



Nederland Planning Commission

AGENDA

Wednesday, April 27, 2011 ~ 7:00 pm
Nederland Community Center
750 Highway 72 North

- 1) Call to Order
- 2) Roll Call
- 3) Approval of minutes from March 23, 2011
- 4) Action Items
 - a. Consideration of Lot Line Dissolution Application by Paul Rewinkel (259 & 261 West 4th Street)
- 5) Discussion Items
 - a. Nederland Comprehensive Plan Update
- 6) Other Business
- 7) Adjournment



Nederland Planning Commission

MINUTES

Wednesday, March 23, 2011 ~ 7:00 pm
Nederland Community Center
750 Highway 72 North

1) Call to Order

The Chairman called the meeting to order at 7:03 PM.

2) Roll Call

Present: Chairman Bill Martin, Commissioners Roger Cornell, Denise Jackson, Kris Larsen, Mikki Osterloo, Steve Williams and Trustee Kevin Mueller.

Also present: Town Administrator Alisha Reis, Deputy Town Clerk Kristen Edwards.

3) Approval of minutes from February 23, 2011

Trustee Mueller requested that his comments about energy-efficient improvements to First Street businesses and Paul Turnburke's response to those comments be added to the minutes under the discussion of the DDA's Sidewalk Enhancement Plan.

The motion to approve the minutes with the above revision was made by Commissioner Cornell, seconded by Commissioner Osterloo and unanimously approved with Commissioners Larsen and Jackson abstaining as they did not attend the meeting.

4) Action Items

- a. Special Review Use Application – Ben's High Country Emporium (229 Highway 119)

Reis introduced the item, namely a proposition to add a drive-thru coffee window to an existing business. Regarding the potential CDOT right-of-way issue noted in the item summary, Reis spoke to the CDOT representative, who assured her that a right-of-way

permit is only necessary if the business sees an increase in traffic of twenty percent or more.

Applicant Debra Nichols – 229 Hwy 119 – explained that what she wants to do is very simple: just hand coffee out of the window at her business.

The meeting was opened to public comment.

Carla Slaughter – 77 Sundance Circle – supports the idea. Her only concern is clearly marking the turnoff from the highway.

The meeting was closed to public comment.

Chairman Martin listed things he'd flagged upon review, including traffic flow and the possibility of traffic backing up into the highway right of way, the potential impact on the peace garden and the hours of operation for the drive-thru. He remembered that in a previous incarnation, the site was contaminated from underground fuel storage tanks; Ms. Nichols confirmed that the situation had been remediated.

Commissioner Cornell noted the existence of a utility guy wire near the proposed drive-thru and suggested that approval be obtained from the utility company for the project. He emphasized the importance of good signage to indicate the flow of traffic so people don't turn in off of Third Street.

Commissioner Williams wondered about the potential impact on parking spots at the business. Ms. Nichols explained that the parking she has is in front of the business, while the driveway goes around the side of the building, so no parking is lost.

Commissioner Larsen asked about plans for signage. Ms. Nichols explained that she has sandwich boards that she takes in and out every day, and that she will use similar signs to direct the traffic flow. She confirmed that the drive-thru will be open during all hours that her business is open, and she will likely expand her hours from 6:00 am to 5:00 pm on weekdays.

In response to questions, Reis stated that Staff's only potential concern with the proposal is directional traffic flow, but she is confident that if there are any issues Staff can work with Ms. Nichols to resolve them.

Commissioner Osterloo wondered if the project sets a precedent for other drive-thrus in town. She is OK with this one specifically, but in general she dislikes them and doesn't want a town full of them. Reis reminded the Commission that any proposed drive-thru would have to come before them and the BOT for approval.

Sue Leto – 70 W. Third Street – stated that the keepers of the nearby Peace Garden are taking down two of the large trees that abut the space, and said she didn't think the drive-thru would have a negative impact on the garden.

In response to questions, Ms. Nichols stated that the drive-thru area is dirt and she has no plans to pave it, and that she may use poles as additional identifiers to mark the drive-thru lane.

