



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 boulderplandevlop.net

CITY OF BOULDER
LAND USE REVIEW RESULTS AND COMMENTS

DATE OF COMMENTS: **May 14, 2007**
CASE MANAGER: **Charles Ferro**
PROJECT NAME: **BOULDER CREEK COMMONS**
LOCATION: **5399 KEWANEE**
COORDINATES: **S02W01**
REVIEW TYPE: **Concept Plan Review & Comment**
REVIEW NUMBER: **LUR2007-00005**
APPLICANT: **MICHAEL BOYERS**
DESCRIPTION: **Concept Plan Review and Comment to annex 22.39 acres to develop 134 housing units including 80 market rate single family detached dwelling units and 54 affordable senior citizen duplexes.**

REQUESTED VARIATIONS FROM THE LAND USE REGULATIONS:

The applicant has not provided an analysis of development code modifications which may be required however, staff has identified the following potential modifications:

- 1) Section 9-5-3 (7), BRC, 1981 - Flex Zoning
- 2) Section 9-7-1, BRC, 1981 - Setback modifications

I. REVIEW FINDINGS

Overall, the development concept proposed for the subject property may be supportable, however, as discussed below, considerable environmental factors such as wetlands may significantly impact the development potential of the property. Several other factors unknown to staff at this time such as traffic, flood impacts, flood mitigation, Ute Lady's Tresses Orchid habitat, prairie dog habitat and Preble's Meadow Jumping Mouse habitat, may also significantly impact the proposed site layout as well as the total possible density permitted on-site. Additional documentation must be provided in order for staff to perform an analysis as to what constraints are currently facing the property.

As discussed with the applicant, while an application for annexation has been received, it will not be reviewed or processed until after the Concept Plan has been evaluated by staff, the neighborhood, and Planning Board and a detailed application for Site Review has been submitted. Please note at the time of Annexation and Initial Zoning, the applicant must demonstrate compliance with annexation policies contained in Boulder Valley Comprehensive Plan and provide a significant community benefit.

The following comments reflect conceptual plans for the development of a former agricultural property located at 5399 Kewanee, immediately south of the East Boulder Recreation Center. The subject plans will be neither approved or denied but will be used to provide an opportunity for staff, Planning Board, and the public to provide the applicant with preliminary feedback and input to be used in the formulation of an Annexation / Site Review application. Refinements to the proposed site plan and architecture should address neighborhood, staff and Planning Board comments, as well as Site Review criteria established in Section 9-2-14, B.R.C., 1981. A Planning Board hearing has been scheduled for August 2, 2007 at 6:00 PM in the City Council Chambers located at 1777 Broadway to discuss the proposed Concept Plan Review application.

Key issues to be explored at the Concept Review hearing will include (but are not limited to):

- 1) Is the proposed density appropriate for the site?
- 2) Does the Concept Plan conform to the goals and objectives of the Site Review and Annexation policies as set forth in the Boulder Valley Comprehensive Plan? Are there changes that the Planning Board would recommend that would improve conformance?

In order to be consistent with how affordable housing units are defined under City housing programs and to meet the community benefit standard of the BVCP for annexing properties, the pricing for these units needs to be based upon the HUD low income limit for the city. Thus, the proposed units will need to be distributed and defined as follows:

# of Units	Maximum Income for Residents	Maximum Income for Pricing
16	10% less than HUD Low Income Limit	20% less than HUD Low Income Limit
16	20% less than HUD Low Income Limit	30% less than HUD Low Income Limit
20	30% less than HUD Low Income Limit	40% less than HUD Low Income Limit

Given that the proposal is for senior housing, the Applicant may want to consider constructing the permanently affordable units using universal design standards as well as providing covered parking. Applicant is further advised that this project, as proposed, is not eligible for City housing subsidy funds.

Building Design (Charles Ferro, 303-441-4012)

The proposed Concept Plan proposes an appropriate mix of traditional architecture that would be compatible with the surrounding area. Fundamentals of neo-traditional neighborhood design appear to be incorporated into the building designs, including a mix of unit types (single family / duplex) and lot sizes, use of large front porches and alley-loaded garages. Porches are wrapped around building corners and address street frontages as well as semi-private open space areas. Similarly, detached garage buildings appear detailed and complimentary of the primary structures and attached garages are set back behind the primary façade to be less apparent from the street.

Based on the size and functionality of rear yard sizes, a reduced floor area for certain unit types may be appropriate to ensure that lots have appropriate yard areas. Please refer to Site Design section below. Certain units depict breezeway connections to accessory buildings. Please note that breezeways are permitted subject to Section 9-7-8©, BRC, 1981.

Drainage (Steve Buckbee, 303-441-3279)

1. Storm water quality enhancement and detention ponding are issues that must be addressed during the Site Review Process. A Preliminary Storm Water Report and Plan in accordance with the City of Boulder *Design and Construction Standards* must be provided by the applicant at time of Site Review application. Additional items that must be considered when developing a drainage plan include but are not limited to:
 - Adequate space to accommodate drainage and water quality facilities
 - Offsite drainage infrastructure improvements
 - Evaluation of negative impacts to downstream properties from existing offsite flow
 - Water quality for surface runoff using "Best Management Practices"
 - Groundwater discharge
 - Erosion control during construction activities
 - Groundwater infiltration in the detention pond
2. The applicant is notified that detention and water quality ponds intended to detain and treat stormwater runoff will need to be located in "Outlots", with maintenance responsibilities detailed in the subdivision agreement.

