

# 96 Arapahoe Avenue

## Resolution Regarding Annexation

City Council • August 2, 2016

## Purpose

Public hearing and adoption of a resolution :

- (1) City Council adopts the findings in the recitals and concludes that the City Council has jurisdiction and legal authority under state law to annex and zone the property, and
- (2) That terms and conditions are to be imposed on the annexation and that the property owner shall sign an annexation agreement that states the terms prior to first reading.

# Process to Date

- Concept Plan Review at Planning Board: February 2015
- Concept Plan Review at City Council: May 2015
- Applicant annexation terms submitted without Site Review: Dec. 2015
- Planning Board recommended City Council Deny Annexation: May 2016
- The council approved a resolution finding the petition meets state law for annexation petitions.

## Background: Since Concept Plan

- Applicant is required to demonstrate community benefit, however the terms proposed by applicant were found by staff and Planning Board to not meet BVCP policies
- Staff prepared a draft annexation agreement with terms that would meet BVCP policies that were not accepted by the applicant and no agreement was signed
- The applicant is permitted to have their annexation terms heard before the City Council.

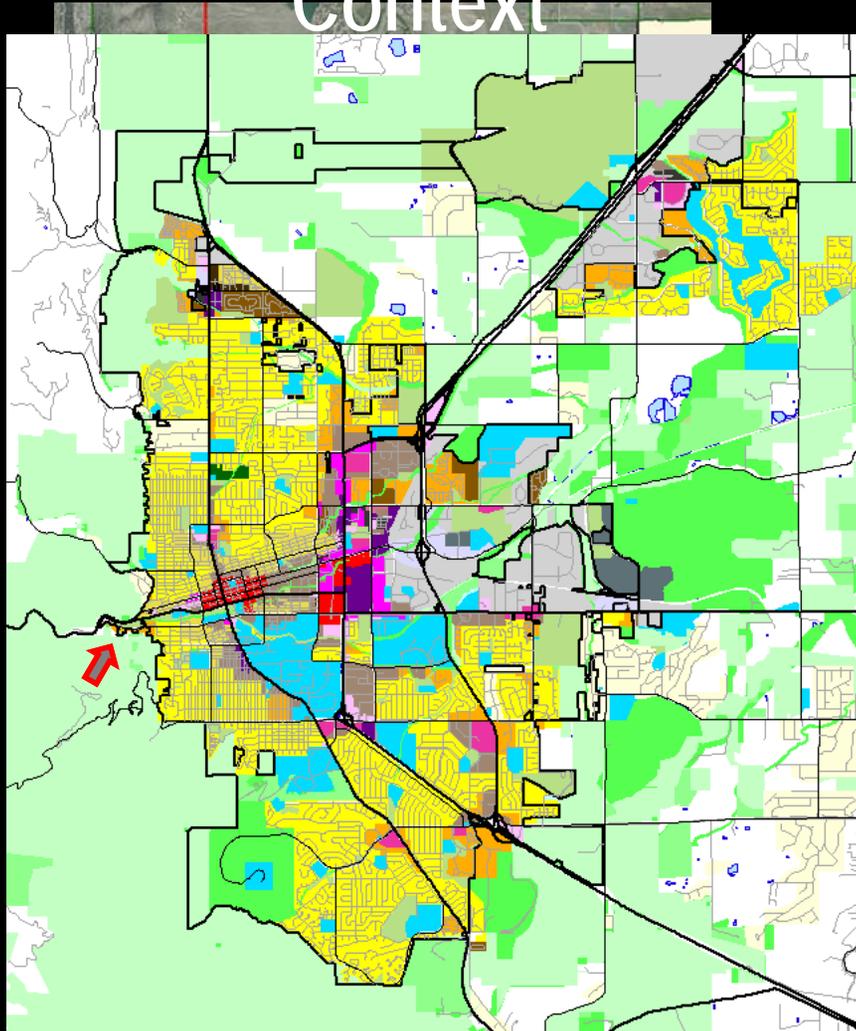
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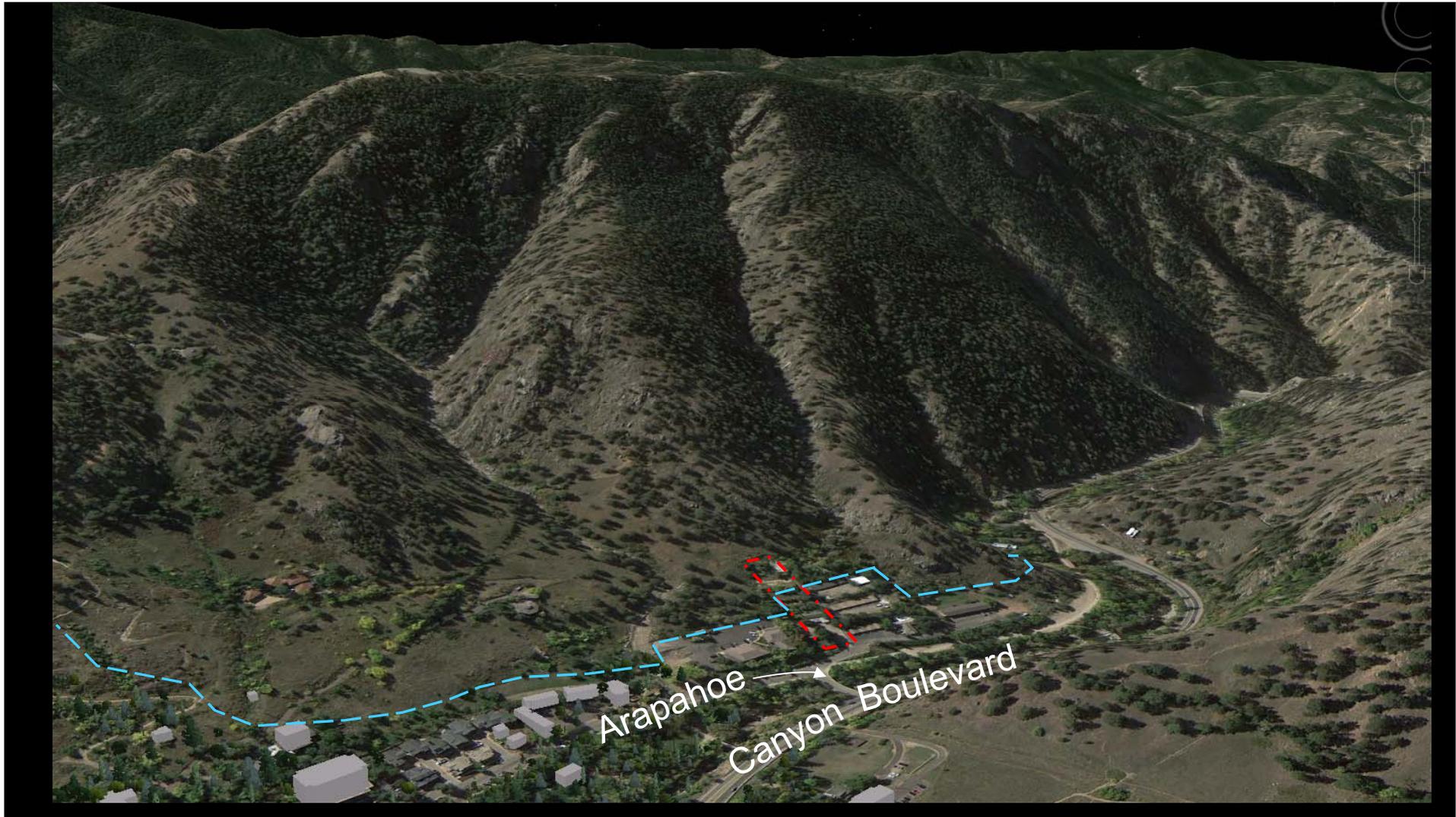
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# Context





