



**TOWN OF NEDERLAND  
PLANNING COMMISSION  
REGULAR BUSINESS MEETING**

**NEDERLAND COMMUNITY CENTER  
750 Hwy 72 Nederland, CO 80466**

**April 27, 2016 - 7:00 P.M.**

**MINUTES**

---

**A. CALL TO ORDER**

**Chairman Cornell called the meeting to order at 7:07 pm.**

**B. ROLL CALL**

**Present:** Chairman Roger Cornell, Vice Chairman Steven Williams, and Commissioners Timmy Duggan, Greg Guevara, and Wendy Williams. Commissioner Herring arrived at 7:20 pm.

**Absent:** Commissioners Seavers. Trustee Topher Donahue was present for the discussion item only, not the quasi-judicial application reviews.

**Also in attendance:** Town Administrator Alisha Reis, Planning and Building Technician/Commission Clerk Cynthia Bakke.

**C. APPROVAL OF MINUTES FROM February 24, 2016**

**Motion to approve the minutes was made by Commissioner Duggan, seconded by Vice Chairman Williams, with all in favor. (5)**  
(Commissioner Herring was absent for the vote.)

**D. PUBLIC COMMENT**

**There was no public comment.**

**E. INFORMATION ITEMS**

**There were no information items.**

**F. ACTION ITEMS**

**1. Consideration of a Special Review Use Application related to an artisan gallery at 171 East Second Street by Paula Farrell**

Bakke introduced the item with a presentation that provided the neighborhood context of Farrell's parcel in the Neighbor Commercial (NC) zone. Bakke noted compliance of Public Hearing Noticing requirements, alignment with the Comprehensive Plan, and internal review considerations. She said the main issues

concerned on-site parking: signage, adequate parking for 2 or more vehicles (one ADA compliant), accommodation with the pre-existing NedPeds project, and emergency access.

Applicant Paula Farrell provided an overview of the gallery business plan, intended to support nonprofit organizations, including TEENS, Inc. She said the concrete pad can accommodate up to 3 cars parked perpendicular to the house, with the garage for her own use. She said she did not expect many customers at one time, and would have minimal impact as compared to established businesses nearby. Farrell said NedPeds project representatives told her the existing fence would remain at the edge of the sidewalk to be added, with no impediment to pedestrian traffic by the proposed parking.

Reis indicated the NedPeds project commencement is anticipated in May, with a need for Farrell to correlate with the project to ensure access. She noted that off-street parking is a requirement for SRU. Reis said the build project timeline for NedPeds will be from 45 to 70 days.

**Chairman Cornell opened the public comment portion of the meeting. There was no public comment submitted.**

The Commission inquired further about exterior improvements, deliveries, storage, business hours, and Farrell's intention for gallery events. Chairman Cornell asked for clarification regarding on-site parking. Farrell responded that there will be exterior painting and sculptures added, few deliveries, with no additional storage required. She said the business is intended to operate from 10 am to 6 pm, with hours likely shorter in winter. She indicated that she is not planning gallery events, but would like to coordinate with special events in town.

---

**Reis listed Commission recommendations to be contained in the SRU Agreement:**

- Accommodation with the NedPeds project which has priority
- On-site parking with need for one ADA accessible spot and signage
- Agreement shall regulate regular gallery operations, however any special events must be coordinated with special events permit

**Motion to approve SRU with above noted conditions was made by Vice Chairman Williams, seconded by Commissioner Williams, with all in favor. (6)** Reis said the request will go before the Board of Trustees on May 17.

2. **Consideration of a Final Planned Unit Development (PUD) Application and concurrent Special Review Use (SRU) Application by Wendy Williams at 439 and TBD W. 3<sup>rd</sup> Street, 442 and 492 W 4<sup>th</sup> Street. (Block 29, Lots 1-9)** Bakke introduced the item. She said that the Preliminary PUD application had come before the Commission in February, and noted updates included within the Final PUD application.

Applicant Williams said the Final Plan will average about 50% of green-space, which was added to the site plan, along with storage sheds and parking. She said that buildings will be oriented to create the largest amount of passive solar, however the multi-family construction will also lower utility costs.

**Chairman Cornell opened the public comment portion of the meeting. There was no public comment submitted.**

Commission discussion ensued. Commissioner Guevara said that he had hoped to see architectural renderings, not drawings. Wendy Williams said the stamped engineered plans will be submitted at the building permitting phase, however she is trying to eliminate project costs wherever possible. Reis explained that the Final PUD Agreement determines the layout, with the SRU governing the multi-family use. She said the Commission could indicate conditions regarding material usage. Guevara requested that the PUD Agreement include square footage to remain essentially as presented.