The Commission requested that Staff monitor the situation to ensure there are no problems with traffic flow or backup; Reis assured the group that the Police Department would keep an eye on things and deal with any issues quickly.

A motion to recommend approval to the Board of Trustees of the Special Review Use Permit for Ben's High Country Emporium (229 Highway 119) for a drive-thru coffee window, with the conditions that 1) there will be a clearly marked one-way lane ensuring that traffic will not back up into the highway right of way, and 2) the Applicant will obtain approval from the utility company indicating adequate clearance from the guy wire, if necessary, was made by Commissioner Cornell, seconded by Commissioner Williams and unanimously approved by a hand vote.

- b. Consideration of application by Karina Luscher for lot line dissolution, site plan review for compliance with Design Guidelines, variance from parking requirements (112 E. Second Street)

Reis introduced the item, explaining that Town Staff and the DDA have provided comments on the proposal already.

Matt Chiodini – 4164 Irving Street, Denver – from Oz Architecture was in attendance to present the item on behalf of the applicant, his client. He took the group through a powerpoint presentation detailing the proposal. Parking is the primary issue with the site; it is difficult to meet the required parking ratios without turning the site into a parking lot. They tried to follow the design standards and

guidelines by doing things like breaking up the façade and using appropriate materials. The side facing Mountain Rose is a little quieter, while the Snyder street side has a more residential feel, as the lot is the last lot transitioning out of CBD and into a residential district. The roof line and many other concepts were drawn from several other buildings in Town so as to be congruous with the mountain, rustic feel of the Town.

The meeting was opened for public comment.

Donna Kirkpatrick – 115 E 2nd Street – owner of Nederland Feed and Supply – thinks the concept is beautiful but stated that parking is at a premium on 2nd Street. The currently existing businesses are all required to have off-street parking to meet the needs of their business, and thinks this should be no exception. She noted that the proposal treats 2nd Street as a two-way when it's actually a one-way. She is excited that the DDA and the Town are finally focusing on 2nd Street, but feels that the proposal will bring a significant amount of traffic and thinks the applicant should have to meet the code-based parking requirements.

Robin Rose – 114 E. 2nd Street – lives and runs a business directly next to the proposed project. She likes the idea of the structure and the business, but has serious concerns about lack of parking as well as delivery trucks parking and unloading under her window. She doesn't want to have to battle for parking in front of her building. She questioned how long it would take for money put into the parking fund to help the situation.

David Sites – 101 E. 2nd Street – stated that parking is going to be problematic, especially on the weekends, and that he shares the concerns of the previous speakers.

Ms. Slaughter likes the architecture of the plan. She agrees that the lack of parking is problematic. She also has safety concerns about the stretch of Snyder Street going up to Highway 119.

Kat Hunt – 226 S. Jackson Street – is in agreement with previous concerns about parking. She believes there is too much speculation in the proposal; employees may not walk to work. She thinks seating capacity was underrepresented vis-à-vis the parking calculation, as summer patio seating was not included in the calculation. In her opinion, congestion on 2nd Street is significant, particularly with

deliveries during the day to local restaurants and businesses. She also thinks the scale of the building is large for the location.

Chris Perret – 224 W. Pine Street – has a business at 120 E. 2nd Street. He believes the scale and footprint is too big for the neighborhood. He has concerns with the environmental impact of the business. The alley in question turns into a river when it rains, and the dirt regularly washes away; parking off of the alley would be problematic. He believes in having a business small enough that you can park all patrons on your property, as he did with his business. The area has a very high water table and he is concerned about runoff issues.

Guy Newton - 75 E. 2nd Street – says parking is already a problem in the area and that he wouldn't want to have to chain off his parking lot every night just to prevent people from parking there.

Reis added comments received by people unable to attend the meeting. Pat Everson – 114 E. 2nd Street – had most of her comments covered by her daughter Robin Rose; namely parking concerns vis-à-vis nearby businesses. She was also unclear about the dynamics of the 186 sf loft in the drawings.

Penny Dexter of the Presbyterian Church near the site had concerns about impinging on street parking and disturbing traffic flow, as well as safety concerns.

