

**CITY OF BOULDER  
PLANNING BOARD ACTION MINUTES  
March 5, 2015  
1777 Broadway, Council Chambers**

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**PLANNING BOARD MEMBERS PRESENT:**

Aaron Brockett, Chair  
Bryan Bowen  
Crystal Gray  
John Gerstle  
Leonard May  
Liz Payton  
John Putnam

**PLANNING BOARD MEMBERS ABSENT:**

**STAFF PRESENT:**

Charles Ferro, Director of Current Planning  
Hella Pannewig, Assistant City Attorney  
Susan Meissner, Administrative Assistant III  
Sloane Walbert, Planner I  
Chandler Van Schaack, Planner I  
David Thompson,  
Carl Castillo,

**1. CALL TO ORDER**

Chair, **A. Brockett**, declared a quorum at 5:06 p.m. and the following business was conducted.

**2. APPROVAL OF MINUTES**

There were no minutes scheduled for approval.

**3. PUBLIC PARTICIPATION**

No one from the public spoke.

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

**A. Call Up: Use Review (LUR2015-00007) to expand the hours of operation for the "Boulder Beer Company" brewery and restaurant use, located at 2880 Wilderness Place. The call-up period expires March 12, 2015.**

This item was not called up.

**5. PUBLIC HEARING ITEMS**

**A. USE REVIEW for a 3,509 square foot tavern located at 921 Pearl Street with an outdoor patio, which shall not exceed 712 square feet in size, closing no later than 2:00 a.m. (LUR2014-**

**00081). Proposal will establish a 'tavern' with outdoor seating where there is currently a 'restaurant' with outdoor seating (Bacaro). Property is located in the DT-2 (Downtown 2) zone district.**

**Applicant: Jason Rappaport**  
**Owner: West Pearl LLC**

**L. Payton** recused herself from agenda item 5A.

**Staff Presentation:**

**S. Walbert** presented the item to the board.

**Board Questions:**

**S. Walbert** answered questions from the board.

**Applicant Presentation:**

**Jason Rappaport**, the applicant, presented to the board.

**Ricardo Cabrera**, the marketing coordinator for World of Beer, presented to the board.

**Public Hearing:**

- 1. Eli Feldman, 410 Alpine Avenue**, owns the building and works upstairs. He noted that the previous tenant was open until 2am seven days per week. This tenant has reduced their hours of operation in response to community concerns. He felt that the reduced hours were an enormous concession and that the balance was reasonable.
- 2. Amanda Croy, 924 Spruce Street**, lives on an alley that would share with the World of Beer. She expressed concern about the hours of operation until 2am adjacent to a residential area.
- 3. Brooke Palumbo, 1003 Spruce Street**, is a neighbor and had some concerns about the direction of the West Pearl neighborhood and the size. She was pleased with the amendment of hours but would like to see them reduced on Thursday.
- 4. Phil Shull, 216 Arapahoe**, is the owner and developer of the adjacent building. He thought the amendment to the management plan would be helpful. He wanted to be a good neighbor and hoped that the
- 5. Josh Breckel, 2411 W. 35<sup>th</sup> Avenue, Denver**, works for Lefthand Brewery and noted that their partnership with the World of Beer is beneficial and very important. The clientele is not rowdy and caters to a professional crowd.
- 6. Justin Tilotta, 610 North Street**, works for Twisted Pine and advocated for the World of Beer. He felt that they were good
- 7. Mary Kittilia, P.O. Box 183, Boulder**, lives on Spruce Street and was there when Bacaro was in business. She has met with the management and been very impressed by them and their concessions. She would like to assure that there are as few beer and food deliveries as possible. They impact access to the parking spaces accessed off of the alley.
- 8. Hunter Clawson, 924 Spruce Street**, lives adjacent and parks on the shared alley. He has difficulty getting in and out of the parking spaces with
- 9. Catherine Schweiger, Maxwell**, owns a single family house on Spruce Street. She felt that the establishment was too large and open too late for the area.

