



Nederland Planning Commission

AGENDA

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

- 1) Call to Order
- 2) Roll Call
- 3) Approval of minutes from May 25, 2011
- 4) Action Items
 - a. Special Review Use Application – Pioneer Inn LLC (15 E. 1st Street)
- 5) Discussion Items
 - a. Nederland Comprehensive Plan Update
- 6) Other Business
- 7) Adjournment



Nederland Planning Commission

MINUTES

Wednesday, May 25, 2011 ~ 7:00 pm
Nederland Community Center
750 Highway 72 North

1) Call to Order

The Chairman called the meeting to order at 7:08 PM.

2) Roll Call

Present: Chairman Bill Martin, Commissioners Denise Jackson, Mikki Osterloo and Steve Williams, Trustee Kevin Mueller

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

Absent: Commissioners Roger Cornell and Kris Larsen

3) Approval of minutes from April 27, 2011

The motion to approve the minutes was made by Commissioner Williams, seconded by Commissioner Jackson and unanimously approved.

4) Action Items

a. Special Review Use Application – Rocky Mountain Wildlife Shelter (20 Lakeview Drive, Unit 105)

The applicant, Mark Campbell, spoke on behalf of himself and his brother, Tom. They are partners in the venture and are both local residents with a passion for animals. Mark has 8 years of experience as the former curator of a wildlife park, and both brothers have extensive experience with animals. Their plan is to open a shelter, as opposed to a rescue or rehab where they would be putting the animals back into the population again. The Shelter will house animals that don't make good pets and are better kept by people who have experience with these animals. They plan on building habitats in the space and will host educational sessions with scout groups,

church groups, etc., as well as more informally with walk-in visitors. The goal is to educate people about the animals, including why they don't make good pets. There will be no lethal animals at the Shelter. They are starting with reptiles, as those are the easiest from the licensing point of view. They have already received calls from the Reptile Humane Society in Longmont, asking if they can take some animals. The Shelter will be set up as a non-profit and will subsist on donations and a small gift shop. They have already begun discussions with other entities in Town, such as Wild Bear and Kathmandu, on ways they can partner up.

Reis reported that Staff received no comments regarding the application. She mentioned that in the long-run as Caribou Center fills up, the Town will need to keep an eye on the parking demands at the center.

The Commission reviewed the application. In response to questions, Mr. Campbell explained that the center currently has 8 animals; their total capacity would depend on how they use the space, but likely somewhere around 25 animals. Commissioner Osterloo wondered about accommodating school buses; Reis replied that buses attending the Carousel of Happiness have generally been parking above the shopping center along Big Springs Drive, and that has been successful. Mr. Campbell said their hours of operation are still to be determined, but they're thinking about 10:00 a.m. to 6:00 p.m., seven days per week. The applicants will be on site much of the time, and volunteers will cover other times. There will be a training process for any volunteers who would be handling the animals, and the more aggressive animals will only be handled by Mark or Tom. Commissioner Williams suggested partnering with the Reptile Humane Society in Longmont, as they have numerous volunteers and a good training program. The issue of power outages was raised; Mr. Campbell said most of their animals need to stay warm, so they will be looking into a generator set-up. Commissioner Osterloo suggested volunteer background checks for things like animal cruelty; Mr. Campbell agreed that was a good idea.

The meeting was opened to public comment.

Lexi Armitage – Caribou Shopping Center Manager – said that Caribou Companies is really excited to have the Shelter as tenants. She has known the applicants personally for two years and vouches for them as upstanding and responsible citizens. She answered questions from the Commission about occupancy at the center.

The meeting was closed to public comment.

Commissioner Martin encouraged the applicants to work with Town Staff to sort out the dynamics of parking and large groups or buses. In response to questions, Mr. Campbell explained that in the space the animals will almost always be in their enclosures; the only real opportunity for contact with people would be during well-supervised educational programs. It was noted that things like trash will be taken care of as a part of their tenancy at Caribou Shopping Center.

The motion to recommend to the Board of Trustees to approve the Special Review Use Application for Rocky Mountain Wildlife Shelter (20 Lakeview Drive, Unit 105) was made by Commissioner Williams, seconded by Commissioner Osterloo and unanimously approved.

5) Discussion Items

a. Nederland Comprehensive Plan Update

The Commission began with a discussion about the sustainability aspects of the plan. It was agreed that sustainability should be included both as a stand-alone chapter as well as a theme woven into other chapters. The problems with having sustainability concepts in the Plan be either too specific or too general was discussed. Reis suggested using goals as a way to convey important ideas without being overly detailed. Trustee Mueller articulated the four most important sustainability goals he feels should be the cornerstone of the sustainability platform for the Town. He argued that the more specific and measurable aspects can then be incorporated into the Code. He encouraged the use of ideas and themes from existing documents such as the APA's Guide on Planning for Sustainability. His vision is to include sustainability goals in the Comprehensive Plan, then follow up with code revisions that give the Comprehensive Plan language "teeth". Commissioner Martin encouraged the group to look at each chapter through the lens of the sustainability questions circulated by Trustee Mueller.

Reis suggested that public input be brought in to the process relatively soon. She noted that much of the ideology in the document is driven by themes and issues that were important in the mid-90's, which differs significantly in many areas from current public sentiment. Her suggested path forward is to get the Plan updated in terms of data and other inaccuracies, then shift to the public input

phase of the process. She offered to do a “Planning 101” workshop to educate the interested public on general planning concepts and the relevancy and role of the Comprehensive Plan before doing the public charettes.

Trustee Mueller offered to make suggestions on how sustainability could be worked in to each chapter; the Commissioner responsible for the chapter will then work to edit the chapter incorporating those themes.

