



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: August 3, 2023

AGENDA TITLE: Call up consideration of a Use Review for a 7,062 square foot patio expansion of a restaurant use with associated landscape improvements at 4910 and 4920 Nautilus Court North. Reviewed under case no. LUR2022-00028.

Applicant: Christopher Hoy, Flow Design Collaborative

Owners: Avery & Avery, LLC

REQUESTING DEPARTMENT / PRESENTERS

Nuria Rivera-Vandermyde, City Manager

Brad Mueller, Planning & Development Services Director

Charles Ferro, Senior Development Planning Manager

Chandler Van Schaack, Principal Planner

EXECUTIVE SUMMARY

The purpose of this item is for the City Council to consider whether to call up the Planning Board's decision on an application for a Use Review Application to allow for a 7,062 square foot patio expansion of the approved restaurant use associated with the Avery Brewing facility. The proposed patio expansion would formalize a temporary outdoor seating area that has been in operation since 2020 and would bring the total outdoor seating area for the approved restaurant use to 8,942 square feet. No changes to the existing interior brewing facility or restaurant space are proposed. On July 18, 2023, the Planning Board held a public hearing and approved with conditions the application by a unanimous vote (6-0) (L. Smith absent). The Planning Board decision is subject to a 30-day City Council call up period which concludes on August 17, 2023. City Council is scheduled to consider this application for call-up at its meeting on **August 3, 2023**.

The staff memorandum to Planning Board, recorded video, and the applicant's submittal materials along with other related background materials are available in the [city archives for Planning Board, July 18, 2023](#). The applicant's plan set and written statement is provided in **Attachment A**. The recorded video from the hearing can be found [here](#) (item begins at 1 hour into the video).

REVIEW PROCESS

The purpose of this item is for the City Council to consider whether to call up the above-referenced application for review and comment at a public hearing.

A Use Review is required in the IG zone for a restaurant with outdoor seating within 500 feet of a residential use module. Because the current proposal represents an expansion of the previously approved restaurant use, a new Use Review is required. The associated changes to the approved site plan are able to be reviewed through an Administrative Minor Modification, which the applicant has submitted and is currently on hold pending approval of this application. Use Review Applications are subject to the Use Review criteria in Section 9-2-15(e), B.R.C. 1981. Refer to **Attachment B** for staff's full analysis of the Use Review Criteria. Per Section 9-2-15(k), B.R.C 1981, Use Reviews are subject to call up by the Planning Board. Because this item was called up by the Planning Board at their May 16, 2023 hearing,, a public hearing before the Planning Board was required. Per Section 9-4-4(c), B.R.C. 1981, the Planning Board decision is subject to City Council call-up within 30 days.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic**: None identified.
- **Environmental**: None identified.
- **Social**: None identified.

OTHER IMPACTS

- **Fiscal**: No fiscal impacts are anticipated.
- **Staff time**: The application was reviewed under standard staff review time.

BOARD AND COMMISSION FEEDBACK

At the public hearing on July 18, 2023, the Planning Board held a quasi-judicial hearing to review the proposed Use Review application described above. Following a public hearing the Planning Board approved with conditions the applications by a unanimous vote (6-0) (L. Smith absent) with the following motion:

On a motion by S. Silver and seconded by L. Kaplan, the Boulder Planning Board voted 6-0 (L. Smith absent) to approve Use Review application #LUR2022-00028, subject to the recommended conditions of approval provided in the staff memorandum, and adopting the staff memorandum as findings of fact, including the attached analysis of review criteria.

At the hearing, the Planning Board listened to presentations from staff, and asked questions of each. There was one public comment on the item that was in support of the proposal. The board discussed whether the proposal meets the Use Review criteria. Ultimately, the Planning Board approved the application. The disposition of approval can be found in **Attachment A**. Refer to **Attachment D** for the draft meeting minutes from the Planning Board meeting.

PUBLIC FEEDBACK

Required public notice was given in the form of written notification mailed to all property owners within 600 feet of the subject property, and a sign posted on the property for at least 10 days. All notice requirements of Section 9-4-2, B.R.C. 1981 have been met. In response to the public notice, staff received no inquiries from neighboring property owners.

BACKGROUND & ANALYSIS

The staff memorandum to Planning Board that includes staff analysis and the applicant's submittal materials are available on the [Records Archive for Planning Board](#).

MATRIX OF OPTIONS

The City Council may call up the Use Review application within thirty days of the Planning Board's review. Any application that it calls up, the City Council will review at a public meeting within sixty days of the call-up vote, or within such other time as the city and the applicant mutually agree. The City Council is scheduled to consider this application for call-up at its meeting on **August 3, 2023**.

ATTACHMENTS

Attachment A: Planning Board Notice of Disposition dated July 18, 2023

Attachment B: Submittal Materials

Attachment C: Staff Analysis of Review Criteria

Attachment D: July 18, 2023 Draft Planning Board Minutes



City of Boulder Planning & Development Services

CITY OF BOULDER PLANNING BOARD NOTICE OF DISPOSITION

You are hereby advised that on July 18, 2023 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.

ACTION: APPROVED WITH CONDITIONS

PROJECT NAME: AVERY BREWING COMPANY

DESCRIPTION: Use Review for a 7,062 square foot patio expansion of a restaurant use with associated landscape improvements at 4910 and 4920 Nautilus Court North

LOCATION: 4910 and 4920 Nautilus Court North

LEGAL DESCRIPTION: LOT 1B, TWIN LAKES TECHNOLOGICAL PARK - FILING NUMBER FOUR, COUNTY OF BOULDER, STATE OF COLORADO

APPLICANT: Christopher Hoy, Flow Design Collaborative

OWNERS: AVERY & AVERY, LLC

APPLICATION: Use Review, LUR2022-00028

ZONING: Industrial – General (IG)

CASE MANAGER: Chandler Van Schaack

VESTED PROPERTY RIGHT: No; the owner has waived the opportunity to create such right under Section 9-2-20, B.R.C. 1981.

APPROVED MODIFICATIONS FROM THE LAND USE REGULATIONS: *None*

This decision may be called up by the City Council on or before **Aug. 17, 2023**. If no call-up occurs, the decision is deemed final on **Aug. 18, 2023**.

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 FINAL PLANS MUST BE SUBMITTED TO THE PLANNING DEPARTMENT WITH DISPOSITION CONDITIONS AS APPROVED SHOWN ON THE FINAL 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 within three years from the date of final approval or in compliance with the phasing plan if one was approved. Failure to "substantially complete" (as defined in Section 9-2-12) the development within three years or in compliance with the phasing plan, if one was approved, shall cause this development approval to expire.

Physical Address
1739 Broadway, Third Floor
Boulder CO 80302

Mailing Address
PO Box 791
Boulder CO 80306-0791

BoulderPlanDevelop.net
plandevlop@bouldercolorado.gov
P: 303-441-1880 F: 303-441-4241

On July 18, 2023, the Planning Board approved the request with the following motion:

On a motion by S. Silver and seconded by L. Kaplan, the Boulder Planning Board voted 6-0 (L. Smith absent) to approve Use Review application #LUR2022-00028, subject to the recommended conditions of approval provided in the staff memorandum, and adopting the staff memorandum as findings of fact, including the attached analysis of review criteria.

CONDITIONS OF APPROVAL

1. The Applicant shall ensure that the **development shall be in compliance with all plans prepared by the Applicant** on March 30, 2023 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. Further, the Applicant shall ensure that the approved use is operated in compliance with the following restrictions:
 - a) Size of the approved exterior restaurant use shall be limited to 8,942 square feet.
 - b) No amplified music shall be played within the approved outdoor seating areas outside the hours of 10:00 am and 11:00 pm.
2. The Applicant shall **comply with all previous conditions** contained in any previous approvals, except to the extent that any previous conditions may be modified by this approval, including, but not limited to, the following:
 - a) The Development Agreement recorded at Reception No. 03298132; and
 - b) The Development Agreement recorded at Reception No. 03366842.

Phase 2 approved by the Planning Department on December 6, 2013, under LUR2013-00063 was not substantially completed within the required time frame and has expired pursuant to Section 9-2-12, B.R.C. 1981.

3. The Applicant **shall not expand or modify the approved use**, except pursuant to Subsection 9-2-15(h), B.R.C. 1981.
4. As part of building permit application, the Applicant shall submit, and obtain City Manager approval of, the following items:
 - a) 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 ensure compliance with this approval and the City's landscaping requirements. The plan shall include additional and adequate landscaping around the outdoor seating area to provide a visual buffer and mitigate noise impacts to the adjacent open space.
 - b) A **detailed outdoor lighting plan** showing location, size, and intensity of illumination units, indicating compliance with section 9-9-16, B.R.C.1981.



By:

Brad Mueller, Secretary of the Planning Board



4910 NAUTILUS CT
BOULDER, CO 80301

Consultant:



301 W 45th Avenue
Denver, CO 80216
www.flowdca.com

Project Number:

21009

Stamp:

LAND USE REVIEW

4910 NAUTILUS CT.

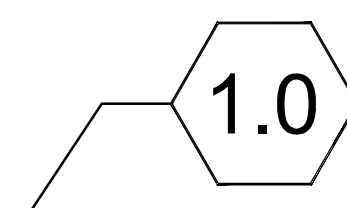
4910 NAUTILUS DRIVE, BOULDER, CO 80301
LOT 1B TWIN LAKES TECH PARK FLG 4
LOT AREA = 243,340 SQUARE FEET = 5.59 AC

LUR2022- 00028

MARCH 30, 2023

USING THE KEYNOTES

SAMPLE KEYNOTE DRAWING CALL-OUT:



SITE DETAIL KEYNOTES:

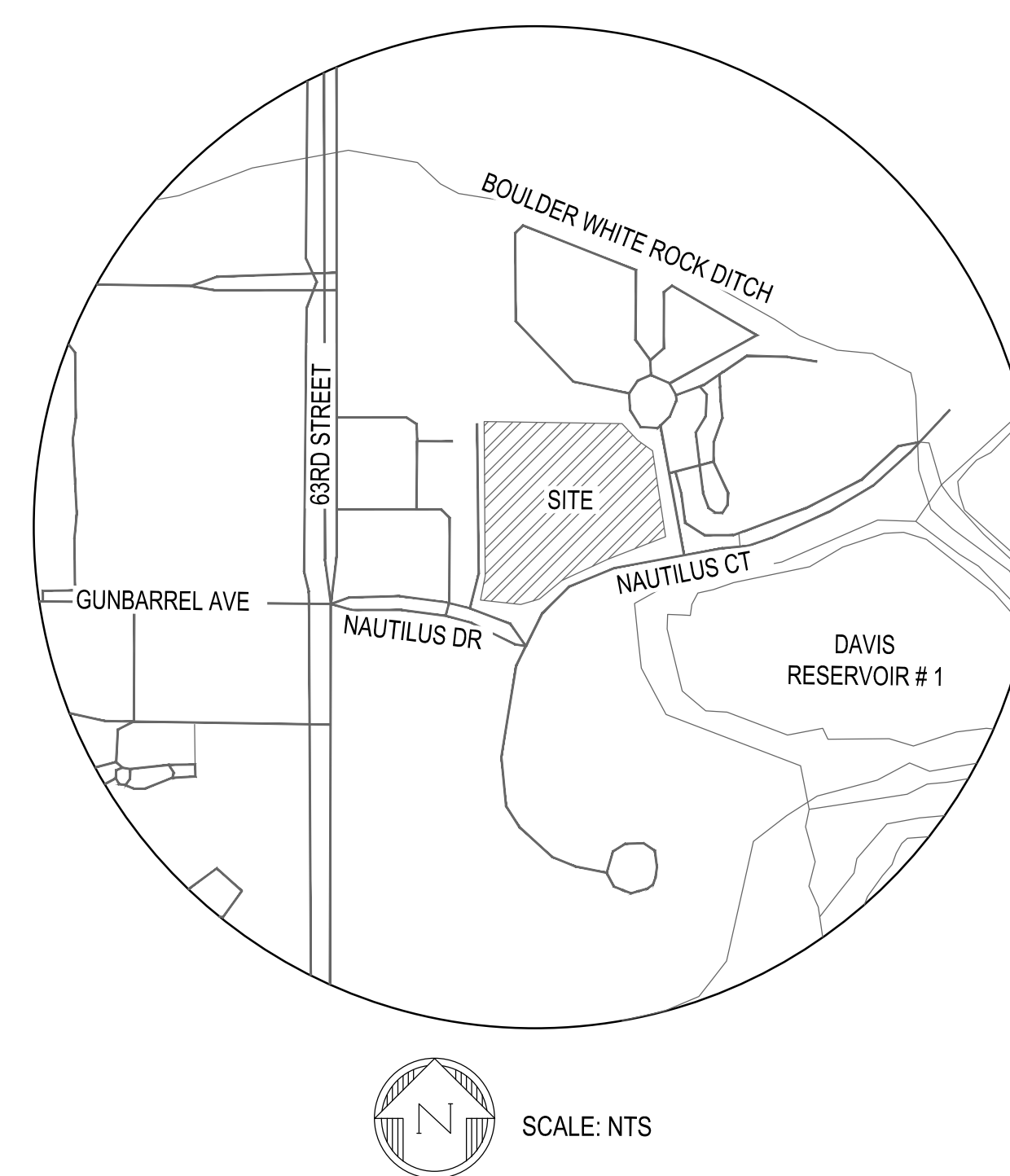
TYP.	PAVING & SURFACING	DETAIL/ SHEET/ SPEC SECTION
1.0	1.1 ENHANCED CONCRETE - BROOM FINISH	X/LX-01 321400
	KEYNOTE (SYSTEM) ITEM & BRIEF DESCRIPTION	
	KEYNOTE CALL-OUT	
	KEYNOTE HEADING (PROPOSED IMPROVEMENT SYSTEM)	
	PRIMARY KEYNOTE DETAIL REFERENCE	
	'TYPICAL' - OCCURS ON PLAN MORE THAN ONCE, SEE LEGEND FOR IDENTIFICATION	
	SPECIFICATION REFERENCE NOTE: MULTIPLE SECTIONS MAY BE REFERENCED	