**Board Disclosures:**

**J. Putnam** disclosed that he often walks by the LoDo, Denver World of Beer location.

**Board Comments:**

- Most members agreed that the proposal, including staff recommendations and the applicant's proposed curtailed hours of operation, was consistent with the Use Review criteria.
- Board members appreciated that the applicant proposed to amend the hours of operation in response to neighbor concerns.
- **C. Gray** thought that it was close to meeting the criteria, but cited concerns about the hours of operation and size of the establishment adjacent to a residential area.
- **A. Brockett** noted that the Front Range has been called the "Napa Valley of craft beer". He appreciated that the establishment would represent several local breweries and thought the use was appropriate.
- Members thought it was important that the World of Beer will serve food in addition to alcohol and noted that it generally targets an older demographic of the clientele.
- Other restaurants and taverns in the area have a similar intensity of use and hours of operation to those proposed by the applicant.
- Members thought that it was appropriate to close the rooftop and patio earlier and to restrict live music to indoor areas. Several members strongly advocated to not alter the management plan so as to allow live music inside as it is an important for the vibrancy of the city.
- Members discussed neighbor concerns about the alley access from the restaurant. While it is necessary to have access for fire and service purposes, board members strongly recommended that the management find ways to discourage frequent public use. The board did not find it necessary to mandate special signage on the door or other specific measures.
- The board also discussed neighbors' concerns about delivery hours; there are inherent difficulties with sharing alleys. Trucks can block access to and from alley parking spaces and create disturbances during the early and late hours. The World of Beer agreed to work with its vendors to schedule deliveries during the hours of 8am to 6 pm and to try to avoid rush hour times. Consider means for reducing the frequency of deliveries if possible.
- **C. Gray** suggested that staff consider something similar to East Pearl's Downtown Alliance for this area; the group brought adjacent property/business owners and neighbors together to develop an interface zone that addressed appropriate sizes, uses and hours of operation. She recommended that a condition of approval be made to change the management plan to require that last call be made prior to the closing time and to close at midnight on Thursday nights to be congenial to the working neighbors.
- **J. Putnam** and **A. Brockett** were amenable to closing earlier on Thursday nights given the neighbor's concerns, but did not think it was a good idea to have an earlier last call or closing time than the other nearby similar establishments. There is a value to keeping a certain level of intensity on Pearl Street; creating inconsistencies in closing times could be problematic.

**Motion:**

On a motion by **J. Putnam**, seconded by **B. Bowen**, as amended, the Planning Board voted 5-1 (**C. Gray** opposed, **L. Payton** recused) to approve Land Use Review # LUR2014-00081 incorporating the staff memorandum as findings of fact and subject to the recommended conditions of approval except that:

(1) Condition 1.b. shall be replaced with the following:

The approved use shall be closed from 2 a.m. through 9 a.m. Saturday and Sunday, and from midnight through 9 a.m. on Monday, Tuesday, Wednesday, Thursday, and Friday;

(2) Strike from the management plan, on page three, first full paragraph, sixth sentence, related to scheduling of deliveries : “use its best effort to” so as to require scheduling of deliveries between 8:00 a.m. and 5:00 p.m.

**A. Brockett**, offered a friendly amendment to the main motion, which was accepted by **J. Putnam**, to additionally amend Condition 1.b. that the Applicant will cease service of food and beverage on the patio at 11 p.m. seven days a week.

**C. Gray**, moved to amend the main motion to include a Thursday night closing at 12 a.m. The motion to amend was seconded by **L. May**, and passed on a 5-1 vote (**B. Bowen** opposed).

Amendment by **C. Gray**, seconded by **L. May** to close at 11:30 p.m. Sunday through Thursday. The motion failed 2-4 (**J. Gerstle**, **A. Brocket**, **J. Putnam** and **B. Bowen** opposed, **L. Payton** recused).

