



TOWN OF NEDERLAND PLANNING COMMISSION REGULAR BUSINESS MEETING

NEDERLAND COMMUNITY CENTER
750 Hwy 72 Nederland, CO 80466

July 22, 2015 - 7:00 P.M.

MINUTES

A. CALL TO ORDER

Chairman Cornell called the meeting to order at 7:13 pm.

B. ROLL CALL

Present: Chairman Roger Cornell, and Commissioners Timmy Duggan, Stephanie Herring, Jesse Seavers, and Wendy Williams; Commissioner Timmy Duggan arrived at 7:18pm. Trustee Topher Donahue arrived after review of the first item.

Absent: Vice Chairman Steven Williams and Commissioner Greg Guevara.

Also in attendance: Town Administrator Alisha Reis, Deputy Clerk Cynthia Bakke, and Administrative Intern Alexander Armani-Munn.

C. APPROVAL OF MINUTES FROM June 24, 2015

Motion to approve the minutes made by Commissioner Seavers, seconded by Commissioner Herring, with 3 in favor, and abstention from Commissioner Wendy Williams who was not yet approved to be on the Commission.

D. PUBLIC COMMENT

There was no public comment.

E. INFORMATION ITEMS

There were no information items.

F. ACTION ITEMS

1. Consideration of Special Review Use (SRU) application for a Multiple-Use Development to include Marijuana cultivation at 0 E 1st Street for Katherine Hormel and Gregory Miller

Reis introduced the item and noted the medical marijuana cultivation use triggers the Special Review Use requirement. She referenced a typo in the applicants' submitted packet materials, with correction submitted to the Commissioners' dyas.

Applicants Katherine Hormel and Gregory Miller of Nederland introduced themselves.

Miller gave a slide presentation providing an overview of the project. Hormel said the building's most visible west side, will contain the herbal apothecary, with the east side to contain the marijuana business. She highlighted the street-front greenhouse, to reduce energy use and carbon footprint, provide green space in winter, and educational opportunities.

Hormel said she is part of an herbal production company called Dynamic Roots, and desires to have an FDA-compliant laboratory for integration of direct-to-consumer sales, and to increase production. She highlighted benefits such as sustainably sourced products and cost reduction using locally-grown and wild harvested herbal medicines.

Miller presented aspects of the medical marijuana spaces, with local builder Jeff Fruth, the greenhouse designer and electrician available for technical questions. Miller said the onsite dispensary will eliminate product transport, with soil-based cultivation to reduce waste, and induction lighting offset by roof-mounted solar photovoltaics. He said a charcoal filtration system vented through the central HVAC system to mitigate odor, with cultivation contained in grow tents to reduce the light pollution and waste.

Miller said they can accommodate 11 parking spaces, with intention for shared use of the adjacent Town-owned lot. Reis said the Downtown Development Authority's (DDA) forthcoming master plan update will address parking and traffic, with upcoming meetings to be announced.

Chairman Cornell opened the Public Comment portion of the meeting.

Teresa Robinson of Nederland, expressed her concerns about potential odor, security requiring police surveillance, and CBD oil production. She asked if this is the image of the community that Nederland would like to project.

Miller said CBD production is prohibited in the downtown. He said the cultivation and dispensary will surpass state regulations for surveillance, with multiple charcoal filters for odor reduction. Reis noted that odor compliance is an aspect of annual review for marijuana licensing, with any complaints regarding the business to be presented to the licensing authority.

Sue McDonough of Nederland, asked about pedestrian safety with the increased traffic. Hormel said that they have discussed safety aspects with Architect Debbie Davenport, and will retain a walkway along the west-side with a parallel parking spot for employee use. Miller said they are aware of the congestion of business unloading areas and general area traffic.

Ron Mitchell of Nederland, said he is pleased overall with the project, and outreach by the applicants to discuss the project.

Chairman Cornell closed the public comment portion of the hearing.

Commissioner Herring asked about security issues noted from the long-established marijuana businesses. Reis responded that commercial businesses have not seen the

security issues more common with residential cultivations due to state requirements.

Reis noted that the applicants' have addressed concerns by Public Works regarding byproducts entering town treatment systems. As well, she said that Police Department concerns about traffic and parking will be monitored.

Commissioner Herring asked the applicants to address the comment about community messaging brought up by Robinson. Miller said normalization with a professional establishment can help to assist those in opposition, with further focus on marijuana as medicine. Hormel said that as an educator and herbalist they teach appropriate use of all plant-based medicines, not normalizing beyond medically-appropriate use. Hormel responded to a question about seeking recreational marijuana allowance stating that there is no intention to do so at this location.

Commission discussion unanimously commended the applicants' well organized presentation and professionalism.

Reis clarified Commission concerns regarding parking noting that this will require a joint use parking agreement, the beginning of town-owned parking on this lot. She said the Board of Trustees would prefer a solid parking plan versus proposal of payment to the parking fund due to overall congestion in the area. Hormel noted the building's predominant daytime use, allowing other businesses to utilize parking in the evening.