THE FOLLOWING LIST OF KEYNOTE HEADINGS (PROPOSED IMPROVEMENT SYSTEMS) HAVE BEEN INCORPORATED WITHIN THIS DRAWING SET:

- 0.0 EXISTING CONDITIONS
- 1.0 PAVING & SURFACING
- 2.0 WALL, CURBS & EDGERS
- 3.0 RAILINGS, BARRIERS & FENCING
- 4.0 SITE FURNISHINGS & SIGNS
- 5.0 PLANTING & LANDSCAPE
- 6.0 SITE LIGHTING & ELECTRICAL

NOTE: KEYNOTE LABELS DESCRIBE THE SITE DESIGN. DETAILS ARE PROVIDED WHERE APPLICABLE AND INDICATED AS SUCH IN THE KEYNOTE LEGEND UNDER THE 'DETAIL/ SHEET/ SPEC SECTION'

VICINITY MAP



SHEET INDEX	
CV100	COVER SHEET
LS100	GENERAL NOTES & SCHEDULES
LS101	MATERIALS & LAYOUT PLANS
LS102	OUTDOOR AMENITY AREA PLAN
LS501	SITE DETAILS
LP101	PLANTING PLAN
LP501	PLANTING DETAILS & SCHEDULES

4910 NAUTILUS CT.
LAND USE REVIEW
4910 NAUTILUS CT., BOULDER, CO 80301

Drawn:

CH

Checked:

CH / AB

Revision Record:

No.	Date	Description
1	06.07.2022	LUR
2	10.14.2022	2ND SUBMITTAL
3	01.13.2023	3RD SUBMITTAL
4	03.30.2023	4TH SUBMITTAL

LAND USE REVIEW
LUR2022-00028

Contents:

COVER SHEET

Date: 10/14/2022

CV100



4910 NAUTILUS CT
BOULDER, CO 80301

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Denver, CO 80216
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CITY OF BOULDER LANDSCAPE NOTES

- LANDSCAPING SCHEDULE: (A) NOTHING SHALL BE PLANTED BETWEEN OCTOBER 15 AND MARCH 1 WITHOUT PRIOR WRITTEN APPROVAL OF THE CITY. STOCK, OTHER THAN CONTAINER-GROWN STOCK, SHALL NOT BE PLANTED BETWEEN JUNE 1 AND SEPTEMBER 1 WITHOUT PRIOR WRITTEN APPROVAL OF THE CITY. BARE ROOT STOCK SHALL NOT BE PLANTED AFTER APRIL 30 OR IF PLANTS HAVE BEGUN TO LEAF OUT.
- NOTHING SHALL BE PLANTED DURING FREEZING OR EXCESSIVELY WINDY, HOT, OR WET WEATHER OR WHEN THE GROUND CONDITIONS CANNOT BE PROPERLY WORKED FOR DIGGING, MIXING, RAKING, OR GRADING. (C) NOTHING SHALL BE PLANTED UNTIL THE ADJACENT SITE IMPROVEMENTS, PAVEMENTS, IRRIGATION INSTALLATION AND FINISH GRADING IS COMPLETED. THE CONTRACTOR SHALL TEST THE IRRIGATION SYSTEM IN THE PRESENCE OF THE DIRECTOR. THE IRRIGATION SYSTEM SHALL BE IN APPROVED, OPERATING CONDITION PRIOR TO ANY PLANTING.
- SITE PREPARATION AND ALL PLANTING SHALL BE COMPLETED, AT A MINIMUM, IN ACCORDANCE WITH THE CITY OF BOULDER DESIGN AND CONSTRUCTION STANDARDS. SITE PREPARATION SHALL INCLUDE TILLING THE SOIL TO A MINIMUM DEPTH OF SIX INCHES BELOW THE FINISHED GRADE, TOGETHER WITH SOIL AMENDMENTS THAT ARE APPROPRIATE TO ENSURE THE HEALTH AND SUSTAINABILITY OF THE LANDSCAPING TO BE PLANTED.
- TURF GRASS SHALL BE LIMITED TO A MAXIMUM OF 25 PERCENT OF ALL LANDSCAPE AREAS ON THE SITE.
- ALL PLANTING BEDS AND A 3-FOOT DIAMETER RING AT THE BASE OF EACH TREE WITHIN SOD OR SEEDED AREAS SHALL BE MULCHED WITH ORGANIC MULCH AT LEAST 4" DEEP.
- GRAVEL, ROCK MULCH, OR CRUSHER FINES SHALL NOT BE USED UNDER TREES OR ANY PLANTING AREAS. ROCK OR GRAVEL MAY ONLY BE USED AS A SPECIFIC ORNAMENTAL FEATURE IN LIMITED AREAS (SUCH AS AT THE BOTTOM OF A DRAINAGE SWALE OR DRY RIVER BED) OR AS A PEDESTRIAN PATH OR PATIO.
- WEED BARRIER FABRIC SHALL NOT TO BE USED IN ANY PLANTING AREAS.
- ALL PLANTS SHALL BE GROUPED BY WATER NEEDS. A MINIMUM OF 75 PERCENT OF ALL LANDSCAPED AREAS (INCLUDING ANY TURF GRASS) MUST USE LOW TO MODERATE WATER DEMAND PLANTS. THE LANDSCAPE SHALL BE DESIGNED SO THAT, AT MATURITY, NOT MORE THAN 10 PERCENT OF THE LANDSCAPED AREA IS EXPOSED MULCH.
- ALL LANDSCAPE AREAS SHALL BE WATERED BY AN AUTOMATIC IRRIGATION SYSTEM. THE IRRIGATION SYSTEM MUST BE ZONED TO DELIVER DIFFERENT APPROPRIATE AMOUNTS OF WATER TO DIFFERENT PLANT ZONES. THE SITE SHOULD BE IRRIGATED WITH DRIP IRRIGATION, BUBBLER, OR MICRO-SPRAY SYSTEMS. ALL TREES WILL BE ZONED SEPARATELY FROM TURF GRASS. ALL IRRIGATION ZONES SHALL USE A SMART SYSTEM THAT ADJUSTS FOR RAINFALL, SOIL MOISTURE, AND OTHER WEATHER FACTORS.
- PROTECTIVE MAINTENANCE: AN APPLICANT FOR CONSTRUCTION APPROVAL SHALL PROVIDE MAINTENANCE AND CARE FOR ALL EXISTING TREES REQUIRED TO BE PROTECTED IN THE PUBLIC RIGHT-OF-WAY ADJACENT TO ANY PROJECT OR CONSTRUCTION SITE DURING CONSTRUCTION ACTIVITIES AND THE PUBLIC IMPROVEMENT WARRANTY PERIOD TO ENSURE THAT EXISTING TREES SURVIVE AND ARE NOT DAMAGED. REFER TO CHAPTER 3 OF THE DESIGN AND CONSTRUCTION STANDARDS FOR ALL TREE PROTECTION REQUIREMENTS. (ONLY APPLICABLE TO EXISTING PUBLIC STREET TREES OR EXISTING PRIVATE TREES THAT WILL MEET THE STREET TREE REQUIREMENTS OF SECTION 9-9-13 BRC 1981)
- ALL NEW TREES SHALL BE LOCATED A MINIMUM OF 10' FROM ANY EXISTING WATER OR SEWER UTILITY LINES OR FROM LIGHT POLES OR OVERHEAD UTILITY POLES. ALL NEW UTILITY LINES SHALL BE LOCATED A MINIMUM OF 10' FROM ANY EXISTING PUBLIC STREET TREE.

GENERAL LANDSCAPE SITE NOTES

- A KICK-OFF MEETING WITH THE LANDSCAPE ARCHITECT IS REQUIRED PRIOR TO BEGINNING ANY SITE OR LANDSCAPE WORK.
- OBTAIN NECESSARY PERMITS FROM ALL JURISDICTIONS AS REQUIRED TO CONSTRUCT THE WORK OF THIS PROJECT. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH PLANS APPROVED BY CITY OF BOULDER
- REFER TO SURVEY DRAWINGS AND OTHER AVAILABLE DOCUMENTS FOR PROPERTY LIMITS, EXISTING CONDITIONS, AND HORIZONTAL AND VERTICAL CONTROL.
- PROVIDE AND MAINTAIN UTILITY LOCATES DURING ALL PHASES OF WORK. DO NOT DAMAGE UTILITY LINES/STRUCTURES. NOTIFY OWNER'S REPRESENTATIVE OF ANY DISCREPANCIES BEFORE STARTING ANY WORK. CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATION OF UNDERGROUND UTILITIES OR STRUCTURES, WHETHER OR NOT SHOWN OR DETAILED AND INSTALLED BY ANY OTHER CONTRACT.
- RESTORATION OF UTILITIES DAMAGED BY THE CONTRACTOR SHALL BE AT THE CONTRACTOR'S EXPENSE.
- THOROUGHLY REVIEW AND DOCUMENT THE SITE CONDITIONS PRIOR TO CONSTRUCTION.
- THOROUGHLY REVIEW DRAWINGS, AND TECHNICAL SPECIFICATIONS AND NOTIFY OWNER'S REPRESENTATIVE OF ANY DISCREPANCIES PRIOR TO CONSTRUCTION.
- CONSTRUCTION INSTALLATION, MATERIALS, TESTING, AND INSPECTION SHALL COMPLY WITH APPLICABLE CODES AND ORDINANCES.
- TAKE NECESSARY STEPS TO PROTECT AND MAINTAIN ALL FINISHED WORK FOR THE DURATION OF THE CONTRACT UNTIL FINAL ACCEPTANCE.
- CONTRACTOR SHALL PROVIDE ALL MOCK-UPS, SUBMITTALS AND SHOP DRAWINGS FOR APPROVAL PER SPECIFICATIONS PRIOR TO CONSTRUCTION.
- THE WORK OF THIS CONTRACT WILL NOT BE CONSIDERED COMPLETE UNTIL ALL AREAS HAVE BEEN CLEANED OF ALL DIRT AND DEBRIS AND ALL DAMAGED ITEMS ARE REPAIRED.
- THE CONTRACTOR SHALL BE SOLELY AND COMPLETELY RESPONSIBLE FOR THE SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THE CONTRACTOR SHALL PROVIDE ALL LIGHTS, SIGNS, BARRICADES, FLAGMEN, OR OTHER DEVICES NECESSARY TO PROVIDE FOR PUBLIC SAFETY. THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL AND REPLACEMENT OF ALL MATERIALS WITHIN DEDICATED RIGHT-OF-WAYS AND ALL MATERIALS AND WORKMANSHIP SHALL MEET THE ROADWAY DESIGN AND CONSTRUCTION STANDARDS OF THE APPROPRIATE GOVERNING AGENCY.
- THE CONTRACTOR IS RESPONSIBLE FOR THE REPAIR, AT NO ADDITIONAL COST TO THE OWNER, FOR DAMAGE OF PROPERTY OUTSIDE OF THE LIMIT OF WORK INDICATED ON THE DRAWINGS, AND FOR ANY DAMAGE CAUSED TO SITE ELEMENTS THAT ARE TO BE PROTECTED OR REINSTALLED.

