



## Nederland Planning Commission

### MINUTES

Wednesday, January 23, 2013 ~ 7:00 pm  
Nederland Community Center  
750 Highway 72 North

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#### 1) Call to Order

Chairman Larsen called the meeting to order at 7:00 p.m.

#### 2) Roll Call

Present: Chairman Kris Larsen and Commissioners Steve Williams, Bill Martin, Roger Cornell, Mikki Osterloo, and Mayor Pro Tem Kevin Mueller.

Also present: Comprehensive Plan Steering Committee members Paul Turnburke and Lisa Mayhew, Town Administrator Alisha Reis, and Deputy Town Clerk Michele Martin.

#### 3) Approval of minutes from January 3, 2013

A motion to approve the minutes was made by Commissioner Cornell, seconded by Commissioner Osterloo, and passed with Mayor Pro Tem Kevin Mueller abstaining.

#### 4) Public Comment

There was no public comment.

#### 5) Information Items

##### a. Update on the Comprehensive Master Plan

Town Administrator Reis has provided the first draft of the Comprehensive Plan update based upon all the information received thus far from the Plan Ambassador and public outreach meetings. The Commission is to begin review of this draft in order to start editing. The Plan Ambassadors are specifically asked to pay particular attention to their respective elements of the plan for accuracy.

Reis also has a policy comparison for each element that she will send out tomorrow to everyone. This document compares policies from the 2003 plan and then the proposed 2012 updates.

It was decided that everyone would edit the draft in a Word document, either written or electronically, send all edits to Reis by February 6, and Reis will coordinate it all by creating a summary document for everyone to consider.

Commissioner Cornell recommended a work session for further review instead of putting it back on the regular agenda. It was agreed to hold a work session on Wednesday, February 20 at the Community Center's downstairs conference room.

The next step is to get the draft into a public reviewable format, and then it can be put out for a public comment period, which will probably be early March. It would be a good idea to reach back out to the Plan Ambassador groups at that time. Once the public has reviewed to ensure accuracy from their perspective, then it will go through the Nederland Planning Process, which goes through all the advisory boards, then back to the Commission for final edits and approval. The Board of Trustees would then be given the opportunity to affirm the plan, though it is understood under Colorado law that the Planning Commission is the approval body for comprehensive plans.

Commissioner Martin joined the meeting.

## **6) Action Items**

### **a. Consideration of appointment to the Planning Commission**

Staff has received three applications to fill the vacancy caused by Denise Jackson's resignation in December. The applicants are: Lisa Mayhew, current Comprehensive Plan Update Steering Committee member; Mark Stringfellow, current Chairman of the Board of Zoning Adjustment; and Charles Wood, new resident to Town with a planning background.

Commissioner Cornell moved to recommend Lisa Mayhew to fill the vacancy, seconded by Commissioner Martin. All were in favor.

The Board of Trustees will consider all three candidates, along with the Commissioners' recommendation, at their February 5 meeting.

### **b. Consideration of a Rezoning application for newly annexed Town-owned property at 288 and 294 Ridge Road**

Town Administrator Reis introduced the item. This annexation process started in 2009, with one step left; it was completed in 2012. It was annexed by Ordinance #713 on November 13, 2012, by an affirmative vote of the Board of Trustees. State statute requires

designating a zoning district to newly annexed land within 90 days of annexation. As County property the parcels were zoned Forestry (F). Ordinarily, they should be zoned Public (P), but the Town does not have strong regulations in place for that zone yet, Reis said. Reis said once the Comprehensive Plan is updated, a better understanding of Public zone requirements will be determined. The current surrounding zone of the parcels is Mountain Residential (MR). Reis suggested that instead of designating them Public right now, which could present various issues over the next year, she recommended to designate them Mountain Residential, to be consistent with the surrounding neighborhood. They can then be rezoned again once the Public zone is in place, which is estimated to be over the next 18 months. The parcels currently comply with Mountain Residential requirements, so no changes are needed, and Mountain Residential provides more flexibility. If the Commission chose Forestry, the lots would have to be combined due to minimum acreage required, and staff does not feel combining the lots are in the Town's best interest at this time.

Commissioner Cornell wondered if the Town would ever dissolve the lot lines to make one lot. Reis responded they could. There was concern that perhaps under a different administration or Board that the lots could be sold to a developer. There was also discussion on the established conservation easement and if that could be sold. Reis assured the Commission that the property is protected. It was annexed under a specific portion of the law that allowed it not to go to a public vote, because it was to be used for a public purpose. It was recorded as a public annexation. Also, Reis went on to say that under State statute new residential developments have to be adjacent to a public roadway, and the access easement would not be considered a public roadway at this time. Also, the conservation easement protects the land from development.

Commissioner Cornell made a motion to recommend to the Board of Trustees approval to designate the property annexed to the Town known as 288 and 294 Ridge Road as Mountain Residential and to recommend approval of the draft ordinance establishing the zoning and amending the official zoning map of the Town to reflect such action, seconded by Commissioner Williams, and unanimously passed, noting Mayor Pro Tem Mueller abstaining.

## **7) Discussion Items**

- a. Consideration of a Conceptual PUD Review Application for Tom and Sally Grahn at 180 East Third Street, 181 and 187 East Second Street, and 260 East Street (Block 2, Lots 16-28 and Lots 15 and 29 less the west 10' of said lots, plus vacated alley).**

Town Administrator Reis introduced the concept application. The applicant has submitted a concept plan in order to receive feedback from the Commission. The next step in the process would be to submit a preliminary Planned Unit Development (PUD) plan. The applicants Tom and Sally Grahm were present to explain their vision. Reis had recommended to the Grahms a PUD vs. a regular subdivision replat for a number of reasons, most specifically for proposed setback changes and the ability to create a Development Agreement to phase in any property changes and to delineate a common vision for the property as a whole. Under a PUD, the yard and bulk requirements in Chapter 16 Zoning do not necessarily apply. The Grahms would like to change lot lines for conformance and clean up an encroachment by the existing apartment lodge, create easements, and to make the lots appealing and ready for sale. The Commission is to review this concept to see if the proposal meets the Comprehensive Plan objectives and is compatible with surrounding land uses. The Grahms are not proposing to be the developers of the lots; they would sell the lots individually for someone else to build upon. The PUD would provide a Development Agreement, which would ensure development rights based on requirements agreed to with the Town, so that the Grahms and the Town can have some assurances of their respective visions for this area. The proposed PUD would maintain the base zoning of the land, Neighborhood Commercial, but Reis pointed out that a Development Agreement ultimately governs the land in question.

Sally Grahm, 260 East Street, Apt. 0, provided some background on their proposal. The properties currently consist of 10 apartments, 12 trailers, and two homes on 15 lots. The Grahms are in their 70s and they would like to clean up the lots for the Town and eventually their son, if anything were to happen to them, she said. Grahm emphasized that they do not want to be the developers of any of these lots. Grahm said they looked at many different options for the lots, and ultimately came up with the concept to dissolve lot lines to create nine conforming lots of 4,500 square feet, except for lot 9 which would be a bit smaller. Adjusting the lot lines will clean up the apartments, which currently encroach on two lots, and would enable the apartments to be on one large parcel. The Grahms would like to reserve the right to replat that large parcel at a future time.

Grahm said that reducing the setbacks was important to them as seniors living in town. Grahm has spoken to many seniors and said they all agreed that it is too hard living on acreage anymore, and folks want to live in town to be closer to everything and be able to walk to amenities. Grahm explained that shorter setbacks would provide less

snow plowing, shoveling, maintenance, and would provide a larger backyard to provide a retreat from the noise level at the street.

Grahn stated that the development timeline would depend on the market. The Grahns plan for a phased timeline of approximately 10 years.

Staff had sent the concept application to Town departments and utilities for their review and feedback. Grahn said they have addressed two of the comments from the Staff Review Memo, dated January 7, 2013. The lack of floodplain markings on the site plan will be added by Lee Stadele, project surveyor. The other comment from Mark Weritz, Town geotechnical engineer, was in regards to a grading/drainage plan, and Grahn said they are scheduled to meet with a civil engineer next week to discuss this. Reis commented that the NEDPEDS/Second Street project folks are aware of this proposal and they are all working together to improve drainage in this area, as well as all of Second Street.

