



Nederland Planning Commission

MINUTES

Wednesday, July 23, 2014 ~ 7:00 pm

Nederland Community Center

750 Highway 72 North

1. CALL TO ORDER

Vice-Chairman Cornell called the meeting to order at 7:02 p.m.

2. ROLL CALL

Present: Vice Chairman Roger Cornell, Commissioners Betty Porter, Steve Williams, and Stephanie Herring

Absent: Trustee-Liaison Donahue, Commissioners Mikki Osterloo and Lisa Mayhew

Staff present: Town Administrator Alisha Reis, Deputy Clerk Cynthia Bakke

Welcome new member Stephanie Herring.

Vice Chairman Cornell thanked Herring for volunteering upon the Commission.

3. APPROVAL OF MINUTES from April 23, 2014 and June 25, 2014

Motion to approve made by Commissioner Porter, seconded by Vice Chairman Williams, 3 in favor, 1 abstention.

Motion to approve made by Commissioner Porter, seconded by Commissioner Herring, 2 in favor, with 2 abstentions.

4. PUBLIC COMMENT

There was no public comment.

5. INFORMATION ITEMS

There were no information items.

6. ACTION ITEMS

1. Election of Officers tabled from the June 25 meeting. The vacant position upon the Commission has been filled as of July 1.

Motion to elect Cornell as Chairman made by Commissioner Porter, seconded by Commissioner Williams, all in favor.

Motion to elect Commissioner Williams as Vice Chairman made by Commissioner Porter, seconded by Commissioner Herring, all in favor.

Reis thanked both for their ongoing commitment to the Commission.

2. Consideration of concurrent applications by Steve Karowe regarding 80 Big Springs.

- a. Minor Subdivision and Easement
- b. Special Review Use Permit

Town Administrator Reis introduced the item. The applicant brought his application as of June, but was unable to conduct the Public Hearing due to a lack of quorum. She referred to Replat D, contained in the packet, denoting a minor subdivision resulting in 2 lots. The location is east of Big Springs and west of Ponderosa Drive in the Big Springs Subdivision.

Reis said the Minor Subdivision was reviewed by town staff and does meet all requirements. The staff's recommendation is to waive the preliminary plat entirely and consider this submission as the final plat. Applicant Steve Karowe requested an easement, to allow for a 24-foot access aisle fronting the property, where it intersects with Big Springs Drive. Reis explained that the edge of the road is paved with a strip of town right-of-way between the road and Karowe's property line. She said the area in question is not an issue so long as the snow storage area remains, and there is to be no off-street parking, bike racks or built structures contained within this easement area.

Reis said that the proposed 12,000 square-foot building is to be erected within a roughly one-acre footprint upon the 3-acre parcel. She indicated that the proposed building does meet all bulk and setback requirements contained within NMC Sec. 16-33.

Applicant Steve Karowe referred to the narrative accompanying his application within the packet, adding that it has been a two-decade long dream to work where he lives. He offered to answer any questions about the project for the Planning Commission and/or public. There were a few members of the public in attendance, however there were no questions submitted, thus Chairman Cornell opened and closed the public hearing portion of the meeting.

Vice Chairman Williams inquired about the timeframe for build-out that Karowe was seeking. Karowe responded that he would like to apply for building permits to have the exterior steel shell set before winter. He said that if the timeline is met, he hopes to move in by March-April 2015.

Both Karowe and his business partner Lester Karplus currently each have 6 employees, but expect this to increase in the future, said Karowe. He said that the main level will be fully occupied by he and Lester's respective businesses, however there will be about 2,500 unfinished square feet available on the upper level for office space rental.

Commissioner Herring asked about the impact to the Big Springs neighborhood during

the construction process. Karowe expressed his intention to disturb the land as little as possible. As he has ownership of the full parcel, he doesn't expect to store any equipment or materials outside of the lot line, he said.

Commissioner Herring inquired about on-street parking. Reis explained there is on-street parking along Big Springs Drive, and she expects this to continue. Chairman Cornell said that this could be a condition of the SRU Agreement, and noted that this would include the existing off-street parking on the south side of Big Springs Drive.

