

STAFF REPORT, BOULDER TOWN

To: Planning Commission
From: Curtis Oberhansly, Zoning Administrator
Michala Alldredge, Deputy Zoning Administrator
Peg Smith, Planning Commission Clerk and Recording Secretary
Date: June 6, 2020

Re: APPLICATION OF JACQUI SMALLEY FOR BOULDER ARTS AND CULTURAL CENTER (the "Center") SCHEDULED FOR PUBLIC HEARING 6/11/20.

The attached application was preliminarily introduced to the PC at the April meeting. It has since been supplemented by the applicant (see attached) to address parking, landscaping and other items. The application was advertised and posted on the town website 10 days prior to the scheduled Public Hearing.

FINDINGS:

1. The proposed Center is consistent with the General Plan, in particular Sec. 12-6 Education – specifically naming the "Boulder Arts Council"; Sec. 5-2 General Community Goals, (2) To promote farming, ranching (7) To provide facilities for education, recreation, and cultural activities; other portions of the Plan are found to be consistent with the application; none were found to be inconsistent.

2. The applicant has secured permission to amend the Conservation Easement in order to provide a non-profit venue (1) to host and promote the arts and artists through a variety of methods, means and forums, and (2) for educational outreach activities and events associated with agriculture, soil and water conservation, and conservation easements, including outreach activities to be conducted by the State and NRCS (*see footnote 1*)

3. The applicant will remove the modular dwelling currently shown on the plat and replace it in that approximate location with the Center. (*See footnote 2*)

4. UDOT application for Hg 12 access and subsequent permit was applied for and issued solely for a community based nonprofit venue and does not permit a commercial venue directly targeting the tourism trade. (A tourist-oriented venue would have required traffic studies, turn out lanes, and other safety features.) The size of the parking lot, 50 stalls, was based upon discussions between the applicant's architect, UDOT and the building inspector.

5. The footprint of the proposed Center is approximately 4,000 s.f. (As perspective, the Community Center is approximately 4,700 s.f., the historic red barn is approximately 3,700 s.f.) There is a basement level designed into the Center, which may initially be unfinished, but even so could host pottery classes (9 pottery wheels were donated to the Arts Council), eventually a conference room for meetings, and other spaces/uses compatible with the CUP.

6. The historic red barn adjacent to the north end of the Center parking area will be preserved in its current configuration in accordance with the Conservation Easement Deed; the design drawings for the Center incorporate the rooflines and sufficient general characteristics of the historic red barn to be "compatible with the character of Boulder Town" (ZO Sec. 1013).

7. The proposed application is allowed under the Zoning Ordinances in general and Chapter 6 in particular; namely, the Table of Uses under “Recreational Facility” and “School” and the Use Definitions thereof. Both Uses are allowed in the GMU zone; the subject property is in said zone as shown on the Boulder Town Zoning Map. The application further meets the applicable provisions of the Zoning Ordinance, Sections 803 and 804 (conditional uses); Section 1013 (commercial site plans); and Section 606, Table 3 (off street parking) -- assuming imposition of the Conditions contained herein.

CONCLUSION:

Having reviewed the application in light of all applicable ordinances, staff recommends APPROVAL of the application with CONDITIONS.

CONDITIONS:

- i) Parking lot and landscaping conditions:
 - (a) a maximum of 50 parking stalls,
 - (b) a detailed landscaping plan enumerating plants, locations, size, and provisions for irrigation/watering source and maintenance plan,
 - (c) compliance with all applicable code provisions for ADA parking and access,
 - (d) detailed architectural and engineering drawings showing all dimensions of the parking area, construction and surfacing details, provisions for drainage (if any), ingress and egress to the lot (minimum of 2, each with a width of 22 feet),
 - (e) a lighting plan with IDA dark sky compliant fixtures, shielded or designed to light the parking area and minimize off-site visibility,
 - (f) compliance with all other applicable building code provisions.
- ii) Structure:
 - (a) detailed architectural and engineering drawings of the Center with materials list and exterior colors,
 - (b) interior plans for a sound system, sound levels, and control measures for potential noise trespass,
 - (c) interior lighting plan with recessed, hooded and shielded bulb sources to control potential light trespass,
 - (d) plan details regarding immediate and future use of the basement level,
 - (e) plan for landscaping and buffering elements around the structure,
 - (f) compliance with ADA provisions, fire safety, exits and all applicable codes,
 - (g) events and gatherings outside the structure that require lighting and/or sound system equipment are not authorized; quiet use for small gatherings (such as plein air painting classes, small workshops) are allowed; any questionable outside uses shall require an application for a Temporary Use Permit under the ordinances,
 - (h) meets all the zoning ordinances in terms of setbacks, heights, slopes and any other relevant provisions.
- iii) UDOT permit:

- (a) plans and specifications that meet the UDOT requirements for Hg 12 ingress/egress,
 - (b) fencing the front yard area to block existing parking spaces along Hg 12.
- iv) Property management:
 - (a) designated scheduler for the Center and all other managerial functions,
 - (b) provisions for maintenance of grounds and building,
 - (c) the Center shall be managed and operated as a nonprofit, community-based venue for the purposes stated in the application.
- v) Final plans and specification, when completed and prior to a Project Permit/Building Permit being issued, shall be submitted for review at the next regular PC meeting to assure compatibility with the application presented on 6/11/20.
- vi) Any violation of the foregoing conditions, or change in the plans and specifications approved, or failure to meet these conditions, or correct any violations upon due notice thereof, may result in suspension, and if justified after a Public Hearing, revocation of the Conditional Use Permit.

Footnote 1 (From First Amendment to Deed of Conservation Easement.)

Section 2.2 the Facility may be operated by the Arts Council, or a successor non-profit community organization, as a location for cultural, arts, theatrical, community and education events of various types. The Parties contemplate that the Facility will be made available for educational outreach activities and events associated with agriculture, soil conservation, and conservation, including outreach activities to be conducted by NRCS.

Footnote 2 (From First Amendment to Deed of Conservation Easement.)

Section 2.3 The Parties contemplate that the existing single-family residence currently located within the Existing Structure Envelope will be demolished and replaced by the Facility.