



## MAYOR AND COUNCIL COMMUNICATION

DATE: 8/16/2016

**REGULAR**

ITEM #: 19

**AGENDA ITEM:** Boulder Ponds PUD Amendment/Rezoning  
**SUBMITTED BY:** Stephen Wensman, Planning Director  
**THROUGH:** Kristina Handt, City Administrator  
**REVIEWED BY:** Ben Gozola, Consultant Senior Planner  
Emily Becker, City Planner

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### **BACKGROUND:**

OP4 Boulder Ponds LLC is requesting approval of a rezoning/PUD amendment to the Boulder Ponds PUD to rezone Outlots B (PID#34.029.21.33.0023) and C (PID# 34.029.21.33.0024), Boulder Ponds from Commercial PUD and MDR-PUD, respectively to HDR-PUD.. The Planning Commission held a public hearing on 7/25/16 and recommended approval.

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### **ISSUE BEFORE COUNCIL:**

The Council shall determine whether to approve the rezoning/PUD amendment.

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### **PROPOSAL DETAILS/ANALYSIS:**

OP4 Boulder Ponds LLC believes the MDR/PUD was the incorrectly zoning for the proposed 64-unit senior facility proposed for Outlot C. The existing zoning is MDR/PUD whereas the desired zoning is HDR/PUD. Boulder Ponds would also like to add the adjacent Commercial/PUD outlot, Outlot C, to the development site with the same HDR/PUD zoning.

The zoning for Boulder Ponds occurred on 4/21/15 and was based on a density analysis presented during the Concept PUD process. The area guided for Medium Density Residential, which is approximately 10.1 acres, contains 17 single family dwellings and a planned 64 senior facility, which has a planned gross density of 7.98 units per acre; the appropriate density for Medium Density Residential land use guide.

The norther portion of the area was developed into 17 single family dwellings and was zoned LDR/PUD. The southern portion of the area was platted as Outlot C (2.24 acres) and zoned MDR/PUD for the planned 64-unit senior residential use. With MDR zoning, the maximum allowed density is only 7 units per acre, whereas with HDR, the maximum allowed density is 15 units per acre.

**Correction from the Planning Commission Report.** A 64-unit residential development on Outlot C would have a density of 25.91 units per acre which exceeds the allowed HDR density. However, after consultation with Consultant Planner, Ben Gozola, Staff now understands that this density, 64 dwelling units on 2.24 acres was approved as part of the concept plan and anticipated at preliminary plat. By adding the 1.44 acre-Outlot B to the development site, rezoning it from Commercial/PUD to HDR/PUD, an additional density of 26 additional dwelling units could be allowed based on the HDR zoning, or 31 additional dwelling units if 20% density bonus was applied through the PUD (for a total potential density of 90 dwelling units over both Outlots B and C together, or 95 if density bonus is applicable through the PUD).

No additional density would be allowed, as suggested by the Developer, for unused density in the other portions of the development, north of 5<sup>th</sup> Street.

The Developer has suggested that they might want to be allowed additional density if providing senior congregate care facilities with services, as was done with the Arbor Glen project in the Village area. If you recall, the memory care units were not counted towards the overall density count because these units are recognized as being different from standard multi-family residential development. In addition, the City Council slightly increased the maximum allowed density up to a maximum of 16 units per acre within the VMX District area. These provisions required a comprehensive plan amendment and did not include any other areas besides the VMX Zoning District. Without a similar comprehensive plan amendment, any memory care units would be considered as dwelling units.

**PLANNING COMMISSION/PUBLIC HEARING COMMENTS:**

at the Public Hearing, no one spoke from the public and there was no written correspondence. The Planning Commission expressed concern about approving the rezoning to HDR/PUD without a specific plan and was concerned that the senior living project could end up as a market rate high density multi-family rental housing. The Planning Commission made a motion that they are in support of congregate care with services not counting as dwelling units as was approved in the VMX District. Todd Williams and Tom Kreimer are in support of more high density residential and that the Boulder Ponds site is an appropriate location. The Planning Commission recommended approval of the rezoning/PUD amendment with a 7-0 vote.

**FISCAL IMPACT:**

There would be no direct fiscal impact by the rezoning/PUD Amendment, however, it will improve the marketability of Outlots B and C, which will provide development fees and building permit fees to the City when developed.

**OPTIONS:**

The City Council should consider whether to approve the Rezoning/PUD Amendment from MDR/PUD and Commercial/PUD to HDR/PUD for Outlots C and B, respectively.

**RECOMMENDATION:**

Staff and the Planning Commission recommend approval of Ordinance 08-149 Rezoning/PUD Amendment with the following motion:

***“Move to approve a zoning map amendment/PUD Amendment, Ordinance 08-149, to rezone Outlots B (PID 34.029.21.33.0023) and C (PID 34.029.21.33.0024), Bolder Ponds from Commercial/PUD and MDR/PUD respectively to HDR/PUD”.***

**ATTACHMENTS:**

- Planning Commission Minutes 7-25-16
- Planning Commission Report Packet
- Ordinance O8-149