**J. Putnam** initially included a third amendment to add special closing provisions that the last call for service shall be made by 11:30 and that patrons shall be gone by the closing time. He later removed the third amendment.

Motion for a friendly amendment by **J. Putnam**, accepted by **B. Bowen**, to remove amendment (3) related to last call for service.

**B. Public hearing and Planning Board consideration of the following items:**

- (a) Recommendation to City Council on a request to rezone the property at 1900 Folsom Street from BT-2 (Business Transitional – 2) to BR-1 (Business Regional – 1) (application no. LUR2014-00084) and
- (b) Review and comment on a Concept Plan (application no. LUR2014-00085) proposal to redevelop the 1.28-acre property following rezoning with a new 48’ tall, four-story, 151,405 sq. ft. mixed-use building with two levels of office space and two levels containing 35 residential units.

**Applicant:** Adrian Sopher

**Property Owner: John Volkmar**

**Staff Presentation:**

**C. Van Schaack** presented the item to the board.

**Board Questions:**

**C. Van Schaack** answered questions from the board.

**Applicant Presentation:**

**Adrian Sopher**, the applicant, presented to the board.

**Public Hearing:**

No one from the public spoke.

**Board Comments:**

**Rezoning:**

- The board agreed that the rezoning was in compliance with the BVCP and makes sense given the current zoning conditions. They felt that a 0.5 FAR seemed too low for that location and thought the proposed use was appropriate.
- **C. Gray** felt that the lower height made it compatible with the adjacent buildings.

**Motion:**

On a motion by **J. Putnam**, seconded by **B. Bowen**, the Planning Board voted 7-0 to recommend approval of rezoning request number LUR2014-00084 to City Council incorporating the staff memorandum as findings of fact.

**Concept Plan:**

- The board thought the use was appropriate for the neighborhood and agreed that it would be appropriate to have office space on the bottom floor with residential above.
- Consider landscape design and sightlines as they relate to the curb cut to ensure optimal pedestrian and biking safety.
- Enhance the pedestrian experience around the building through architecture and landscape.
- The board appreciated that the project will have underground parking and only one curb cut. Remove the drive lane around the back of the building if possible and move cars underground as quickly as possible upon entering the site.
- Reduce the number of surface parking spots and consider using permeable pavers for the remaining handicap and/or service parking spots.
- Convert the area gained from removing surface parking spots to private open space for residents.
- Unbundle and share parking in the garage between daytime and nighttime uses.
- Create a space in the building for residents to store and work on bikes and skis.
- Members agreed that the existing building was not salvageable. **L. Payton** suggested that the next building be of a caliber and construction typology that would make it enduring.
- Most members liked the general direction of the architecture but felt that it should be significantly simplified. Given that the building is three instead of four stories, it does not need to work to break up the massing.

- **L. Payton** suggested that the building relate to the adjacent Mike's Camera building for cohesion; design it to have a clear top, bottom and middle.
- **B. Bowen** liked the proposed imagery and architectural character in the applicant's submittal materials. Consider co-op housing choreography principles for hallways and shared spaces.
- The board liked the glazed element on the southwest corner of the building; the breakdown of the building creates interest, relates well to the Mike's Camera building, and enlivens the street.
- Most members liked the ground level windows along Folsom. **L. Payton** felt that a glass facade made for an uncomfortable pedestrian experience and recommended adding a sill and/or reducing the size of the windows.
- Provide renderings showing the pedestrian experience around the buildings. Create an appealing experience; Walnut and Folsom are important corridors.
- Consider introducing opportunities for co-op living in this building and incorporating planters on south-facing balconies.
- Members agreed that it would not be necessary for the applicant to return for a second concept review, but thought that it could be helpful.

