



TOWN OF NEDERLAND PLANNING COMMISSION REGULAR BUSINESS MEETING

NEDERLAND COMMUNITY CENTER
750 Hwy 72 Nederland, CO 80466

October 22, 2014, 7:00 P.M.

Minutes

A. CALL TO ORDER

Chairman Cornell called the meeting to order at 7:02 pm.

B. ROLL CALL

Present: Chairman Roger Cornell, Vice Chairman Steve Williams, Commissioners Timmy Duggan, Stephanie Herring, Betty Porter, and Trustee Liaison Topher Donahue

Applications for Planning Commission in order of submission.

Chairman Cornell clarified that all applications will be forwarded to the BOT, however the Commission intends to recommend 2 applicants for the vacant seats, thus each applicant was voted upon in a separate motion.

1. Planning Commission new member application for Greg Guevara

Greg Guevara, Assistant Principal of Nederland Middle/Senior High School, said he has been a town resident for 6 years, during which time he served on the Steering Committee for the Envision 2020 process. He also served on the Teens, Inc. board. He said he is seeking appointment upon the Planning Commission which falls in line with his community interests.

Chairman Cornell opened the meeting to Commission questions.

Commissioner Porter asked where Guevara thinks the vision of town needs to go based on his Teens, Inc. experience. Guevara said his vision is for a prosperous, healthy community where established residents, new families and seniors can thrive.

2. Planning Commission new member application for Jesse Seavers

Jesse Seavers of Nederland, said he served as the previous Sustainability Advisory Board (SAB) Chairman, and is currently a SAB board member. He said he'd like more influence on plans implementation and fulfillment as a Planning Commission member, with a focus and expertise in sustainability.

Commissioner Herring asked Seavers what he felt were important issues that came before the SAB. Seavers said that the Eco-Pass required working with former SAB

members to bring to realization, as well as the zero-waste resolution, which he worked on in conjunction with Boulder County, and presented to the BOT.

Commissioner Duggan asked Seavers about his vision of sustainability as it pertains to new developments, Vision 2020 and the Comprehensive Plan. Seavers said that despite global challenges, a sustainability framework can provide elegant solutions to global issues that align with Nederland's tradition of independence and robustness. Seavers said that we want to ask the primary question of whether new development is leading to outside dependence for Nederland or creating more independence for the town.

Vice Chairman Williams asked Seavers what stood out when reading the Comprehensive Plan. Seavers said that sustainability elements (to include the nested model of sustainability) were well woven throughout the Comp Plan, and he incidentally scored the plan highly on the sustainability scorecard.

3. Planning Commission new member application for Bill Allen

Chairman Cornell said that the meeting falls upon Bill Allen's birthday, thus he will not be in attendance. Cornell referenced Allen's application within the packet and spoke to his past Trustee and Library Board experience.

Chairman Cornell opened up board discussion regarding applicants.

Commissioner Porter said she served as a Trustee along with Allen, and though they didn't always agree, his sound reasoning and presentation was evident. Thus, Porter said she's inclined to favor Allen and Guevara due to his background.

Vice Chairman Williams reiterated his similar feeling about Allen, though was unsure of his other recommendation.

Chairman Cornell said he has worked with Allen, and recruited him for the position on the Commission, and gave brief highlights on the benefits of Allen. He noted that Guevara's position at the school can provide valuable insight. Chairman Cornell cited the relevance of sustainability, though said the Comp Plan also deals with zoning and regulations for the town, which he feels was given short shrift. He noted that if Seavers moves to the PC, a vacancy will be created upon the SAB.

Commissioner Duggan inquired if Seavers is able to serve concurrently on both boards. Reis clarified that the code promotes diversity by discouraging service on the Planning Commission alongside another board, but does not outright prohibit double-duty.

Commissioner Herring noted that Guevara has a connection and a consciousness about the community's youth, which dovetails well with planning goals for the future. She said she appreciates Seavers' work on various plans, and his sustainability perspective. Because she doesn't know Allen, Herring said she would support Guevara and Seavers.

Commissioner Duggan said that he is impressed with Allen's involvement and regard within the community as a longtime resident. Duggan said he agrees with Herring's

statement about Guevara's investment in the community's youth. He cited Seavers' unique sustainability perspective which can increase the commission's diversity and expertise. Duggan said he'd support Allen and Seavers for the positions.

Trustee Donahue recognized the challenge of choosing between 3 viable applicants for 2 positions. Donahue listed his individual concerns about candidates first, and then spoke to favorable aspects of each applicant. He noted Guevara's focus on youth, Seavers' enthusiasm, and Allen's experience as benefits. He said it's important to bring new members onto boards, and would thus support Guevara and Seavers.

Vice Chairman Williams inquired if there is an orientation for new members. Reis said an orientation has been discussed to familiarize new applicants with their purview, which can be undertaken at the work session tentatively set for December 3.