The discussion continued regarding parking when snow is present, as it may be problematic during these times. As a Big Springs resident, Karowe said that he doesn't see much parking in this area after a big snowfall. Commissioner Herring noted the predominant use of parallel parking during the summer, as well as providing year-round parking for RTD patrons.

Commissioner Herring inquired about the trail easement. Karowe said that the trail will be available during the entire process, as it is south of the building footprint. Karowe met with members of Nederland Area Trails Organization (NATO) and PROSAB, agreeing that it would be best to retain the existing trail at the back of the lot line. Karowe said that his building is backed up to the property line at the western edge, which may affect that portion of the trail, however the upper trail is less steep and more viable as a general trail.

Chairman Cornell asked Reis if the trail easement to be incorporated into the town trail system should be contained within the SRU Agreement. Reis said that the easement isn't yet dialed in to determine if the Commission approves, and if approved the easement will be included upon the plat.

Chairman Cornell expressed the difficulty in discerning the area of the requested road easement. He suggested Karowe stake out the corners to show where the building would start to allow a visual cross-section prior to the Public Hearing at the Board of Trustees on August 4. Karowe stated that he will work with Surveyor Lee Stadele for this requirement.

Chairman Cornell requested that management of drainage be contained within the SRU Agreement. He questioned where onsite runoff and snow load will be contained, and suggested a retention pond in northeast corner of the parcel. Reis said that staff favors the revised building location to take advantage of the natural slope and capture runoff in the existing culverts along Conger Street. A grading and drainage plan will be required within the building process, she said. Karowe reported that soil engineer has indicated that the soils are common. Reis said that there will be on-site containment, along with runoff coming down from Big Springs Drive to Conger, then to the creek. Karowe mentioned the gravel in the parking lot is designed to be a retention system, as well as consideration for a berm between the access lane and the town right-of-way. Reis said the Commission can recommend maximization of on-site sheet flow. Cornell asked if there are any changes in use that the SRU and parking requirements will come back before the Planning Commission.

Reis said that Karowe's initial plan would have created parking concerns for Public Works, however the revised site plan has full support. She said that management of drainage was also improved by this alteration.

Commissioner Herring inquired why Karowe wanted to subdivide the two lots. Karowe stated that the second lot may serve as future investment, but he wanted to contain the building upon the western section of the parcel now.

Chairman Cornell listed the recommended conditions to be contained within the Special Review Use Agreement to include: keeping the existing off-street parking on the south side of Big Springs between the ingress and egress, delineation of the trail access, which is to be staked out for the public and Trustees to view, with eventual signage as an official town trail, maximized onsite retention of storm-water, and minimized disruption to businesses along Big Springs Drive during construction.

Commissioner Porter motioned to approve the minor subdivision and easement as per allowance in Sec 17-21(c), at 80 Big Springs for lots 1D and 2D, seconded by Vice Chairman Williams, all in favor.

Vice Chairman Williams motioned to approve the Special Review Use as per Sec. 16-32 and 16-52, seconded by Commissioner Porter, all in favor.

3. Consideration of a Replat Subdivision at 717 Highway 119 South (McMillen Correction Plat)

Reis introduced the item. She explained that all the information is contained in packet, but indicated the process as set forth by NMC Sec. 17-95 Replats, which require the same process as subdivision. Staff supports the consideration of the final plat and for the Commission to waive the requirements of preliminary plat.

Rich Tillotson, of Nederland, briefed the Commission on the property's history within the submitted narrative, to include the Planned Unit Development (PUD) process and timeline of improvement implementation. The original McMillen Meadow Correction plat (2004) was displayed, as well as the revised Second Correction plat. (2014)

Tillotson said that the grading and drainage has been done, along with installing curb-stops, in case of future paving, and installation of underground public service utilities.

He said on the original Correction plat lots 2, 3 and 4 were undersized and would make building siting difficult, thus the Second Correction plat proposes to consolidate these lots, also reducing overall property structures. This would change the original PUD from 10 lots to 9 total lots.

There was no public comment submitted regarding this item.

