



Land Use

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July 20, 2009

Chuck Palmer
2270 Bluebird Avenue
Boulder, CO 80302

Dear Applicant:

This letter certifies that a hearing of the Board of County Commissioners, County of Boulder, State of Colorado, was duly called and held on July 7, 2009, in consideration of the following request:

Docket SU-08-008: PALMER MULTIPLE PRINCIPAL USES SU/SSDP

Request: Special Use and Site Specific Development Plan Review for Multiple Principal Uses including, Indoor Recreation, Day and Night Outdoor Recreation, Professional Office, Warehouse and Distribution Center, and Light Industrial.
Location: At 6185 Arapahoe Road, north of and adjacent to Arapahoe Road/State Highway 7 and west of and adjacent to 62nd Street in Section 27, T1N, R70W.
Zoning: Light Industrial (LI)
Applicant: Chuck Palmer
Agent: Bob Perletz, Winston and Associates

The Board of County Commissioners has determined that the request is CONDITIONALLY APPROVED, subject to the terms in the attached resolution.

Your approval may have included certain conditions that must be met. Please contact the planner who processed your docket for more information on any requirements that will need to be met.

If you have any additional questions, please feel free to contact me at (303) 441-3930 or via email at hhippely@bouldercounty.org

Sincerely,

Hannah Hippely, AICP, Planner II
Planning Division

cc: Bob Perletz, Winston Associates, Inc. (Agent)

RESOLUTION 2009-89

A RESOLUTION CONDITIONALLY APPROVING BOULDER COUNTY LAND USE DOCKET #SU-08-008 ("PALMER MULTIPLE PRINCIPAL USES SU/SSDP"): A SPECIAL USE REVIEW WITH ASSOCIATED SITE SPECIFIC DEVELOPMENT PLAN FOR MULTIPLE PRINCIPAL USES, INCLUDING INDOOR RECREATION, DAY AND NIGHT OUTDOOR RECREATION, PROFESSIONAL OFFICE, WAREHOUSE AND DISTRIBUTION CENTER, AND LIGHT INDUSTRIAL, ON PROPERTY LOCATED AT 6185 ARAPAHOE ROAD, NORTH OF AND ADJACENT TO ARAPAHOE ROAD/STATE HIGHWAY 7, AND WEST OF AND ADJACENT TO 62ND STREET, IN SECTION 27, T1N, R70W, UNINCORPORATED BOULDER COUNTY

WHEREAS, Chuck Palmer ("Applicant") has requested approval for a special use permit, with associated site specific development plan, pursuant to Article 4-600 of the Boulder County Land Use Code ("the Land Use Code"), to allow for certain multiple principal uses within (and for recreation purposes outside of) the existing building on the property which is located on as described in the caption to this Resolution, above, in the Light Industrial Zoning District in unincorporated Boulder County ("the Subject Property"); and

WHEREAS, the uses sought to be approved herein include an existing radio equipment manufacturer (considered a Light Industrial Use under Section 4-505.C. of the Land Use Code); an existing animal care equipment business (considered to be a Warehouse and Distribution Center Use under Section 4-515.B. of the Land Use Code); space for a Professional Office Use (which may include various tenants) under Section 4-509.A. of the Land Use Code; and an existing dance studio ("Avalon Ballroom") which currently occupies space within the existing building (considered to be an Indoor Recreation Use under Section 4-510.B. of the Land Use Code) and also seeks to utilize approximately 5,000 square feet of outdoor dancing space including installation of an outdoor lighting and sound system (classified as both a daytime Outdoor Recreation Use under Section 4-510.E. of the Land Use Code, and a nighttime Outdoor Recreation Use under Section 4-510.F. of the Land Use Code); and

WHEREAS, the above-described special use request was processed and reviewed as Boulder County Land Use Docket #SU-08-008 ("the Docket"), all as further described in the Boulder County Land Use Department Planning Staff's Memorandum and written recommendation to the Boulder County Board of County Commissioners ("the Board") dated July 7, 2009, with its attachments ("the Staff Recommendation"); and

WHEREAS, on May 20, 2009, the Boulder County Planning Commission ("the Planning Commission") held a duly-noticed public hearing on the Docket, and recommended conditional approval of the Docket to the Board; and

WHEREAS, on July 7, 2009, the Board held a duly-noticed public hearing on the Docket ("the Public Hearing"), at which time the Board considered the Staff Recommendation and the recommendation of the Planning Commission, and also considered the documents and testimony presented by the County Land Use Department staff, the Applicant and his representatives, and numerous users of the Avalon Ballroom and other members of the public all speaking in support of the Docket; and

WHEREAS, based on the record of the Public Hearing, the Board finds that the Docket meets the criteria for special use approval set forth in Article 4-600 of the Land Use Code, and can be approved, subject to the conditions stated below, and finds further that the Docket meets the criteria in the Land Use Code for a site-specific development plan, subject to the conditions stated below; and

WHEREAS, in reaching the foregoing conclusion to approve the Docket, the Board specifically finds that the proposed uses in the Docket do not constitute "new urban development" which must occur within the City of Boulder pursuant to the Boulder Valley Comprehensive Plan ("BVCP"), because the uses can be considered to be compatible with the BVCP's "Community Industrial" land use designation for the Subject Property: the BVCP's definition for this designation refers to "predominant uses" (and not necessarily all uses) being similar in nature to the definition's enumerated uses (i.e., smaller-scale auto-related uses, small printing operations, building contractors, building supply warehouses, small manufacturing operations, and similar uses); the definition is not clear that it would exclude the uses proposed by the Applicant and the uses may be considered Community Industrial; all of the proposed uses are taking place within an existing structure/development with no new floor area or structural development being proposed; and the proposed uses are even less intensive than uses that have previously existed on the Subject Property (such as the former Neodata company); and

WHEREAS, the Planning Commission also found that the Docket is compatible with the BVCP's Community Industrial land use designation, and hence does not constitute new urban development under the BVCP; and

WHEREAS, in issuing this approval, the Board also notes that the proposed uses in the Docket are in harmony with the character of the neighborhood and compatible with the surrounding area, which neighborhood/area is eclectic in nature and contains both an institution of higher education (Naropa University) and a variety of businesses, and, moreover, to the extent the proposed recreation uses might be considered different in nature than surrounding uses their impacts are mitigated by the fact that they will often occur

after business hours at off-peak traffic volume times; and

WHEREAS, the Staff Recommendation, as supported by the Public Hearing, demonstrates that the Docket meets the other criteria for special use review approval stated in Article 4-600 of the Land Use Code.

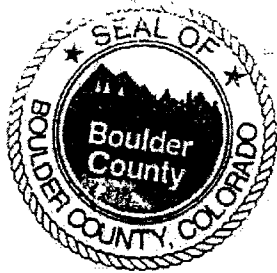
NOW, THEREFORE, BE IT RESOLVED that the Docket is hereby approved, on the basis set forth in this Resolution, above, and subject to the following conditions:

1. The Applicant shall provide a Development Agreement for review and approval by County Use staff, prior to the issuance of any permits by the County Land Use Department, commencement of the use, or recordation of any approval documents.
2. The Applicant shall comply with all applicable County Building Division/Building Code requirements, including but not limited to addressing the concerns and requirements of the Chief Building Official stated in his referral dated August 19, 2008 which is part of the official Docket file.
3. Prior to recordation of the Development Agreement, the Applicant shall comply with all requirements of the County Transportation Department, as stated in the referrals dated September 29, 2008 and February 24, 2009 which are part of the official Docket file, including but not limited to implementing the suggestions for parking area design improvements.
4. In order to allow tenants of the existing building, and the space associated with tenants of the existing building, to change over time, the Indoor Recreation, Professional Office, Warehouse and Distribution Center, and Light Industrial Uses approved herein may occupy more or less of the floor area of the existing structure than they currently do, without requiring an amendment to the Docket. New uses allowed in the Light Industrial Zone may also be added within the existing structure, without an amendment to the Docket, provided that they are reviewed and approved by the Land Use Director prior to commencement to assure that they do not have a substantially different impact than the uses approved herein, and are consistent with the Land Use Code and the BVCP.
5. Private events shall remain accessory and incidental to the Recreational Uses approved herein and shall be limited to fifteen events per calendar quarter.
6. The Applicant shall be subject to the terms, conditions and commitments of record and in the file for the Docket.
7. The vested right granted by this approval shall run for a period of three years, beginning on the date of adoption of this Resolution as set forth below. The vested right shall expire immediately upon the running of this three-year

period, unless the Board in its discretion approves an extension pursuant to the applicable provisions of the Land Use Code.

A motion to approve the Docket, as stated above, was made by Commissioner Toor, seconded by Commissioner Domenico, and passed by a 3-0 vote.

ADOPTED this 16th day of July, 2009, nunc pro tunc the 7th day of July, 2009.



BOARD OF COUNTY COMMISSIONERS
OF BOULDER COUNTY:

Ben Pearlman

Ben Pearlman, Chair

excused

Cindy Domenico, Vice Chair

Will Toor
Will Toor, Commissioner

ATTEST:

Cecilia G. Lacey
Clerk to the Board