The meeting was closed to public comment.

Chairman Martin noted the significant concerns about parking, and thought widening and improving 2nd street would be a good direct use of parking fund moneys. He had some concerns about the size of the building as it is located next to Neighborhood Commercial zone. He sees the proposal as a positive addition to central downtown, but emphasized the need to make sure it's done right.

Commissioner Osterloo agreed that the size seems large and doesn't think it transitions well to NC. She thinks it would make more sense to design a business that the lot can handle and thinks downsizing the plan would be a good idea.

Commissioner Larsen thinks that 20+ spots for a building of this size is an excessive requirement and would be OK with the parking variance as proposed by the applicant. He noted that the soil report

was done based on a one-story building and so should be redone, and had concerns about the water table. He thinks that the building transitions well with the neighboring Mountain Rose.

Commissioner Jackson stated she is not inclined to vote for the proposal as is. She agrees that 20 spots is too much parking for too little building, but thinks this proposal went too far the other way.

Commissioner Cornell agreed that parking is the biggest issue; with the project right on the edge of a residential area, any overflow parking will overwhelm that residential area. He found the package and presentation to be very thorough and supported Staff's calculation of 20 required spots. He wondered if a space for a delivery truck might alleviate the congestion on 2nd Street. He thought the concept and design generally fit well with the Design Guidelines but wondered if a storefront design on 2nd Street would be an improvement.

Commissioner Williams' primary concerns were related to congestion and parking problems. He thought parking off of the alley would be a real problem when it rained or snowed. He raised concerns about emergency vehicles having adequate access; Reis responded that the Police and Fire Departments had reviewed and were OK with the proposal.

Trustee Mueller wondered about a location for recycling and would prefer to remove the gas fireplace in the courtyard. He noted that the proposal doesn't promote sustainability in the Town. He is not a fan of height restrictions and is OK with the size. He agreed with Commissioner Larsen that 20 parking spots seems excessive for the space, but would like there to be more than the seven proposed. He was concerned about the lack of flexibility with plumbing in the slab. Mr. Chiodini clarified that a change was made; they're not doing a slab and will have a crawl space instead. Trustee Mueller agreed that that is more flexible. He opined that the design would fit in in Breckenridge or Frisco; he would prefer to adjust the design to "fit in by not fitting in." He stated that if the building were entirely made of recycled materials and produced more energy than it consumed, he would have no comment, but that's not the case; he doesn't think this is 'different enough' from what's been done in the past.

Chairman Martin suggested that the Commission look at each of the three components of the agenda item discretely. All Commissioners were in support of the first part, the lot line dissolution.

The Commission had an extended discussion about item #2, compliance with the Design Guidelines. The question was raised if the building fit the directive to “reflect rather than overpower” the existing buildings. Many existing buildings in the CBD district are less ornamental and have more of a square roof line. Commissioner Larsen noted that the plan is similar to the initial design of the Kathmandu proposal; unfortunately after going through the design review process, that building ended up being rather monolithic and unappealing. He finds the design to be aesthetically pleasing from the street view and was concerned that by moving the parking to the front and going too much with “what we have,” the aesthetics could be lost. Commissioner Cornell noted that the guidelines can be very subjective and thinks the project will look nice compared to other buildings along the street.

Mr. Chiodini clarified that they have eliminated the sidewalk down 2nd Street. He noted that the Guidelines suggest placing buildings right at the property line. He thought it would be possible to place ‘truck parking’ or parallel parking along the edge of 2nd Street. He argued that Snyder’s garage is 22-23 feet tall and Mountain Rose is 25 feet tall, so in terms of scale and mass, the building is comparable to the two proximate buildings, and is actually smaller than Snyder’s Garage. He also noted that a number of the buildings on 1st Street also have two stories and are approaching 35 feet in height. He clarified that, with the exception of a small 186 sf office, the entire space is vaulted, and believes the open and lofty space gives a nod to buildings like Snyder’s. He listed a number of the environmentally friendly aspects of the building, including insulation and room to potentially put solar panels on the roof. They are talking extensively with Public Works re: how to mitigate drainage and are looking at directing roof runoff in to drywells in courtyard. He clarified that the chimney is a functional component for the fireplace inside café, while the clock tower is more ornamental.

The Commission had a further discussion on the parallels to Kathmandu Plaza, as many in the group remember hearing negative feedback on the plain, boxy nature of the building. It was argued that this building achieves the central gathering spot that was lost with Kathmandu, and that sticking to the parking requirements are what killed that courtyard. Others felt that the developers of Kathmandu were more responsible for the final design than the design requirements.

The Commission focused on concrete things to recommend to the applicant. Trustee Mueller suggested that the kitchen exhaust on the 2nd Street side of building and the condensing unit for the walk-in cooler should both be placed away from where it would impact residents to the east. Mr. Chiodini thought both suggestions were feasible. The group also recommended moving the dumpster back to snow storage area and not blocking the alley or parking. If the plan ends up with 7 spaces on the alley side, significant improvements to drainage and erosion would be necessary to keep alley in shape.

The Commission turned to item #3 – the parking variance – and had an extended discussion on the topic. Reis explained the calculations behind the 20-spot requirement and noted that, while significant attention needs to be paid to traffic flow issues in the area overall, that won't happen in time to influence the development of this project. The group discussed some options to increase neighborhood parking on the streets near the building, which wouldn't help the applicant's 20-space quota but would help the overall parking situation.

Mr. Chiodini said that the owner is weighing their options: 1) lease nearby spaces from Ron Mitchell's adjacent lot; 2) pay into parking fund; or 3) purchase a lot nearby & provide parking there.

The Commission noted the need for an integrated plan downtown – for the Town and the DDA to work to improve 2nd Street as well as Snyder. They discussed the parking fund and projects that have come through since the fund was established in 2008. Chairman Martin emphasized that the spirit of the parking fund is to use the monies to improve the parking situation near the project in question when the requirements can't be met on site. Some Commissioners felt that the best solution is to encourage some money to go into the parking fund that could then be used for improvements to nearby streets.

A number of Commissioners agreed that significant effort went into calculating and setting the parking requirements in the code and that they shouldn't be tossed aside. The group was divided on whether or not an additional permanent parking lot would be an improvement downtown. The Commission debated the merits of crediting spots back for the multi-modal argument and the additional bike parking. Commissioner Jackson argued that the bottom line is to enforce the code, and she doesn't think paying into

the parking fund is a good solution to the problem. Trustee Mueller argued that in order to give credit for employee bike parking a shower needs to be provided for employees to clean up before work.

The Commission discussed different ways that additional spots could be achieved and the merits of waving various numbers of spots. They agreed that it isn't the Commission's job to figure out a plan to solve the problem, and that as proposed the number of spots is too far from the required number. Trustee Perrett reminded the group that another option is for the applicant to scale the project back and reduce the parking requirement.

Ron Mitchell - 75 E. 1st Street – argued that without a certain amount of space a restaurant won't be able to survive. He has a proposal in the works that would improve the parking situation downtown and would like the Commission and the Town to weigh in on it soon. He confirmed that it is an option for the applicant to lease space from him in the short-term.

After further debate and discussion on many of the subjects detailed above, the Commission agreed to make separate motions on the three parts of the agenda item.

A motion to recommend approval of the lot line dissolution was made by Commissioner Jackson, seconded by Commissioner Larsen and approved unanimously by a hand vote.

A motion to advise the Board of Trustees that the project generally meets the design standards and guidelines, and to recommend that all mechanical venting be placed on the non-residential side, that the dumpsters be moved to the east and a recycling station be added, and that the dumpsters be adequately screened was made by Commissioner Cornell, seconded by Commissioner Larsen and approved by Chairman Martin and Commissioners Cornell, Larsen and Williams with Commissioners Jackson and Osterloo in dissent.

A motion to recommend denial of the parking variance was made by Commissioner Jackson, seconded by Commissioner Cornell and approved by Chairman Martin and Commissioners Cornell, Jackson, Osterloo and Williams with Commissioner Larsen in dissent.