Chairman Cornell requested PUD Agreement include review at 10-year mark to approve extension of the vestment period.

Commissioner Herring asked the applicant what is stopping these rentals from becoming full-time short term rentals. Williams said that she is dedicated to the community being a 22-year resident, and as property manager she will not accept leases for less than a year. Reis indicated this can be included as a condition of the SRU Agreement if desired by Commission.

**Motion to recommend approval of the Final Planned Unit Development and Special Review Use for multi-family residences on Lots 1-9, Block 29 provided unit square footage remains as presented and a 10-year review for extension to 15-year phasing plan made by Chairman Cornell, seconded by Commissioner Herring, with all in favor. (5)**

**3. Consideration of an Amendment to a Planned Unit Development (PUD) Application by David Nassar at Caribou Ridge Subdivision to allow for a wedding chapel/event center on Lots 20-21 and VRBO "cabin village" concept associated with wedding events**

Reis introduced the item. She said the Planned Unit Development was approved for 33 homes previously, with a subsequent amendment to allow for a total of 35 lots. She said the proposal before the Commission is for an amendment to allow commercial uses to include a wedding chapel/event center, along with homes for short term rental associated with the event center. She showed slides indicating neighborhood context with relative distances noted, such as the closest established home. (560 sf) Reis explained that the proposal is an amendment, not for reestablishment of originally approved agreement for single-family residences in the higher income bracket.

Reis said the wedding venue may accommodate up to 300 guests, with 14 homes proposed for the “cabin village” to support events, and 19 homes to remain as single-family dwellings. She said the primary consideration before the Commission is to determine whether the proposed amended use is compatible with adjacent uses, aligned with the Comprehensive Plan, utilizes the natural character of the land, and is able to be served with utilities. Reis indicated that utilities are sufficient; however Subdivision Legacy Requirements remain that need to be completed, i.e. sewer line repair and road phasing.

Zachary Nassar stated that the Nassar’s would like to retain the homes along Juneau Circle area for events associated with the proposed wedding chapel/event center. He highlighted the use of reclaimed, repurposed materials for the chapel/event center in keeping with the style of existing homes. He said the event center would allow a use in keeping with other area businesses, such as the Caribou Room. He said that both new property owners of homes in the subdivision are excited about the possibility wedding events and VRBO rental.

Ed Burne, attorney for Nassar Development, said he came before the Planning Commission in November 2015 to discuss the wedding chapel concept, and again in January to discuss short term rental regulation. Burne said that the VRBO “cabin village” concept would have a lower impact due to short term rentals, while providing revenue from sales tax and a proposed lodging tax.

**Chairman Cornell opened up public comment portion of the hearing.**

Rick Rogers of Nederland said he is opposed to the project’s proposed change to the neighborhood dynamic. He said there will be a subsequent increase in density, noise, traffic, congestion, and exacerbate drainage issues.

---

Todd Weiner of Nederland said he also opposes the project. Weiner said he has run wedding events before, and doesn’t feel it’s accurate to compare the proposal with the Caribou Room, being as the owner has longtime expertise in the audio business. He suggested that even non-smokers may enjoy a celebratory cigar, and has apprehension about guests drinking and smoking in a high wildfire area.

Martin Cheshes of Nederland said he is opposed to the project due to traffic. He said the Community Center already provides a venue for events.

Randy Farris of Nederland said he is opposed to the proposal.

**Chairman Cornell closed the public hearing portion of the meeting.**

Zach Nassar responded that events are intended for 100-120 people maximum, with the venue able to promote Nederland as a destination area, and provide revenue. Drainage will be taken into consideration during building permitting, said Nassar, however the chapel/event center is intended to be a similar size as the homes

proposed for the subdivision. He said there has already been extensive fire mitigation with hydrants supported by a generator.

Nassar noted that this area of the subdivision has always been intended for higher density with the larger lots on the west side to remain as single-family residences. He said that many guests would stay in the "cabin village", thus reducing traffic.

Ed Burne noted that the narrative did discuss larger events with a 150-person maximum, and corporate events being much smaller for a shorter duration. He said that the Nassar family will be residing in the subdivision to ensure proper event and short term rental management.

Chairman Cornell noted that the approved PUD has already had one previous amendment in keeping with the residential use. The current proposal would like to request the addition of commercial uses to the residential development.