Arapahoe

Canyon Boulevard







# Annexation Comments from Concept Plan

## PLANNING BOARD

- Preserve historical features of the site including retaining wall, house and barn
- Dedicate area above Blue Line to Open Space as a means for habitat conservation
- The board asked to see more community benefit
- The board asked that the applicant strive for net zero or near net zero
- Create smaller units and greater affordability

## CITY COUNCIL

- Concurred with Planning Board Comments
- Also preserve Anderson Ditch (landmarking of historic resources is key)
- Emphasized greater affordable housing percentage
- Smaller buildings

	<b>Staff Recommendation</b>	<b>Applicant Proposal</b>
<b>Historic Preservation:</b>	Landmark house, barn, retaining walls and ditch	Preserve house and barn through HOA covenants and demo process
<b>Permanently Affordable Housing:</b>	50 percent of units (5 of 9)	42.9 percent of units (3 of 9)
<b>Market Rate Residential Size:</b>	2,200 square foot max.	No cap on unit size, only per code.
<b>Open Space:</b>	Dedicate in fee above Blue Line	Dedicate area above Blue Line as scenic easement and use by residents
<b>Energy:</b>	Net zero energy	Solar PV & Energy Star Certified

# Recommendation from Planning Board for Denial

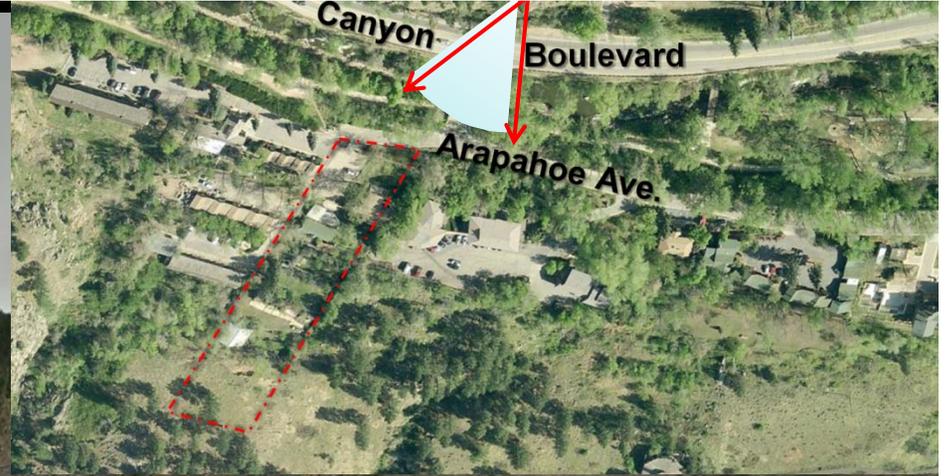
The applicant must sign an annexation agreement with terms that include the following:

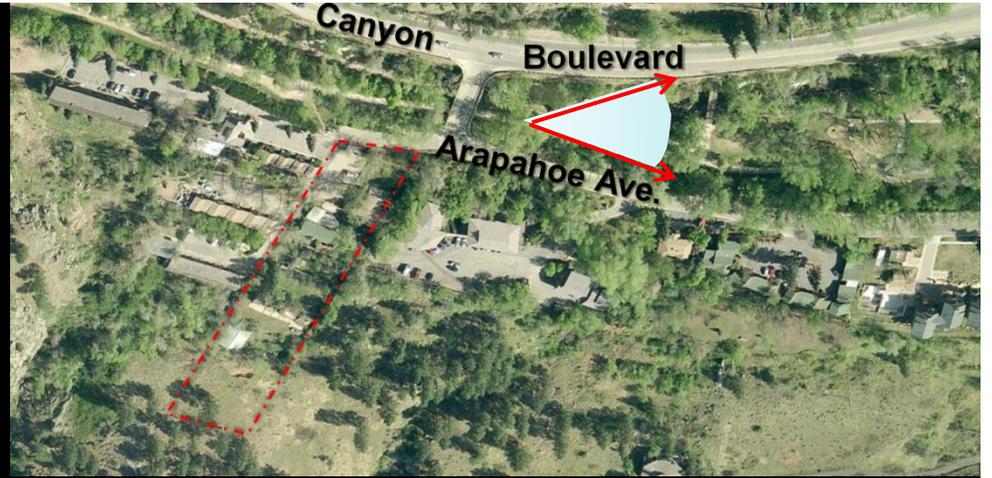
- Complexity of the site warrants a Site Review in tandem with Annexation
- Historic resources should be landmarked, including retaining walls
- Low percent of affordable units without other significant additional community benefit

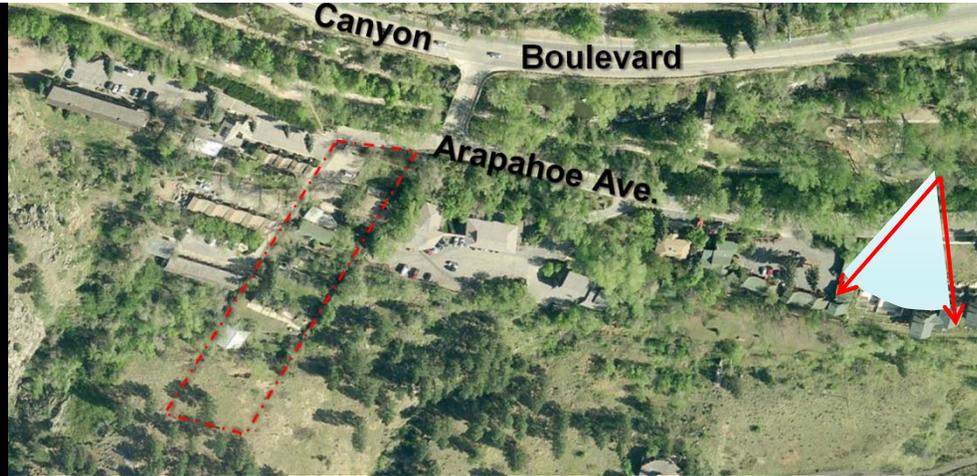
## CONCLUSION:

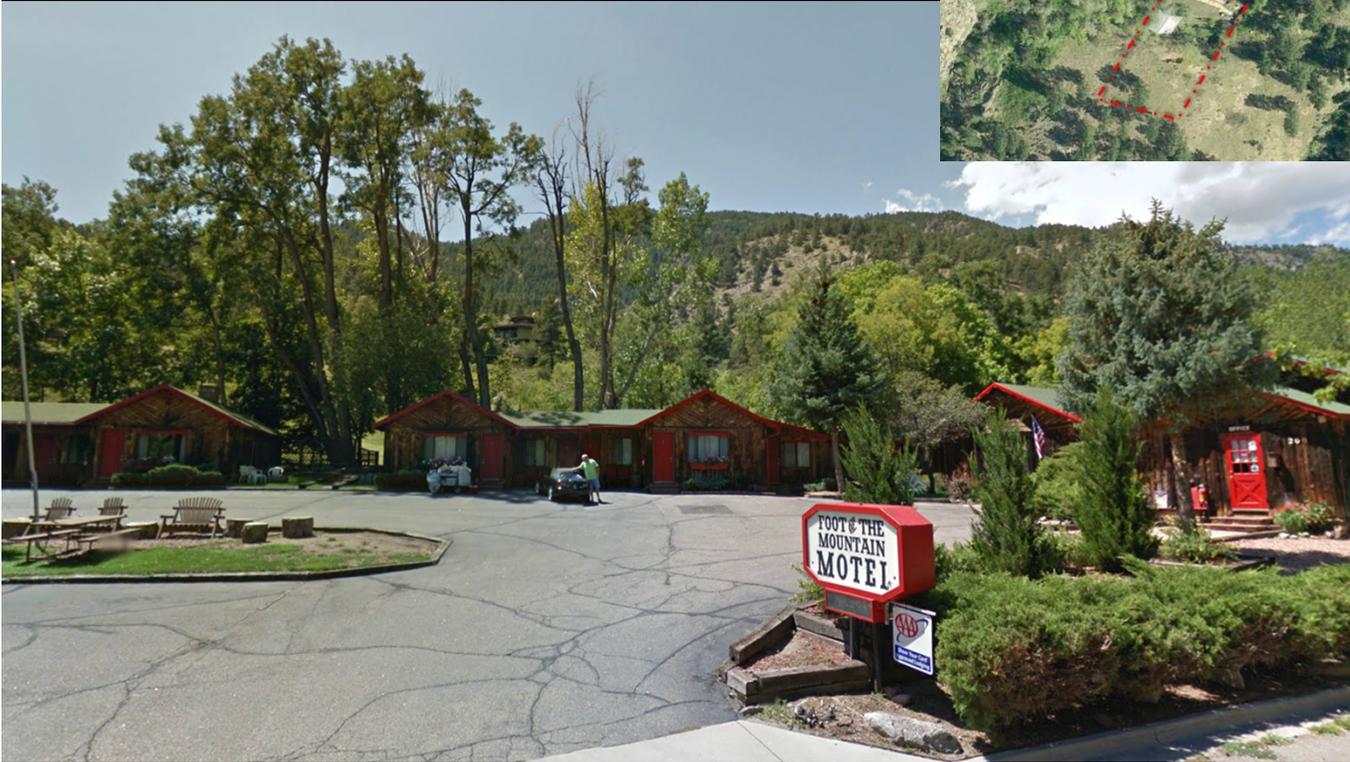
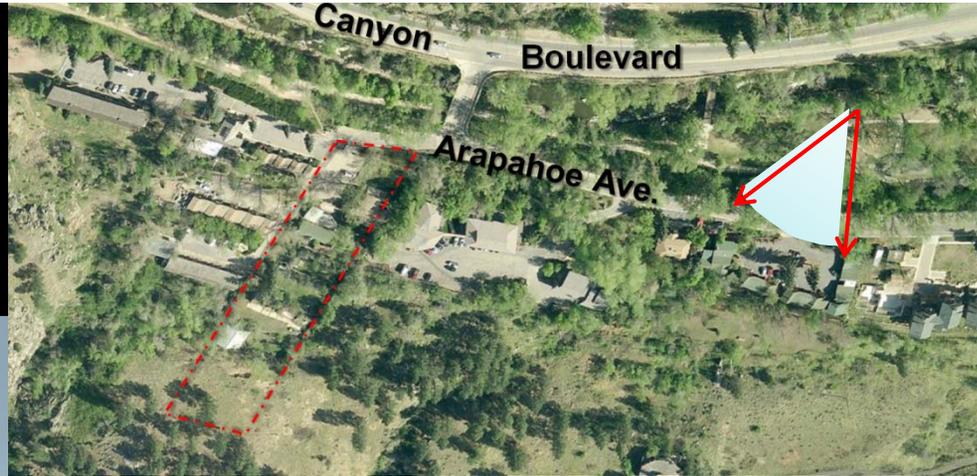
The additional terms should be reflective of the impacts created by annexation and redevelopment of large scale single family residential buildings and impacts to existing environmental and historic resources as identified in the draft annexation agreement.