PLANTING NOTES

- BEFORE CONSTRUCTION, LOCATE ALL PUBLIC AND PRIVATE UNDERGROUND UTILITIES WITH RESPECTIVE UTILITY COMPANIES, AND LOCATE IRRIGATION LINES AND WIRES.
- CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ANY PERMITS OR LICENSES REQUIRED FOR THE PERFORMANCE OF THE WORK AS APPLICABLE TO THIS PROJECT.
- ALL AT GRADE LANDSCAPE BEDS AND TURF AREAS ARE TO RECEIVE ORGANIC SOIL AMENDMENTS AT A RATE OF 4 CY/1000 S.F. OF LANDSCAPE AREA. AMENDMENTS ARE TO BE TILLED TO A DEPTH OF 6" AND FINE GRADED TO A SMOOTH SURFACE WITH POSITIVE DRAINAGE AWAY FROM ALL STRUCTURES. BUILT IN PLANTERS AND CONTAINERS ON STRUCTURE WILL BE FILLED WITH HYDROTECH LITETOP PLANTING MEDIUM.
- ALL LANDSCAPE BEDS, PLANTER AND CONTAINERS ARE TO BE MULCHED WITH A 4" MINIMUM LAYER OF SHREDDED CEDAR MULCH PER PLANS AND DETAILS.
- ALL PLANT MATERIAL SHALL MEET OR EXCEED CURRENT AMERICAN STANDARD FOR NURSERY STOCK ANSI Z60.1 AND THE COLORADO NURSERY ACT AND ACCOMPANYING RULES AND REGULATIONS.
- STAKE ALL TREES AND SHRUBS BASED ON THESE DRAWINGS. EXACT LOCATIONS OF PLANT MATERIALS TO BE APPROVED BY THE LANDSCAPE ARCHITECT IN THE FIELD PRIOR TO INSTALLATION. LANDSCAPE ARCHITECT RESERVES THE RIGHT TO ADJUST TO EXACT LOCATIONS IN THE FIELD.
- LANDSCAPE MATERIAL PLACEMENT SHALL NOT BE PLACED OR KEPT NEAR FIRE HYDRANTS, FIRE INLET CONNECTIONS OR FIRE PROTECTION CONTROL VALVES OR KNOX BOXES IN A MANNER THAT WOULD PREVENT SUCH EQUIPMENT OR FIRE HYDRANTS FROM BEING IMMEDIATELY DISCERNABLE. THE FIRE DEPARTMENT SHALL NOT BE DETERRED OR HINDERED FROM GAINING IMMEDIATE ACCESS TO FIRE PROTECTION EQUIPMENT OR HYDRANTS.

LAYOUT NOTES

- CONTRACTOR TO IMMEDIATELY NOTIFY THE LANDSCAPE ARCHITECT AND PROJECT MANAGER OF ANY DISCREPANCIES BETWEEN THE SITE SURVEY AND ACTUAL SITE CONDITIONS.
- ADDITIONAL LAYOUT INFORMATION MAY BE PROVIDED TO THE CONTRACTOR PRIOR TO CONSTRUCTION AS NEEDED. ELECTRONIC FILES MAY BE OBTAINED BY THE CONTRACTOR FOR LAYOUT PURPOSES.
- FINAL LOCATION OF ALL SITE FURNISHINGS TO BE COORDINATED WITH LANDSCAPE ARCHITECT PRIOR TO FINAL INSTALLATION.
- WRITTEN DIMENSIONS SHALL PREVAIL. DO NOT SCALE DIRECTLY FROM DRAWINGS.
- ALL PAVED SURFACES SHALL HAVE SMOOTH, CONTINUOUS LINES OR CURVES AS INDICATED ON PLANS AND SHALL CONFORM TO GRADES INDICATED ON THE GRADING PLANS. ALL LINES OF PAVING TO BE PARALLEL UNLESS OTHERWISE NOTED
- ALL ANGLES TO MATCH THOSE NOTED ON DRAWING
- ADJUSTMENTS: IF THE CONTRACTOR BELIEVES IT IS NECESSARY TO MAKE AN ADJUSTMENT IN THE LAYOUT OF PROPOSED IMPROVEMENTS, SUCH ADJUSTMENT SHALL BE PROPOSED TO THE OWNER'S REPRESENTATIVE. NO ADJUSTMENTS WILL BE PERMITTED UNTIL IT HAS FIRST BEEN APPROVED BY THE OWNERS REPRESENTATIVE.

PARKING REQUIREMENTS (APPROVED LUR2012-00012)						
DEFINED AREA WITHIN BUILDING	SQUARE FOOTAGE APPLIED TO IG PARKING RATIO 1:400	NUMBER OF RESTAURANT SEATS	PARKING SPACES PER C.O.B FLOOR AREA REQUIREMENT (1:400 SF RATIO, BRC TABLE 9-3), OR (1:3 SEATS, BRC TABLE 9-4 AND OUTDOOR REQUIREMENTS (BRC TABLE 9-4 b)	PROVIDED PARKING (LUR2012-00012)	PERCENTAGE DEFERRED PARKING	PERCENTAGE PARKING REDUCTION
INDOOR RESTAURANT SEATING 1ST FLOOR		144	48 SPACES			
INDOOR RESTAURANT SEATING 2ND FLOOR		105	35 SPACES			
TOTAL INDOOR RESTAURANT SEATS		249	83 SPACES			
OUTDOOR SEATING (1ST& 2ND FLOORS)		100	24 SPACES			
FLOOR AREA PHASE I (EXCLUDING RESTAURANT)	68,921 SF		172 SPACES			
FLOOR AREA PHASE II (EXCLUDING RESTAURANT)	19,717 SF		50 SPACES			
PARKING TOTALS			329 SPACES	220 SPACES	24.5% (54 SPACES)	33%
BICYCLE PARKING TOTALS			40 SPACES	40 SPACES		
ACCESSIBLE PARKING TOTALS			8 SPACES	8 SPACES		

PROPOSED PARKING REQUIREMENTS (LUR2022-00028)						
DEFINED AREA WITHIN BUILDING	SQUARE FOOTAGE APPLIED TO IG PARKING RATIO 1:400	NUMBER OF RESTAURANT SEATS	PARKING SPACES PER C.O.B FLOOR AREA REQUIREMENT (1:400 SF RATIO, BRC TABLE 9-3), OR (1:3 SEATS, BRC TABLE 9-4 AND OUTDOOR REQUIREMENTS (BRC TABLE 9-4 b)	PROPOSED PARKING (LUR2022-00028)	PERCENTAGE DEFERRED PARKING	PERCENTAGE PARKING REDUCTION
INDOOR RESTAURANT SEATING 1ST FLOOR		144	48 SPACES			
INDOOR RESTAURANT SEATING 2ND FLOOR		105	35 SPACES			
TOTAL INDOOR RESTAURANT SEATS		249	83 SPACES			
OUTDOOR SEATING (1ST& 2ND FLOORS)		229	76 SPACES			
* FLOOR AREA PHASE I (EXCLUDING RESTAURANT)	68,921 SF		172 SPACES			
20% ALLOWABLE OF REDUCTION OF INDOOR SEATING PER C.O.B. SECTION 9-9-6(b)		(50)	(17) SPACES			
REQUIRED PARKING TOTALS			314 SPACES	220 SPACES	24.5% (54 SPACES)	30%
BICYCLE PARKING TOTALS			40 SPACES	76 SPACES		
ACCESSIBLE PARKING TOTALS			8 SPACES	8 SPACES		

*AVERY BREWING DOES NOT HAVE LONG TERM PLANS TO DEVELOP THE PHASE II PORTION AS PROPOSED IN LUR2012-00012

USE	INDOOR FLOOR AREA (Sq. Ft.)	PERCENT OF TOTAL INDOOR FLOOR AREA
BREWERY	65,921 SF	88.8%
INDOOR RESTAURANT	5,274 SF	7.1%
GIFT SHOP	3,000 SF	4%
TOTAL	74,195 SF	100%
OUTDOOR SEATING AREA		
EXISTING OUTDOOR SEATING	1,880 SF	2.5%
PROPOSED OUTDOOR SEATING	7,062 SF	9.5%
TOTAL	8,942 SF	12%
TOTAL NON-BREWERY AREA (GIFT SHOP, RESTAURANT INCLUDING INDOOR AND OUTDOOR SEATING)		
	17,216 SF	* 23.2%
* COMPLIES WITH SECTION 9-6-5(b)(2)(A)(ii) AND DEFINITION OF "BREWERY" WHICH REQUIRE TOTAL RESTAURANT AND TAPROOM AREA NOT TO EXCEED 30% OF TOTAL FLOOR AREA		

Drawn:

CH

Checked:

CH / AB

Revision Record:

No.	Date	Description
1	06.07.2022	LUR
2	10.14.2022	2ND SUBMITTAL
3	01.13.2023	3RD SUBMITTAL
4	03.30.2023	4TH SUBMITTAL

LAND USE REVIEW
LUR2022-00028

Contents:

GENERAL NOTES & SCHEDULE

Date: 10/14/2022

LS100



4910 NAUTILUS CT
BOULDER, CO 80301

Consultant:



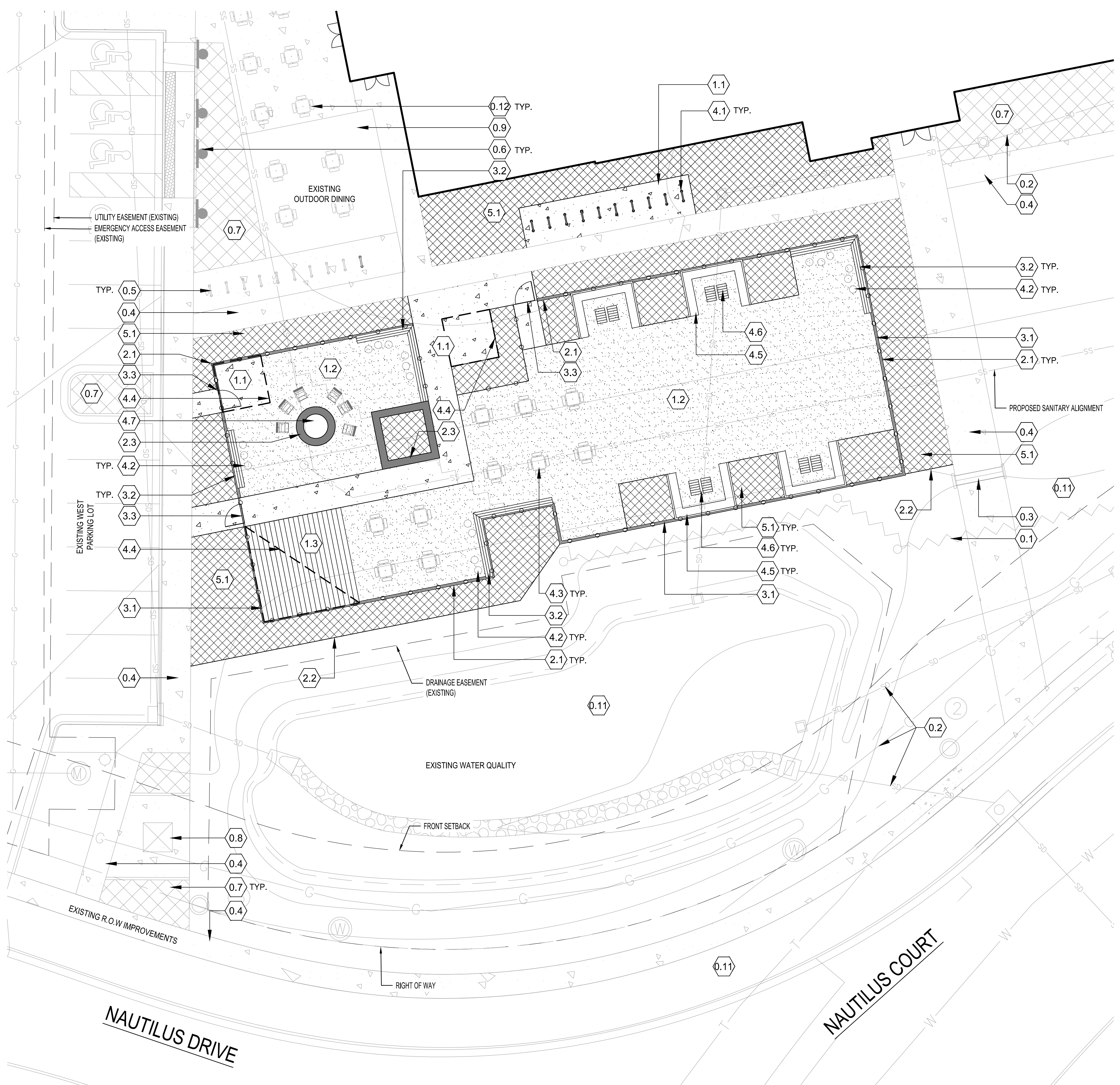
301 W 45th Avenue
Denver, CO 80216
www.flowdca.com

