprising one lot and Lots 37 and 38 (*now "Lot 2" of replat*) comprising the other lot. The final configuration of the two lots shall be determined through the subdivision process.
- It is anticipated, that in order to carry out the requirements of this ordinance, the city may need to waive or modify standards related to lot area per dwelling unit, minimum lot size, the separation and setbacks for the buildings between the two lots, and solar access requirements between the two lots.
- Approved waivers or modifications associated with Title 9, "Land Use Code," B.R.C. 1981 shall be documented in a subdivision agreement associated with the creation of the two lots.

Proposed Subdivision:

The entire subdivision is 12,583 square feet. The final plat illustrates the subdivision along with dedication of a no-build easement required for compliance with the building code for fire separation between existing buildings on the lot and any future construction. As was found during the review process for the subdivision, no proposed change may create a condition wherein existing structures will be placed in violation of current Codes as a result of the movement, alteration, or addition to, or of, property lines. The 2012 International Residential Code (IRC) Section R302 and Table R302.1(1) require all exterior walls to be built with a minimum one-hour fire-resistive construction with exposure from both sides when they are within five feet of the line used to determine the fire separation distance (In this case, within five feet of the proposed new property line). Projections within five feet of the line used to determine the fire separation distance must have a minimum of one-hour fire-resistive construction on the underside. No projections are permitted within two feet of the line used to determine the fire separation distance. No openings are permitted on exterior walls within three feet of the line used to determine the fire separation distance, and openings between three feet and five feet of the line used to determine the fire separation distance may comprise no more than twenty-five percent of wall area.

Because the existing historic house is planned to be on one lot (Lot 1) and the detached garage formerly associated with the historic house to be located on a separate lot (Lot 2) the mechanism that will ensure that future structures built on either Lot 1 or Lot 2 will not violate of the requirements of Section R302, two "No-Build" easements on each sides of the lot line are to be recorded simultaneously with the plat. This will ensure that any future structures built on the property will not encroach onto existing structures and be in violation of the IRC.

A subdivision agreement was signed by the property owner and the city. Modifications to the Land Use Code within the agreement are as follows:

- Minimum Lot Area for Lot 2: 6,467 square feet;
- Maximum Allowable Floor Area Lot 1: 2,476 square feet;
- Maximum Allowable Floor Area Lot 2: 1,939 square feet;
- Minimum side yard setback from an interior lot line for the existing accessory structure (garage) on Lot 1: 2.6 feet;
- Minimum side yard setback from an interior lot line for the existing primary structure on Lot 2: 1.0 feet; and
- Allowing the existing garage to remain on Lot 1 as an accessory building.

Analysis and Conclusion:

Staff finds that this application meets the Final Plat for Subdivision criteria set forth in Subsection 9-12-8(b), B.R.C. 1981 and the lot standard criteria set forth in Subsection 9-12-12(a)(1), B.R.C. 1981 "Standards for Lots and Public Improvements" except as modified by Ordinance 8075. The creation of the two lots are less than the minimum 7,000 square foot lot area per dwelling unit permitted in the Land Use Code section 9-7-1, B.R.C. 1981, but are in keeping with the terms of Ordinance 8075. Therefore, the final plat was approved by Planning and Development Services staff on **Aug. 15, 2016** and the decision may be called up before Planning Board on or before **Aug. 29, 2016**. There is one Planning

Board meeting within the 14-day call up period on **Aug. 18, 2016**. Questions about the project or decision should be directed to Elaine McLaughlin at (303) 441-4130 or mclaughline@bouldercolorado.gov.

Public Comment and Process:

The required public notice was given in the form of written notification mailed to all property owners within 600 feet of the subject property and a sign posted on the property for at least 10 days. All notice requirements of Section 9-4-2, B.R.C. 1981 have been met. There were no public comments received.

Attachments:

- A: [City of Boulder Planning Department Notice of Disposition](#)
- B: [Final Plat](#)



**CITY OF BOULDER
Planning and Development Services**

1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791
phone 303-441-1880 • fax 303-441-3241 • web email plandevelop@bouldercolorado.gov
www.boulderplandevelop.net

**CITY OF BOULDER PLANNING DEPARTMENT
NOTICE OF DISPOSITION**

You are hereby advised that the following action was taken by the Planning Department based on the standards and criteria of the Land Use Regulations as set forth in section 9-12-5, B.R.C. 1981, as applied to the proposed development.

