



# Nederland Planning Commission

## MINUTES

Wednesday, February 23, 2011 ~ 7:00 pm  
Nederland Community Center  
750 Highway 72 North

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### 1) Call to Order

The Chairman called the meeting to order at 7:08 PM.

### 2) Roll Call

Present: Chairman Bill Martin, Commissioners Roger Cornell, Mikki Osterloo, Steve Williams and Trustee Kevin Mueller.

Absent: Commissioner Denise Jackson

Also present: Town Administrator Alisha Reis, Deputy Town Clerk Kristen Edwards.

### 3) Approval of minutes from January 26, 2011

The motion to approve the minutes was made by Commissioner Cornell, seconded by Commissioner Osterloo and unanimously approved with Commissioner Williams abstaining as he did not attend the meeting.

### 4) Action Items

#### a. Approval of minutes from June 23, 2010

Edwards explained that in organizing Planning Commission documents, she discovered that the minutes from the June 23, 2010 meeting were never formally approved at any subsequent meeting.

The motion to approve the June 23, 2010 minutes was made by Commissioner Cornell, seconded by Commissioner Osterloo and approved by Commissioners Martin and Osterloo with Commissioners Cornell and Williams abstaining as they were not on the Commission at the time.

b. Revocable encroachment permit – 34 E. 1<sup>st</sup> Street

The applicant David Jaggar [5139 Sugarloaf Road] introduced the item and told the history of the property. When he applied for a permit to build the current building, it was recognized that the covered walkway in front encroached upon the Town right-of-way for First Street, but the building itself was set back far enough that it did not. A more recent re-survey showed that the building itself actually encroaches approximately 12 inches into the right-of-way as well. Mr. Jaggar is interested in selling the building and so desires a clean title; his surveyor proposed the revocable permit approach, supported by Reis and Town Attorney Carmen Beery, as a way to formalize the agreement and achieve the clean title.

Reis stated that Staff has reviewed the documents and the agreement and are in accord. She clarified that the agreement also covers 30 E. 1<sup>st</sup> Street (the Co-op). Commissioner Cornell said he thinks the situation is a good one to clean up. Chairman Martin noted that a number of the First Street businesses are likely in the same situation, and agreed that this sets a positive precedent for how to manage the situation with a consistent process.

There was no public comment on the item.

A motion to recommend approval of Resolution 2011-05 of the Board of Trustees of the Town of Nederland granting a revocable encroachment permit for a portion of East 1<sup>st</sup> Street Adjacent to and near lots 1 and 2 of the Jenai Subdivision was made by Commissioner Cornell, seconded by Commissioner Osterloo and approved unanimously.

c. Code changes to the sidewalk display permit process

Reis introduced the item, explaining that the change allows Town Staff to handle this fairly routine permit request; as written, such permit request would need to be approved by the Board of Trustees. Chairman Martin asked if special cases would still go before the Commission or the BOT. Reis replied Staff has the prerogative to direct it that way if they feel the situation merits it or the code is vague, but that permit requests are normally processed at an administrative level.

The Commission had a short discussion on the matter, clarifying that this is for existing stores who want to display something outside

(as opposed to a separate vendor permit) and that the permit is good for each calendar year. The Commission agreed that this is a good housekeeping measure that creates a more efficient process, is more responsive to business owners, and keeps unnecessary items off of the BOT agenda.

There was no public comment on the item.

A motion to recommend approval of the proposed code changes to the sidewalk display permit process was made by Commissioner Cornell, seconded by Commissioner Williams and approved unanimously.

## 5) Discussion Items

### a. Plan review schedule for Sidewalk Enhancement Plan

Paul Turnburke – 3259 Ridge Road – Director of the DDA, introduced the item. The main idea of the plan is to look at the block along the highway between Lakeview Drive and 1st Street and see what can be done to make it more attractive. Some ideas the DDA came up with are displaying public art, re-vegetating with landscaping appropriate to the area, and providing gathering places for people to sit. The DDA is trying to get a sense if people think these are good ideas and they should move forward, or if this should be the end of the planning process.

