



City of Boulder Planning & Development Services

CITY OF BOULDER

LAND USE REVIEW RESULTS AND COMMENTS

DATE OF COMMENTS: **July 16, 2019**
CASE MANAGER: **Sloane Walbert**
PROJECT NAME: **PONDEROSA COMMUNITY STABILIZATION PROGRAM 4475**
LOCATION: **BROADWAY**
REVIEW TYPE: **Annexation/Standard**
REVIEW NUMBER: **LUR2019-00016**
APPLICANT: **DANICA POWELL**
KURT FIRNHABER, CITY OF BOULDER
DESCRIPTION: **Annexation and initial zoning for the Ponderosa Mobile Home Park.**

I. REVIEW FINDINGS

Plan set corrections are required so that staff can prepare the application for the scheduled public hearings. Refer to review comments 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.

Access/Circulation

David Thompson, 303-441-4417

As a condition of annexation, the applicant will be required to install traffic calming measures in the form of engineering treatments on Rosewood Lane, 10th Avenue, Cherry Avenue and Ponderosa Avenue which will result in the lowering of vehicle speeds on the streets. The traffic calming measures (engineering treatments) must be approved by the City Manager or their representative.

Plan Documents

Sloane Walbert, 303-441-4231

1. Thank you for providing the land use modifications and setbacks/separation analysis for existing uses and structures. Please made the following edits to the zoning analysis to reflect the proposed RM-2 zoning for the entire property:
 - a. The existing retail sales use ("Carniceria") on the eastern arm of the property is a prohibited use in the RM-2 zoning district, per Table 6-1, "Use Table", B.R.C. 1981. Please include this use under the proposed uses and in the floor area and coverage calculations.
 - b. Mobile home parks are allowed in the RM-2 district with an approved use review. Please revise to state that the mobile homes will be allowed to remain without an approved use review, pursuant to Section 9-1-4(e), B.R.C. 1981. Also, state that the mobile homes will be allowed to remain once fixed foundation homes are constructed and the property no longer meets the definition of "mobile home park" in the land use code.
As part of annexation the city will need to acknowledge the nonconforming uses and nonstandard buildings and structures on the Property. The annexation agreement will include a covenant that these structures will be allowed to continue to exist and may be modified pursuant to Section 9-10-3, "Changes to Nonstandard Buildings, Structures, and Lots and Nonconforming Uses," B.R.C. 1981.
2. Please provide a signed version of the final annexation map.

III. INFORMATIONAL COMMENTS

1. **Drainage**, Scott Kuhna, 303-441-4071
As a condition of annexation, the applicant is required to convey drainage in an historic manner, which does not adversely affect neighboring properties.

2. **Fees**, Scott Kuhna, 303-441-4071
 - A. Based on the application data supplied and the 2019 Schedule of Fees, the following fees will be due prior to the first reading of the annexation ordinance:

PLANT INVESTMENT FEES (PIF'S)

Stormwater \$2.29/square foot of impervious area
Existing Impervious Area: 96,128 square feet
\$220,133.12
 - B. Based on city records there are no outstanding utility main reimbursements (water and sewer) owed by this property.

3. **Legal Documents**, Julia Chase, 303-441-3052
Prior to the 1st Reading of the Annexation Ordinance, the applicant must sign the annexation agreement and provide an updated title commitment current within 30 days.

4. **Next Steps**, Sloane Walbert, 303-441-4231
Once the plan set has been corrected as noted herein, please re-submit digital copies of the corrected materials directly to the case manager at walberts@bouldercolorado.gov. Please forward the corrected plan set by July 29, 2019 to meet the deadlines for the August 20th City Council hearing. Please contact the case manager with any questions.

5. **OS-O Area**, Luke McKay, (303) 817-5302, mckayl@bouldercolorado.gov
OSMP has reviewed the phased site plans for the redevelopment of the OS-O area in Ponderosa Park and requests that it have an opportunity to review the landscaping plans for the OS-O area prior to breaking ground. Given the proximity to Fourmile Canyon Creek, OSMP recommends that the applicant only use native plants and species for landscaping the OS-O area.

6. **Review Process**, Sloane Walbert, 303-441-4231
The property requires annexation to be brought into the City limits and to allow for upgrades / repairs to the existing utility connections. The City's requirements for annexation and initial zoning are found in Sections 9-2-16 and 9-2-17, B.R.C. 1981. The annexation request must be reviewed for compliance with these requirements, the Colorado state statutes of 31-12-101, et seq. C.R.S., and for consistency with the Boulder Valley Comprehensive Plan (BVCP) and other ordinances of the city.
Staff has reviewed the annexation petition for compliance with C.R.S. 31-12-104 and C.R.S. 31-12-105, and finds that the application is consistent with those sections, as affirmed by the criteria below:
 - Landowners of more than 50 percent of the area have petitioned to annex;
 - The petition was filed with the City Clerk;
 - There is a community interest between the property proposed for annexation and the City of Boulder;
 - The subject property does not include any area included in another annexation proceeding involving a city other than the City of Boulder;
 - The annexation would not remove the property from one school district and add it to another; and
 - The property has, at least, one-sixth contiguity with the perimeter of the City of Boulder.

The property is eligible for annexation because it is a county enclave (unincorporated area of land entirely contained within the outer boundary of the city) and located in Area II of the BVCP. Area II refers to land now under county jurisdiction where annexation to the city can be considered consistent with Policies 1.07 Adopting Limits on Physical Expansion, 1.09 Growth Requirements, and 1.16 Annexation. Per Annexation Policy 1.16.b, the city will actively pursue annexation of county enclaves.

If a property is annexed, zoning is established according to the land use designation in the Land Use Map. Staff supports the proposed Residential Medium – 2 zoning.

Proposed annexations with additional development potential need to demonstrate community benefit consistent with BVCP policies to offset the negative impacts of additional development in the Boulder Valley. For proposed residential development, emphasis is given to the provision of permanently affordable housing. The long-term plan is to replace the mobile homes with permanently affordable, size restricted, fixed foundation housing. An annexation agreement is required which establishes the terms and conditions of the annexation. Standard terms and conditions, such as right-of-way dedication requirements, affordable housing contributions, and fees, are established through city codes and policies. Annexations generally involve two public hearings. The first is conducted by the Planning Board, who will make a recommendation to the City Council whether or not the annexation should be approved, and the terms, conditions and zoning that should be applied. The City Council then holds a second public hearing before making their determination.

7. **Utilities**, Scott Kuhna, 303-441-4071

- A. As a condition of annexation, any existing structures requiring the use of a waste disposal system (not currently connected) shall be connected to the city's wastewater system in accordance with section 11-2-8, B.R.C. 1981 within 180 days of the second reading of the annexation ordinance or the existing structures must be demolished.
- B. As a condition of annexation, the applicant is required to abandon any existing septic system in accordance with Boulder County Health Department and State regulations (if applicable).
- C. The subject property is currently included in the Northern Colorado Water Conservation District (NCWCD) and Municipal Sub-district.

IV. FEES

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