There was some confusion on the proposed lot line adjustments leaving behind nonconforming structures, because some structures would still straddle lot lines. Reis explained that a PUD Development Agreement can create conforming lots, yet could suspend conformance as long as a timeline for conformance is established in the Agreement.

Commissioners' recommendations:

1. Have some sort of check-in time frame in the Development Agreement, maybe every two years, to see where the Grahns are in the lot selling/PUD process.
2. The last paragraph of the Specific of Project page was a little contradictory. The right to continue all current uses, including the trailer park, apartment building, and residential homes, shall remain in place and such rights shall run with the land to any subsequent purchaser seemed too open-ended. The concept is ultimately for redevelopment of these lots, this last sentence seems to imply an existing use could stay indefinitely. There is a need to be clear in the Development Agreement. It was felt by the Commission that if a lot was sold, then the structure would have to be removed in a timely manner.
3. Mixed-density housing, so as to include more affordable housing.
4. East-west orientation of the lots to take advantage of the solar gain.
5. Consult with a hydrologist instead of a civil engineer in regards to drainage and consider an overall plan for drainage, as opposed to leaving it up to individual purchasers of each lot.

\*\*\*DRAFT – Not yet approved by Planning Commission\*\*\*

6. Look at pedestrian opportunities to stay in-line with the NEDPEDS/Second Street project. Maybe link Third Street to Second Street by a pedestrian easement. Perhaps talk to adjacent owners for a possible easement through Lots 14 and 30.
7. Consult with a Sustainability Neighborhood Development expert on a neighborhood plan layout.
8. Show parking plan when submitting the preliminary plans.
9. Lot 9 appeared to be too narrow, maybe push it back 5' to make it 50 ft.
10. Write the Agreement up so that it would pertain to an individual buyer, as well as an overall developer if the lots were to sell as a whole package.

Reis reiterated that a PUD has much flexibility, and any legitimate requirement can be written into a Development Agreement. The Commission wanted to emphasize that this was a great planning opportunity, and they appreciated the Grahns coming in with their vision.

Staff will work with the applicants on the next step.

## **8) Other Business**

Commissioner Cornell noted that Paul Turnburke has stepped down as executive director from the Nederland Downtown Development Authority (NDDA) and wondered if he would still stay on as a Steering Committee member for the Comprehensive Plan update project. Commissioner Williams asked if the NDDA needs to be represented. Town Administrator Reis said she would not recommend bringing in someone new at this stage of the project, and the draft plan will be part of the Nederland Planning Process and will be reviewed by all the advisory boards, which includes the NDDA.

Commissioner Martin asked about the Town shop on W. 5<sup>th</sup> Street and what will happen to that area once the shop migrates over to the Wastewater Treatment Plant. Reis began by stating she has engaged engineers each year to evaluate the current building for safety. This year, the structural engineer said the building may not be able to handle any significant snow load on the roof, information Reis passed on to the Public Works Department. The shop is planned to move to the Wastewater Treatment Plant for some vehicles and staff, and then the salt material will be moved to the new yard on Ridge Road. Public Works will start crating up, cleaning, and migrating over to the new plant when it opens. The current building will then be deconstructed, not demolished. They will work with Resource in Boulder to

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deconstruct it and waste as little as possible by recycling and scrapping metal. The next step after deconstruction is a voluntary cleanup as part of the Brownfields program to get it into a developable site. The Board continues to support affordable housing in the area. Reis said the move and deconstruction project will take approximately two-three years. The compost site will eventually need to move, and they are aware of the plan.


Tours of the Wastewater Treatment Plant should be able to begin next month or so.

The next meeting is scheduled for February 27, 2013.

**9) Adjournment**

A motion to adjourn was made by Commissioner Cornell, seconded by Commissioner Williams, and unanimously approved at 9:25 p.m.

Approved by the Planning Commission,



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Kris Larsen, Chairman, Planning Commission

ATTEST:



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Michele Martin, Deputy Town Clerk