In response to questions from Chairman Martin, Mr. Turnburke clarified that tonight's discussion is just about the one block in question and is distinct from both Phase 1 and Phase 2 of the larger sidewalk projects.

Using a large display board with an artist's rendering of the potential enhancements, Mr. Turnburke walked the group through a detailed description of the plan. He explained that the intended 'flavor' of the plan is to take neat things that exist in Town already and build on them. Highlights of the plan included, but were not limited to, building ornamental railings and rustic log benches in front of the visitor's center, planting aspen on both sides of the highway, planting areas of perennials and ornamentals, implementing bioswales to catch pollutants that come off of the road after a rainstorm, creating numerous gathering and seating areas, building a bus shelter in front of the bank, incorporating implements of significance to residents into a 'story wall', improving the crushed gravel paths, providing locations for public art, creating a new

Tungsten Trail sign, and attempting to remove as much impervious paving as possible. He noted that the most complicated area is the steep slope north of the pedestrian bridge that can be dangerous if pedestrians encounter vehicles trying to get up the hill. The proposed plan prevents automotive access to the area and creates ADA access down to the pedestrian bridge and the riverwalk path, but only works if vehicular access can be worked out from other side behind the stores on First Street. The path would also double as an emergency access ramp for police and fire vehicles if necessary.

Commissioner Cornell agreed that the area looks unfinished and asked how the plan would be funded and what it would cost. Mr. Turnburke explained that the project would mostly be funded by the DDA and the plan is not yet developed enough to estimate costs.

Chairman Martin asked for Staff comment. Reis explained that she has encouraged the DDA to bring these plans to various Boards and the public to gather comments at this early phase. She could potentially see some maintenance and public/private ownership issues, but is confident those things could be worked out.

The meeting was opened to public comment.

Teresa Warren – owner of Off Her Rocker – said she is totally in support of the plan. She believes the cars coming up the hill north of the pedestrian bridge from behind her store create a very dangerous situation, and would be happy to see that remedied.

Sandy Lajudice – 38 Wildewood Drive – has volunteered for 15 years at the visitor's center and has come to love the Town for what it is, not for what the DDA is proposing. She wants to leave the Town in a rustic state, would prefer to see natural scenery and a small-town setting rather than public art, and believes Nederland should be thought of as a real town not a tourist destination.

Betsy Buck – 38 Navajo – concurs with Ms. Lajudice. She believes this plan is one part of potential development in Town to which many people are opposed. She likes the idea of ADA access to the pedestrian bridge but believes that public art interferes with the natural atmosphere in the area. She wondered about issues with trash and containers as well as lighting and light pollution. She would like to see the Town kept rustic and soft with as much wood as possible rather than concrete. She sees it as a beautiful plan for a town down in the plains.

Donna Kirkpatrick – owner of Nederland Feed and Supply at 115 E. 2nd Street – said she hates to see money wasted and would rather have the money spent on widening the highways. She believes that locals no longer come to town to shop on the weekends due to traffic and congestion, and her business is suffering accordingly. She stated that Highway 119 is the backbone of the Town and it is deteriorating; there's a need for turn lanes or stop signs or traffic light or something else to address what she feels is the most significant issue facing the Town.

Sue Leto – 70 W. 3rd Street – concurs with Ms. Lajudice and Ms. Buck and sees the plan as overkill. She would prefer to step back and look at what is really needed in Town and believes an exit from Big Springs for fire is more important.

Mr. Jaggard noted that the community gardens are in their current location for nominal rent and are looking for another space, so they shouldn't interfere with the plan one way or another.

Janet Perry – 119 East 1st Street – believes that the steep slope north of the pedestrian bridge is dangerous because it can get very icy and cars have to 'gun it' to get up the hill. She thinks it would be a good idea if something could be done to make that area safer.