Commissioner Herring inquired if there is a minimum requirement for plot size and a ratio requirement. Referring to NMC Sec. 16-33 Yard and Bulk Requirements, Reis said that lot sizes are approved as a whole, to include minimum size and lot coverage. Additionally, PUD Agreements also govern requirements, she said.

Tillotson said the reasoning for a PUD was based upon topography, as the grade is steep on both sides at the entrance. Commissioner Williams asked if CDOT has any concerns or requirements, to which Tillotson said that he has access. Reis said that CDOT recognizes historic permits, and will not review in incorporated municipalities.

Per allowance in Sec. 17-95, the Commission will waive preliminary requirements and approve as a Replat. Motion made by Commissioner Herring, seconded by Commissioner Porter, all in favor.

4. Nederland Planning Process review for Buds, Burgers, & Beers Special Event

Applicant Allan Wright of Boulder, gave an overview of the proposal presented to the BOT on July 1. Wright said this is his third presentation within the Nederland Planning Process (NPP) for the proposed festival and asked the Commission for any questions. Reis added that the history section of the AIM delineates previous occurrences at other Advisory Boards. She said that the Trustees are soliciting suggestions and any overarching comments. Reis added that due to public policy regarding marijuana consumption on public property, the event proposal requires further review instead of purely administrative approval.

Board discussion ensued about federal oversight of large festivals involving public consumption. Reis said that in terms of consumption, the Town Attorney Carmen Beery has submitted a memo within the packet, and that Beery has expressed the unlikelihood of town liability, despite the vagueness about “open and public consumption”.

Wright addressed comments about legality, saying that this is currently being left open to individual municipalities. He did not dismiss concern of federal law, but said that areas of concern have been outlined, of which the proposed festival doesn't infringe. He said the event has been reviewed by their attorney Allan Parr, due to the ambiguity of the term “open and public consumption”. Wright said that opaque fencing is an option, as well as Police Chief James Matheney's suggestion of a smoking tent inside the enclosed area to further limit visibility. He said that there has already been a festival with 40,000 present with only opaque fencing, without federal involvement. He noted that the Downtown Development Authority (DDA) requested making it an all-ages festival as opposed to 21 and above.

Vice Chairman Williams asked about enforcement of the beer/marijuana garden concept. Reis said this would be the festival's security staff, along with some police coverage, to include Boulder County Sheriff's office.

Wright said that his company has experienced event-staff, and as was mentioned at the July 1 BOT meeting, the festival was well received by staff due to the ability to create a model event involving marijuana consumption. He added that the festival is likely postponed until 2015, and requested a viable date to accommodate the town's desires.

Chairman Cornell opened up the public comment portion of the meeting.

Kayla Evans, of greater Nederland, noted that other town festivals have specific relevance to Nederland, citing Miner's Days and Frozen Dead Guy Days. The proposed festival would be using the community for its resources, she said. Evans expressed her concern about the message that green-lighting marijuana sends to adolescents, whom also need to be educated about adverse effects. The emphasis needs to be on adult consumption, not for developing minors, she said.

Katrina Harms of Nederland, spoke on behalf of the DDA, highlighted the economic gain from festivals, which offset costs and support a community that supports town-based music events. She noted that other festivals have been added more recently, to include Oktoberfest which was proposed by those outside the community. Harms added that this event can be a model event for Nederland.

Rich Tillotson of Nederland, thanked Evans for her remarks. He noted impact to youth by promotion of cannabis use. He said he doesn't see enough benefit to outweigh the negative impact for the town, to include residual noise from amplification.

Wright said that staff directed the event to this location. He expressed willingness to include an education booth regarding marijuana consumption on youth, yet inquired if prohibition is the best way to deal with the issue concerning teens. He also said that despite being a Boulder County citizen, he is considered an "outsider" presenting the festival.

Commissioner Herring acknowledged that festivals bring economic opportunities, boosting businesses within a short season. She said that as a planning board they are tasked to consider longer-term impacts, and asked if there is another benefit, such as public school education funded by the festival, as well including the education booth. She asked if the town wants to commit to investing in public education. Reis said the town partners with Teens, Inc to provide education regarding this issue.

Vice Chairman Williams said he is unaware about legal considerations, though foresees liabilities when patrons exit the event. He said he doesn't see the need for Nederland to lead the way and would like to see how this is conducted in other municipalities, and to understand requirements regarding "open and public consumption".