DECISION:	Approved with condition
PROJECT NAME:	University Place Replat D
DESCRIPTION:	TECHNICAL DOCUMENT REVIEW: Proposal to subdivide the existing 12,583 s.f lot into two lots of 6,116 s.f. (Lot 1) and 6,467 s.f (Lot 2) respectively, pursuant to Ordinance No. 8075.
LOCATION:	747 12TH ST
COOR:	N01W06
LEGAL DESCRIPTION:	Lots 35, 36, 37 & 38, Block 32, University Place, County of Boulder, State of Colorado
APPLICANT:	KURT NORDBACK
OWNER:	747 Twelfth Street
APPLICATION:	Minor Subdivision Review, LUR2016-00017
ZONING:	RL-1
CASE MANAGER:	Elaine McLaughlin

THIS IS NOT A SITE SPECIFIC DEVELOPMENT PLAN APPROVAL AND NO VESTED PROPERTY RIGHT IS CREATED BY THIS APPROVAL.

Approved On: 7/15/16
Date

By: [Signature]
David Driskell, Executive Director of Community Planning and Sustainability

This decision may be appealed to the Planning Board by filing an appeal letter with the Planning Department within two weeks of the decision date. If no such appeal is filed, the decision shall be deemed final fourteen days after the date above mentioned.

Appeal to Planning Board expires: 7/29/16

CONDITIONS OF APPROVAL

1. The subdivision is approved subject to the terms of the Subdivision Agreement.

Address: 747 12TH ST

FINAL PLAT UNIVERSITY PLACE REPLAT D

LOTS 35 THROUGH 38, INCLUSIVE, BLOCK 32, UNIVERSITY PLACE, LOCATED IN THE
SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M.,
CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO
TOTAL AREA = 12,583 SQ FT
SHEET 1 OF 1

DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS THAT THE UNDERSIGNED BEING THE OWNER OF THAT REAL PROPERTY SITUATED IN THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., IN THE CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

LOTS 35, 36, 37 & 38, BLOCK 32, UNIVERSITY PLACE, COUNTY OF BOULDER, STATE OF COLORADO.
SAID DESCRIBED PARCEL CONTAINING 12,583 SQ.FT.

HAVE CAUSED SAID PROPERTY TO BE LAID OUT, SURVEYED, SUBDIVIDED AND PLATTED UNDER THE NAME OF "UNIVERSITY PLACE REPLAT D", A SUBDIVISION IN THE CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO,

FOR THE APPROVAL OF "UNIVERSITY PLACE REPLAT D" AND THE DEDICATIONS AND CONDITIONS WHICH APPLY THERETO THIS 3rd DAY OF August, 2016

747 TWELFTH STREET, LLC,
A COLORADO LIMITED LIABILITY COMPANY

BY: Kristin Lopez
KRISTIN LOPEZ AS MEMBER-MANAGER

Acknowledgement

STATE OF Colorado } SS.
COUNTY OF Boulder

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 3rd DAY OF August, 2016, BY KRISTIN LOPEZ AS MEMBER-MANAGER OF 747 TWELFTH STREET, LLC, A COLORADO LIMITED LIABILITY COMPANY.

WITNESS MY HAND AND SEAL:
MY COMMISSION EXPIRES: 02-02-2017

[SEAL] Chris Power
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID # 2004402002
MY COMMISSION EXPIRES FEBRUARY 02, 2017

Legend

- FOUND MONUMENT AS DESCRIBED
- FOUND 1 1/2" ALUMINUM CAP, "SELLARS LS 27615"
- ⊕ FOUND BRASS TAG AS DESCRIBED
- SET 18" #5 REBAR WITH 1 1/2" ALUMINUM CAP "FLATIRONS SURV 16406"
- CALCULATED POSITION (NOT FOUND OR SET)
- (C) CALCULATED FROM RECORD AND AS MEASURED INFORMATION
- (P) AS PER THE PLAT OF UNIVERSITY PLACE, RECEPTION NO. 88000075
- (S) AS PER THE LAND SURVEY PLAT PREPARED BY STEVEN SELLARS, DEPOSITED AT LS12-0307

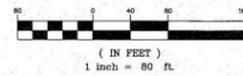
Boundary Closure Report

COURSE: S89°50'52"E LENGTH: 124.84'
COURSE: S00°00'46"E LENGTH: 100.79'
COURSE: N89°51'03"W LENGTH: 124.44'
COURSE: N89°51'03"W LENGTH: 0.78'
COURSE: N00°00'23"W LENGTH: 3.63'
COURSE: N00°00'23"W LENGTH: 100.80'
PERIMETER: 451.28' AREA: 12,583 SQ. FT.
ERROR CLOSURE: 0.00' COURSE: N19°54'10"E
ERROR NORTH: 0.003' EAST: 0.001'
PRECISION 1: 451280000.00

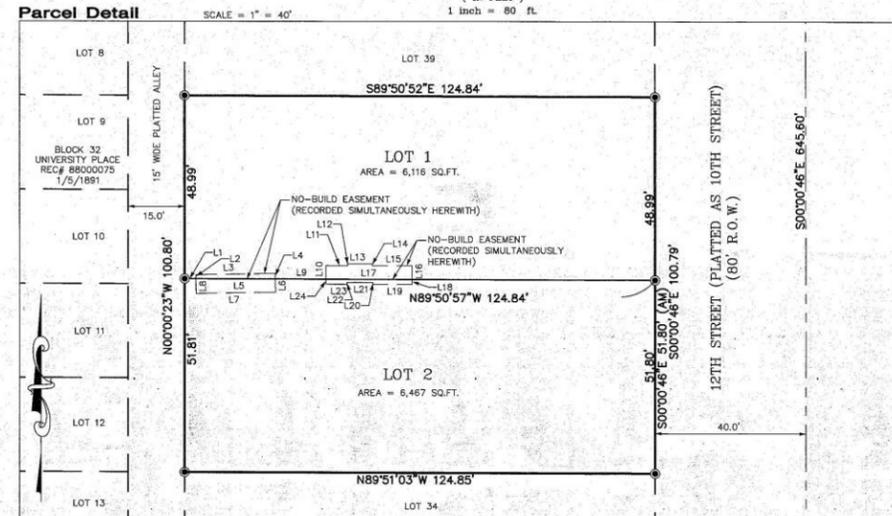


Vicinity Map
NOT TO SCALE

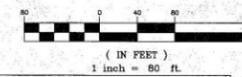
GRAPHIC SCALE



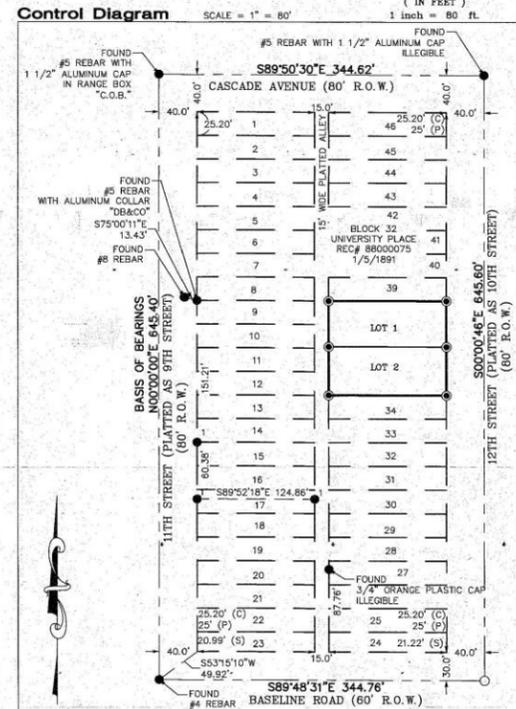
Parcel Detail



GRAPHIC SCALE



Control Diagram



LINE #	LENGTH	DIRECTION
L1	2.97	S89°50'57"E
L2	1.08	N00°48'48"W
L3	21.10	S89°06'53"W
L4	1.46	S00°48'48"E
L5	21.10	N89°50'57"W
L6	3.54	S00°48'48"E
L7	21.10	S89°06'53"W
L8	3.92	N00°48'48"W
L9	13.44	S89°50'57"E
L10	3.67	N00°00'00"E
L11	5.80	N90°00'00"E
L12	0.50	N00°00'00"E
L13	6.50	N90°00'00"E
L14	0.50	N00°00'00"E
L15	10.60	N90°00'00"E
L16	3.73	S00°00'00"E
L17	22.90	S89°50'57"E
L18	1.27	S00°00'00"E
L19	10.40	N90°00'00"W
L20	0.50	N00°00'00"E
L21	6.90	N90°00'00"W
L22	0.50	S00°00'00"E
L23	5.60	N90°00'00"W
L24	1.33	S00°00'00"E