Trustee Liaison Donahue stated that he shared his perspective within the discussion, but will reserve his vote for the Board of Trustees, unless needed to break a tie. Reis clarified that he is able to vote twice on this type of issue, though Donahue preferred to abstain.

Motion to recommend Greg Guevara for the Planning Commission made by Commissioner Porter, seconded by Vice Chairman Williams, with 4 in favor and Duggan opposed.

Motion to recommend Jesse Seavers for the Planning Commission made by Commissioner Duggan, seconded by Commissioner Herring, with 2 in favor, and Chairman Cornell, Vice Chairman Williams, and Commissioner Porter opposed.

Motion to recommend Bill Allen for the Planning Commission made by Vice Chairman Williams, seconded by Commissioner Porter, with 4 in favor, and Herring opposed.

C. APPROVAL OF MINUTES FROM September 24, 2014

Motion to approve September minutes made by Commissioner Porter, seconded by Commissioner Herring, with unanimous voice vote.

D. PUBLIC COMMENT

There was no public comment.

E. INFORMATION ITEMS

Reis said that the annual Volunteer Appreciation Party will be held on December 11 from 5-7 pm at the Community Center.

F. ACTION ITEMS

1. SRU Compliance Review: ClubNed Agreement 6-month review

Reis introduced the item. She said there are no major issues noted with this use,

except for several parking complaints.

Chairman Cornell noted that planning and zoning concerns are within the realm of the Commission, to look at any issues within the SRU conditions. Reis cited a condition to remove rubbish or vehicles for parking creation, which was addressed prior to the opening of the club.

Cheryl Fanelli of Nederland thanked the Commission for their time. She noted that the unsubstantiated complaints are from a specific individual, and have been ongoing for 3 years. She indicated that the issue is being dealt with at this time.

Fanelli said that ClubNed has been open for 6 months, and have provided membership to 900 people from 47 states and 8 countries, with some travelers extending their trips to include a visit. She highlighted positive print and television news publicity, along with a fundraiser to benefit the Nederland Community Presbyterian Church and help others in the community, along with the ability to educate club patrons/tourists.

There was no public comment.

Commissioner Duggan commended Fanelli for property enhancement, and asked about the club's future business vision. Fanelli said there are expansion intentions, as well as franchise opportunities, but didn't further elaborate.

Chairman Cornell indicated that the 4 parking spaces at the front of the building are confusing with the no trespassing signage and traffic cones, along with the no parking signage on the west side. Cornell suggested that clarifying available parking may alleviate the aforementioned parking issues. Fanelli stated that there is an ebb and flow of daytime parking, whereas all available parking is in use at night. She indicated that the club's nature necessitates reservations, with no off-street visitors' allowed.

Commissioner Duggan suggested incentivizing mass transit/alternative transport for members who will be driving post-consumption. Fanelli said that they have methods to support club members to keep them from overconsumption.

Chairman Cornell said that all requirements have been met and maintained. He noted that SRU Agreement specify that there must be no violations, to include substantiated criminal complaints or any other violations of the agreement.

Motion to approve ClubNed for fulfillment of all requirements at 6 month review made by Commissioner Duggan, seconded by Trustee Donahue, with all in favor.

G. DISCUSSION ITEM

1. Holiday PC Schedule

Reis noted that both the November and December meetings precede holidays, with a general lack of applications, allowing for meeting cancellations, should the Commission

wish. As there are no pending applications, meeting cancellation would affect Comprehensive Plan implementation, with options to delay or schedule work sessions, she said.

Chairman Cornell said that they have undertaken to solidify Commission membership, and would like to maintain momentum with a work session for either Wednesday, December 3 or 10. Reis said an email will be sent to set tentatively the work session for December 3, starting at 6 p.m. Vice Chairman Williams inquired about new member orientation, which Reis said can be undertaken at the work session.

2. Municipal Code Review: Sec. 16-32 Use Chart

Reis asked the Commissioner's to familiarize themselves with NMC Sec.16-31 District Categories for prevailing use, as well as Sec. 16-32 Use Group table allowances. Reis said that familiarization will assist with logical Comprehensive Plan alignment, and identify code conflicts or ambiguity.

Chairman Cornell said that he examines the District Categories prior to reviewing applications to assist his understanding. He noted that some allowances within the use groups, such as mineral ore processing, exist due to historical inclusion, but may no longer make sense.

As a small town, a future Zoning Administrator without a planning background could be challenged to interpret the use groups tables, thus, Reis supports simplification to be self-evident for anyone to understand allowances.

Trustee Donahue said that the chart is currently broken down by various uses, though may be better streamlined by zoning district instead, as well as being updated to match the Comprehensive Plan. He asked if discrepancies can be identified beforehand. Reis said that a subcommittee can work on this project, as some of the current Planning Commission are well versed with the Comp Plan having served on the Project Steering Committee. Chairman Cornell said that known code-related items, such as mixed use and core area development, can be pulled out for clarification.