Chairman Cornell asked if they had reached out to the owner and/or renter of the nearby cabin. The applicants said that the renter has expressed enthusiasm about the project. Hormel said they are willing to work with the renter regarding parking, and to accommodate expansion for increase of employees, as well as promote public transport from Boulder for workshops. Chairman Cornell suggested flagging the corners prior to review by the Board of Trustees.

Chairman Cornell asked the applicants about exterior lighting, and interior light mitigation. Miller stated that the greenhouse will only utilize natural lighting, with exterior lighting to be downcast. He said the building is being designed to consider future use, although all windows into cultivation area are to be blacked out.

Reis said that future parking accommodation and continuation of the sidewalk will be included within the SRU Agreement draft, as well as an additional parking spot for the resident of Lot 4, and a specific drainage plan.

Motion to approve the SRU for multi-use at 0 E 1st Street by Katherine Hormel and Gregory Miller was made by Commissioner Herring, seconded by Commissioner Duggan, with 4 in favor.

G. DISCUSSION ITEMS

1. Consideration of a Concept Review application for a Wedding Chapel at the Caribou Ridge Subdivision for David Nassar

Applicant David Nassar and son Zachary Nassar of Erie, own the Caribou Ridge subdivision and construction company building 3 homes in the subdivision. David Nassar gave the background of his acquisition of the Caribou Ridge subdivision. He presented a slide show of the mountain homes constructed at Copper Mountain, and highlighted green elements.

Nassar said the economic downturn spawned an unexpected vacation rental by owner business that benefitted Copper Mountain to establish a Hotel Occupancy Tax for increased revenue. He said he'd like to propose the vacation rental concept along with a wedding chapel, and some larger homes to accommodate the concept. Nassar requested the Commission's feedback.

Reis said the concept was originally proposed for Outlot D as contained in the packet. After further legal consideration, she said the applicants will instead propose a lot line dissolution for lots 2 and 4. She also clarified that Trustee Donahue can hear the application due to the concept status.

Chairman Cornell opened the meeting to public comment.

Gregory Miller of Nederland, said he appreciates the proposal as a neighbor.

Nassar said the wedding chapel is proposed for lots 2 and 4, with a lot line dissolution proposed to create one building envelope, with parking on the cul de sac. He said lots 3 and 5 would be undeveloped to determine reception of the wedding chapel concept.

Commissioner Seavers said he supports the sustainable elements and walk-ability. Nassar said they re-use "antique wood" from reclaimed barns, and include passive solar design and radiant floor heating.

Commissioner Herring expressed concern about increased traffic in a residential area. Nassar said there would be an approximate 125-person maximum for weddings and/or corporate events. He specified that potential home buyers have been amendable to the wedding business proposal, and VRBO-rentals concept, to be included in the HOA. Nassar said the homes will be in the 3000-3500sf range with a price point of \$1million and under, with the wedding chapel/event center to be a larger footprint for events.

Herring asked Nassar to specify the general lot sizes. Nassar said the smallest lots are about 4500 square feet, with common outlots surrounding the parcels. He said the previous subdivision master planning would be retained, and include the wedding chapel concept, to keep the look without an overall density increase. Nassar said he'd like to abolish the private restriction on Outlot D to encourage public usage.

Chairman Cornell provided the history of the Caribou Ridge Subdivision.

Commissioner Herring noted the ongoing discussion regarding the lack of affordable housing. Nassar said that this would require smaller footprints and/or higher density, with change to the established PUD. Chairman Cornell said this would have required preliminary planning, during the single-family housing boom in the 1990's and 2000's.

Nassar indicated the desire to create VRBO opportunities throughout the subdivision, and he'd like to be part of the discussion to create VRBO regulations for Nederland.

Chairman Cornell indicated the need for further review of rental regulations. Nassar said the lodge will have a liquor license and provide short term rental for 25-40 people, along with VRBO home rentals by homeowners. Cornell noted impacts to neighbors outside of the subdivision with Commissioner Herring noting the proximity of the Elementary School. Trustee Donahue noted the need to address decibel levels for sound, and ensure downcast lighting when the item is presented to the Trustees.

Reis indicated that PUD Agreements can be amended to include commercial elements, with approval and change to the plat.

2. GIS Prioritization for #NedZero items

Reis introduced the item, and noted discussion at the June 24 meeting with request for staff prioritization. Reis indicated that items such as pathways and safe routes were combined, with PROSAB as the lead organization. She said an update will be forwarded when finalized.

Reis said Lex Ivey has been educating town staff to do work in-house with existing data. She suggested a focus on the built-environment to map properties by infill suitability analysis, for an approximate cost of \$1000. She said staff can guide developers to infill opportunities, allowing a more thorough and expedient analysis.

H. OTHER BUSINESS

Armani-Munn provided an update on the EPA workshop held earlier in the month. He said the community meeting was well attended, with ensuing conversation that reflected many long standing beliefs. He indicated a forthcoming draft memo, followed by a final memo after the draft memo concerns are addressed.

I. ADJOURNMENT

Motion to adjourn was made by Commissioner Herring, seconded by Trustee Donahue, with all in favor (6). Meeting adjourned at 10:00 pm.

Approved by the Planning Commission,



Steven Williams, Vice Chairman, Planning Commission



Cynthia Bakke, Deputy Clerk

ATTEST: