



**CITY OF BOULDER**  
**Community Planning & Sustainability**

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**CITY OF BOULDER PLANNING BOARD**  
**NOTICE OF DISPOSITION**

You are hereby advised that on November 1, 2012 the following action was taken by the Planning Board based on the standards and criteria of the Land Use Regulations as set forth in Chapter 9-2, B.R.C. 1981, as applied to the proposed development.

**DECISION:** APPROVED WITH CONDITIONS  
**PROJECT NAME:** TRAILHEAD PROJECT  
**DESCRIPTION:** SITE REVIEW to develop an existing 5.8-acre property with 23 single-family dwellings accessed from a new public right-of-way (Dewey Av) into the site in accordance with the adopted Junior Academy Area Plan. The following modifications to the development standards of the Boulder Revised Code 1981 were approved:

- Section 9-7-1 Minimum total for both side yard setbacks: 10' for Lot 3 and Lot 8 where 15 feet is required.
- Section 9-7-1 Minimum front yard landscaped setback: 20' for Lots 12 through 15, 10 feet for Lot 18, and 15' for Lots 19 through 21, where 25 feet is required.
- Section 9-7-1 Minimum side yard setback from a street: 5' on Lots 13 and 14, where 12.5' is required.
- Section 9-7-1 Minimum lots size of less than the required 7,000 square feet for 11 of the 23 proposed lots.

**LOCATION:** 2641 4TH STREET  
**COOR:** N4W8  
**LEGAL DESCRIPTION:** See Exhibit A  
**APPLICANT:** Surround Architecture, Inc.  
**OWNER:** Moonbeam Boulder, LLC  
**APPLICATION:** Site Review LUR2012-00040  
**ZONING:** RL-1  
**CASE MANAGER:** Karl Guiler  
**VESTED PROPERTY RIGHT:** NO; the owner has waived the opportunity to create such right under Section 9-2-19, B.R.C. 1981.

This decision may be called up before the City Council on or before December 2, 2012. If no call-up occurs, the decision is deemed final thirty days after the Planning Board's decision.

FOR CONDITIONS OF APPROVAL, SEE THE FOLLOWING PAGES OF THIS DISPOSITION.

IN ORDER FOR A BUILDING PERMIT APPLICATION TO BE PROCESSED FOR THIS PROJECT, A SIGNED DEVELOPMENT AGREEMENT AND SIGNED MYLAR PLANS MUST BE SUBMITTED TO THE PLANNING DEPARTMENT WITH DISPOSITION CONDITIONS AS APPROVED SHOWN ON THE MYLAR PLANS, IF THE DEVELOPMENT AGREEMENT IS NOT SIGNED WITHIN NINETY (90) DAYS OF THE FINAL DECISION DATE, THE PLANNING BOARD APPROVAL AUTOMATICALLY EXPIRES.

Pursuant to Section 9-2-12 of the Land Use Regulations (Boulder Revised Code, 1981), the applicant must begin and substantially complete the approved development in compliance with the phasing plan. Failure to "substantially complete" (as defined in Section 9-2-12, Boulder Revised Code 1981) the development in compliance with the phasing plan shall cause this development approval to expire.

At its public hearing on November 1, 2012, the Planning Board approved the request with the following motion:

On a motion by M. Young, seconded by L. May, the Planning Board approved (7-0), Site Review application #LUR2012-00040 adopting the findings provided in the staff memorandum dated November 1, 2012 with the conditions listed in the memorandum with the following modifications:

Add to condition 2.d.: The final transportation plans shall be modified to show the public right of way in the southeast corner of the property to be paved up to the southern property line for a future alley connection to the south that could accommodate motor vehicle traffic.

Amend condition 6 to read: Pursuant to subsection 9-2-12(a), "Three Year Rule," B.R.C. 1981, the following development/phasing plan is approved:

- a. Phase I, to construct the necessary site infrastructure, including but not limited to rights-of-way, alleys, driveways, sidewalks, treelawns, pedestrian pathways and trailhead improvements and at least seven of the single-family dwellings, shall commence at the date of this approval and shall be substantially completed within three years.
- b. Phase II, to construct at least seven additional single-family dwellings, shall commence upon the expiration of Phase I and expires three years thereafter.
- c. Phase III, to construct the remaining single-family dwellings, shall commence upon the expiration of Phase II and expires three years thereafter.

## CONDITIONS OF APPROVAL

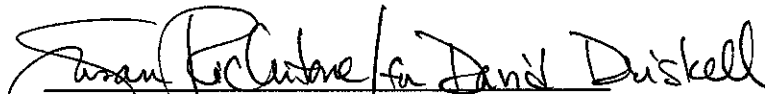
1. The Applicant shall be responsible for ensuring that the **development shall be in compliance with all approved plans** dated June 4, 2012, the design guidelines entitled "Trailhead" and the Applicant's written statement dated June 4, 2012 on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval.
2. Prior to building permit application, the Applicant shall submit a Technical Document Review application for the following items, subject to the approval of the City Manager:
  - a. A **final site plan** which includes building envelopes and common site features.
  - b. A **final utility plan** meeting the City of Boulder Design and Construction Standards.
  - c. A **final storm water report and plan** meeting the City of Boulder Design and Construction Standards. The final storm water report and plan shall include the design of a storm sewer system to convey groundwater through the property or the elimination of perimeter drainage systems from foundation walls and floors, a qualitative analysis to demonstrate that no contaminants will be discharged through dewatering of the site, and an analysis of the impacts on downstream facilities.
  - d. **Final transportation plans** meeting the City of Boulder Design and Construction Standards for all transportation improvements. These plans must include, but are not limited to: street plan and profile drawings, street cross-sectional drawings, signage and striping plans in conformance with Manual on Uniform Traffic Control Devices (MUTCD) standards, transportation detail drawings, geotechnical soils