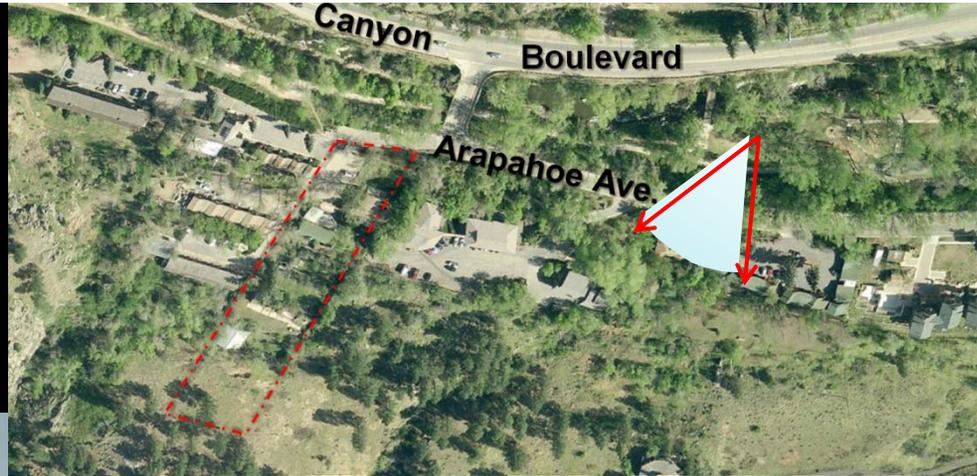
Questions of staff?

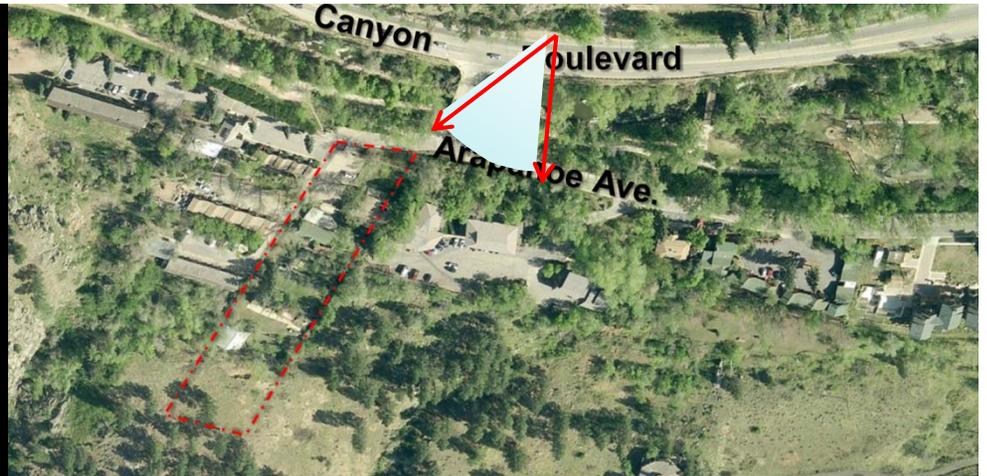
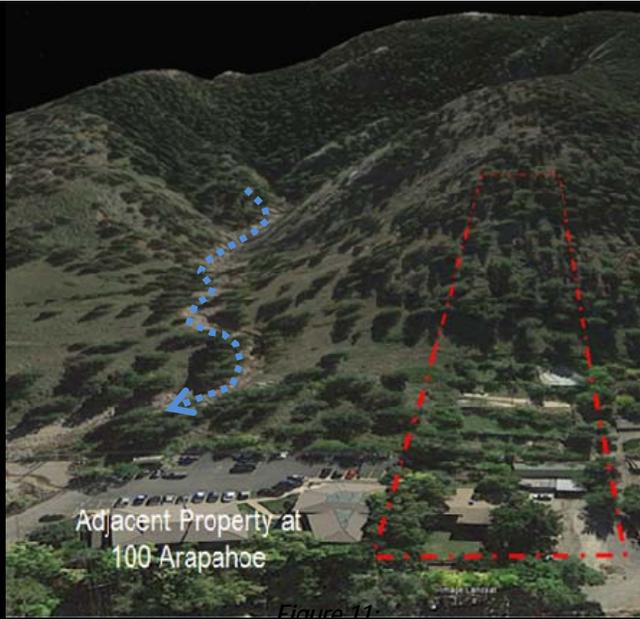


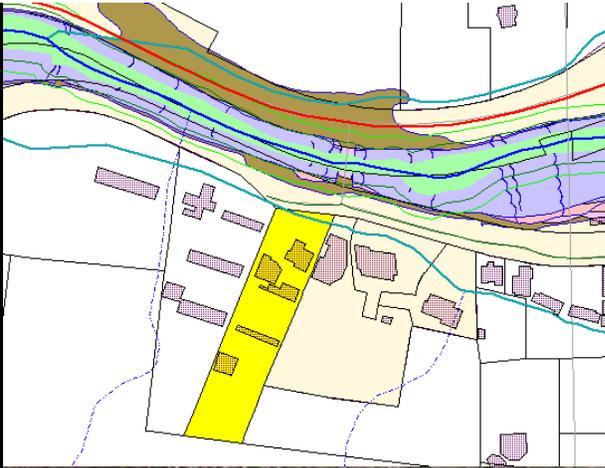










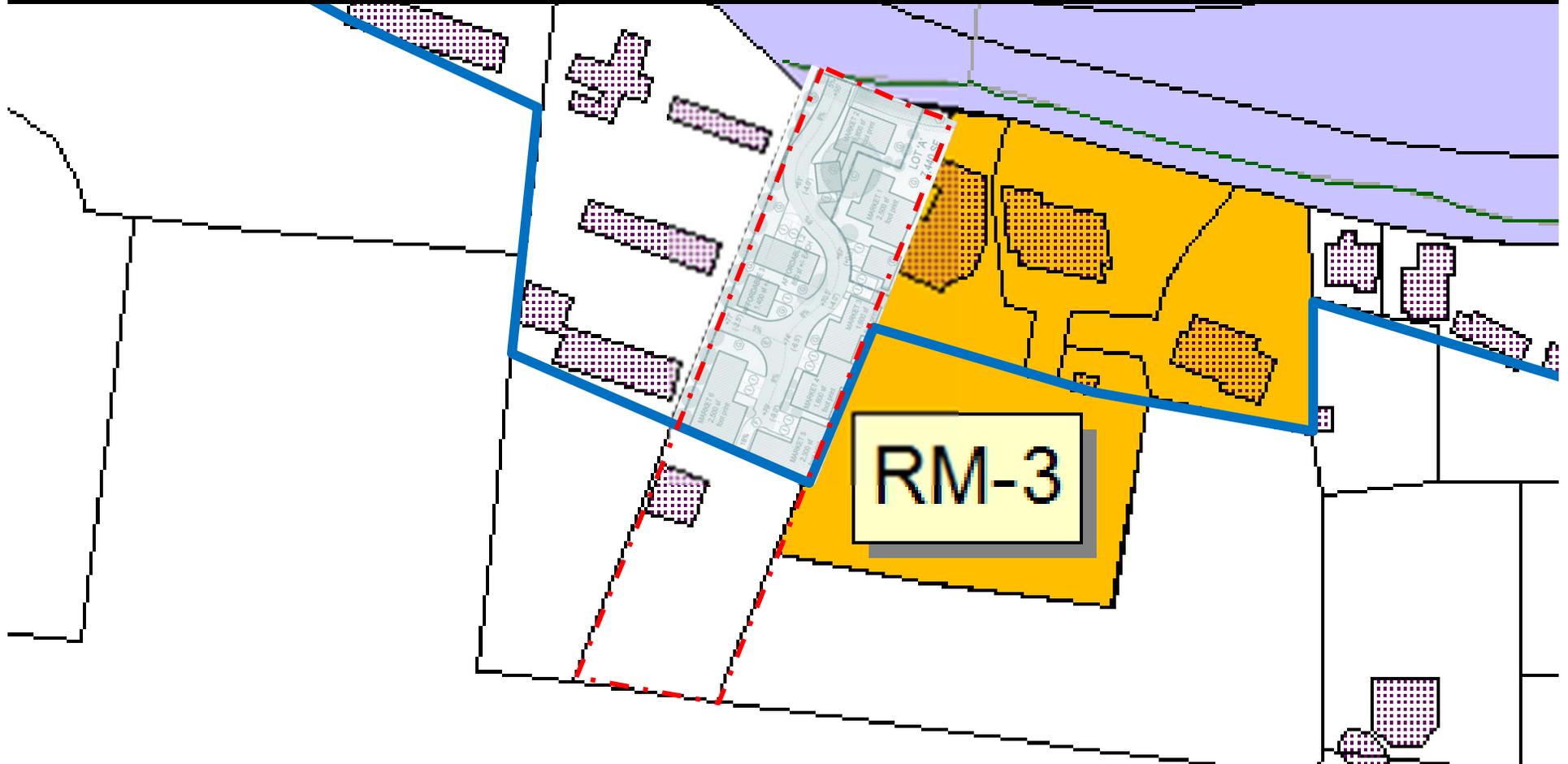




# MEDIUM DENSITY ZONING

Zoning District	Intensity Module	Minimum Lot Area (in square feet unless otherwise noted)	Minimum Lot Area Per Dwelling Unit (square feet)	Number of Dwelling Units Per Acre	Minimum Open Space Per Dwelling Unit (square feet)	Minimum Open Space on Lots (Residential Uses)	Minimum Open Space on Lots (Nonresidential Uses) <sup>(a)</sup>	Minimum Private Open Space (Residential Uses) (square feet)	Maximum Floor Area Ratio
					See <a href="#">Section 9-9-11</a> for additional open space requirements. For mixed use developments, use the requirements of either the residential or nonresidential standards that result in the greatest amount of open space				
RM-2, RM-3	13	6,000	3,500	12.4	-	-	10-20%	0	0

# Consistency with the planned RM-3 zoning



# Consistency with BVCP Policies

## **2.03 Compact Development Pattern**

The city and county will, by implementing the Boulder Valley Comprehensive Plan, ensure that development will take place in an orderly fashion, take advantage of existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development