



City of Boulder Planning & Development Services

CITY OF BOULDER

LAND USE REVIEW RESULTS AND COMMENTS

DATE OF COMMENTS: **May 16, 2020**
CASE MANAGER: **Sloane Walbert**
PROJECT NAME: **WATERVIEW**
LOCATION: **5801 ARAPAHOE RD**
REVIEW TYPE: **Use Review**
REVIEW NUMBER: **LUR2019-00022**
APPLICANT: **BILL HOLICKY, COBURN PARTNERS**
DESCRIPTION: **Request for Use Review approval of the following uses within the development:**

- **Residential uses within the IG zone district;**
- **Professional, technical, or other offices in Buildings 1 and 2 in the RH-4 zone district;**
- **Convenience retail sales in Buildings 1 and 2 in the RH-4 zone district; and**
- **Restaurant, brewpub, or tavern within the RH-4 zone district with 60 indoor and 50 outdoor seats.**

I. REVIEW FINDINGS

Additional information and revisions to the plan documents are required as indicated below. Please contact staff with any questions or concerns.

II. CITY REQUIREMENTS

The section below addresses issues that must be resolved prior to project approval.

Floodplain

Christin Shepherd, 303-441-3425

Please see all comments associated with LUR2019-00021.

Plan Documents

Sloane Walbert, 303-441-4231

Please move the submitted management plan for the proposed restaurant/brewpub/tavern use into the formal written statement.

Wetland

Christin Shepherd, 303-441-3425

Please see all comments associated with LUR2019-00021.

III. INFORMATIONAL COMMENTS

1. **Drainage**

The applicant's drainage plans must maintain historic drainage patterns on the property.

2. Landscaping

- Wetland seed mix consists of invasive, problematic species (reed canarygrass, Garrison foxtail, and climax timothy) and needs to be replaced in its entirety with native, noninvasive species
- OSMP has worked hard and invested significant resources into protecting the native genotype of switchgrass in the South Boulder Creek corridor. Please remove switchgrass from all seed lists
- As a condition of approval, OSMP requests that Scotch thistle, musk thistle and other State listed noxious weeds be removed and controlled on the property
- As a condition of approval, OSMP requests that all Russian olives, Siberian elms and crack willow be removed from the property

3. Legal Documents, Julia Chase, 303-441-3052

The Applicant will be required to sign a Development Agreement, if approved. When staff requests, the Applicant shall provide the following:

- a. an updated title commitment current within 30 days; and
- b. any additional documentation pertaining to signature authority, as may be necessary.

4. Next Steps, Sloane Walbert, 303-441-4231

Revisions to the plan documents are required. Resubmittal materials that address the comments herein shall be uploaded through the "Attachments" tab in the CSS portal

(https://energovcss.bouldercolorado.gov/EnerGov_Prod/SelfService/#!/home) using the naming conventions in the Electronic Submittal Requirements for Development Review/ Plan case document available here:

https://www-static.bouldercolorado.gov/docs/Plan_Electronic_Submittal_Requirements_3.20.2020_FINAL-1-20200_3201706.pdf?_ga=2.266446090.540105758.1584975995-770750547.1524584594. Some projects may have multiple plan cases being reviewed concurrently (e.g. site review, use review, parking reductions, etc.). Related plan cases must resubmitted at the same time as indicated by your case manager. Failure to resubmit for related cases at the same time will delay the review process.

Resubmittals should have the following components:

- Development Review Resubmittal form
https://www-static.bouldercolorado.gov/docs/PDS/forms/drc_resubmittal_form.pdf.
- A written response identifying all changes made, saved as a PDF file. (See requirements).
- FULL set of electronic drawings and/or affected documentation addressing the review comments. (Named as specified in the requirements).
- Revised plans must include clouding of all changes and the date of ALL revisions. These must be saved as PDFs. (See requirements).
- ALL documents, including forms and specifications supplied at the time of submittal. This is necessary because staff does not have access to your hard copy submittal materials.

The application deadlines for the review track system can be found at <https://bouldercolorado.gov/plan-develop>.

Fees shall be paid, and files uploaded to the customer self-service portal for resubmittals by 10 AM on the application deadline. Staff is happy to meet with you to discuss these comments in detail at your convenience.

5. Review Process, Sloane Walbert, 303-441-4231

Pursuant to the "Use Standards" found in section 9-6-1, B.R.C. 1981, a Use Review is required for the following proposed uses:

- o Residential uses within the IG zone district;
- o Professional, technical, or other offices in Buildings 1 and 2 in the RH-4 zone district;
- o Convenience retail sales in Buildings 1 and 2 in the RH-4 zone district; and
- o Restaurant, brewpub, or tavern within the RH-4 zone district with 60 indoor and 50 outdoor seats.

The purpose of a Use Review is to determine if a particular use and its potential impacts are appropriate for a proposed location (refer to Section 9-2-15(a), B.R.C. 1981). Use Review is typically a staff level decision with a 14-day Planning Board call-up period. However, staff has the discretion to refer all development review applications directly to the Planning Board for review. Given the companion Site Review request, staff will be referring the Use Review application to Planning Board for a public hearing and decision.

Use Review approvals are valid for three years, after which they expire if they have not been implemented. In addition, any Use Review use that is discontinued for at least one year or replaced by another use expires. Use Review approvals are specific to the description of the use and the operating characteristics that the applicant details in the written statement. Any future change in these characteristics will require a new Use Review application.

The applicant should note that a Declaration of Use is required for residential uses in industrial zones. Before receiving a building permit, all owners shall sign a declaration of use, including all the conditions for continued use, to be recorded in the office of the Boulder County Clerk and Recorder to serve as actual and constructive notice to potential tenants of the owner's property status as a residential use within an industrial zoning district classification. The applicant should note the city is considering changes to the Land Use Table to align the use standards with the BVCP policies and explore more compatible and updated land uses. This may impact whether a Use Review is necessary for the proposed convenience retail sales

6. Transportation comments for the use review application have been included in the project's site review comments.

7. **Zoning**, Sloane Walbert, 303-441-4231

The project site is zoned both Industrial General (IG) and Residential High-4 (RH-4). The IG zone district is defined as: *“General industrial areas where a wide range of light industrial uses, including research and manufacturing operations and service industrial uses are located. Residential uses and other complementary uses may be allowed in appropriate locations”*. The RH-4 zone district is defined as: *“High density residential areas primarily used for a variety of types of attached residential units, including, without limitation, apartment buildings, and where complementary uses may be allowed”*.

IV. FEES

Please note that current development review fees include a \$131 hourly rate for reviewer services following the initial city written comments. Please see the P&DS Questions and Answers brochure for more information about the hourly billing system.