



Nederland Planning Commission

MINUTES

Wednesday, September 28, 2011 ~ 7:00 pm
Nederland Community Center
750 Highway 72 North

1) Call to Order

The Chair called the meeting to order at 7:12PM.

2) Roll Call

Present: Chairman Bill Martin, Commissioners Kris Larsen, Denise Jackson, and Mikki Osterloo; Mayor Pro Tem Kevin Mueller.

Also present: Town Administrator Alisha Reis, Town Clerk Teresa Myers

Absent: Commissioners Roger Cornell and Steve Williams.

3) Public Comment

Atashnaa Werner, of Greater Nederland, spoke in favor of affordable housing for seniors in Nederland. She had previously forwarded materials and comments to the Commission, and she expounded on those. She also spoke about her feelings that her comments to Envision Nederland 2020 committee regarding subsidized senior housing were “word-smithed” and altered so as to lose their emphasis. She is hopeful that the Commission will consider subsidized housing for low-income seniors in the Peak to Peak community in its review of the Comprehensive Plan.

The Commissioners noted that they did not receive the materials Werner referenced and she offered to get them to the Commission.

Chairman Martin explained the Comprehensive Plan process a bit and invited Werner to continue to dialogue with the Commission as the process continues.

Werner noted that many residents of the Greater Nederland Community contributed to the envisioning process and hopes that their concerns will be reflected in the Comprehensive Plan.

Ron Mitchell, of Nederland, explained that he was attending the meeting to show his support for the resigned mayor and the Town staff, and explained that he would be bringing his next development proposal to a town vote.

4) Approval of minutes from August 24, 2011

The motion to approve the minutes was made by Commissioner Jackson, seconded by Commissioner Larsen and unanimously approved.

5) Action Items

- a. Consideration of change to Nederland Municipal Code Section 16-210 requiring paving of parking lots of 20+ spaces

Town Administrator Alisha Reis introduced the item and explained that it was before the Commission because staff felt that a recent planning application justified specific review of the policy codified in this section. Staff feels that the bright-line rule contained in the section at issue is not in accord with the Town's sustainability goals and will create drainage problems for the most recent applicant to whom it was applied. Staff recommends a case-by-case analysis, similar to an application for Special Review Use, with emphasis on sustainability, drainage, and aesthetic concerns. Reis explained how the sample application would proceed without a change in the Code, and the Town Attorney's legal interpretation of the current language.

Chairman Martin reminisced about an earlier situation that posed the same question but was never particularly resolved and ultimately became moot. Commissioner Jackson asked if the Code included a definition of "paved," and was informed that it does not.

The Commission appreciated the Public Works memo and the perspective it offered. Chairman Martin commented on how this paving would contribute to drainage issues further downstream in the downtown area.

Mitchell shared his recollection of how the 20-spaces requirement came to be. According to his memory, the requirement was adopted as an anti-development, anti-growth measure. Mitchell argued that the current economic climate demands a new approach.

Commissioner Jackson expressed her support for changing the code to meet the staff recommendation. Commissioner Osterloo felt the paving requirement is not necessary and drainage is of greater importance. Chairman Martin and Commissioner Larsen agreed. Mayor Pro Tem Mueller noted that this is an opportunity to try to fix this portion of the Code, and to examine what constitutes a sustainable parking lot. He wondered if the DDA would be willing to match funding for a more sustainable design for such a prominent location in Town.

Mitchell asked that he be allowed to provide a 20-minute presentation to the Commission to discuss parking issues in Town, and Chairman Martin agreed that it would be useful to hear his presentation. Mitchell offered some examples of the recommendations he could provide. Mitchell noted that the anti-development goal of the original ordinance was achieved.

Chairman Martin noted that the Code needs to include a definition of “paving” and should reflect drainage and permeability concerns. Commissioner Jackson disagreed, suggesting that the paving definition should be left alone and the focus should be on the case-by-case basis via the SRU process.

Mayor Pro Tem Mueller suggested that a broader Code change involving parking should reflect the Comprehensive Plan and be scheduled for consideration immediately following that adoption. He also made requests of Mitchell for items to be included in his presentation.

The Commission agreed that Mitchell would provide a presentation on the agenda at the next meeting.

Commissioner Jackson asked if the handicapped spaces must be paved and Reis explained that federal law does require that the spaces be hard surfaces, but that it doesn't appear to require non-permeable surfaces.

The Commission agreed to support a change in the Code to a case-by-case Special Review of Use. The Commission further directed

Reis to work with Mitchell to address some of the Public Works suggestions and concerns in the short term. Reis explained to the Commission that if the Code change was adopted, the sample application would come before the Commission sometime before the end of the year.

The Commission also talked about the possibility of DDA involvement in areas that are of public concern. Mitchell informed the Commission that DDA funds can be used on private property, as long as the project does not benefit the property owner more than the public at large.

The Commission then worked to draft language for a Code amendment to the section in question and agreed upon "Parking lots containing more than 20 spaces shall be designated as Special Review Uses. Adequate drainage facilities shall be provided. Curbs or wheel stops may be provided."

The motion to approve recommending the amended language for N.M.C. Section 16-210 to the Board of Trustees was made by Commissioner Jackson, seconded by Commissioner Osterloo and approved unanimously by hand vote.

6) Discussion Items

a. Nederland Comprehensive Plan update - Review of draft RFQ

Reis introduced the item and explained the document that was before the Commission. Commissioner Larsen had some concerns about specifically including the incorporation of The Natural Step process as a required element of the Comprehensive Plan. Mayor Pro Tem Mueller explained in greater detail The Natural Step's principles and argued for its inclusion in the RFQ. Commissioner Larsen suggested that it would be better to allow the consulting firm applicants to raise the point themselves, rather than having it as part of the RFQ. Commissioner Jackson argued that sustainability should not be the primary consideration in evaluating an applicant's qualifications. Chairman Martin talked about whether the sustainability issue should be the pivot on which all else moves or but a single factor for consideration, woven throughout the selection process and the Plan.

Mayor Pro Tem Mueller pointed out the Board of Trustees has adopted the Envision 2020 report and that such adoption serves as a

mandate to the sub-committees to incorporate the principles of the Envision document into their processes and work products.

Chairman Martin offered different approaches to including and emphasizing sustainability goals without using it as the architectural skeleton for the RFQ processes.

Mayor Pro Tem Mueller explained that some RFQ respondents would likely engage in “green-washing,” in which sustainability principles are talked about but actual metrics and goals are not sufficiently identified. His support for The Natural Step is based largely on its quantifiable approach.

The Commission edited the RFQ document to emphasize sustainability without requiring a particular approach.

Reis noted her recommendation that the interview stage be removed due to its lack of value in the RFQ process, but retained for later in the RFP process. The Commission agreed.

Reis laid out the timeline and the process for the RFQ/RFP.

7) Other Business

Reis informed the Commission that there are no current planning applications pending, so the Commission’s focus in coming months will likely be on the Comprehensive Plan and on review of non-conforming lots and properties.

Chairman Martin asked for an update on revision of the town zoning map. Reis explained that there was still a bit of work to do on it. Chairman Martin volunteered to assist with the last of the research necessary to update the map.

At Chairman Martin’s request, Reis also updated the Commission on the Board of Trustees’ position regarding the existing vacation of right of way policy.

8) Adjournment

The motion to adjourn was made by Commissioner Jackson, seconded by Commissioner Larsen and unanimously approved at 8:43 pm.

Approved by the Planning Commission,



Bill Martin, Chair, Planning Commission

ATTEST:



Kristen Edwards, Deputy Town Clerk