within the Boulder Valley. The city prefers redevelopment and infill as compared to development in an expanded Service Area in order to prevent urban sprawl and create a compact community.

# Consistency with BVCP Policies

## **2.04 Open Space Preservation**

The city and county will permanently preserve lands with open space values by purchasing or accepting donations of fee simple interests, conservation easements or development rights and other measures as appropriate and financially feasible. Open space values include use of land for urban shaping and preservation of natural areas, environmental and cultural resources, critical ecosystems, water resources, agricultural land, scenic vistas and land for passive recreational use.

# Consistency with BVCP Policies

## **7.06 Mixture of Housing Types**

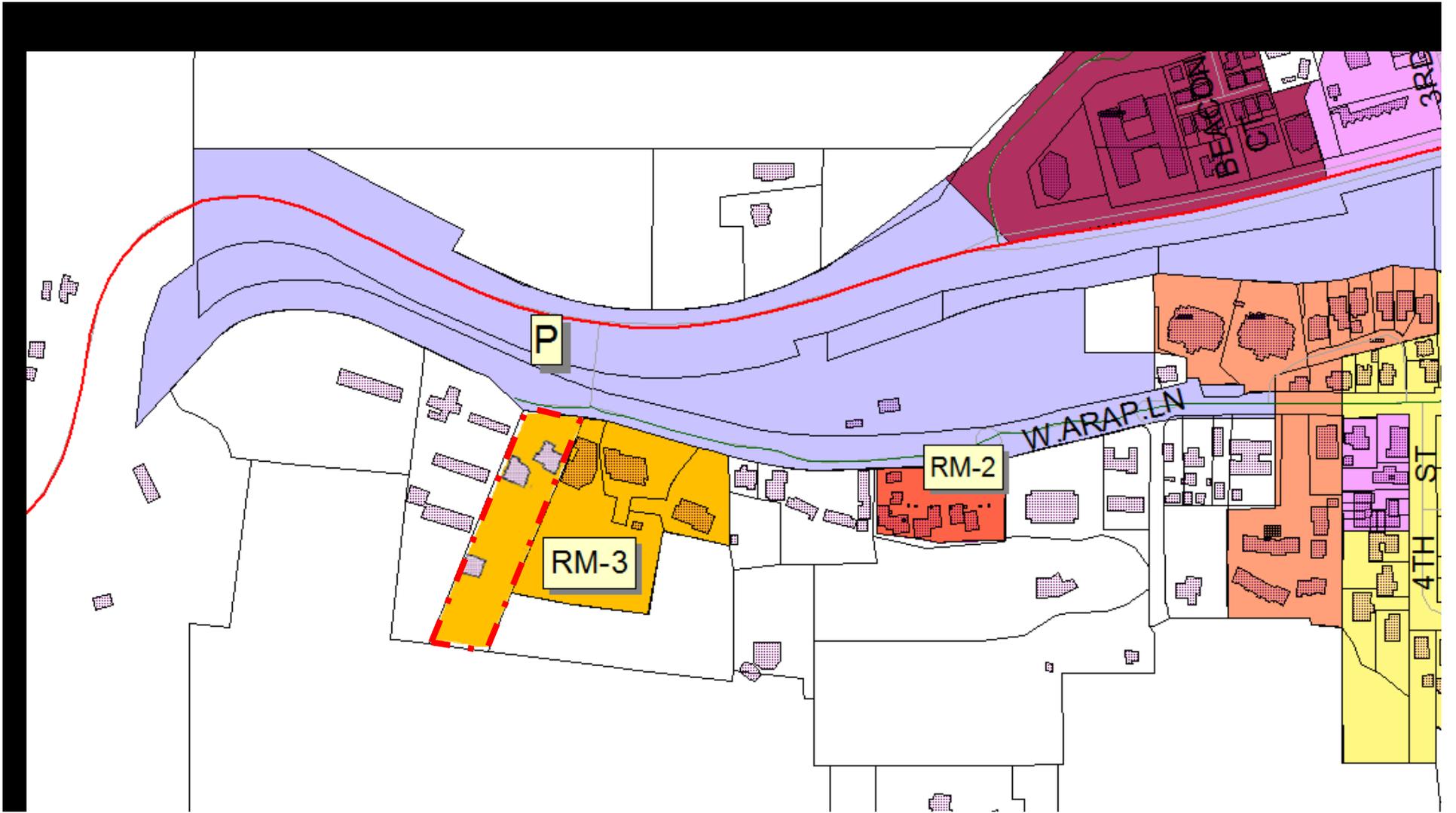
The city and county, through their land use regulations and housing policies will encourage the private sector to provide and maintain a mixture of housing types with varied prices, sizes and densities, to meet the housing needs of the full range of the Boulder Valley population.

