C I T Y O F B O U L D E R
PLANNING BOARD AGENDA ITEM
MEETING DATE: September 1, 2016

AGENDA TITLE:
Public hearing to consider a proposal (LUR2016-00028) to rezone the AirGas site at 3200 Bluff Street, a roughly one-acre property, from Industrial Mixed Service (IMS) to Mixed-Use - 4 (MU-4) and make a recommendation to City Council.

Applicant: Kirsten Ehrhardt, Coburn Development, Inc.
Property Owner: AirGas InterMountain, Inc.

REQUESTING DEPARTMENT:
Planning, Housing & Sustainability
David Driskell, Executive Director
Susan Richstone, Deputy Director
Charles Ferro, Land Use Review Manager
Karl Guiler, Senior Planner/Code Amendment Specialist

OBJECTIVE:
1. Hear applicant and staff presentations
2. Hold public hearing
3. Planning Board to ask questions of applicant, the public and staff
4. Planning Board discussion and recommendation to City Council.

SUMMARY:

Proposal:	Request to rezone the AirGas site from Industrial Mixed Service (IMS) to Mixed-Use – 4 (MU-4).
Project Name:	3200 Bluff Mixed Use (AirGas site)
Location:	3200 Bluff Street (adjacent to Steel Yards neighborhood within the Boulder Junction neighborhood)
Size of Tract:	1.12 acres
Zoning:	IMS (Industrial Mixed Service)
Comprehensive Plan:	Mixed Use Business

I. INTRODUCTION AND BACKGROUND

PROCESS

Requests to rezone properties require compliance with the criteria of Section 9-2-19, "Rezoning," B.R.C. 1981 (analyzed within Section III below) and review and approval by both Planning Board and City Council. Pursuant to Section 9-2-19, B.R.C. 1981, "*The planning board shall hear a request for rezoning at a public hearing and shall make a recommendation for approval or denial to the city council. After considering the planning board's recommendation, the city council shall make the final determination on a request for*

rezoning at a public hearing held in accordance with the adopted Council Procedure of Title 2, "Government Organization," (Appendix) B.R.C. 1981."

BACKGROUND

As **Figure 1** shows, the site is roughly one acre in size and is at the southeast corner of Junction Place and Bluff Street. It is generally level and is mostly open with the exception of some deciduous trees. The site has historically been used for industrial uses and is currently occupied by the AirGas company within a one story building on the north side of the site. The other parts of the site are used for parking and storage.

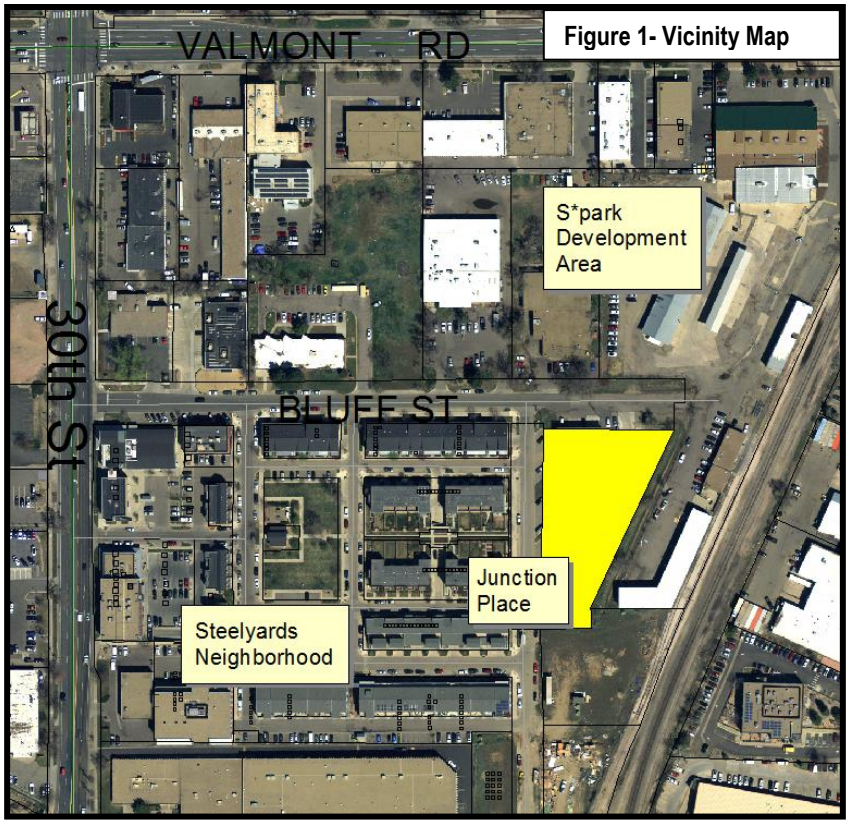

Figure 1- Vicinity Map

The existing Steelyards development abuts the property to the west and the recently approved S'park development is to the north and east of the site. Through the property to the immediate east is the Burlington Northern Santa Fe (BNSF) railway.

The Steelyards is a gridded, mixed-use neighborhood with generally two and three-story buildings. Areas along the rail corridor to the south and as approved within S*park, reflect more urban development with three to five story buildings. Development of the greater neighborhood, Boulder Junction, is informed by the Transit Village Area Plan (TVAP), which is discussed further below.

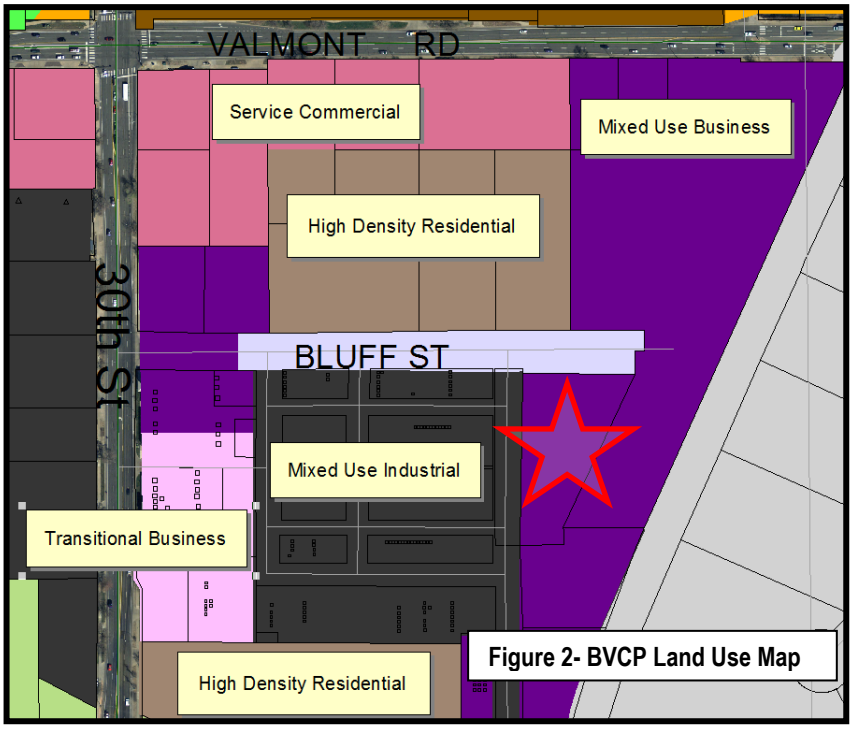

Figure 2- BVCP Land Use Map

BVCP Land Use Designation

The Boulder Valley Comprehensive Plan (BVCP) designates the site as Mixed Use Business (see **Figure 2**). Per the BVCP Land Use Map description: "*Mixed Use-Business development may be deemed appropriate and will be encouraged in some business areas. These areas may be designated Mixed Use-Business where business or residential character will predominate. Housing and public uses supporting housing will be encouraged and may be required. Specific zoning and other*

regulations will be adopted which define the desired intensity, mix, location and design characteristics of these uses."

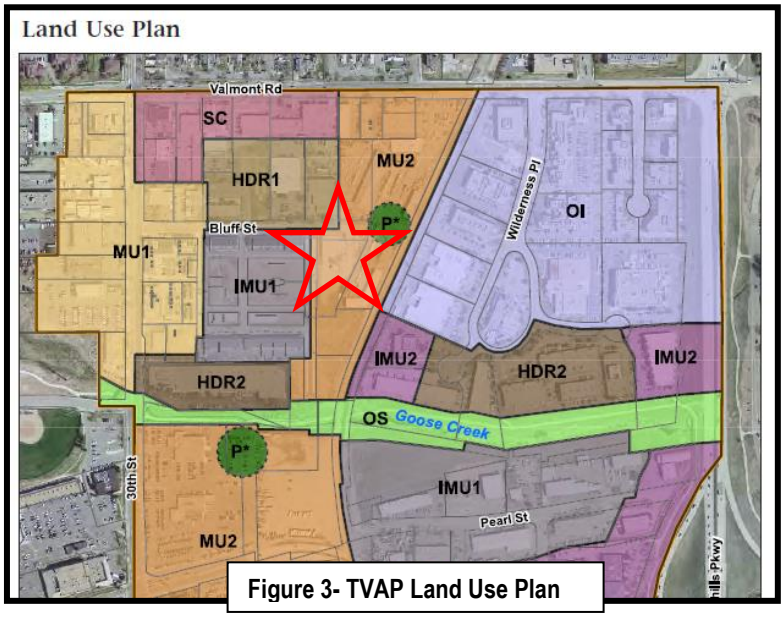

Figure 3- TVAP Land Use Plan

Transit Village Area Plan (TVAP)
The project site is within the Transit Village Area Plan (TVAP) area. In accordance with the Mixed Use Business land use designation in the BVCP, the specific TVAP designation for the site is Mixed Use 2 where the predominant uses in mixed-use areas could be business or residential, with homes mixed vertically (above businesses) or horizontally (residential buildings next to commercial buildings.) Page 17 of TVAP notes that areas with a Mixed Use 2 land use allow "*three- to four-story mixed use buildings around a floor area ratio (FAR) of 1.5 to 2.0. Predominant use may be business or residential…..parking would be "mostly structure or first floor parking; may have some surface parking*." More specifically, the site is within a sub district of TVAP entitled the "Rail Plaza." The Rail Plaza district is described as an area that will "*evolve into a high-density, commercial and residential mixed-use area, with three- to five-story buildings*."

Zoning
The project site is currently zoned IMS, Industrial Mixed Service.

The applicant is proposing to rezone the site to MU-4, Mixed Use – 4, which as can be seen in the **Figure 4** below, is immediately adjacent to the site. MU-4 areas are described as mixed use residential areas generally intended for residential uses with neighborhood-serving retail and office uses; and where complementary uses may be allowed. It is anticipated that development will occur in a pedestrian-oriented pattern, with buildings built up to the street.

Rezoning to MU-4 was anticipated for the site by the TVAP plan in order to be consistent with the established land use designation of Mixed Use 2, as specified in the Transit Village Area Plan (TVAP).