Phyllis Wright – 1743 Ridge Road – is one of the caretakers of the peace garden at the north end of the pedestrian bridge, where they worked hard to take an ugly spot and make it beautiful. She is concerned that a loop of the handicap path cuts out a part of the peace garden and hopes that piece of the plan can be re-worked. She thinks there are some parts of the plan that are lovely, but believes we already have a beautiful and quaint town so should think very carefully about any future development.

Julie Davis – Caribou Road – is one of the people who doesn't come to town on weekend because of the traffic. She likes certain features of the plan, such as the handicapped access and the use of natural materials, but she agrees mostly with the people who spoke against the plan. She commended Mr. Turnburke and Ms. Reis for bringing the plans to the public so early in the game so there can be real dialogue at such an early stage. She believes that residents can have legitimate disagreements and still engage in civil discourse and feels that this is one of the first times she has seen that in action.

Teresa Warren showed a display of photos of the Town from 1880 to 1938, stating that Nederland has always been a changing town and wondering who's to say at what time in our history is the right time to stop? She pointed out the fact that the DDA exists and gets tax money, so we need to work to find a way to spend that money that people can agree on. She invited everyone to attend DDA meetings and weigh in with their ideas.

Lisa Zucker – 214 Big Springs Drive – believes that the plan seems too complicated for a small town and doesn't think that just because grant money exists means that we need to do something per se. She would like to see a more simplified, practical plan.

The meeting was closed to public comment.

Mr. Turnburke responded to some of the public comments. He stated that the DDA's motivation is emphatically not for tourists. The DDA learned early on from talking to experts that if you do things for tourists, they will fail; you must do things for the people who live in the town. He has heard numerous opinions both for and against the first phase of the sidewalks and isn't sure how to figure out how to move forward; maybe a vote to see which group is truly in the majority? He likes the idea of talking things out as much as possible. He disagrees with people who say these developments are crushing the spirit of the town; in his opinion the 'spirit' of Nederland runs much deeper than those people give it credit for. He clarified that the riverwalk path is a crushed gravel path, not concrete, and that there's no lighting called for in the plan and none is needed. There has been a separate discussion about an additional bridge across the creek but that's not part of this plan. Trash containers are not currently part of the plan and could be added, but they can be problematic as residents will fill them up with household trash. He thinks the idea of an exit out of Big Springs is a good idea, but noted that it is far outside of the DDA's boundaries so they couldn't contribute to that project. He also believes there would be very minimal disruption to the peace garden.

Chairman Martin brought the discussion back up to the Planning Commission level. He noted that a second bridge crossing the creek has been discussed for a long time and that fire and safety concerns make it a good idea for numerous reasons. He is happy that the alignment of Highway 119 has slowed the traffic down. He agreed that there is a real need to improve Lakeview Drive coming out of the B&F and the often-gridlocked traffic flow there. He likes the

idea of a limited-vehicular-access crushed gravel path along the river.

Commissioner Williams pointed out that it is a bad idea to do a bunch of work and spend money just to rip things out when implementing something new, so it's important to consider the bigger issues of traffic flow or a second bridge when evaluating the plan.

Commissioner Osterloo said she thinks some of the ideas are really good and she is very happy to have dialogue at this early stage. She likes aspen for the re-vegetation and appreciates the ADA access. She likes the use of flagstone and crushed gravel and wants to limit the use of concrete. She noted that seating areas in Boulder are often covered in graffiti and used by "not the most polite" people and wondered if the same problems would happen here. She also wondered if the Town has enough resources to maintain the improvements in the long run. She believes the bus shelter is not necessary and would obstruct the view. She goes back and forth on the art; it would depend on the kind of art and she thinks it is important for the art to be local.