As they likely will not see the plan again, the group decided to make a motion to cover their general recommendations.

A motion to recommend a 2nd Street parking plan that includes on-street parking to augment the proposal as well as a loading zone, drainage and erosion control improvements, alleyway improvements for access to parking, and credit for up to two spots for the additional bike parking if shower and locker facilities are provided was made by Commissioner Cornell, seconded by Commissioner Larsen and approved unanimously by a hand vote.

c. Consideration of Municipal Code Change to Allow Chickens in Town

The Commission had a brief discussion about whether or not the limit of four chickens per household is too low. Commissioner Cornell raised the question of whether chickens are appropriate in high-density areas. Trustee Mueller pointed out that the yard and bulk requirements currently in the code could prohibit some residents in high-density areas from having them at all.

The meeting was opened to public comment.

Donna Kirkpatrick – 115 E. 2nd Street – stated that many people do want to have chickens in town, but haven't done so yet as the laws are unclear. She believes people should have a right to have them, even on smaller lots. She clarified that chickens can lay for 5 years and that she thinks four chickens is enough for a continuous egg supply.

Ron Mitchell – 75 E. 1st Street – shared a story about his escapades purchasing chicks from the Feed Store some years ago, and is in support of allowing chickens in town.

A motion to recommend approval of the proposed code amendments as written was made by Commissioner Jackson, seconded by Commissioner Larsen and approved by Chairman Martin and Commissioners Jackson, Larsen and Osterloo, with Commissioner Cornell voting against and Commissioner Williams abstaining.

5) Discussion Items

There were no discussion items.

6) Other Business

a. Staff Update on Zoning Map Progress

Chairman Martin brought the new members up to speed on the item and said he is continuing to work with the GIS consultant to remedy the few remaining discrepancies. Reis said she hopes to have a draft map for discussion at the next meeting.

b. Nederland Comprehensive Plan Update

The Commission agreed to hold a workshop devoted to the Comprehensive Plan on April 13. Staff will send materials generated to date to the newest Commission members. Commissioners will send their marked-up chapters to Staff to put into a master document with all changes to date.

On a separate note, Reis raised the subject of bylaws. She recently discovered that the Commission doesn't have any in place and strongly recommended that situation be remedied. Staff will draft something for the Commission to review at a future meeting.

7) Adjournment

The motion to adjourn was made by Commissioner Jackson, seconded by Commissioner Larsen and unanimously approved at 10:18 pm.

Approved by the Planning Commission,

Bill Martin, Chair, Planning Commission

ATTEST:

Kristen Edwards, Deputy Town Clerk



AGENDA INFORMATION MEMORANDUM TOWN OF NEDERLAND PLANNING COMMISSION

Meeting Date: April 27, 2011

Initiated By: /s/ Alisha Reis
Dept: Planning & Zoning
Action X Discussion

AGENDA ITEM:

Lot Line Dissolution – 259 & 261 West 4th Street

SUMMARY:

Applicant Paul Rewinkel has submitted a request for lot line dissolution between his two properties at 259 West 4th Street and 261 West 4th Street, to be considered under Nederland Municipal Code Section 17-73 - Dissolution of interior lot lines. The proposed dissolution will create a single, conforming lot out of two non-conforming lots. All application requirements outlined in Section 17-73 have been met (see attached application).

The dissolution does not require any dedication or vacation of easements, impact the location of any remaining lot lines within the subdivision, or create any non-conforming lot. The property to be combined is not within an identified flood plain, does not require any wetland permit, soil erosion plan, or construction of any public improvements.

The proposed dissolution, if approved, is contingent upon the granting of a zoning variance with regard to setbacks on the property. Said variance would be necessary in order for Mr. Rewinkel to build upon the existing building's foundation. The zoning variance request will likely be on the agenda at the BZA meeting on May 19th.

RECOMMENDATIONS:

As the application meets all requirements outlined in Section 17-73 of the Municipal Code, and the proposal moves closer to the resolution of a long-standing issue for the Town, staff recommends approval.