**C. Public hearing and consideration of the Knapp Subdivision Final Plat (TEC2013-00057): Final Plat to subdivide one 0.5-acre developed lot at 3050 15<sup>th</sup> St. in the RL-1 zone district to create 2 new residential lots: Lot 1 (9,605 s.f.) and Lot 2 (12,176 s.f.). Lot 1 will contain the existing single family home.**

**Owners: Chuck & Ellen Knapp**

**Staff Presentation:**

**C. Van Schaack** presented the item to the board.

**Board Questions:**

**C. Van Schaack** and **C. Ferro** answered questions from the board.

**Applicant Presentation:**

**Chuck Knapp**, the applicant, presented to the board.

**Public Hearing:**

1. **Bill De Oreo, 3030 15<sup>th</sup> Street**, lives to the south of the proposed subdivision. He felt that the character of the neighborhood is dependent upon the large lots. Should this be approved, he recommended that a second house be limited to a single story home. He did not like the precedent that this would set for the neighborhood.
2. **Paula Schulte, 3030 15<sup>th</sup> Street**, did not think that subdivision would benefit the neighborhood and that there would be long-term unintended consequences.
3. **John Gilbert, 3040 15<sup>th</sup> Street**, is the neighbor to the south. He feared that a large and ugly house would be built on the lot. He felt that 16<sup>th</sup> Street was purposefully left out to allow for deeper lots on 15<sup>th</sup> Street. These homes used to be businesses and had septic systems; consider potential environmental factors.

4. **Charles Stern, 3025 15<sup>th</sup> Street**, spoke about the demolition issue. He asked the city to be vigilant about the demolition and financial guarantee.
5. **Cathy Regan, 3010 15<sup>th</sup> Street**, cited concerns about nature, traffic and safety. The street dead-ends and may be adversely impacted by the additional traffic.
6. **Pam Johnson, 3045 17<sup>th</sup> Street**, was concerned that this might set a precedent for the neighborhood. She did not know whether this would strain the infrastructure, walkability and safety of the area. She felt that realtors, appraisers and lenders are driving the character of the neighborhood.

**Board Comments:**

- The board sympathized with the neighbors' concerns but must abide by the established code that allows for the subdivision.
- **C. Gray** recommended that the Planning Board discuss and propose to City Council criteria for smaller homes and ADUs in established neighborhoods at a future date.
- To address neighbors' concerns, board members made several recommendations including:
  - o requesting that City Council consider future legislation for subdivision and conservation easements in existing neighborhoods;
  - o entering into private property law agreements binding one another not to subdivide; this option would exclude the city;
  - o requesting that the city pilot the neighborhood as a conservation district as it is considered of the post-war era.

**Motion:**

On a motion by **A. Brocket**, seconded by **J. Putnam**, the Planning Board voted 5-2 (**C. Gray** and **L. Payton** opposed) to approve Technical Document Review # **TEC2013-00057** for the **Knapp Subdivision** incorporating this staff memorandum and the **Final Plat Subdivision Review Criteria** as findings of fact.

**D. Public hearing and consideration of a Site and Use Review (LUR2014-00057) to construct one new 2,850 square foot, single story Bank of America building with a drive thru facility on the pad site at 1965 28<sup>th</sup> St. The proposal also includes improvements to the existing parking area serving the pad site as well to the parking area adjacent to the Hazels liquor store. The project site is zoned Business – Regional 1 (BR-1).**

**Applicant:** Bruce Dierking  
**Owner:** ANDRE FAMILY PARTNERSHIP, RLLLP

**Staff Presentation:**

**C. Van Schaack** presented the item to the board.

**Board Questions:**

**C. Van Schaack** answered questions from the board.

**Applicant Presentation:**

**Bruce Dierking**, the applicant, presented to the board.

**Carol Adams** from Studio Terra presented to the board.

**Public Hearing:**

No one spoke.

**Disclosures:**

- **L. Payton** spoke with a member of Community Cycles and requested that they provide input on the item.
- **Brockett** received a tweet on the item.