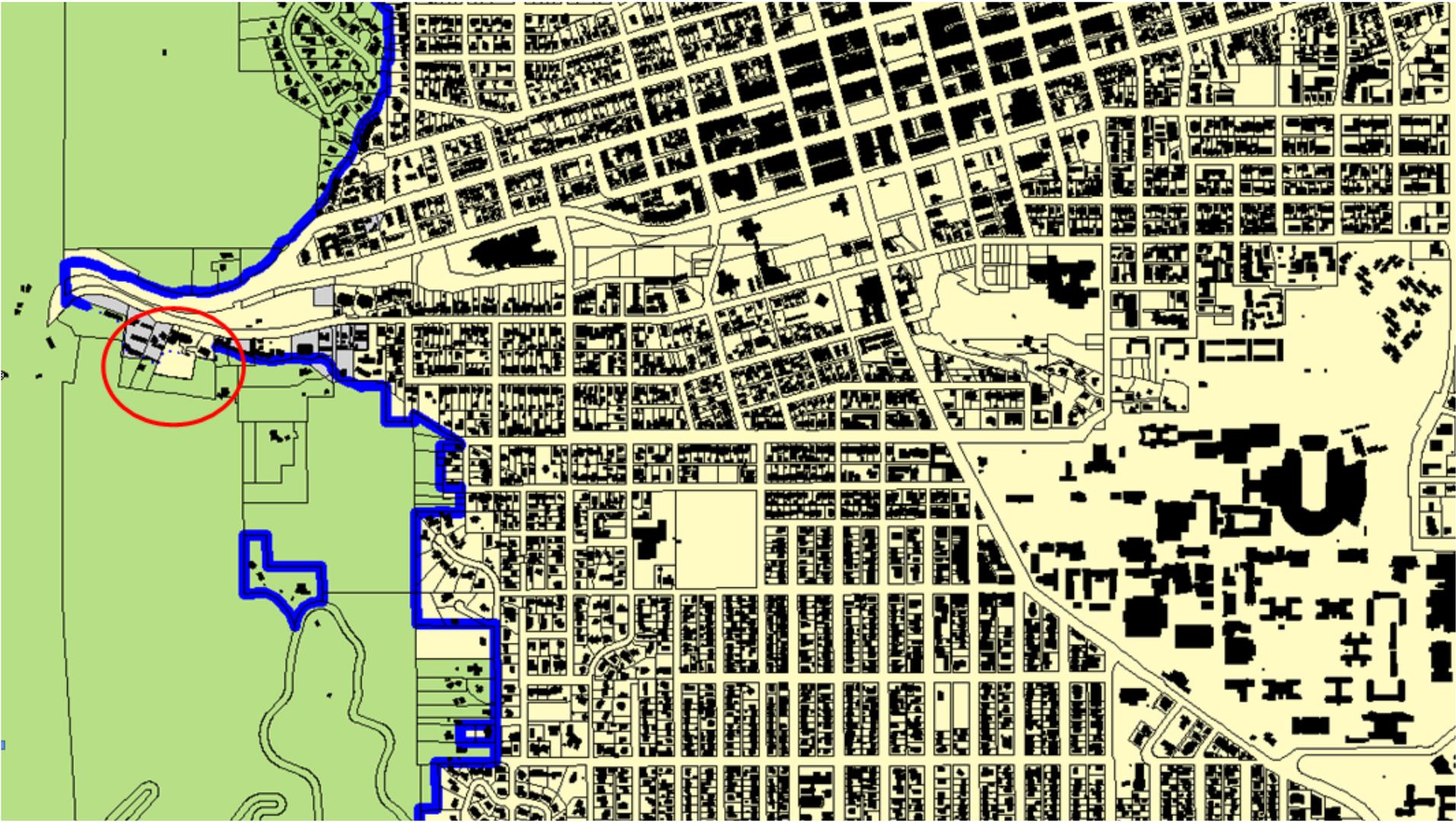
# Consistency with BVCP Annexation Policies