report, and pavement analysis. The final transportation plans shall be modified to show the public right of way in the southeast corner of the property to be paved up to the southern property line for a future alley connection to the south that could accommodate motor vehicle traffic.

- e. A **detailed landscape plan**, including size, quantity, and type of plants existing and proposed; type and quality of non-living landscaping materials; any site grading proposed; and any irrigation system proposed, to insure compliance with this approval and the City's landscaping requirements. Removal of trees must receive prior approval of the Planning Department. Removal of any tree in City right of way must also receive prior approval of the City Forester.
3. Prior to a building permit application, the Applicant shall submit a Technical Document review application for a **Final Plat**, subject to the review and approval of the City Manager, and **execute a subdivision agreement** meeting the requirements of chapter 9-12, "Subdivision," B.R.C. 1981 and which provides for the following:
    - a. The construction of all public improvements necessary to serve the development.
    - b. The Applicant shall dedicate to the City all of the necessary rights-of-way and easements needed to serve the development.
  4. Prior to or concurrent with a building permit application for a dwelling on each lot, the Applicant shall submit the following items, subject to the approval of the City Manager:
    - a. **Final architectural plans**, including material samples and colors, to insure compliance with the intent of this approval and compatibility with the surrounding area. The architectural intent shown on the approved plans dated June 4, 2012 and within the design guidelines entitled "Trailhead" is acceptable. Planning staff will review plans to assure that the architectural intent is performed.
    - b. A **detailed shadow analysis** to insure compliance with the City's solar access requirements of section 9-9-17, B.R.C.
  5. Prior to issuance of a building permit, the Applicant shall submit a **financial guarantee**, in a form acceptable to the Director of Public Works, in an amount equal to the cost of providing eco-passes to the residents of the development for three years after the issuance of a certificate of occupancy for each dwelling unit as proposed in the Applicant's Transportation Demand Management (TDM) plan.
  6. Pursuant to subsection 9-2-12(a), "Three Year Rule," B.R.C. 1981, the following **development/phasing plan** is approved:
    - a. Phase I, to construct the necessary site infrastructure, including but not limited to rights-of-way, alleys, driveways, sidewalks, treelawns, pedestrian pathways and trailhead improvements and at least seven of the single-family dwellings, shall commence at the date of this approval and shall be substantially completed within three years.
    - b. Phase II, to construct at least seven additional single-family dwellings, shall commence upon the expiration of Phase I and expires three years thereafter.
    - c. Phase III, to construct the remaining single-family dwellings, shall commence upon the expiration of Phase II and expires three years thereafter.
  7. Prior to issuance of a building permit, the Applicant shall permanently **relocate the trail easement** dated October 9, 1995 and recorded in the office of the Boulder County Clerk and Recorder at Film No. 2082 and Reception No. 01554296 on October 11, 1995 to include the current trail alignment and exclude the area of the rock wall and shall ensure, in a manner satisfactory to the City Manager, that the City is protected from extraordinary maintenance and liability in connection with the rock wall.

8. The Applicant **shall not take access to City of Boulder Open Space land** except in locations that have been approved for access by the City.
9. The Applicant shall include provisions in the Common Interest Community Declaration for the Unit Owner's Association to be created for the Trailhead Subdivision that **restrict each unit owner from creating social trails** onto the adjacent City of Boulder Open Space land.

By:

  
David Driskell, Secretary of the Planning Board

**Parcel Description**

(PROVIDED BY LAND TITLE GUARANTEE COMPANY)

PARCEL A:

BEGINNING AT THE NORTHEAST CORNER OF BLOCK 5, MOUNTAIN HIGHTS, AN ADDITION TO THE CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID BLOCK 5, AND THE NORTHERLY LINE OF SAID BLOCK 5 EXTENDED WESTERLY, 160.9 FEET TO A POINT ON THE EAST LINE OF BLOCK 7 IN SAID MOUNTAIN HIGHTS; THENCE NORTHERLY ALONG THE EAST LINE OF SAID BLOCK 7, A DISTANCE OF 5.96 FEET TO THE NORTHEAST CORNER OF LOT 9, BLOCK 7, IN SAID MOUNTAIN HIGHTS; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID LOT 9, AND THE NORTHERLY LINE OF SAID LOT 9, EXTENDED WESTERLY, A DISTANCE OF 239.91 FEET; THENCE SOUTHERLY AND PARALLEL TO THE EASTERLY LINE OF SAID BLOCK 5, TO A POINT ON THE NORTHERLY LINE OF CONCORD AVENUE EXTENDED WESTERLY AS LAID OUT AND PLATTED ON THE AMENDED PLAT OF BLOCKS 10, 11, 12 AND 13, MAXWELL'S ADDITION TO BOULDER, COLORADO; THENCE EASTERLY ALONG SAID NORTHERLY LINE OF CONCORD AVENUE EXTENDED WESTERLY TO A POINT ON THE WESTERLY LINE OF 4TH STREET IN SAID CITY OF BOULDER; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID 4TH STREET, A DISTANCE OF 629 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