Project Number:

21009

Stamp:

4910 NAUTILUS CT.
LAND USE REVIEW
4910 NAUTILUS CT., BOULDER, CO 80301



SITE MATERIALS LEGEND

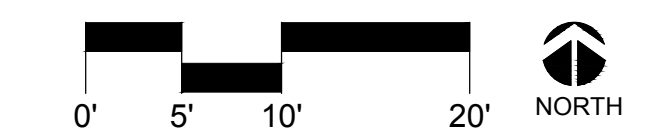
ENHANCED CONCRETE PAVING	
EXISTING CONCRETE PAVING	
EXISTING ARTIFICIAL TURF	
CRUSHER FINES SURFACING	
PLANTING AREA	
EXISTING PLANTING AREA	
6-TOP TABLE SEATING (BY OWNER)	
BUILT-IN SEATING	
BAR STOOLS (BY OWNER)	
LOUNGE CHAIRS (BY OWNER)	
BIKE RACKS	
FENCING	

SITE DETAIL KEYNOTES:

0.0 EXISTING CONDITIONS		
0.1	DEMO UTILITIES	
0.2	UTILITIES	
0.3	STAIRS	
0.4	STANDARD CONCRETE	
0.5	BIKE RACK	
0.6	PARKING SIGNAGE	
0.7	PLANTING AREA	
0.8	TRANSFORMER	
0.9	ARTIFICIAL TURF	
0.10	BAR SEATING	
0.11	IRRIGATED TURF	
0.12	PICNIC TABLE	
1.0 PAVING & SURFACING		DETAIL
1.1	CONCRETE PAVING TO MATCH EXISTING	
1.2	CRUSHER FINES	
1.3	WOOD DECK	
2.0 WALLS, CURBS & EDGERS		DETAIL
2.1	CIP CONCRETE HEADER	
2.2	STEEL EDGER	
2.3	PRE-CAST CONCRETE SEATWALL	RE: C/LS501
3.0 RAILINGS, BARRIERS & FENCING		DETAIL
3.1	STEEL FENCE (42" HT)	RE: A/LS501
3.2	BAR TOP COUNTER (42" HT)	RE: B/LS501
3.3	EGRESS GATE/ ACCESS GATE	
4.0 SITE FURNISHINGS & SIGNS		DETAIL
4.1	BIKE RACK	RE: D/LS501
4.2	BAR STOOLS (BY OWNER)	
4.3	PICNIC TABLE (BY OWNER)	
4.4	SHADE STRUCTURE	
4.5	BUILT-IN BENCH	
4.6	BUILT-IN TABLE	
4.7	GAS FIRE PIT	
5.0 PLANTING & LANDSCAPE		
5.1	CEDAR MULCH (PLANTING AREA)	
6.0 SITE LIGHTING & ELECTRICAL		DETAIL
6.X		

SITE PLAN NOTES:

- FINAL SANITARY SEWER SERVICE LINE LAYOUT TO BE FIELD VERIFIED.





4910 NAUTILUS CT
BOULDER, CO 80301

Consultant:



301 W 45th Avenue
Denver, CO 80216
www.flowdca.com

Project Number:

21009

Stamp:

4910 NAUTILUS CT.
LAND USE REVIEW
4910 NAUTILUS CT., BOULDER, CO 80301

Drawn:

CH

Checked:

CH / AB

Revision Record:

No.	Date	Description
1	06.07.2022	LUR
2	10.14.2022	2ND SUBMITTAL
3	01.13.2023	3RD SUBMITTAL
4	03.30.2023	4TH SUBMITTAL

LAND USE REVIEW
LUR2022-00028

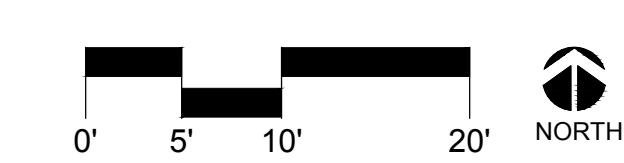
Contents:

AMENITY
AREA PLAN

Date: 10/14/2022

LS102

USE	INDOOR FLOOR AREA (Sq. Ft.)	PERCENT of TOTAL INDOOR FLOOR AREA
BREWERY	65,921 SF	88.8%
INDOOR RESTAURANT	5,274 SF	7.1%
GIFT SHOP	3,000 SF	4%
TOTAL	74,195 SF	100%
OUTDOOR SEATING AREA		
EXISTING OUTDOOR SEATING	1,880 SF	2.5%
PROPOSED OUTDOOR SEATING	7,062 SF	9.5%
TOTAL	8,942 SF	12%
TOTAL NON-BREWERY AREA (GIFT SHOP, RESTAURANT INCLUDING INDOOR AND OUTDOOR SEATING)	17,216 SF	* 23.2%
* COMPLIES WITH SECTION 9-6-5(d)(2)(A)(i) AND DEFINITION OF "BREWERY" WHICH REQUIRE TOTAL RESTAURANT AND TAPROOM AREA NOT TO EXCEED 30% OF TOTAL FLOOR AREA		





4910 NAUTILUS CT
BOULDER, CO 80301

Consultant:

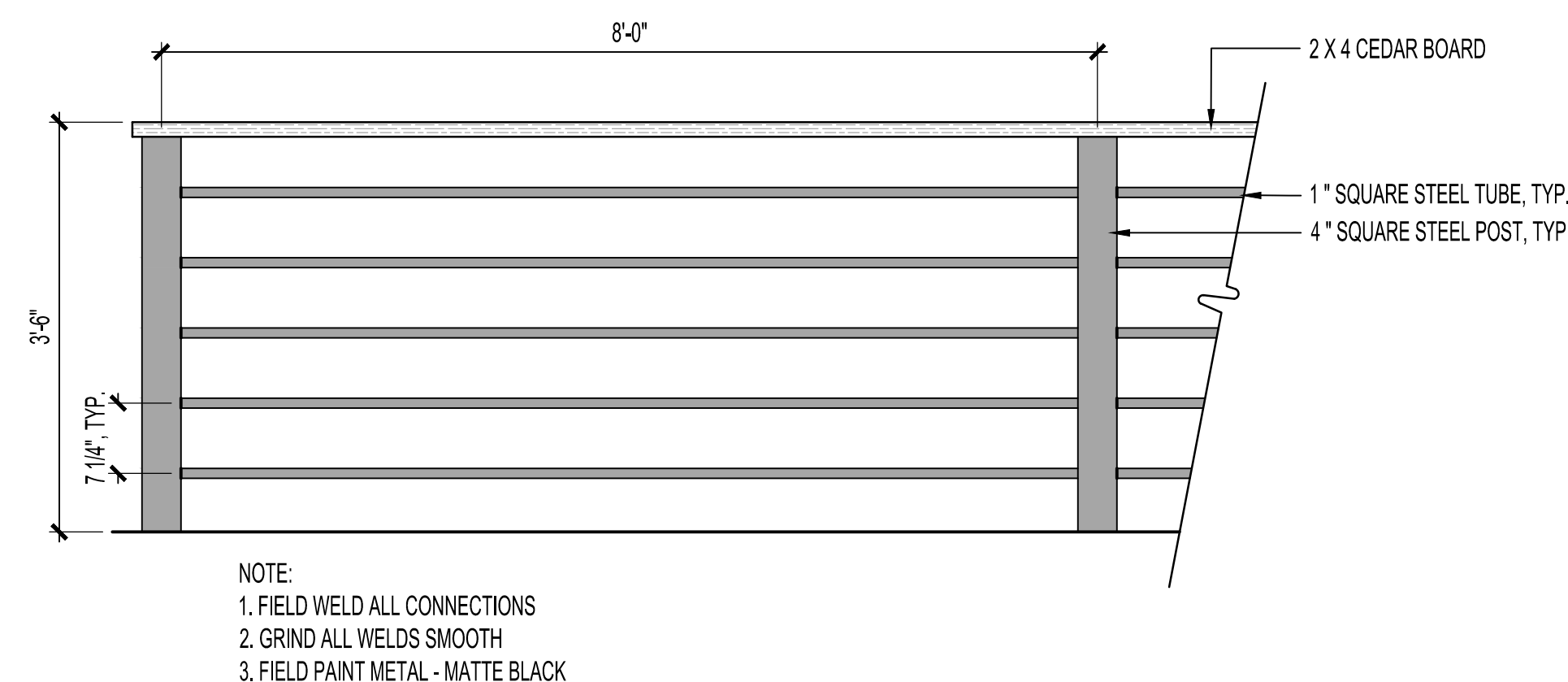


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Project Number:

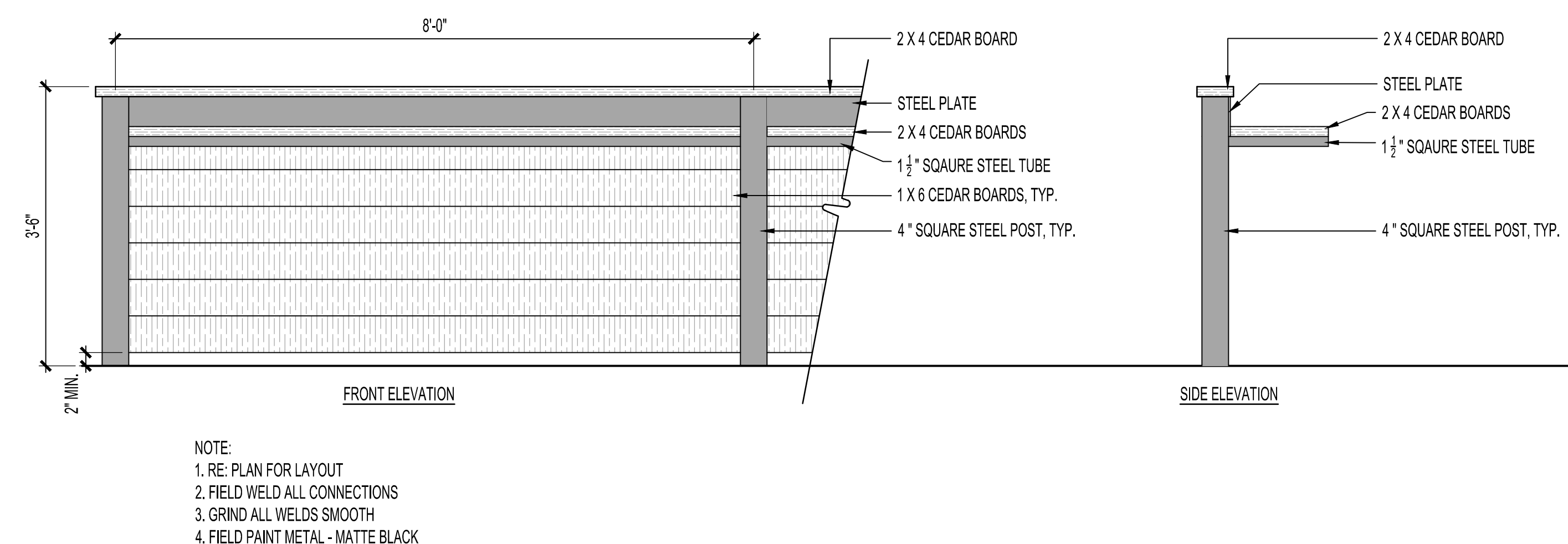
21009

Stamp:



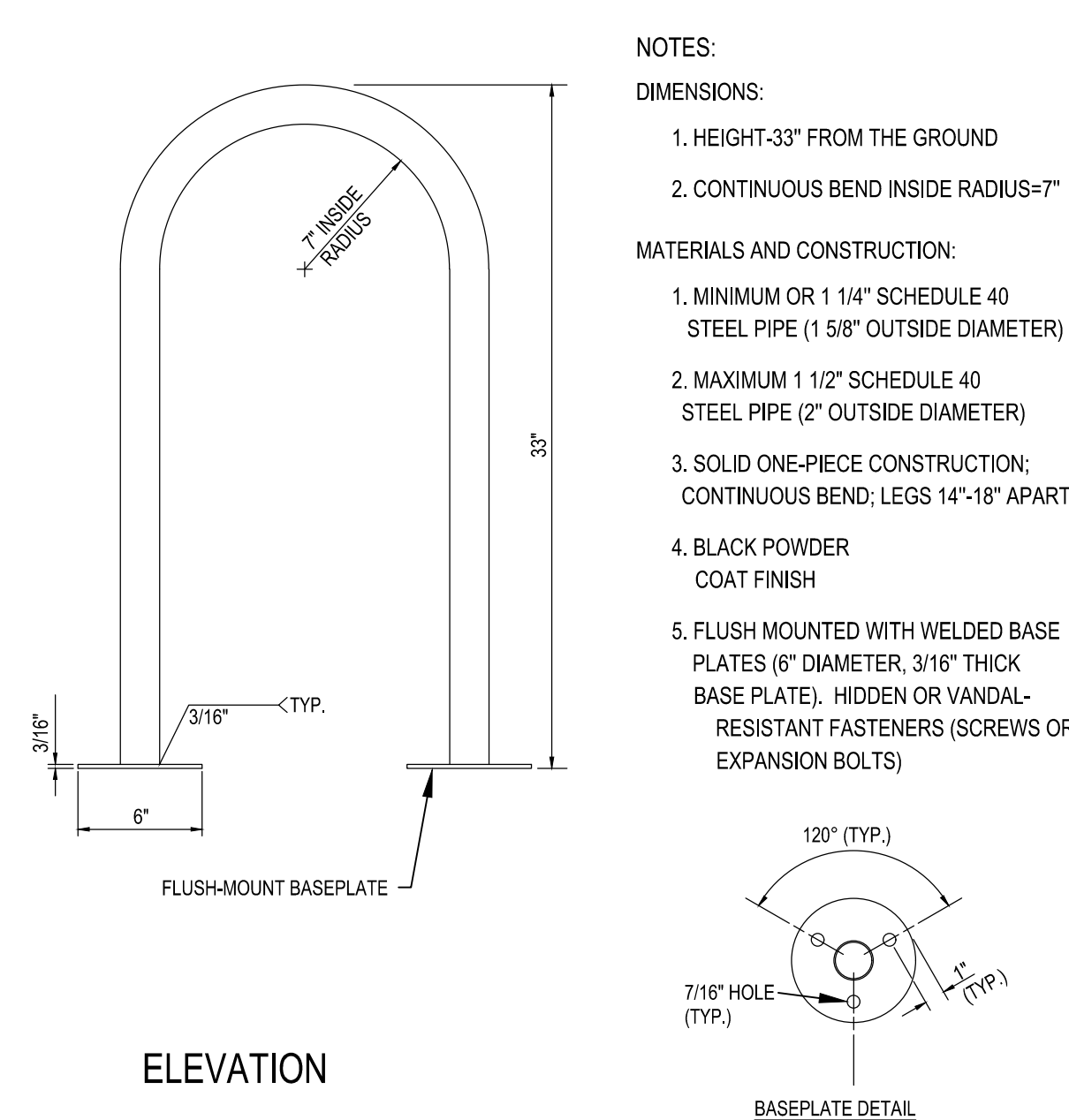
NOTE:
1. FIELD WELD ALL CONNECTIONS
2. GRIND ALL WELDS SMOOTH
3. FIELD PAINT METAL - MATTE BLACK

A LOW STEEL FENCE
SCALE: 3/4" = 1'-0" FILENAME

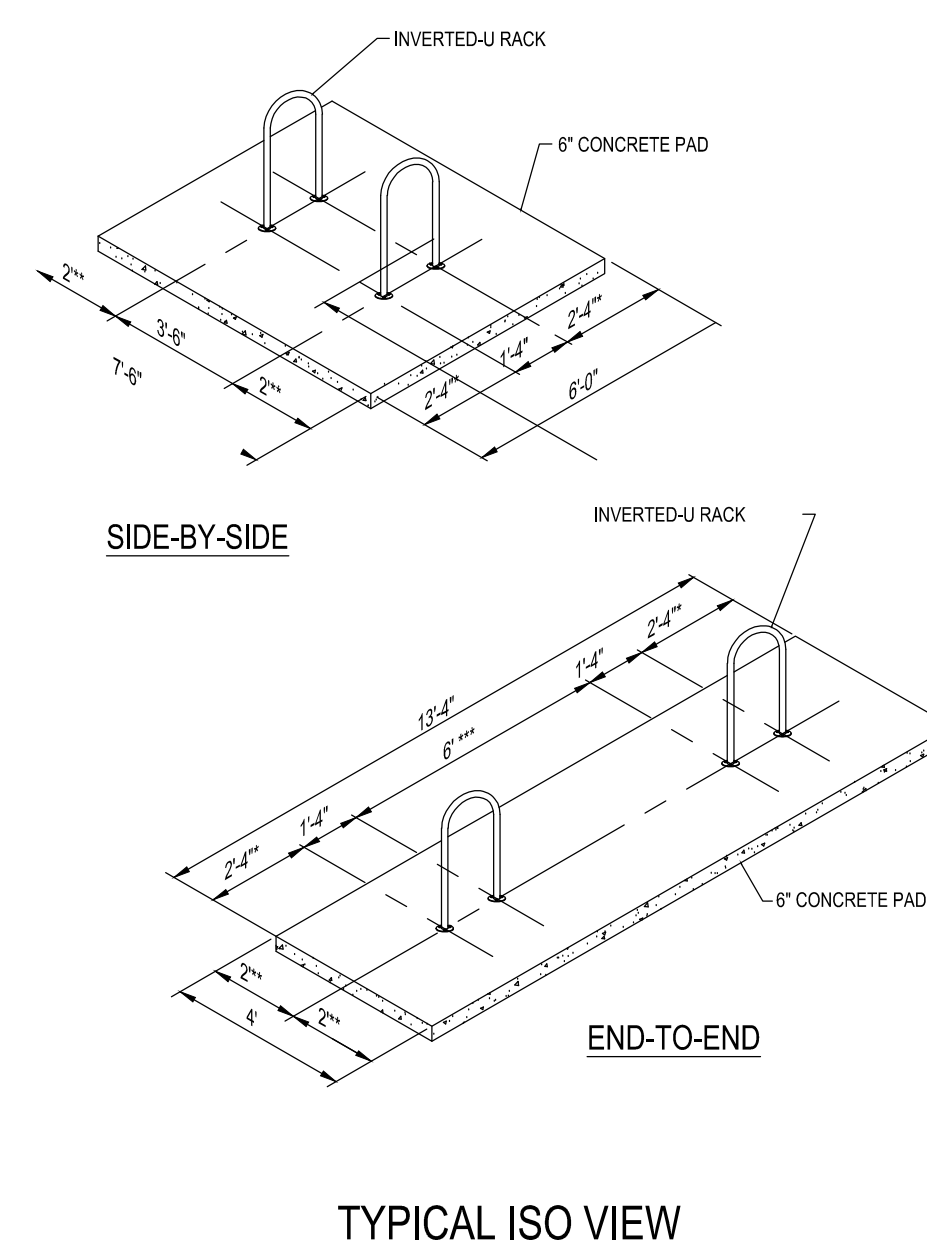
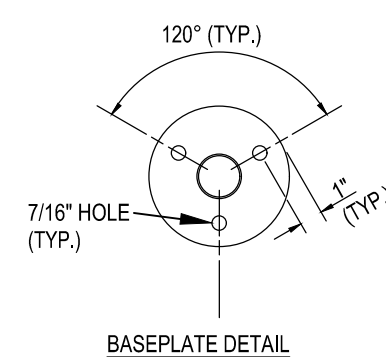


NOTE:
1. RE: PLAN FOR LAYOUT
2. FIELD WELD ALL CONNECTIONS
3. GRIND ALL WELDS SMOOTH
4. FIELD PAINT METAL - MATTE BLACK

B BAR COUNTER
SCALE: 3/4" = 1'-0" FILENAME



NOTES:
DIMENSIONS:
1. HEIGHT-33" FROM THE GROUND
2. CONTINUOUS BEND INSIDE RADIUS=7"
MATERIALS AND CONSTRUCTION:
1. MINIMUM OR 1 1/4" SCHEDULE 40 STEEL PIPE (1 5/8" OUTSIDE DIAMETER)
2. MAXIMUM 1 1/2" SCHEDULE 40 STEEL PIPE (2" OUTSIDE DIAMETER)
3. SOLID ONE-PIECE CONSTRUCTION; CONTINUOUS BEND; LEGS 14"-18" APART
4. BLACK POWDER COAT FINISH
5. FLUSH MOUNTED WITH WELDED BASE PLATES (6" DIAMETER, 3/16" THICK BASE PLATE). HIDDEN OR VANDAL-RESISTANT FASTENERS (SCREWS OR EXPANSION BOLTS)