Commissioner Porter asked where the Housing Needs Assessment (HNA) fits in. Reis said that HNA results provide quantitative data backing up qualitative aspects within the Comp Plan, indicating available land, and the type of housing units needed. This provides strategic data for the implementation of housing goals, she said.

Chairman Cornell summarized specific areas for review:

- 1) NMC Sec. 16-32 Use Groups table for clarification of allowances
- 2) Staff input about reorganization of the use groups by district, instead of uses, for ease of interpretation.
- 3) Identify items from Comp Plan with code-specific actions.
- 4) Staff is to research other municipal codes for organizational ideas.
- 5.) NMC Sec. 16-33 Yard and Bulk requirements to review setbacks and maximum lot coverage (consisting of the ground floor footprint, any structures or impervious

surfaces) for property development.

Chairman Cornell noted the uniqueness created by previous administrations having disregarded lot size alignment with density in allowance for Special Review Uses (SRUs). He noted the allowance via PUD in the Neighborhood Commercial (NC) district to increase density to 1 unit per 2,000 s.f., the highest density allowed within town except for mixed-use developments in commercial areas, with density established via SRU.

Commissioner Herring asked about the PC recommendations regarding marijuana zoning (residential zones) allowances forwarded to the BOT. Reis responded that the BOT decided to wait a year for existing allowances to stand to observe issues, and see whether applicants come forward to seek SRU for home occupation cultivation. Trustee Donahue said that the BOT acknowledged that licensing has just begun, and the BOT would support dealing with issues that arise rather than speculation. Some Board members felt that alteration of allowances was poor timing, though worth revisiting in a year due to the controversy of the subject, said Donahue.

Vice Chairman Williams asked how problems will be addressed if unchanged. Reis said that the Town Attorney has stated that SRU criteria in place will allow adequate latitude to set conditions, as the Commission would do for any review use. She said that no licensing applications have been received. Trustee Donahue acknowledged enforcement challenges, but re-visitation in a year can allow them to defend the choice to suggest alteration of regulations without being hypothetically based.

Reis said they hope to identify any safety issues like faulty wiring, though contracted code enforcement, along with rental licensing. She noted that issues within the caregiver allowance are expected to be addressed via forthcoming state legislature changes.

Trustee Donahue said that the BOT decided to table recommendation regarding reduction of floor space area. He explained that this was presented at the same time, and became inseparably tied to the marijuana issue. He said there are many home-based businesses along with small homes, thus reduction of floor space area can be tricky to address. He said there are many residents using homes for non-impactful, sustainable businesses unrelated to marijuana that would be affected by a change. Trustee Donahue said that feedback was presented by residents not affiliated with marijuana, thus the BOT tabled this proposed change indefinitely.

3. Comprehensive Plan Implementation 2015 goals

Chairman Cornell suggested Commissioner review of Chapter 5 to look at tasks prior to the work session on December 3 to separate those requiring further review versus implementation, suggesting focus upon all tasks, not just the short-term.

Commissioner Herring suggested this be done prior to the work session to be included in the work session agenda. The Plan/Review column can then be prioritized, added to or modified. Chairman Cornell asked that they pull bullets out of the Comprehensive

Plan to be forwarded by members. Trustee Donahue said there seems to be a trend on the BOT to stick with zoning regulations, thus the PC's recommendations regarding zoning will be influential.

H. OTHER BUSINESS

Reis said that the STAR rating system is a sustainability tracking mechanism being promoted and updated by the Town Intern Alex Armani-Munn. Nederland would be the smallest STAR-certified community and with completion of objectives, can spearhead a model for small town sustainability, she said. There are about 10 items for Commission consideration, to include adoption of incentives for various zoning regulations, with preference for compact mixed-use developments. Reis explained that some objectives will require documentation of existing policy or efforts, with need for Planning Commission assistance for other items. Reis indicated that the Board of Trustees favors STAR's outcomes-based program basis, coinciding with elements for the Sustainability Action Plan (SAP) implementation. She said that Armani-Munn will come for discussion with the Commission soon.

Reis said that Nederland can retain its status for 2014, with the need for attainment of 300 points in 2015 to be considered a 3-star community. This can serve as a follow up to the recent planning association award for the Comprehensive Plan, with no conflicts between STAR objectives and the Comp Plan, she said. Trustee Donahue said that the BOT supports easily obtained objectives, with attainment of STAR rating helping for future grant qualification.

There was discussion by the Commission about revising meeting room set up to allow the Commissioners to see each other, similar to the BOT set up.

I. ADJOURNMENT


Motion to adjourn made by Commissioner Duggan, seconded by Commissioner Porter, with all in favor. Meeting adjourned at 9:19 pm.

Approved by the Planning Commission,



Roger Cornell, Chairman, Planning Commission

ATTEST:



Cynthia Bakke, Deputy Town Clerk