ALTERNATIVES:

1) That the application be denied

2) That the Planning Commission considers approval with conditions

ATTACHMENTS:

- 1) Lot line dissolution application
- 2) Survey plat*
- 3) Description of public utilities
- 4) Re-vegetation and erosion plan
- 5) Drainage plan
- 6) Public notice
- 7) Notification list

* A full-size survey plat is available for viewing at Town Hall and will be available at the meeting.

FINANCIAL CONSIDERATIONS:

None



TOWN OF NEDERLAND
PO BOX 396
NEDERLAND, CO
(303) 258-3266

DISSOLUTION OF LOT LINES APPLICATION

APPLICANT NAME Paul J. Rewinkel
ADDRESS 2847 Ridge Road, Nederland, CO 80466
PHONE (Home) (303) 258-9147 (Work) (303) 898-6730

PROPERTY OWNER (If different from Applicant) Same
ADDRESS _____
PHONE (Home) _____ (Work) 259

ADDRESS AND LOCATION OF PROPERTY AFFECTED: 258 West 4th Street and 261 West 4th Street; originally platted as Lots 2 and 3, Block 20, Town of Nederland and on July 20, 2007, the Boulder District Court entered a Decree in the quiet title action that created Lot 2A and Lot 3A, Block 20.

CURRENT ZONING Medium Density Residential Are you requesting a zoning change? [] yes [X] no

BASIC OBJECTIVES: Both lots, whether referred to as Lots 2 and 3, Block 20 or Lots 2A and 3A, Block 20 are deemed to be "nonconforming" under the Nederland Zoning Law and the Town of Nederland has failed or refused to permit Mr. Rewinkel to repair the improvements on both Lots. Mr. Rewinkel now desires to combine both Lots into one Lot of at least 8,000 sq. ft., thereby creating a "conforming" Lot under the Nederland Zoning Law, so that the numerous restrictions against the use of "nonconforming" Lots will no longer apply and the Town of Nederland will permit Mr. Rewinkel to develop a detached single family home on the subject property.

THE FOLLOWING INFORMATION IS REQUIRED TO BE INCLUDED WITH THIS APPLICATION.

1. A survey of the land to be consolidated, consisting of one of the following:
 - a. Survey of the original subdivision in which dissolution of lines is requested (if original subdivision made in last five (5) years) X *AR*
 - b. Improvement location certificate from the last five (5) years X
 - c. A recorded boundary line survey at the Boulder County Clerk and Recorder's Office from last five (5) years X
2. Current title commitment or ownership and encumbrances report showing all parties with an interest in the property X *AR*
3. Non-refundable application fee of \$50 X *AR*
4. Size of the proposed consolidated lot: 8,001 s.f.
Meets Zoning District requirements X *AR*

- 5. Dissolution of lot line shall be titled with same name as that of the original subdivision X *ARJ*

- 6. Parcel boundaries and development shall be suitably located and sized with respect to the physical characteristics of the land and character of the neighborhood X *ARJ*

- 7. Lots to be combined are:
 - a. Held in identical ownership at time of application X *ARJ*
 - b. Not separated by an easement, right-of-way or any other dedication to an individual or entity other than the owner of the property X *ARJ*
 - c. In the same zoning district X *ARJ*
 - d. Part of the same underlying plat X *ARJ*