Commissioner Herring said that her concern is less regarding legalities vs. resident impact, however she wants to support the business community. She inquired about the financial gain to the town from existing festivals. Reis responded that festivals do bring significant economic benefit, noting that sales tax from the 2014 three-day FDGD festival will amount to more as a percentage of sales tax than all marijuana business sales tax combined. She specified that it depends on the nature of the festival, as significant sales tax is recognized by liquor sales at events.

Reis noted that if approved by the BOT, the Commission may stipulate a tent inside the opaque fencing with aspects of education to minors as a condition of approval.

Motion to recommend approval of the BBB event on town property by Commissioner Herring, seconded by Chairman Cornell, 0 in favor, 4 opposed.

Motion to recommend inclusion of Commission conditions (as specified below), if approved by Board of Trustees made by Chairman Cornell, seconded by Vice Chairman Williams, all in favor. Conditions for Planning Commission approval: Smoking must be contained in a tent within the fencing, and event must end by 8:30pm.

7. DISCUSSION ITEMS

1. Update on July 29 Joint Work Session with the Board of Trustees

Reis updated the agenda with a proposal to increase membership to the Planning Commission. Chairman Cornell said that due to inability for the Trustee-Liaison to hear cases at the Commission, there can be issues with quorum if members are absent. Cornell suggested adding another commissioner to alleviate this issue, which would also allow a tie-breaker vote from the 7th member. Reis said that this can be presented at the Joint Work Session to get feedback from the Trustees.

The last joint session consisted of discussion on Comprehensive Plan implementation, Reis said. She circulated a status of implementation, to be included within the work session packet.

Chairman Cornell said that there will be discussion on recreational marijuana and zoning considerations, as residentially-based marijuana businesses may be problematic for multiple reasons. Reis noted the uniqueness of Nederland in allowing marijuana cultivation for home-based businesses. She said many issues have been identified with energy usage and other impacts in the residential and commercial sectors.

Commissioner Herring inquired about the vote for allowance in residential sectors. Reis said that the Mayor's Task Force on Marijuana was composed of 80% marijuana industry folks, plus Teens, Inc representation at the Board of Trustees. The BOT increased allowances by SRU, as well as for home occupations.

Vice Chairman Williams said he'd support slowing the process down. Reis said that the citizen's initiative was presented to the BOT, and if not passed as presented, will then go to ballot issue without further weigh in. The Police Department Chief will include a memo about enforcement challenges in residential districts, she said.

2. Discussion of 2015 Budget Requests

Reis explained that the budget request process has gotten more formal. Budget request forms are now available and requests will be accepted until August 15. The Commissioners will likely want to review actions within the Comprehensive Plan implementation, as well as considering other needs, such as extra hours for the town attorney, needed maintenance, and/or training, she said. Reis mentioned the DOLA Smart Growth training, provided free of cost within the town.

Reis said that the town attorney offers liability-avoidance training biennially for the

BOT, and due to movement on the Advisory boards may be appropriate to offer annually for these boards.

3. Introduction of Community Center Site Plan (Nederland Public Process)

Reis introduced the item. She said the presentation was offered on July 9, and is available on Dropbox. The Master Plan is the satellite-view, whereas the application is the ground view. She asked that any questions be submitted to her and/or the Planning Commission. This will come before the Commission on August 27.

8. OTHER BUSINESS

Reis said there are two Special Review Use (SRU) applications for multi-family residences on the docket for the August 27 meeting.

Code Enforcement has indicated several properties illegally operating as multi-family dwellings, with the rental market needing to be addressed as well. Illegal multi-family residences will need to be in compliance with code to include minimum square footage, and if unable to be approved as an SRU, will likely come before the Commission as a policy-decision, Reis said.

9. ADJOURNMENT

Commissioner Porter motioned to adjourn the meeting, seconded by Commissioner Herring, all in favor. The meeting was adjourned at 9:31pm.

Approved by the Planning Commission,



Roger Cornell, Chairman, Planning Commission

ATTEST:


Cynthia Bakke, Deputy Town Clerk