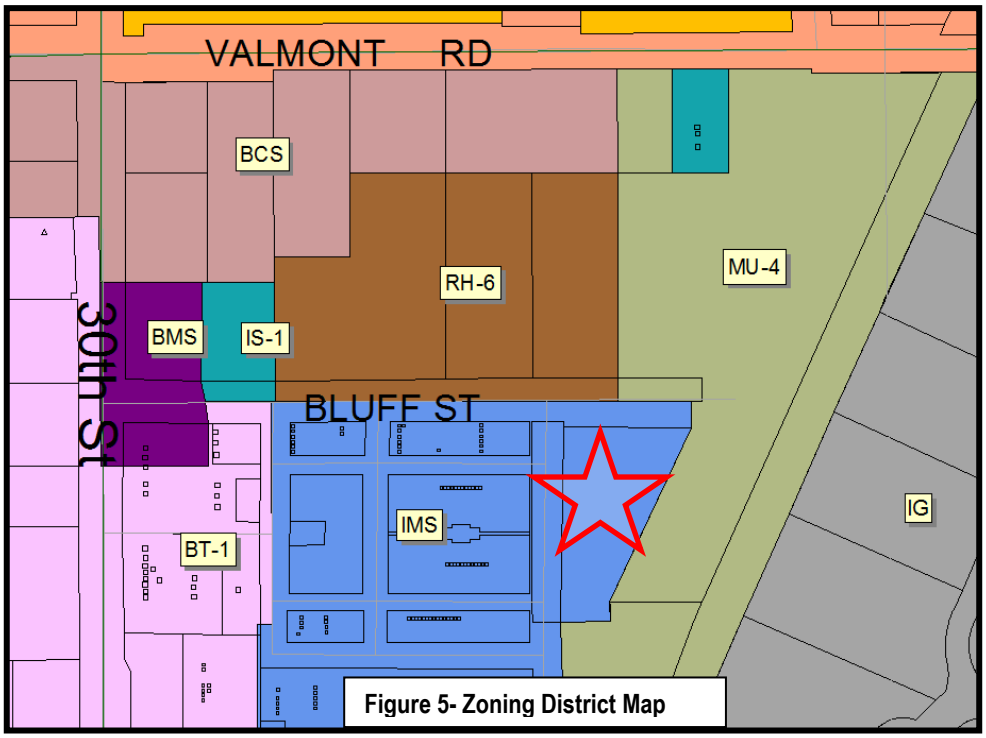

Figure 5- Zoning District Map

Concept Plan
Recently the applicant submitted a Concept Plan application to consider a proposal for two buildings totaling 98,000 square feet in size comprised of 43,000 square feet of residential space with 36 rental units, 55,000 square feet of commercial space, and a 102 space underground parking garage. Preliminary consideration of a rezoning from Industrial Mixed Service (IMS) to Mixed-Use - 4 (MU-4) was also included.

Planning Board reviewed the Concept Plan proposal at its May 26, 2016 public hearing. The board was generally supportive of the uses and design of the project and found it consistent with the Transit Village Area Plan (TVAP). Some board members had concerns about the massing of the buildings along the streetscapes. Other site design comments related to opportunities for pedestrian connections through the site and the proposed number of garage entries and their locations. The staff memorandum, minutes and audio of the meeting can be accessed at this link.

II. REZONING REQUEST

As discussed during the Concept Plan review, a rezoning from IMS to MU-4 would be required to permit the proposed project and to be consistent with the BVCP Land Use Map designation. Additionally the proposed rezoning would make the subject site consistent with TVAP. A draft ordinance to permit the rezoning is included in **Attachment A**.

The applicant has indicated their intent to join the Boulder Junction Access and Parking District, which is relevant to meeting the rezoning criteria. Effectively, if the site were not included in the district, strict Transportation Demand Management (TDM) requirements would apply to the site per Section 9-9-22, "Trip Generation Requirements for the MU-4, RH-6 and RH-7 Zoning Districts," B.R.C. 1981.

If the rezoning is approved, the applicant will proceed with a Form-Based Code (FBC) Review application for the proposed project. The FBC was approved by City Council on June 21, 2016 and the applicant has already submitted a pre-application review with city review staff pursuant to the FBC requirements.

III. ANALYSIS

Staff finds that the rezoning criteria of Section 9-2-19, "Rezoning," B.R.C. 1981 are met – predominantly because the proposed zoning of MU-4 (Mixed Use – 4) is necessary to come into compliance with the BVCP Land Use Map designation of Mixed Use Business and the TVAP designation of Mixed Use 2 (MU2). Responses to all the criteria are below:

9-2-19. - Rezoning.

(e) Criteria: The city's zoning is the result of a detailed and comprehensive appraisal of the city's present and future land use allocation needs. In order to establish and maintain sound, stable and desirable development within the city, rezoning of land is to be discouraged and allowed only under the limited circumstances herein described. Therefore, the city council shall grant a rezoning application only if the proposed rezoning is consistent with the policies and goals of the Boulder Valley Comprehensive Plan, and, for an application not incidental to a general revision of the zoning map, meets one of the following criteria:

(1) The applicant demonstrates by clear and convincing evidence that the proposed rezoning is necessary to come into compliance with the Boulder Valley Comprehensive Plan map;

The proposed rezoning to MU-4 is consistent with the policies and goals of the Boulder Valley Comprehensive Plan, because the proposed zoning will bring site into consistency with the underlying BVCP land use designation, which is Mixed Use Business. Per the BVCP Land Use Map description: "*Mixed Use-Business development may be deemed appropriate and will be encouraged in some business areas. These areas may be designated Mixed Use-Business where business or residential character will predominate. Housing and public uses supporting housing will be encouraged and may be required. Specific zoning and other regulations will be adopted which define the desired intensity, mix, location and design characteristics of these uses*."