Commissioner W. Williams dismissed the comparison to the Caribou Room which was already zoned General Commercial. She said she doesn't feel the proposal is compatible to neighboring uses. Nassar said the traffic associated with the ice rink/tennis courts and elementary school is similar to other commercial businesses.

Commissioner Herring said she is hesitant to approve a short-term rental use when Nederland has not yet determined how short term rentals will be regulated. She asked if potential buyers are being warned that the use may not be approved by the town.

Vice Chairman Williams said he expected to hear more about the number, type of events and operational hours, as well as intended mitigation of impacts. It's important to establish strict guidelines regarding event times, he said, as well as the status of the rental cabins when not in use. Nassar replied that the majority of events during wedding season (approximately May through October) would be held on the weekend, with events ending by 10:30 pm. Nassar said they anticipate about 40-60 events per year, with an ability to accommodate up to 50 cars. Vice Chairman Williams inquired further about the cabin village homes, which Nassar said could be purchased outright, and not held solely for the event center.

Chairman Cornell said he foresees a conflict between the existing residential and the proposed commercial use. Cornell provided background upon the subdivision process under William Guercio's ownership, noting it was intended to have a range of housing, but was not established as affordable workforce housing.

Commissioner Guevara noted that event gate access will compel longer term residents of the subdivision to go around to Ridge View Road. He said that the projected trips-per-day during events doesn't seem accurate, and that noise could continue after events are shut down. He said that the corridor between Mud Lake



and the Mountain Residential properties is utilized by many residents to access open space.

Commissioner Duggan said he's spoken to applicants in the past and said he feels they are dedicated to community as a primary concern; however this may not be the right place for the proposed venue.

**Motion to approve the Planned Unit Development was made by Chairman Cornell, seconded by Timmy Duggan, with 1 in favor and 5 opposed.**

Further Commission discussion ensued. Chairman Cornell allowed Nassar to respond to concerns as presented. Nassar indicated openness of the concept depending upon Commission approval. Nassar said that this is a family business, with approval able to allow a bigger investment in community for social and economic benefits.

Reis clarified that the short term rental discussion was taken up by the Commission in January, however no outcome has been decided, and there is never a certainty in land use. She said the applicant may wish to re-propose at a later time or pursue review by the Board of Trustees.

## **G. DISCUSSION ITEMS**

### **1. 2016 Work Plan Discussion – Density Increase for High Density Residential (HDR) zoning district**

Reis introduced the item. She said the Commission has discussed extending the allowance for density increase to the HDR zone, such as is allowed in the Neighborhood Commercial (NC) district. Reis said request for a density increase is a case-by-case review, which is also proposed for the HDR district. This is similar to overlay zoning, such as would be seen in flood areas or historic districts, said Reis.

She referenced the California study within the packet which explains what density increase can provide, such as allowance for clustered utilities and reduction of lot sizes per unit to improve affordability.

Reis noted there are existing nonconforming multi-family residences within the Old Town neighborhood, although the south side of 1<sup>st</sup> Street and Conger Street may be better case studies initially, she said.

Reis referenced draft ordinance, which has been reviewed by the Town Attorney and could be considered upon merit. Chairman Cornell requested addition of drainage plan to the requirements.

Reis said the Commission can further discuss, move to action, or forward to the Board of Trustees to review. She said that the project should be close to transportation or core area, and asked the Commission to consider any additional requirements.

**Motion to forward to the Board of Trustees as-presented was made by Commissioner Wendy Williams, seconded by Vice Chairman Williams, with all in favor.**

Reis indicated that a Board of Trustees goal setting session will occur on May 9<sup>th</sup>, with discussion about the board liaison appointments.

**H. OTHER BUSINESS**

The next regular meeting is May 25, however neither Chairman Cornell nor Vice Chairman Williams are available. Reis indicated that a work session date can be proposed for discussion items.

Bakke said Greg and Kate Miller have indicated that building permits are forthcoming for their new commercial building at 92 E 1<sup>st</sup> Street.

**I. ADJOURNMENT**

**Motion to adjourn was made by Commissioner Herring, seconded by Commissioner Guevara, with all in favor. Meeting adjourned at 10:21 pm.**

**Approved by the Planning Commission,**

  
\_\_\_\_\_  
Roger Cornell, Chairman, Planning Commission

ATTEST:

  
\_\_\_\_\_  
Cynthia Bakke, Planning and Building Technician