Trustee Mueller began by thanking Mr. Turnburke and the DDA for their work. He would like to see more analysis of how the ideas of the Comprehensive Plan are addressed by the plan, particularly the 'rustic and rural atmosphere' that is addressed in many of the elements. He believes the bioswales are very important and should be at the top of the list. He expressed concerns that the 'holistic design' could have the negative consequence of homogenizing the area; he prefers the funkiness of variety in town. He dislikes the idea of large monolithic sculptures that make the town look like Estes Park. He noted that one area of almost universal agreement is that everyone loves and wants to preserve the eclectic nature of the town and keep it looking like it came together naturally and organically. He agreed that the turn from Lakeview Drive is problematic and needs to be fixed and would like to prioritize spending money on fixing existing issues created by the sidewalks like that intersection and the runoff. He cautioned against spending money on intentional gathering places when there are nice impermanent natural gathering places by the creek already. He thinks the focus should be to re-vegetate the area, fix the run-off issues and other problems created by sidewalks, and work to fix the steep slope north of the pedestrian bridge. He suggested scaling back the plans and concentrating on what really needs to be done, with a

focus on reducing the environmental impact. He also suggested that things like energy-efficient upgrades of the businesses on First Street could be a better way for the DDA to spend the money.

Commissioner Cornell said he agrees with much of what has been said already. He thinks the plan is a lot in a small area and has concerns about noise. He finds the steep slope north of the pedestrian bridge to be the most significant problem, and would like to recommend to the BOT that Staff prioritize creating a decent walkable ramp down to the bridge and work on getting access and easements from other side. He believes that one gathering space on either side of highway is plenty, and that noise and fumes should be taken into consideration vis-à-vis gathering place locations. He believes the plan is too much in too small of a space, and shares Trustee Mueller's concerns about a 'homogenized' look. He thinks that landscaping and finishing up the CDOT project is appropriate, so is OK with about half of the plan, but thinks the rest is over the top. He also suggested a cost-benefit analysis of this plan vis-à-vis the priority of other projects.

Commissioner Williams thanked Mr. Turnburke for bringing the plans to the Commission for discussion and said he agreed with much of what has been said. He reiterated the importance of looking at the bigger picture and seeing how the changes fit into the larger plans of the Town. He pointed out that while Big Springs isn't part of the DDA, it is part of the larger picture for the Town. He agrees that it is good to do some landscaping to finish the CDOT project, but doesn't want to go overboard. He is concerned about not having any idea of the cost and suggested approaching improvements in phases, so each can be completed successfully. He suggested that artwork possibly be used as a nod to Nederland's history as mining town.

Chairman Martin echoed questions about how the project fits in with other priorities of the Town. He agreed that the area looks unfinished, so if a version of the plan can fix that issue without going overboard, he sees that as successful development.

Commissioner Osterloo added that she is one of the people who doesn't come into town on the weekends because it's too busy and said she hasn't noticed the traffic slowing down.

Chairman Martin stated that it is necessary to find a balance between the desires for infill development and supporting local



businesses and the costs associated with those plans. He asked Mr. Turnburke how the proposal fits in vis-à-vis other DDA priorities.

Mr. Turnburke referred the group to the DDA Action Plan for 2011-2012 that is on the web site. He expressed his excitement about hearing what people believe the DDA should and shouldn't focus on, and suggested having workshops on that topic, so the DDA can hear what they might have missed the first time around. He welcomes the idea of sitting down and hearing alternative ideas. In addressing some of the Commission's comments, he stated that the Lakeview intersection is a tough fix for many reasons, but he would welcome a cooperative effort to try to fix it. He acknowledged the emphasis on too many seating areas, the lack of enthusiasm about the bus stop and the desire for varied natural materials. He likes the idea of public gardens, but noted that the DDA is limited by statute as to how much ongoing maintenance they are allowed to do, so they cannot do projects that they have to maintain over time. He thought the idea of energy-efficient upgrades to businesses was a good one. He agreed that there are many ways to simplify the plan.

Chairman Martin suggested that improvements be made to the picnic bench area in front of the co-op where people already gather rather than create new areas. He wondered what the process would be to achieve access across the Upstream PUD and if that could be the first phase of the project. Commissioner Cornell suggested a recommendation to the BOT that they direct Staff to work on the problem. He emphasized that the main theme of the evening is that the plan is "too much" and that it needs to be scaled back significantly.

A motion to recommend to the BOT that the project to create an easement along the riverwalk behind the First Street businesses be a priority for Staff was made by Commissioner Cornell, seconded by Commissioner Osterloo and approved unanimously by a hand vote.

The Commission recessed for a short break.

#### b. Nederland Comprehensive Plan Update

Reis introduced the item, stating that the next steps are to set a timeline for reviewing the chapters and determine if the group wants to elect a project manager. She also raised the question of whether or not there is a need to have separate meetings focused on the Comprehensive Plan alone.

Chairman Martin said the group should do the first cut on reviewing their assigned chapters so as to see what the group is dealing with.

Commissioner Cornell stated there is a need to have separate meetings or the process won't move forward. He discussed some problems he had while reviewing his chapter and wondered about the best approach. Reis recommended making a list of things that raise questions and pulling those out to discuss as a group. Staff can then work on consolidating the master draft and researching some of the issues, and items can be put it out for public comment as appropriate.

After some discussion on how best to proceed, the group set the next regular meeting in March as the deadline for the initial review of their assigned chapters. The group will assess progress at the March meeting and will set a date for a working meeting in April.

c. Zoning Map Update

Chairman Martin introduced the item, reiterating that the goal of the effort is to identify changes since the 1981 version, including those already detailed in the 2003 version adopted as a part of the Comprehensive Plan. The Commission went through the flagged areas on the draft map and gave Staff what guidance they could on what drove the changes from previous versions. The group agreed to review any notes and documents they have at home and send Staff any information that might be helpful.

Reis excused herself from the meeting at 10:10 pm.

**6) Other Business**

Kathleen Chippi – Magnolia Star Route – thanked the Commission for listening to people. She articulated the concerns she has with the 'special treatment' she believes is being given to Medical Marijuana grow operations compared to other businesses. She believes the Town is not listening to the concerns of residents who are impacted by grows in the mixed-use buildings where they live, and is very much against allowing grows in the Central Business District (CBD). She feels that having grows in Neighborhood Commercial and General Commercial without review and in CBD with review is too liberal. Commissioner

Martin stated that they recommended review to the BOT but that the BOT has the right to decide whether or not to take the Commission's recommendation. Commissioner Osterloo said that she was unhappy with how the Board voted and with the inclusion of the CBD as a permitted zone for industrial grows even by review. Commissioner Cornell explained that he attended the BOT meeting but was confused and made some inaccurate statements that may have "muddied" things. He worried that the discussion went too long focusing on the wrong things. He agreed that the situation with residences in the mixed-use Kathmandu building is problematic and would benefit from some additional attention. He reiterated what the BOT said at the meeting, that the intent of the ordinance was to get something on the books, but that it is a work in progress and can be modified in the future. In response to questions, Trustee Mueller explained that once a vote is passed by the BOT, someone who voted against the item can't raise the issue again. He emphasized that everything related to Medical Marijuana is new to the Town and everyone is doing their best with the subject. Ms. Chippi reiterated her concerns about the negative impact on residents living near grow operations. Trustee Mueller stated that if there really is an ongoing problem, any party can bring it up to the Planning Commission or the BOT and it will be addressed.

## 7) Adjournment

The motion to adjourn was made by Commissioner Cornell, seconded by Commissioner Osterloo and unanimously approved at 10:32 pm.


Approved by the Planning Commission,



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Bill Martin, Chair, Planning Commission

ATTEST:



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Kristen Edwards, Deputy Town Clerk