PARCEL B:

EASEMENT FOR WATER LINE PURPOSES ACROSS AND UNDER THE FOLLOWING DESCRIBED TRACT:

A STRIP OF LAND LOCATED IN THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 25 FROM WHICH A 30.00 WITNESS CORNER (AT THE CENTERLINE OF ALPINE AVENUE) TO THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 25 BEARS NORTH 00°00'49" EAST (ASSUMED MERIDIAN), A DISTANCE OF 1,343.25 FEET; THENCE NORTH 00°00'49" EAST, A DISTANCE OF 359.77 FEET ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 25 TO THE NORTH LINE OF CONCORD AVENUE EXTENDED WESTERLY; THENCE SOUTH 89°48'26" WEST, A DISTANCE OF 419.99 FEET ALONG THE NORTH LINE OF CONCORD AVENUE EXTENDED WESTERLY TO THE SOUTHWEST CORNER OF THAT TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN BOOK 1267 AT PAGE 249; RECEPTION NO. 719604, OF THE RECORDS OF BOULDER COUNTY, COLORADO; THENCE NORTH 00°00'49" EAST, A DISTANCE OF 293.86 FEET ALONG THE WEST LINE OF THAT TRACT OF LAND AS DESCRIBED IN SAID BOOK 1267 AT PAGE 249 TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 85°22'00" WEST, A DISTANCE OF 27.80 FEET; THENCE SOUTH 04°00'00" EAST, A DISTANCE OF 12.43 FEET; THENCE SOUTH 77°49'43" WEST, A DISTANCE OF 15.15 FEET; THENCE NORTH 04°00'00" WEST, A DISTANCE OF 15.38 FEET; THENCE NORTH 82°30'00" WEST, A DISTANCE OF 76.52 FEET; THENCE NORTH 67°48'00" WEST, A DISTANCE OF 36.03 FEET; THENCE NORTH 51°40'00" WEST, A DISTANCE OF 29.36 FEET; THENCE NORTH 14°00'00" WEST, A DISTANCE OF 9.88 FEET; THENCE NORTH 35°05'00" WEST, A DISTANCE OF 14.16 FEET; THENCE NORTH 61°30'00" WEST, A DISTANCE OF 56.55 FEET; THENCE SOUTH 66°09'00" WEST, A DISTANCE OF 116.93 FEET; THENCE SOUTH 85°20'00" WEST, A DISTANCE OF 26.41 FEET; THENCE NORTH 77°25'00" WEST, A DISTANCE OF 11.10 FEET; THENCE NORTH 16°32'30" EAST, A DISTANCE OF 22.05 FEET; THENCE NORTH 76°54'00" EAST, A DISTANCE OF 7.66 FEET; THENCE SOUTH 13°06'00" EAST, A DISTANCE OF 10.08 FEET; THENCE NORTH 85°20'00" EAST, A DISTANCE OF 17.45 FEET; THENCE NORTH 66°09'00" EAST, A DISTANCE OF 121.77 FEET; THENCE SOUTH 61°30'00" EAST, A DISTANCE OF 67.45 FEET; THENCE SOUTH 35°05'00" EAST, A DISTANCE OF 20.48 FEET; THENCE SOUTH 14°00'00" EAST, A DISTANCE OF 7.56 FEET; THENCE SOUTH 51°40'00" EAST, A DISTANCE OF 22.12 FEET; THENCE SOUTH 67°48'00" EAST, A DISTANCE OF 31.97 FEET; THENCE SOUTH 82°30'00" EAST, A DISTANCE OF 77.54 FEET; THENCE NORTH 85°22'00" EAST, A DISTANCE OF 27.94 FEET TO A LINE THAT IS 10.0 FEET WESTERLY AS MEASURED AT RIGHT ANGLES FROM AND PARALLEL WITH THE WEST LINE OF THAT TRACT OF LAND AS DESCRIBED IN SAID BOOK 1267 AT PAGE 249; THENCE NORTH 00°00'49" EAST, A DISTANCE OF 261.76 FEET PARALLEL WITH THE WEST LINE OF THAT TRACT OF LAND AS DESCRIBED IN SAID BOOK 1267 AT PAGE 249; THENCE SOUTH 89°59'11" EAST, A DISTANCE OF 10.00 FEET TO THE WEST LINE OF THAT TRACT OF LAND AS DESCRIBED IN SAID BOOK 1267 AT PAGE 249; THENCE SOUTH 00°00'49" WEST, A DISTANCE OF 276.00 FEET TO THE TRUE POINT OF BEGINNING.