Further, the project site is within the Transit Village Area Plan (TVAP) area. Per TVAP, the site is designated Mixed Use 2 where the predominant uses in mixed-use areas could be business or residential, with homes mixed vertically (above businesses) or horizontally (residential buildings next to commercial buildings.) Page 17 of TVAP notes that Mixed Use 2 areas allow "*three- to four-story mixed use buildings around a floor area ratio (FAR) of 1.5 to 2.0. Predominant use may be business or residential…..parking would be "mostly structure or first floor parking; may have some surface parking*."

The proposed MU-4 (Mixed Use - 4) zoning would render the zoning of the property consistent with the land use map designation discussed above as well as with TVAP. The current zoning of IMS (Industrial Mixed Use) is currently inconsistent with Mixed Use Business designation. TVAP already specifies the expected intensity of the area around an eventual rail stop in the vicinity and the proposed MU-4 would enable the site to better meet this intent. Surrounding properties to the north, east and south are designated Mixed Use Business and have already been rezoned to MU-4. Therefore, there is clear and convincing evidence that the proposed rezoning is necessary to come into compliance with the BVCP map.

(2) The existing zoning of the land was the result of a clerical error;

Not applicable.

(3) The existing zoning of the land was based on a mistake of fact;

Not applicable.

(4) The existing zoning of the land failed to take into account the constraints on development created by the natural characteristics of the land, including, but not limited to, steep slopes, floodplain, unstable soils and inadequate drainage;

Not applicable.

(5) The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area; or

Not applicable.

(6) The proposed rezoning is necessary in order to provide land for a community need that was not anticipated at the time of adoption of the Boulder Valley Comprehensive Plan.

Not applicable.

(f) Additional Criteria for the MU-4, RH-3, RH-6 and RH-7 zoning districts. In the MU-4, RH-3, RH-6 and RH-7 zoning districts, for an application not incidental to a general revision of the zoning map, the city council shall also find that the rezoning meets the following criteria, in addition to subsection (e) above:

(1) Transportation. The land proposed for rezoning is:

(A) Subject to a right of way plan for the immediate area;

The proposed property is located within the Transit Village Area Plan Transportation Connections Plan area.

(B) The right of way plan is capable of being implemented to the extent necessary to serve the property and to connect to the arterial street network through collector and local streets, alleys, multi-use paths and sidewalks concurrent with redevelopment; and

The property is already served by existing public rights-of-way including Junction Place to the west and Bluff Street to the north.

(C) The public infrastructure can be paid for by way of redevelopment under the provisions of section 9-9-8, "Reservations, Dedication and Improvement of Rights-of-Way," B.R.C. 1981, without contribution of funds by the City, or that there is a plan for financing and construction that has been approved by city council through the capital improvement program and the city council anticipates appropriating such funds within two years of the rezoning.

The site is expected to redevelop in the near future. Therefore, public infrastructure can be paid for by way of redevelopment under the provisions of section 9-9-8, "Reservations, Dedication and Improvement of Rights-of-Way," B.R.C. 1981, without contribution of funds by the City.

(2) Water, Wastewater and Stormwater Management and Flood Control. The city council shall determine whether there are adequate public facilities available for the rezoning area. The city council shall determine whether there are adequate water, wastewater and stormwater management and flood control facilities by considering the following:

(A) Whether the infrastructure meets the requirements of the City of Boulder Design and Construction Standards, adopted City master plans, the Boulder Valley Comprehensive Plan, subcommunity plans and area plans.

The infrastructure around the site meets the requirements of the City of Boulder Design and Construction Standards, adopted City master plans, the Boulder Valley Comprehensive Plan, subcommunity plans and area plans.

(B) Whether the land proposed to be rezoned has adequate water, wastewater and stormwater management and flood control public facilities that are:

(i) In place at the time of the rezoning request;

The property is in a location that is adequately served by existing adequate water, wastewater and stormwater management and flood control public facilities.

(ii) Under construction and will be available at the time that the impacts of the proposed development will occur; or

(iii) Guaranteed by an enforceable development agreement ensuring that the public facilities will be in place at the time that the impacts of the proposed development will occur.

(C) Whether the property owner has, or will in the future, paid its fair share of the infrastructure needs of the surrounding area, as described in City master plans, subcommunity plans or area plans.