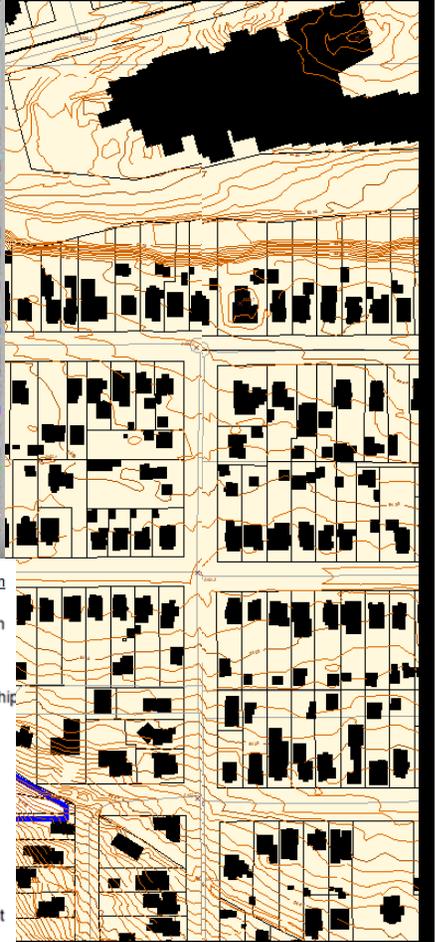
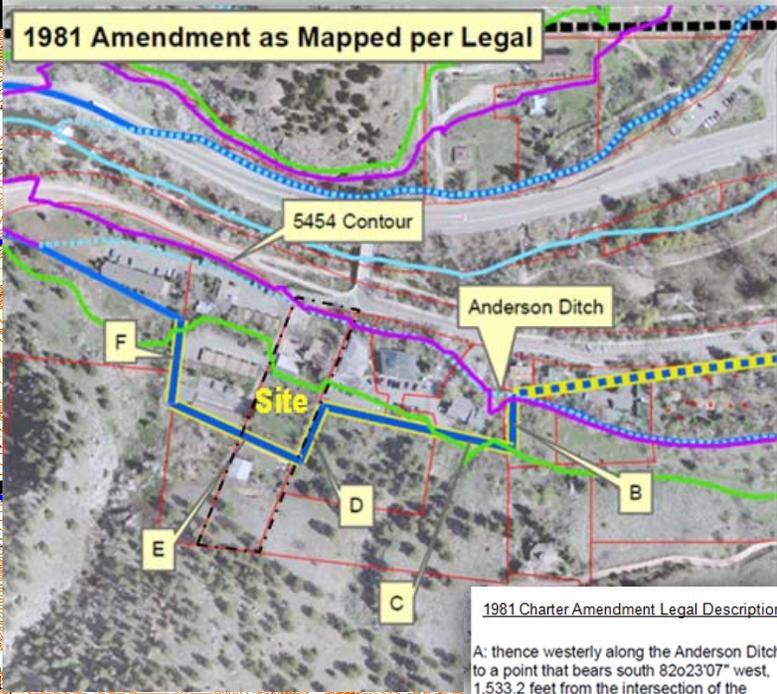
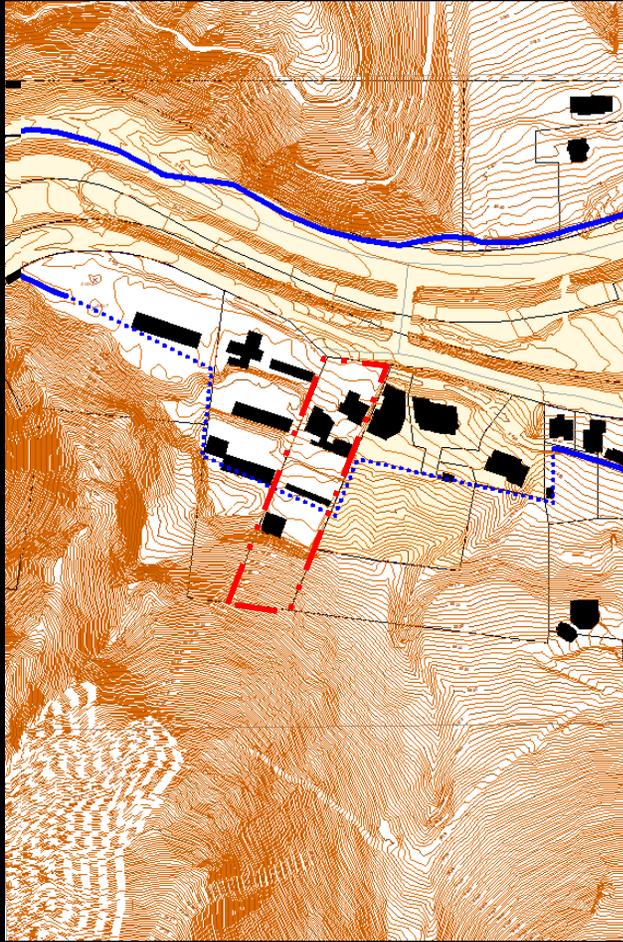
## 1.24 Annexation

The policies in regard to annexation to be pursued by the city are:

- a) Annexation will be required before adequate facilities and services are furnished.
- b) The city will actively pursue annexation of county enclaves, Area II properties along the western boundary, and other fully developed Area II properties. County enclave means an unincorporated area of land entirely contained within the outer boundary of the city. Terms of annexation will be based on the amount of development potential as described in (c), (d), and (e) of this policy. Applications made to the county for development of enclaves and Area II lands in lieu of annexation will be referred to the city for review and comment. The county will attach great weight to the city's response and may require that the landowner conform to one or more of the city's development standards so that any future annexation into the city will be consistent and compatible with the city's requirements.







**1981 Amendment as Mapped per Legal**

5454 Contour

Anderson Ditch

Site

F

D

B

E

C

-  5454 Contour
-  5470 Contour
-  Creek
-  Ditch

1981 Charter Amendment Legal Description

A: thence westerly along the Anderson Ditch to a point that bears south 82o23'07" west, 1,533.2 feet from the intersection of the centerline of Arapahoe Avenue and the north-south centerline of Section 36, Township 1 North, Range 71 West of the 6th P.M.

B: thence south 00o31'00" west, 113.9 feet

C: thence north 77o32'00" west, 407.6 feet

D: thence south 22o29'20" west, 123.8 feet

E: thence north 65o48'00" west, 297.4 feet

F: thence north 07o09'00" east, 176 feet, more or less to the contour line of 5,454 feet U.S. Geological Survey datum

**thence westerly along said contour line to its intersection with Anderson Ditch**

City Council could adopt an amended resolution making the findings required under state law, but also deny the application which would then require a new annexation petition to be filed for the property to be again considered for annexation.

The percentage of affordable housing is typically based on the level of additional community benefit

- 60%\* if no additional community benefit
- 50%\* if some additional community benefit
- 40%\* if significant additional community benefit