**Board Comments:**

- **L. Payton** thought the new information presented was helpful. She no longer felt concerned about the ditch, but had some reservations about the drive-thru. On balance, she thought the proposal met the criteria.
- **J. Putnam** thought the proposal met the criteria. He was glad to see improvements made to the parking lot circulation. He shared some misgivings about the drive-thru but thought this was as good of a drive-thru as possible.
- **J. Gerstle** did not think that drive-thrus should be permitted in Boulder and felt that the intrusion into Open Space was unacceptable. He opposed the project.
- **A. Brockett** thought the proposal met the criteria and found the new information presented helpful. He did not like the drive thru but appreciated that it would not require a new curb cut.
- **B. Bowen** thought the proposal met the criteria and appreciated that the building was sited closer to the street. 28<sup>th</sup> Street is the appropriate location for drive-thrus in Boulder.
- **L. May** thought the proposal met the criteria for the ditch but did not think the drive-thru met the criteria. He would not support the project as presented because he does not feel that Boulder should be supporting drive-thrus.
- **C. Gray** thought it was important to sort out the drive-thru culture in town. In the absence of solid policy from TAB, she would support the proposal. She appreciated having the parking lot reorganized and the bike connections.

**Motion:**

On a motion by **J. Putnam**, seconded by **A. Brockett**, the Planning Board voted 5-2 (**J. Gerstle** and **L. May** opposed) to approve the Site and Use Review application LUR2014-00057, adopting the staff memorandum as findings of fact, including the attached analysis of review criteria, and subject to the recommended conditions of approval.

**E. Public Hearing and Consideration of Recommendations to City Council regarding a proposed ordinance allowing for production and sale of certain foods in residential zone districts, amending section 9-6-3(e) “Specific Use Standards – Residential Uses”; amending section 9-9-21 “Signs” and adding a new Chapter 6-17 “Cottage Foods.”**

**Staff Presentation:**

**C. Castillo** presented the item to the board.

**Gina Baer** from Boulder County Health presented to the board.

**Board Questions:**

**C. Castillo** answered questions from the board.

**Public Hearing:**

**1. Elizabeth Black, 4340 N. 13<sup>th</sup> Street**, clarified some of the items. She did not think that there should be a limit to the size of gardens; it is more beneficial than a large house or lawn to mow. She referenced her good neighbors tips list; they are things that cannot be codified and are meant to be friendly. She thought that the city's pest, noise, odor and nuisance ordinances already covered many of the issues that could arise. She asked that

**Board Comments:**

- **J. Putnam** recommended that the participants in the Cottage Foods industry be given a pamphlet or handout for neighbors to explain what they are doing.
- The board applauded the communication and goodwill section of the handout provided by Elizabeth Black.
- Members noted that the 7am start time is consistent with the city's noise ordinance.
- The board thanked staff for bringing this forward quickly and for the expedited process.
- Put together a short, one page fact sheet about what is and is not allowed.
- **J. Putnam** accessory structures be addressed.

On a motion by **C. Gray**, seconded by **L. Payton**, the Planning Board voted 7-0 to recommend that City Council approve the proposed ordinance allowing for production and sale of certain foods in residential zone districts, amending section 9-6-3(e) "Specific Use Standards – Residential Uses"; amending section 9-9-21 "Signs" and adding a new Chapter 6-17 "Cottage Foods."

Friendly amendment by **A. Brockett** and accepted by **C. Gray** to recommend that the Cottage Foods be exempt from the requirements in subparagraph 1(c) with openness to other means of approaching concerns raised by community members.

- 5. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY**
  - A. T. Carr** will contact Planning Board members shortly to discuss Council's discussion on Tuesday.
- 6. DEBRIEF MEETING/CALENDAR CHECK**
- 7. ADJOURNMENT**

The Planning Board adjourned the meeting at 11:05 p.m.

APPROVED BY

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Board Chair

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DATE

DR