At the time of redevelopment of the 3200 Bluff site, the applicant will be responsible to pay the applicable development fees as well as constructing all of the necessary infrastructural improvements to serve the site.

(3) Travel Demand Management Services. In the MU-4, RH-6 and RH-7 zoning districts, the property subject to the rezoning is located within an area that has parking and transportation related service provided by a general improvement district or an equivalent organization or otherwise meets the trip generation requirements of section 9-9-22, "Trip Generation Requirements for the MU-4, RH-6 and RH-7 Zoning Districts," B.R.C. 1981.

The property is in an area eligible for inclusion within the Boulder Junction Parking and Access District. The applicant has indicated their intent to join the district. If admitted, parking and transportation related services will be provided. If not admitted, project on the site in the future would be subject to section 9-9-22, "Trip Generation Requirements for the MU-4, RH-6 and RH-7 Zoning Districts," B.R.C. 1981.

IV. PUBLIC COMMENT AND PROCESS

Required public notice was given in the form of written notification mailed to all property owners and renters within 600 feet of the subject site and a sign was posted on the property for at least 10 days. All notice requirements of Section 9-4-10(g), B.R.C. 1981 have been met. No comments have been received.

V. STAFF RECOMMENDATION

Staff finds that the proposal to rezone the property from IMS to MU-4 meets the criteria of Section 9-2-19 (e) and (f) and recommends that Planning Board make a recommendation of approval to the City Council.

Approved By:

David Driskell, Executive Director
Department of Community Planning and Sustainability

ATTACHMENTS:

A. Draft Ordinance

ORDINANCE NO.

AN ORDINANCE REZONING 1.12 ACRES OF LAND LOCATED AT 3200 BLUFF STREET FROM THE INDUSTRIAL - MIXED SERVICES (IMS) TO MIXED USE 4 (MU-4) ZONING DISTRICT AS DESCRIBED IN CHAPTER 9-5, "MODULAR ZONE SYSTEM," B.R.C. 1981, AND SETTING FORTH RELATED DETAILS.

THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO FINDS:

A. A public hearing before the Planning Board of the City of Boulder was duly held on September 1, 2016, in consideration of rezoning approximately 1.12 acres of land from the Industrial – Mixed Services (IMS) to the Mixed Use 4 (MU-4) zoning district generally located at 3200 Bluff Street, City of Boulder, as more particularly described on Exhibit A attached to this ordinance (the "Property").

B. The Planning Board found that the rezoning of the Property from the Industrial – Mixed Services (IMS) to the Mixed Use 4 (MU-4) zoning district is consistent with the policies and goals of the Boulder Valley Comprehensive Plan; is necessary to bring the Property into compliance with the Boulder Valley Comprehensive Plan map; and meets the criteria for rezoning as provided in Chapter 9-2, "Review Processes," B.R.C. 1981.

C. The Planning Board recommended that the City Council amend the zoning district map to include the Property in the Mixed Use 4 (MU-4) zoning district as provided in Chapter 9-5, "Modular Zone System," B.R.C. 1981.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. Chapter 9-5, "Modular Zone System," B.R.C. 1981, and the zoning Mixed Use 4 (MU-4) district map forming a part thereof are amended to include the Property within the zoning district.

Section 2. The City Council finds that the rezoning of the Property from the Industrial – Mixed Services (IMS) to the Mixed Use 4 (MU-4) zoning district is consistent with the policies and goals of the Boulder Valley Comprehensive Plan, is necessary to bring the Property into compliance with the Boulder Valley Comprehensive Plan map, and meets the criteria for rezoning as provided in Chapter 9-2, "Review Processes," B.R.C. 1981. The City Council adopts the recitals as a part of this ordinance.

Section 3. The City Council has jurisdiction and legal authority to rezone the Property.

Section 4. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern. The rezoning of the Property bears a substantial relation to, and will enhance the general welfare of, the Property and of the residents of the City of Boulder.

Section 5. The City Council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this _____ day of _____, 2016.

_____
Mayor

Attest:

_____
City Clerk

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY this ___ day of _____, 2016.

_____
Mayor

Attest:

_____
City Clerk

EXHIBIT A

LEGAL DESCRIPTION