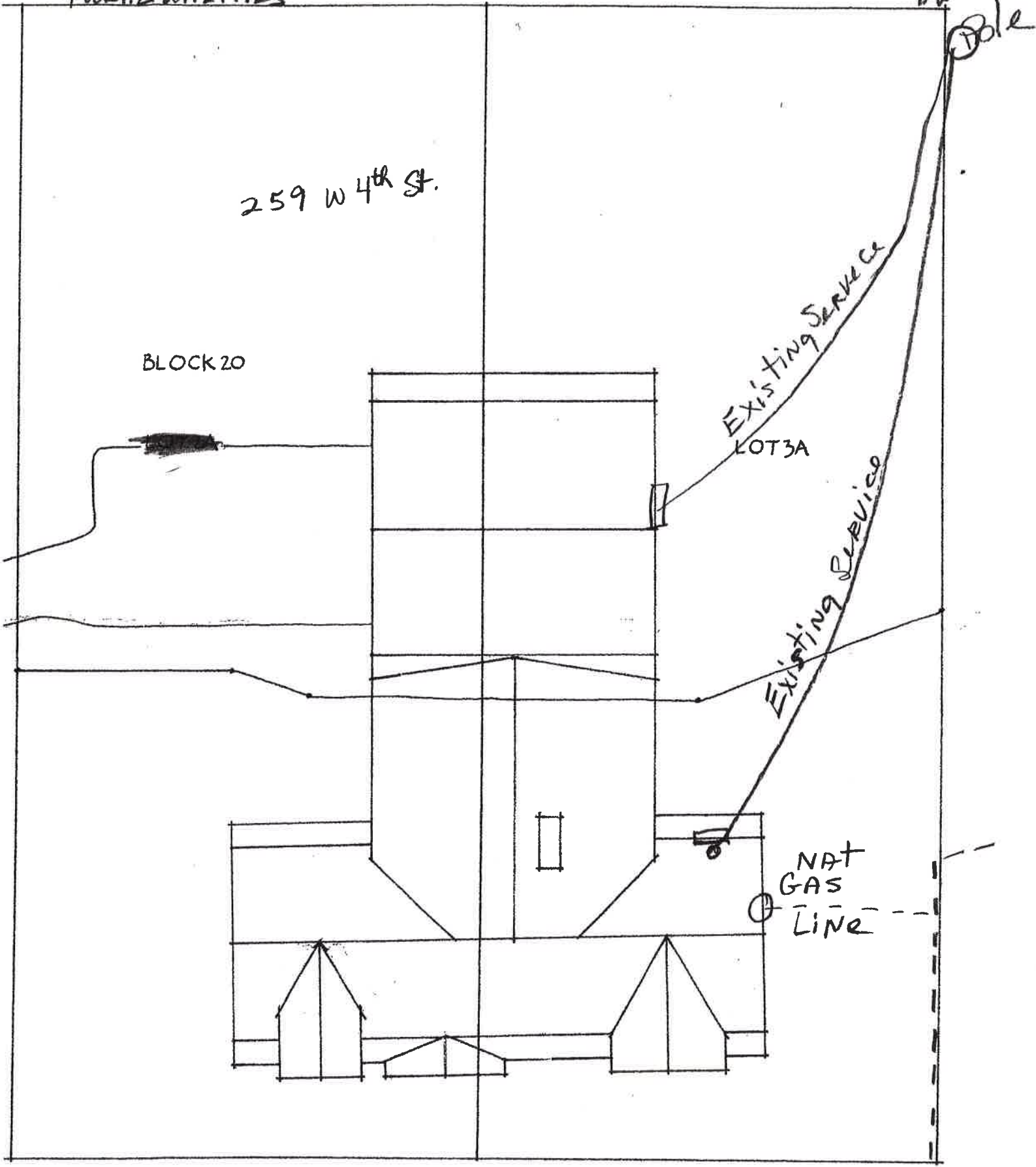
- 8. Written documentation to be attached include:
 - a. Drainage plan X *ARJ*
 - b. Wetland delineation, 404 permit determination (federal) X N/A
 - c. Floodplain verification and mitigation (if necessary) X N/A
 - d. Revegetation and soil erosion plan X *ARJ*
 - e. Description of public utility improvements serving the property or construction plan for needed utilities X *ARJ*

The information I have submitted is true to the best of my knowledge. I understand that if this proposal is deemed complete, it will be submitted for consideration to the Planning Commission. If a recommendation of the proposal is given by the Planning Commission, the final application will then be submitted to the Board of Trustees for final consideration.

Paul J. Rewinkel
 Applicant's Signature

 Date APRIL 7, 2011

HAND-DELIVERED TO NEDERLAND TOWN HALL ON APRIL 7, 2011, BY PAUL J. REWINKEL



259
&
261 W. 4th St