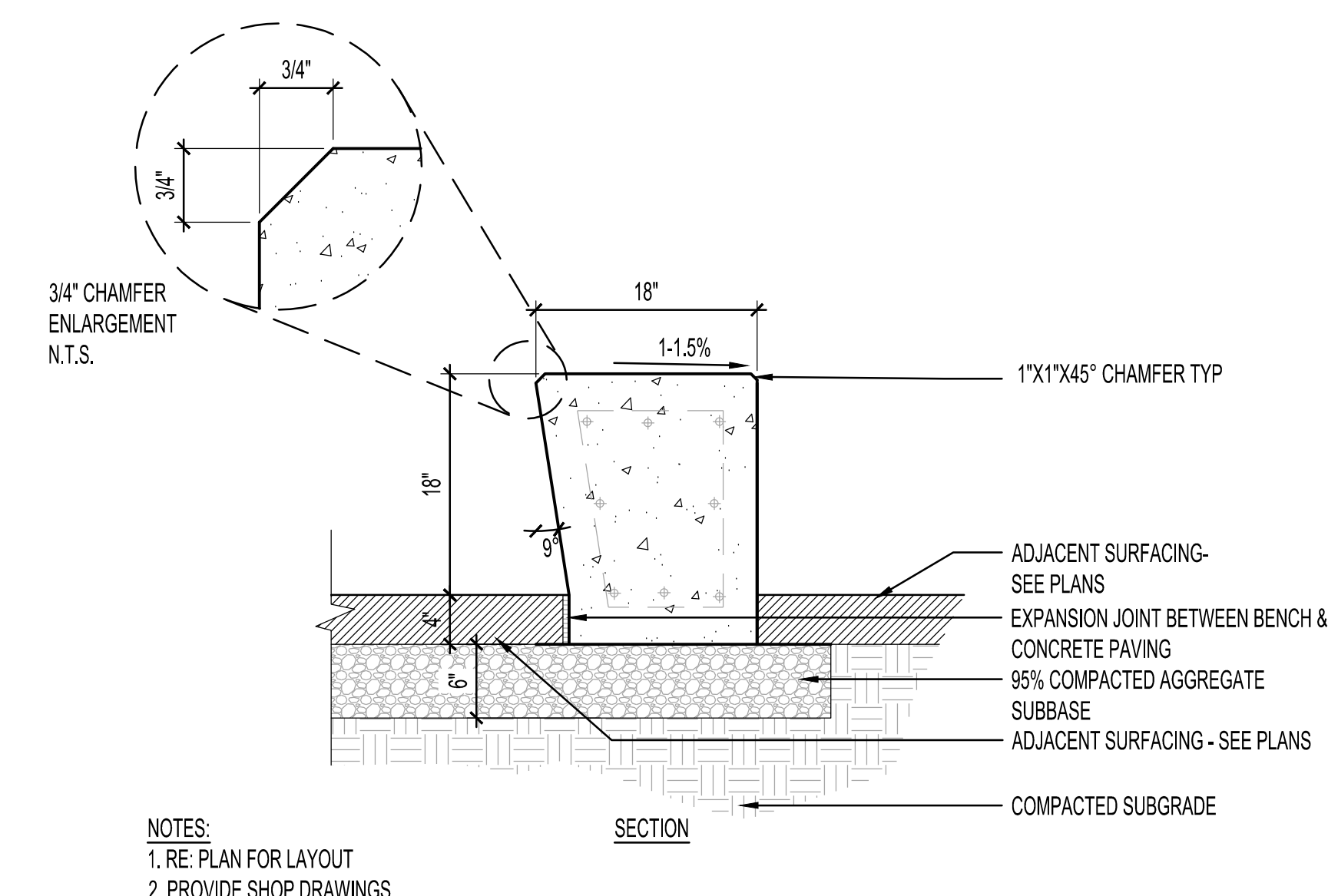
* 3'-4" MINIMUM WHEN INSTALLED PERPENDICULAR TO A WALL OR CURB.
** 3' MINIMUM WHEN INSTALLED PARALLEL TO A WALL OR CURB. 5' MINIMUM SEPARATION FROM CURB FACE WHEN INSTALLED ADJACENT TO A CURB WITH "HEAD-IN" AUTOMOBILE PARKING.
*** 10' MINIMUM IF MORE THAN TWO "U" RACKS IN A SERIES.

NOTES:

EXPOSED CONCRETE SURFACE TO BE BROOM FINISHED.
PAD SIZE MAY VARY AS DIRECTED BY THE ENGINEER.
PAD IS TO BE CONSTRUCTED WITH CLASS B CONCRETE.
EXCAVATION AND/OR EMBANKMENT REQUIRED FOR PAD CONSTRUCTION WILL NOT BE PAID FOR SEPERATELY, BUT SHALL BE INCLUDED IN THE COST OF THE PAD. CONCRETE SHALL BE SLOPED AT 2% TO DRAIN.

D BIKE RACK - COB DCS DETAILS 2.52A & 2.52B
SCALE: N.T.S.

C PRE-CAST CONCRETE WALL
SCALE: 1'-1'-0"



NOTES:
1. RE: PLAN FOR LAYOUT
2. PROVIDE SHOP DRAWINGS

4910 NAUTILUS CT.
LAND USE REVIEW
4910 NAUTILUS CT., BOULDER, CO 80301

Drawn:

CH

Checked:

CH / AB

Revision Record:

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LAND USE REVIEW
LUR2022-00028

Contents:

SITE DETAILS

Date: 10/14/2022

LS501



4910 NAUTILUS CT
BOULDER, CO 80301



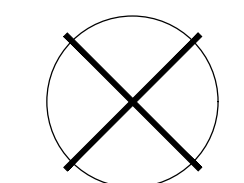
301 W 45th Avenue
Denver, CO 80216
www.flowdca.com

Project Number:
21009

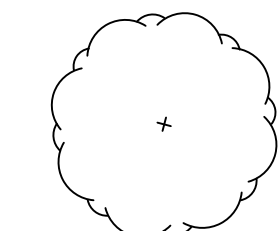
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PLANTING PLAN LEGEND

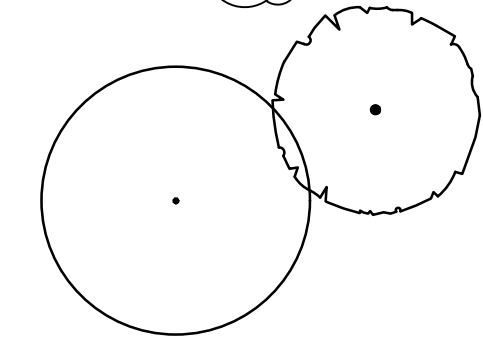
EXISTING TREE TO BE REMOVED



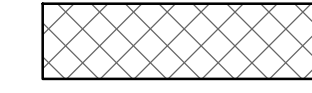
EXISTING TREE TO REMAIN, PROTECT IN PLACE



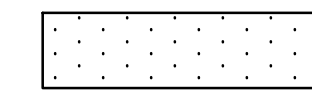
PROPOSED TREES



PLANTING AREA (70% SHRUBS, 30% PERENNIALS & GRASSES)



EXISTING IRRIGATED SOD



PLANT TYPE: DECIDUOUS TREES

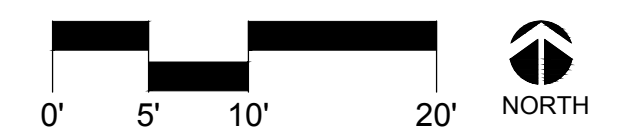
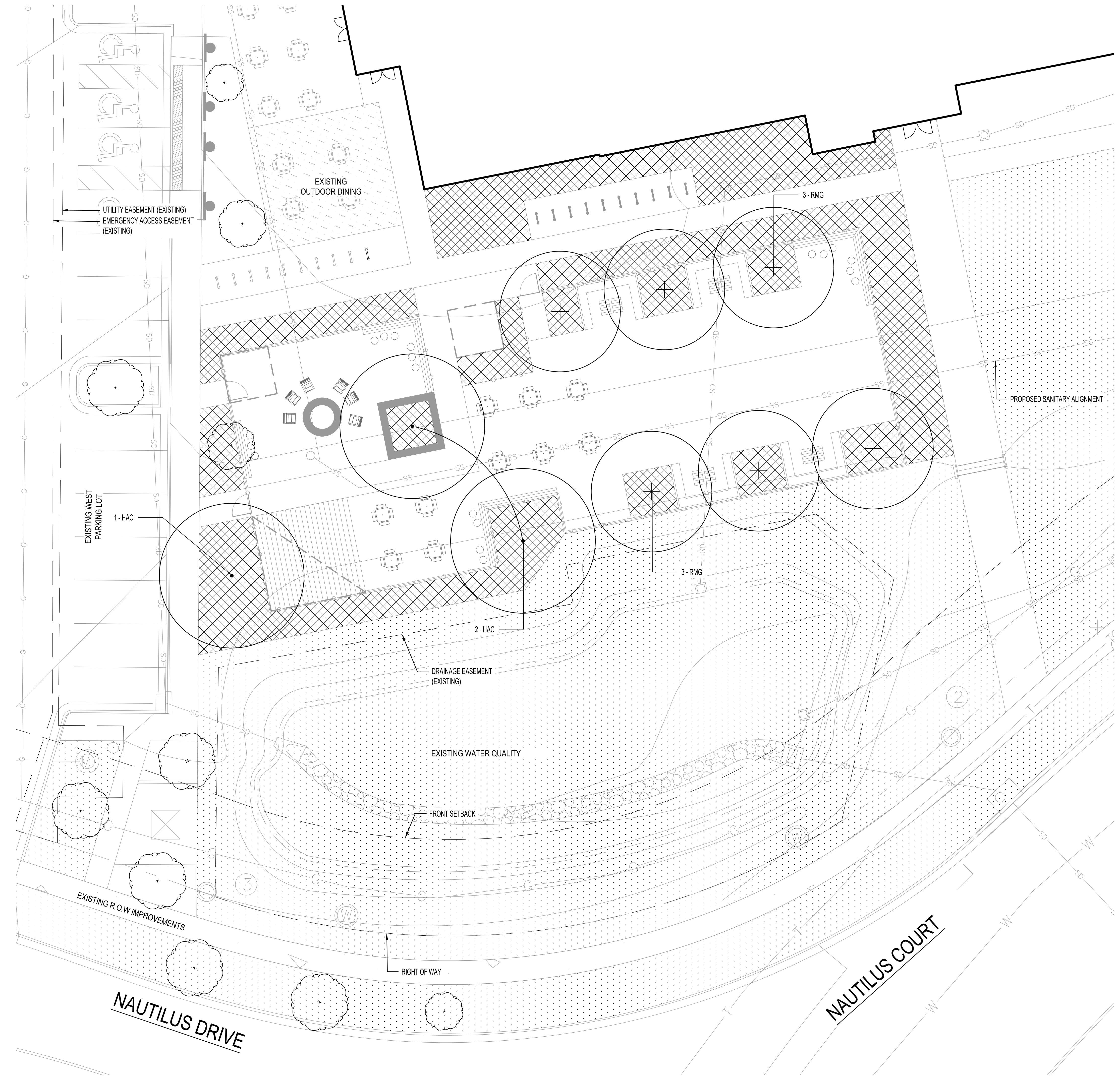
Abbr.	No.	Genus	Species
HAC	3	Celtis	occidentalis
RMG	6	Acer	grandidentatum 'Schmidt'

PLANT TYPE: DECIDUOUS SHRUB PALETTE

Abbr.	No.	Genus	Species
ALP	X	Ribes	alpinum
MKL	X	Syringa	patula 'Miss Kim'
NWR	X	Rosa	x 'Nearly Wild'
PYG	X	Potentilla	fruticosa 'Yellow Gem'
WSC	X	Prunus	besseyi
LMS	X	Spiraea	x bumalda 'Limemound'
GLS	X	Rhus	aromatica 'Grow-Low'
AVG	X	Helictotrichon	sempervirens
BLO	X	Bouteloua	gracilis
RSG	X	Panicum	virgatum 'Shenandoah'
FRG	X	Calamagrostis	acutiflora 'Karl forester'

PLANT TYPE: PERENNIALS PALETTE

Abbr.	No.	Genus	Species
CFL	X	Echinacea	purpurea
DDY	X	Hemerocallis	'Stella D'Oro'
RGD	X	Rudbeckia	fulgida 'goldsturm'
YAM	X	Achillea	'Moonshine'



4910 NAUTILUS CT.
LAND USE REVIEW
4910 NAUTILUS CT., BOULDER, CO 80301

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LAND USE REVIEW
LUR2022-00028

Contents:
PLANTING PLAN

Date: 10/14/2022

LP101



4910 NAUTILUS CT
BOULDER, CO 80301

Consultant:



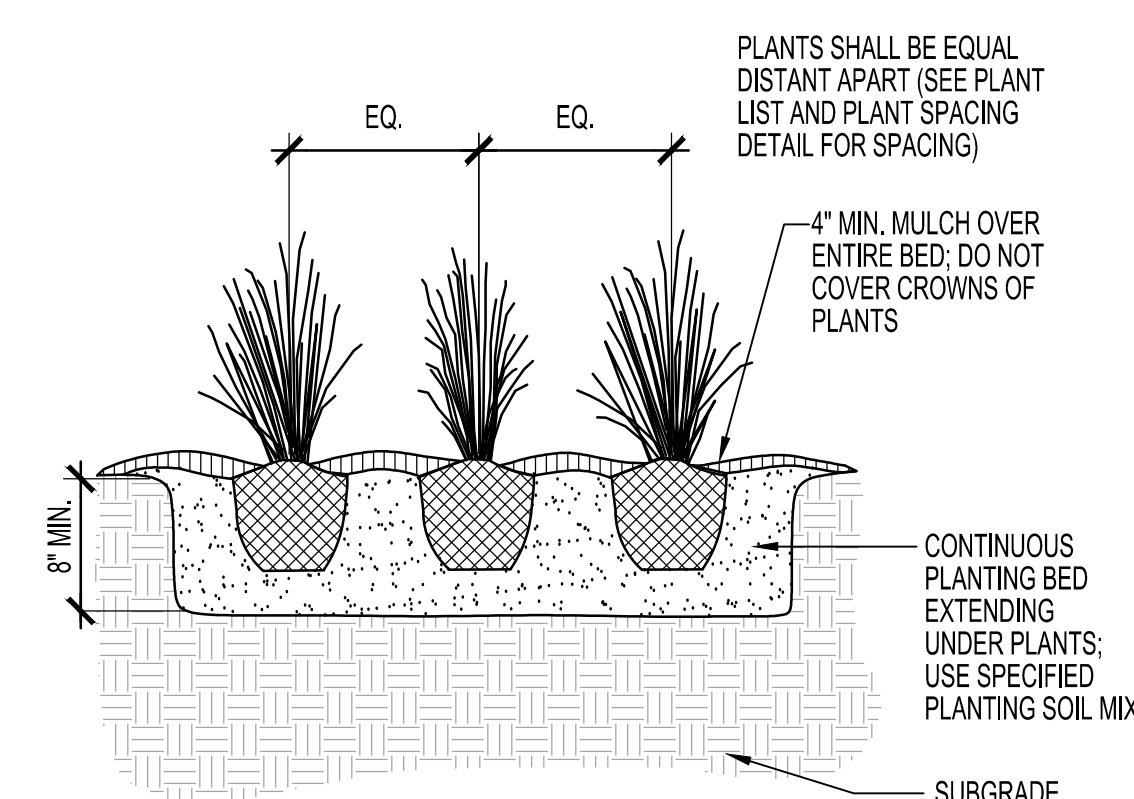
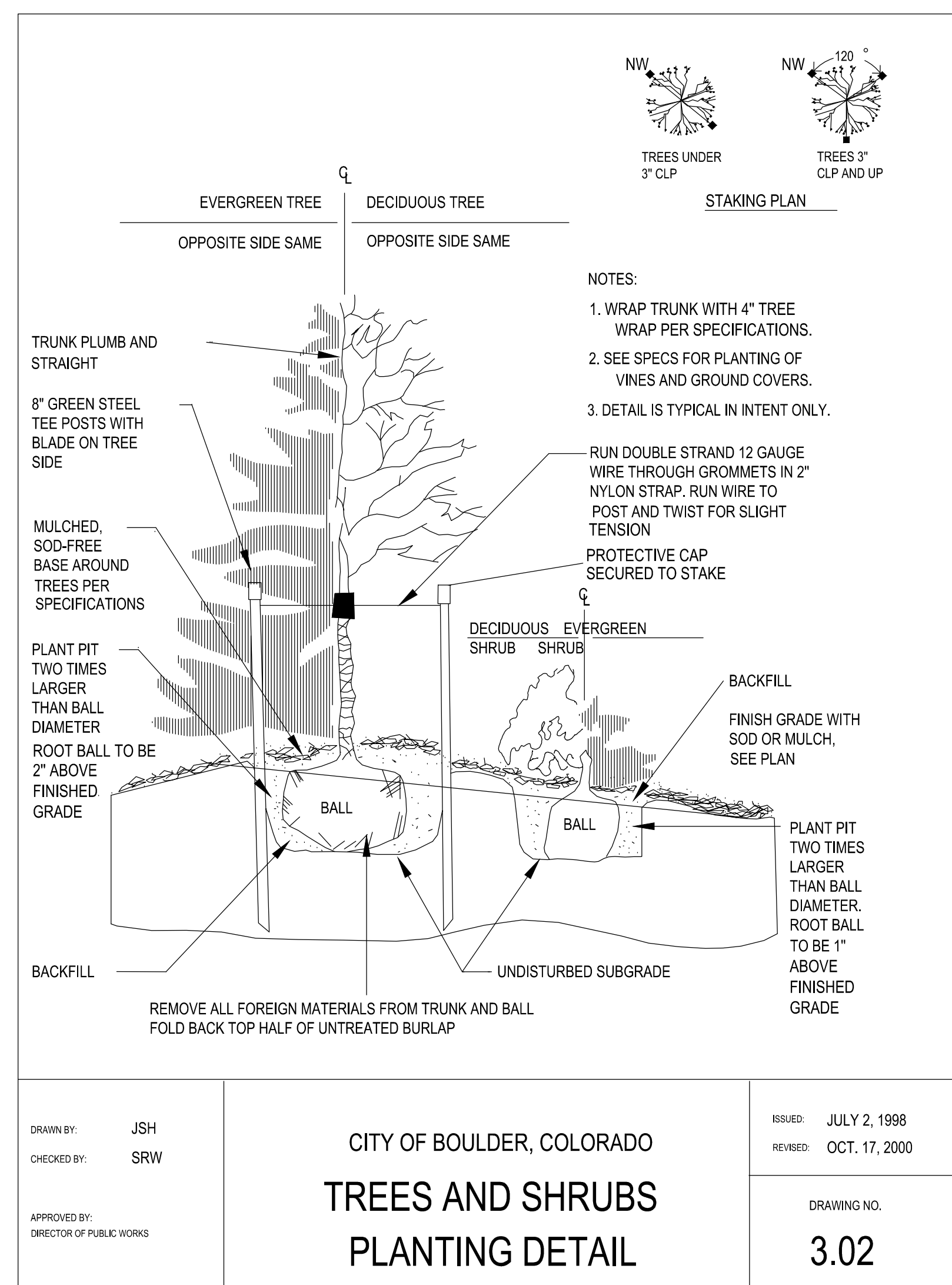
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4910 NAUTILUS CT.
LAND USE REVIEW
4910 NAUTILUS CT., BOULDER, CO 80301



PLANT TYPE: DECIDUOUS TREES						
Abbr.	No.	Genus	Species	Common Name	Min. Size	Spacing
HAC	3	Celtis	occidentalis	Western Hackberry	2" Cal	Per Plan
RMG	6	Acer	grandidentatum 'Schmid'	Rocky Mountain Glow Maple	2" Cal	Per Plan
PLANT TYPE: DECIDUOUS SHRUB PALETTE						
Abbr.	No.	Genus	Species	Common Name	Min. Size	Spacing
ALP	X	Ribes	alpinum	Alpine Currant	5 Gal	Per Plan
MKL	X	Syringa	patula 'Miss Kim'	Miss Kim Lilac	5 Gal	Per Plan
NWR	X	Rosa	x 'Nearly Wild'	Nearly Wild Rose	5 Gal	Per Plan
PYG	X	Potentilla	fruticosa 'Yellow Gem'	Yellow Gem Potentilla	5 Gal	Per Plan
WSC	X	Prunus	besseyi	Western Sand Cherry	5 Gal	Per Plan
LMS	X	Spiraea	x bumalda 'Limemound'	Limemound Spirea	5 Gal	Per Plan
GLS	X	Rhus	aromatica 'Grow-Low'	Gro-Low Fragrant Sumac	5 Gal	Per Plan
AVG	X	Helictotrichon	sempervirens	Blue Avena Grass	1 Gal	Per Plan
BLO	X	Bouteloua	gracillis	Blonde Ambition Blue Grama Grass	1 Gal	Per Plan
RSQ	X	Panicum	virgatum 'Shenandoah'	Red Switch Grass	1 Gal	Per Plan
FRG	X	Calamagrostis	acutiflora 'Karl forester'	Karl Forester Feather Reed Grass	1 Gal	Per Plan
PLANT TYPE: PERENNIALS PALETTE						
Abbr.	No.	Genus	Species	Common Name	Min. Size	Spacing
CFL	X	Echinacea	purpurea	Purple Coneflower	1 Gal	Per Plan
DDY	X	Hemerocallis	'Stella D'Oro'	Stella D'oro Daylily	1 Gal	Per Plan
RGD	X	Rudbeckia	fulgida 'goldsturm'	Black Eyed Susan	1 Gal	Per Plan
YAM	X	Achillea	'Moonshine'	Moonshine Yarrow	1 Gal	Per Plan

Drawn:

CH

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LAND USE REVIEW
LUR2022-00028

Contents:

PLANTING
DETAILS &
SCHEDULES

Date: 10/14/2022

LP501



June 17, 2022

4910 Nautilus Ct. – Land Use Review

Written Statement

The Land Use Review (LUR) application is for a proposed expansion of the outdoor amenity space. There are no proposed changes to the building. The developments Use Review and Site Review applications (LUR2012-00012) were approved. The proposed outdoor amenity expansion meets the intent of the previously approved plans and is compliant with the requirements found in section 9-2-15(e), listed and justified below.

e) Criteria for Review: No use review application will be approved unless the approving agency finds all of the following:

(1) Consistency With Zoning and Nonconformity: The use is consistent with the purpose of the zoning district as set forth in Section 9-5-2 “Zoning Districts,” B.R.C. 1981, except in the case of a nonconforming use;

The project is Zoned IG. The project was previously approved and is consistent with the prescribed general use as set forth in Section 9-5-2 “Zoning Districts,” B.R.C. 1981.

(2) Rationale: The use either:

(A) Provides direct service or convenience to or reduces adverse impacts to the surrounding uses or neighborhood;

(B) Provides a compatible transition between higher intensity and lower intensity uses;

(C) Is necessary to foster a specific city policy, as expressed in the Boulder Valley Comprehensive Plan, including, without limitation, historic preservation, moderate income housing, residential and non-residential mixed uses in appropriate locations and group living arrangements for special populations;

(D) Is an existing legal nonconforming use or change thereto that is permitted under subsection (f) of this section;

The proposed exterior improvements will reduce adverse impacts to the surrounding neighborhood by reducing the overall water use with a large reduction in irrigated turf. In addition, the proposed plan increases the overall tree canopy which has numerous proven environmental and sustainable benefits. The layout, organization, access, drainage, and function will remain in conformance with the intent of the approved site plan (LUR2012-00012). From an overall perspective the outdoor expansion will enhance the experience for Avery Brewing Company patrons beyond what is currently being provided while keeping open space intact.

The proposed improvements continue to support the Boulder Valley Comprehensive Plan through the continued support of local business, providing upgrades to existing commercial and industrial areas, and maybe most importantly, a responsiveness to changes in the marketplace. The recent pandemic has quite possibly changed the way businesses operate in the realm of public safety. Development regulations should reflect on the impacts that this pandemic has had on local businesses. The ability to



provide safer spaces for people to gather in an environment that also supports business and improves the overall aesthetic of a community, is a win-win scenario.

(3) Compatibility: *The location, size, design and operating characteristics of the proposed development or change to existing development are such that the use will be reasonably compatible with and have minimal negative impact on the use of nearby properties or for residential uses in industrial zoning districts; the proposed development mitigates the potential negative impacts from nearby properties;*

As an enhancement to an already approved (LUR2012-00012) Use and Site Review application, the proposed outdoor amenity expansion will improve the experience and lessen the impacts to nearby property owners by reducing the overall water use with a significant reduction of irrigated turfgrass while increasing the amount of shade tree canopy that provides a multitude of environmental benefits to the surrounding community. The layering of said trees and understory plantings will also increase the level of buffering to the nearby properties while improving the outdoor experience for patrons and passersby. The proposed expansion is substantially consistent with the intent of the originally approved Site Review and Use Review case number (LUR2012-00012).

(4) Infrastructure: *As compared to development permitted under Section 9-6-1, "Schedule of Permitted Land Uses," B.R.C. 1981, in the zone, or as compared to the existing level of impact of a nonconforming use, the proposed development will not significantly adversely affect the infrastructure of the surrounding area, including , without limitation, water, wastewater, and storm drainage utilities and streets;*

This application does not propose adding, modifying, or moving any principle or accessory buildings within an approved building envelope. The parking is proposed to remain unchanged. With a significant reduction of irrigated turfgrass the impacts to water needs are also greatly reduced. Detention is handled by the adjacent regional facility, and water quality is handled on-site through a variety of treatment methods. The existing drainage and water quality features were originally designed with intention of all phases of work being completed. Currently there are no plans for the Phase 2 building additions or parking lot expansions. The proposed improvements are largely impervious with a significant reduction of non-pervious surfacing from the previously approved Site Plan – (LUR2012-00012).