Engineering (Steve Buckbee, 303-441-3279)

1. The proposed pond shown on the east side of 55th would require the acquisition of water right's and coordination with state engineer's office to meet all applicable rules and regulations for the South Platte River Basin. Additionally, the proposed pond does not appear to be consistent with wetland and species preservation goals.
2. The applicant is responsible for obtaining approvals for any relocations or modifications to irrigation ditches or laterals from the impacted ditch company. This includes the crossing of any irrigation ditch or lateral for vehicular or utility purposes and the release of storm water runoff into any ditch or lateral.
3. At time of Site Review, the applicant shall submit information (geotechnical report, soil borings, etc.) regarding the groundwater conditions on the property, and all discharge points for perimeter drainage systems must be shown on the plan. The applicant is notified that any proposed groundwater discharge to the city's storm sewer system will require both a state permit and a city agreement. High groundwater may preclude basement construction on the site.

Flood Control (Cristina Martinez 303-441-1886)

1. Boulder City Council authorized the submittal of the new South Boulder Creek Flood Mapping Study to the Federal Emergency Management Agency (FEMA) for review and adoption on April 17, 2007. Council also supported the interim regulation of annexation proposals and development applications using the new flood mapping study during

the anticipated nine to twelve month FEMA review process. The Hogan-Pancost property is impacted by South Boulder Creek 100-year and 500-year flooding as determined by the new flood mapping study and will be subject to floodplain regulations as set forth in Chapter 9-3, Boulder Revised Code 1981 (B.R.C.). These requirements will include the need to apply for and obtain a floodplain development permit for any planned improvements in the floodplain. A detailed figure of the flooding conditions determined in the new flood mapping study is attached.

2. The 100-year floodplain boundaries as determined by the new flood mapping study are to be delineated on the site review and annexation plans to clearly identify the areas affected by flood waters. Flooding affecting the property is shallow and widely dispersed with primary flow conveyance traveling along the Dry Creek Ditch No. 2 corridor. Depths of flooding are generally less than 0.5 feet for the 100-year event and 1.0 feet for the 500-year event. Storm flow volumes of 23 cfs (as determined for the 100-year flood) are commonly found in many areas of the city. Measures to address the 100-year flow conditions are to be included in any design plans for future development. All flood conveyance systems on the site must be located in dedicated easements to preserve conveyance and provide accessibility for maintenance.
3. As indicated in comment number 1, future site development will be subject to floodplain regulations. Mitigation of onsite floodplain conditions for the 100-year flood event will require elevating the lowest building floor elevations to required 100-year flood protection elevations and prohibiting the construction of basements that would be exposed to flood waters
4. The application indicated that potential flood waters are proposed to be contained at the west edge of the property, suggesting that Dry Creek Ditch No. 2 would be used to convey all flood waters. Any floodplain mitigation alternatives proposed would require that the site not adversely impact the development or surrounding properties. An easement for Dry Creek Ditch No. 2 that is wide enough to accommodate the bank-to-bank irrigation ditch and flood water conveyance system (open channel, pipeline, culvert or a combined open ditch/channel) plus maintenance access is required. The minimum easement width is 25 feet. Any open channel design must include one foot of freeboard and a minimum ten foot wide maintenance vehicle access. There may also be opportunities to provide conveyance for events in excess of the 100-year storm without a significant increase in channel size. Additionally, the application suggested the possible concrete lining of Dry Creek Ditch No. 2 to provide conveyance improvements and possibly help reduce groundwater conditions. Any improvements to the ditch will require ditch company review and approval.
5. The 100-year flood waters impacting the Hogan-Pancost property (23 cfs) represent less than 0.5 percent of the total South Boulder Creek flood. The 100-year flood volume impacting the property (3.75 acre-feet) represents less than 0.25 percent of the total South Boulder Creek flood volume. Given these minor percentages, the property is not well suited to offer a community benefit in mitigating the impacts of flooding in the South Boulder Creek floodplain. Because the property is privately owned and would require significant public expenditure for acquisition, its value as a community-wide floodplain mitigation site is further diminished. However, flood mitigation measures to avoid adverse impacts to property upstream, onsite and downstream as a result of backwater damming, increased flow rates or flow diversions or concentrations must be addressed in any future development proposals.

Fees

Because revisions or corrections are not required for this application, based on 2007 development review fees, hourly billing will not be applicable unless another application is required or the applicant revises the current proposal.

Fire Protection (David Lowrey, Fire Marshall - 303.441.4356)

All access areas must meet the width and turning radius required for emergency vehicles. The main entrance off 55th St. appears it will not meet the required turn radius for emergency vehicles. The minimum turning radius is 42 feet outside.

The back houses on the "Green Overlook" will possibly need to be sprinklered. This would be considered a house behind a house and only accessed from an alley.

There appears to be a lot of "outbuildings" with possible living on the 2nd floor. Depending on several factors, a fire sprinkler system could be required for some of them. This would basically be determined on a case by case situation. The main influencing factor is the access for emergency personal to respond to an emergency.

Land Uses (Charles Ferro, 303-441-4012)

The proposed development types (single-family homes and duplexes) are acceptable land uses and unit types for the property. The proposed senior citizen duplexes would be considered a significant community benefit, if they are to be made permanently affordable.

The Boulder Valley Comprehensive Plan (BVCP) land use designation on the eastern portion of the site is Low Density
Address: 5399 KEWANEE