Notes

1. WESTCO LAND TITLE INSURANCE COMPANY FOR COLORADO ESCROW AND TITLE SERVICES, LLC COMMITMENT NUMBER 28456CET VERSION NO. 2, DATED JANUARY 15, 2016 AT 8:00 A.M., WAS ENTIRELY RELIED UPON FOR RECORDED INFORMATION REGARDING RIGHTS-OF-WAY, EASEMENTS AND ENCUMBRANCES IN THE PREPARATION OF THIS SURVEY. THE PROPERTY SHOWN AND DESCRIBED HEREON IS ALL OF THE PROPERTY DESCRIBED IN SAID TITLE COMMITMENT.
2. ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS FINAL PLAT WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
3. THIS SURVEY IS VALID ONLY IF PRINT HAS SEAL AND SIGNATURE OF SURVEYOR.
4. BASIS OF BEARINGS: AN ASSUMED BEARING OF NORTH 00°00'00" EAST ALONG THE CENTERLINE OF 11TH STREET BETWEEN BASELINE ROAD AND CASCADE AVENUE, BETWEEN A FOUND #4 REBAR IN RANGE BOX AT THE INTERSECTION OF BASELINE ROAD AND 11TH STREET AND A FOUND #5 REBAR WITH 1" ALUMINUM CAP IN RANGE BOX, "C.O.B." AT THE INTERSECTION OF 11TH STREET AND CASCADE AVENUE AS SHOWN HEREON. ALL BEARINGS SHOWN HEREON ARE RELATIVE THERETO.
5. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACTS ANY PUBLIC LAND SURVEY MONUMENT AND/OR BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE C.R.S. SEC. 18-4-508.
6. THE DISTANCE MEASUREMENTS SHOWN HEREON ARE U.S. SURVEY FOOT.
7. FLOOD INFORMATION: FLOOD INFORMATION: THE SUBJECT PROPERTY IS LOCATED IN ZONE X, UNSHADED ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP: COMMUNITY-PANEL NO. 080130-0394, DATED DECEMBER 12, 2012. THE SUBJECT PROPERTY IS NOT LOCATED WITHIN THE 100 YEAR OR 500 YEAR FLOODPLAIN ACCORDING TO THE BOULDER COUNTY GIS WEBSITE AS RESEARCHED ON DECEMBER 12, 2015. FLOOD INFORMATION IS SUBJECT TO CHANGE.
8. DATES OF FIELDWORK: NOVEMBER 30, 2015.
9. THE TOTAL AREA OF THE SUBJECT PROPERTY IS 12,583 SQ. FT.
10. THE FOLLOWING DOCUMENTS ARE MENTIONED IN THE ABOVE REFERENCED TITLE COMMITMENT AND APPEAR TO AFFECT THE SUBJECT PROPERTY BUT CANNOT BE SHOWN GRAPHICALLY. THE FOLLOWING LIST CONTAINS THE TITLE COMMITMENT NUMBER, DATE RECORDED, RECEPTION NUMBER AND/OR BOOK AND PAGE.
 - #9 SEPT 23, 2015 REC. NO. 03475261 ORDINANCE NO. 8029 - HISTORIC PRESERVATION
 - #10 SEPT 23, 2015 REC. NO. 03475262 ORDINANCE NO. 8075 - TO APPROVE THE SUBDIVISION OF ONE BUILDING SITE INTO TWO BUILDING SITES AND TO WAIVE OR MODIFY CERTAIN LAND USE REGULATIONS
11. THE SUBJECT PROPERTY IS ZONED RL-1 (RESIDENTIAL-LOW 1), PER CITY OF BOULDER, AS RESEARCHED ON DECEMBER 12, 2015.

Surveyor's Certificate

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC. THAT A SURVEY OF UNIVERSITY PLACE REPLAT D WAS CONDUCTED BY ME OR UNDER MY RESPONSIBLE CHARGE ON NOVEMBER 30, 2015; AND THAT THE SURVEYING PLAT ACCURATELY AND PROPERLY SHOWS SAID SUBDIVISION AND MONUMENTS THEREOF.



JOHN B. GUYTON
COLORADO P.L.S. LICENSE NO. 15-66,882
CHAIRMAN & CEO, FLATIRONS, INC.

Approvals

DIRECTOR OF PLANNING
M. M. [Signature]
DIRECTOR OF PUBLIC WORKS AND UTILITIES

City Manager's Certificate

IN WITNESS WHEREOF, THE SAID CITY OF BOULDER HAS CAUSED ITS SEAL TO BE HEREUNTO AFFIXED BY ITS CITY MANAGER THIS ____ DAY OF _____, 20____

ATTEST:
CITY CLERK _____ CITY MANAGER _____

Clerk and Recorder's Certificate

STATE OF COLORADO } SS.
COUNTY OF BOULDER }
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT _____ O'CLOCK ____ M., THIS ____ DAY OF _____, 20____, AND IS RECORDED RECEPTION # _____
FEES PAID: \$ _____
CLERK AND RECORDER _____ DEPUTY _____

REVISION	DATE
1	2016-05-18 EP
2	2016-06-29 EP
3	2016-08-05 EP
4	
5	
6	
7	
8	
9	
10	

FINAL PLAT
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Flatirons, Inc.
Surveying, Engineering & Geomatics
www.flatironsinc.com
3660 DOWNING ST
BOULDER, CO 80301
PH: (303) 443-7001
FAX: (303) 936-6997



JOB NUMBER:
15-66,882
DATE:
02-02-2016
DRAWN BY:
E. PRESCOTT
CHECKED BY:
JK/JZG/WW
SHEET 1 OF 1