No changes to the number of parking spaces required is anticipated with the outdoor expansion. The total number of seats currently in use, is less than what was originally anticipated for 'Indoor' and 'Outdoor Dining' with the LUR2012-00012 Site Review Plans. A detailed table is provided in the plans that demonstrates that adequate parking is already provided on site

(5) Character of Area: *The use will not change the predominant character of the surrounding area or the character established and adopted design guidelines or plans for the area; and*

The previously approved open space area will remain unchanged with this proposal. The expansion of the outdoor amenity space will enhance the open space experience by including a mix of sun and shade. Proposed vertical improvements are light and transparent in nature. The layering of proposed trees and understory plantings will increase the level of buffering to the nearby properties while improving the outdoor experience and is consistent with the existing landscape aesthetic.



(6) Conversion of Dwelling Units to Nonresidential Uses: *There shall be a presumption against approving the conversion of dwelling units in the residential zoning districts to nonresidential uses that are allowed pursuant to a use review, or through the change of one nonconforming use to another nonconforming use. The presumption against such a conversion may be overcome by a finding that the use to be approved serves another compelling social, human services, governmental or recreational need in the community, including, without limitation, a use for a daycare center, park, religious assembly, social service use, benevolent organization use, art or craft studio space, museum or an educational use.*

Does not apply.

CRITERIA CHECKLIST AND COMMENT FORM

**LUR2022-00028 – 4910 Nautilus Ct.
USE REVIEW
SECTION 9-2-15**

Criteria for Review: No use review application will be approved unless the approving agency finds all of the following:

X (1) Consistency with Zoning and Non-Conformity: The use is consistent with the purpose of the zoning district as set forth in [Section 9-5-2\(c\)](#), "Zoning Districts Purposes," B.R.C. 1981, except in the case of a non-conforming use;

The project site is located within the IG zone district, defined as “*General industrial areas where a wide range of light industrial uses, including research and development, manufacturing, service industrial uses, media production, storage, and other intensive employment uses are located. Residential uses and other complementary uses may be allowed in appropriate locations,*” Section 9-5-2(c)(4)(B), B.R.C. 1981. Pursuant to Table 6-1, a Brewery over 15,000 square feet that includes a restaurant with outdoor seating within 500 feet of a residential use module is allowed pursuant to a Use Review. Pursuant to Section 9-6-5(b)(1)(A), “*any restaurant within the brewery, distillery, or winery does not exceed thirty percent of the total floor area of the facility, or one thousand square feet, whichever is greater, including any outdoor seating areas.*” The existing Brewery and restaurant use was approved in 2012 through Site and Use Review. The proposal to expand the outdoor seating area constitutes an expansion of the approved use and therefore requires approval of a new Use Review. The proposed expansion would bring the total outdoor seating area to 8,942 square feet and the total non-brewery area in the development (gift shop and restaurant including interior and exterior seating areas) to 17,216 square feet or 23.2% of the total indoor floor area (this complies with Section 9-6-5(b)(1)(A) of the Land Use Code and the definition of “Brewery,” which require the total restaurant and taproom area not to exceed 30% of total floor area).

X (2) Rationale: The use either:

X (A) Provides direct service or convenience to or reduces adverse impacts to the surrounding uses or neighborhood;

Overall, the proposed outdoor seating expansion will enhance the experience for Avery Brewing Company patrons beyond what is currently being provided by allowing for customers to gather safely in an outdoor environment subject to the existing management plan. Per the applicant’s written statement, the request to expand the outdoor seating area is largely a market-driven response to the Covid-19 pandemic, which has permanently changed customer’s preferences with regards to social distancing. Avery Brewing has been an iconic local business in Gunbarrel

since it was constructed nearly 10 years ago, and this request seeks to enhance their ability to serve customers in a safe and comfortable manner.

X 3) Compatibility: The location, size, design, and operating characteristics of the proposed development or change to an existing development are such that the use will be reasonably compatible with and have minimal negative impact on the use of nearby properties or for residential uses in industrial zoning districts, the proposed development reasonably mitigates the potential negative impacts from nearby properties;

As an expansion of the approved (LUR2012-00012) Use and Site Review application, the proposed outdoor amenity expansion will improve the experience for customers and will effectively “replace” the previously approved 20,000 square foot building expansion anticipated as part of Phase 2 of the development, thereby reducing the overall parking requirement as well as the overall size of the brewing facility from what was originally approved. The proposed expansion will also reduce the overall water use with a significant reduction of irrigated turfgrass while increasing the amount of shade tree canopy that provides a multitude of environmental benefits to the surrounding community. The layering of said trees and understory plantings will also increase the level of buffering to the nearby properties while improving the outdoor experience for patrons and passersby. Over the nearly 10 years that this facility has been in place, it has proven to be a much loved local business, and draws both local and regional customers.

Regarding the potential impacts of the proposed outdoor seating area on the adjacent county-owned open space, staff spoke with Boulder County Open Space staff and, based on the feedback provided, has provided an additional Condition of Approval for the Board’s consideration requiring that the applicant submit and receive approval of a Final Landscaping Plan which provides for additional landscaping strategies around the outdoor seating area that can create a visual buffer from the wetland and potential mitigation of noise, as determined by city landscaping staff. Staff finds that the city’s existing outdoor lighting regulations are sufficient to minimize lighting impacts. Additionally, while the Boulder County staff did not express any concerns over the proposed hours of operation, staff has provided another Condition of Approval for the Board’s consideration restricting amplified music within the outdoor seating area from 10:00 am to 11:00 pm.

X (4) Infrastructure: As compared to development permitted under Section 9-6-1, "Schedule of Permitted Uses of Land," B.R.C. 1981, in the zone, or as compared to the existing level of impact of a non-conforming use, the proposed development will not significantly adversely affect the infrastructure of the surrounding area, including, without limitation, water, wastewater, and storm drainage utilities and streets;

All of the infrastructure required to serve the development is already in place, and the proposed outdoor seating expansion will not require any new infrastructure to be constructed. This application does not propose adding, modifying, or moving any principle or accessory buildings within the approved building envelope. The parking is proposed to remain unchanged. With a significant reduction of irrigated turfgrass the impacts to water needs are also greatly reduced. Detention is handled by the adjacent regional facility, and water quality is handled on-site through a variety of treatment methods. The existing drainage and water quality features were originally designed with intention of all phases of work being completed. Currently there are no plans for the Phase 2 building additions or parking lot expansions. The proposed improvements are largely impervious with a significant reduction of non-pervious surfacing from the previously approved Site Plan – (LUR2012-00012).

X (5) Character of Area: The use will not change the predominant character of the surrounding area or the character established by adopted design guidelines or plans for the area; and

The existing Avery Brewing facility has been in place for nearly 10 years and has become a much-loved local business in the Gunbarrel community. The existing management plan will remain in place, and aside from the expanded outdoor seating area, no other changes to the existing facility operations will occur as a result of this proposal. Overall, the use will not change the character of the surrounding area, which is comprised largely of industrial and office uses with daytime hours.

N/A (6) Conversion of Dwelling Units to Non-Residential Uses: There shall be a presumption against approving the conversion of dwelling units in the residential zoning districts set forth in [Subsection 9-5-2\(c\)\(1\)\(a\)](#), B.R.C. 1981, to non-residential uses that are allowed pursuant to a use review, or through the change of one non-conforming use to another non-conforming use. The presumption against such a conversion may be overcome by a finding that the use to be approved serves another compelling social, human services, governmental, or recreational need in the community including, without limitation, a use for a day care center, park, religious assembly, social service use, benevolent organization use, art or craft studio space, museum, or an educational use.

**CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
July 18, 2023
Virtual Meeting**

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: <http://www.bouldercolorado.gov/>

PLANNING BOARD MEMBERS PRESENT:

Jorge Boone
Kurt Nordback
Laura Kaplan
Mark McIntyre
Sarah Silver, Chair
ml Robles

PLANNING BOARD MEMBERS ABSENT:

Lisa Smith

STAFF PRESENT:

Brad Mueller, Planning & Development Services Director
Charles Ferro, Planning Senior Manager
Devin Saunders, Board Specialist
Vivian Castro-Wooldridge, Planning Engagement Strategist
Chandler Van Schaack, Principal Planner
Alison Blaine, Senior City Planner
Shannon Moeller, Planning Manager

1. CALL TO ORDER

Chair, **S. Silver**, declared a quorum at 6:00 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

On a motion by **S. Silver** and seconded by **XX**, the Planning Board voted **6-0 (L. Smith absent)** to approve the June 20, 2023 Planning Board minutes as amended.

3. PUBLIC PARTICIPATION

1. No one spoke

4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS / CONTINUATIONS

- A. CALL UP ITEM: The Registry Boutique Hotel Use Review (LUR2020-00005): Use Review for a proposed thirty-seven (37) room boutique hotel located at 1111 Spruce St in the Downtown-2 (DT-2) zoning district.
- B. CALL UP ITEM: Use Review for restaurant uses with rooftop and ground-level outdoor dining at 1346 Pearl Street in the building formerly occupied by Lazy Dog Sports Bar & Grill for new restaurants SkinnyFATS and Cheba Hut.

These items were not called up

5. PUBLIC HEARING ITEMS

- A. AGENDA TITLE: Public Hearing for 1576 Hawthorn Site Review Amendment (LUR2022- 00058).

Staff Presentation:

- C. Ferro introduced the item.
- C. Van Schaack presented the item to the board.

Applicant Presentation:

- T. Bender presented the item to the board.

Board Questions:

- C. Van Schaack answered questions from the board.

Public Hearing:

- 1) No one spoke

Board Comments:

Key Issue #1: Is the proposed project consistent with the Site Review Criteria of the Land Use Code section 9-2-14(h) including findings related to consistency with the BVCP policies?

K. Nordback noted concerns about losing possible pedestrian access and the XX, and raised concerns with property size increase...

On a motion by M. McIntyre and seconded by ml Robles, the Boulder Planning Board voted 6-0 (L. Smith absent) to approve Site Review application #LUR2022-00024, adopting the staff memorandum as findings of fact, including the attached analysis of review criteria.

- B. AGENDA TITLE: Public Hearing for 4910 and 4920 Nautilus Court North (Avery Brewing) Review for a 7,062-sf patio expansion with associated landscape improvements.

Staff Presentation:

C. Ferro introduced the item.

C. Van Schaack presented the item to the board.

Board Questions:

C. Van Schaack answered questions from the board.

Public Hearing:

1) Lynn Segal

Board Comments:

Key Issue #1: Is the proposed project consistent with the Use Review Criteria of the Land Use Code section 9-2-15(e) including findings related to the use being reasonably compatible with and having minimal negative impact on the use of nearby properties?

S. Silver thanked staff for the extra effort on this and noted that the extra information addressed her concerns. Subject to the recommended conditions of approval provided in the staff memorandum

On a motion by S. Silver and seconded by L. Kaplan, the Boulder Planning Board voted 6-0 (L. Smith absent) to approve Use Review application #LUR2022-00028, subject to the recommended conditions of approval provided in the staff memorandum, and adopting the staff memorandum as findings of fact, including the attached analysis of review criteria.

6. ADDITIONAL MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY

C. Ferro discussed the possibility of a retreat for the board. M. McIntyre and K. Nordback will meet with D. Saunders to organize an agenda and date.

L. Kaplan briefed the board on the latest happenings with the Airport Community Conversation Process. She encouraged the board to participate in the BeHeard Boulder online questionnaire to provide feedback.

ml Robles requested a Planning Board member attend the September 13th, 2023 DAB meeting.

K. Nordback requested info on Proposition 123 and asked if Boulder meets all requirements/criteria for the affordable housing fund.

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

The Planning Board adjourned the meeting at 7:35 pm

APPROVED BY

Board Chair

DATE

DRAFT