The group shifted to a discussion on the Economy chapter. It was agreed that much of the section espouses ideas that don’t necessarily reflect residents’ currently held beliefs. Much of the chapter needs to be updated and fact-checked vis-à-vis data. Commissioner Osterloo encouraged the group to review the DDA’s Market Study from 2006, which both she and Edwards thought could be incorporated beneficially into the Plan. The group discussed how possibly getting fiber installed in Town could increase the number of people who could telecommute. Reis will work with the Town Treasurer to generate updated financial information and get that to Commissioner Williams. The group went through the chapter, discussing the relevancy of the different sections, good sources for updates, and what new concepts should be introduced.

6) Other Business

There was no other business.

7) Adjournment

The motion to adjourn was made by Commissioner Osterloo, seconded by Commissioner Williams and unanimously approved at 10:14 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: July 27, 2011

Initiated By: /s/Alisha Reis

Dept: Zoning

Action X Discussion

AGENDA ITEM:

Special Review Use Application – Pioneer Inn LLC (15 E. 1st Street)

SUMMARY:

Applicant and owner Pioneer Inn LLC is requesting a Special Review Use permit so as to be able to serve food and alcohol in their enclosed outdoor space (informally known as the “beer garden”). The restaurant is located in the CBD zoning district; per N.M.C. 16-32, “outdoor sales, eating or drinking” is permitted therein by special review. The garden is physically located on the adjacent owner’s property; the former restaurant owner (Bunny Spangler) had a non-transferrable business lease for use of the space that was tied to her SRU. With the change in ownership, Pioneer Inn LLC has entered into a new business lease with the adjacent property owner, but must go through the SRU process anew.

Staff received the application on July 5th and deemed it complete. Notices of the public hearing were posted in the Mountain-Ear and on the property as well as mailed to property owners within a 300-foot radius.

The application must be reviewed in accordance with Nederland Municipal Code Sec. 16-55:

(a) A special review use application shall be approved only if the Board of Trustees finds that the application:

(1) Is eligible for a special review under Section 16-32;

The application is eligible for special review under the Commercial Use/Outdoor Sales, Eating or Drinking category.

(2) Is generally compatible with adjacent land uses;

The proposed use is similar to other outdoor eating & drinking spaces along First Street.

(3) *Meets all requirements of Section 16-52 above, is in compliance with this Chapter and minimizes potential adverse impact of the special review use on adjacent properties and traffic flow;*

All requirements of Section 16-52 are met with the application, and the application is in compliance with Chapter 16 generally. Given that this has been an established use for some time, it is not anticipated to further impact adjacent properties and/or traffic flow.

(4) *Is consistent with the Comprehensive Plan; and*

The application supports Comprehensive Plan themes of encouraging independent businesses of local character and limited space requirements, encouraging spending by non-resident visitors, and supporting commercial development in a clearly defined and contained core commercial area.

(5) *The Town has the capacity to serve the proposed use with water, sewer, fire and police protection.*

The Public Works Department and the DDA supported the application with no concerns or conditions.

The Police Department has had extensive discussions with the new owners in the context of their liquor license review; per continued adherence to agreements made therein, the PD supports the application.

The Fire Department performed an inspection vis-à-vis the change of ownership for the business and had a number of comments related to the beer garden. Assuming the issues raised are remedied and the stipulations listed are followed, the FD supports the application.

HISTORY AND PREVIOUS COMMISSION ACTION:

None

ALTERNATIVES:

- 1) Recommend approval of the application to the BOT
- 2) Recommend denial of the application to the BOT

ATTACHMENTS:

- 1) SRU Application
- 2) Fire Inspection Letter

FINANCIAL CONSIDERATIONS:

None



Special Review Use Application

Town of Nederland
45 W. 1st Street, PO Box 396, Nederland CO 80466

RECEIVED
JUL 05 2011
TOWN OF NEDERLAND
DEPUTY TOWN CLERK

Applicant Name: Pioneer Inn LLC
P.O. Box 310 Rollinsville, CO 80474
 Address: 15 E First St. Nederland, CO 80466
 Phone: (Home) 303-258-7041 (Work) 303-258-7733
 Date of Application: 6-15-11

Address and location of property: Street Address 15 E First St.
W 27th
 Block 1 Lot 6 Subdivision Wohlcke Zoning CBD

Explanation of the proposed use for this property: Beer garden for
outside seating at the Pioneer Inn.

The following information is required to be included with this application. 12 copies of a completed application including everything in items 1, 2 & 3 are required. [NMC Section 16-52]

	Initial	Date
1. A complete site plan showing:		
A. Adjacent land uses & location of adjacent structures	By	7/5/11
B. Boundary and size of site	By	"
C. Building location, height and setbacks	existing	"
D. Off-street parking and loading areas	By	"
E. Points of entry and exit	By	"
F. Service and refuse areas	By	"
G. Signs and exterior lighting	existing	"
H. Fencing, landscaping and screening	existing	"
I. Compliance with performance standards [NMC Section 16-78]	By	"
J. Anticipated utility requirements	N/A - existing	"
K. North arrow reference	By	"
L. Traffic flow schematic	existing	"
2. Time schedule for development (per regulatory timeline)	By	"
3. Other information to support application	By	"
4. Mailing labels for property owners within 300 feet of property boundaries (Available from the Boulder County Assessor's Office - 303.441.3530)	By	"
5. Non-refundable application fee of \$500 (\$100 for outdoor sales, eating and drinking, or other outdoor commercial activities or establishments)	By	"
6. Signed consultant fee agreement (if applicable)	N/A By	"OK - per back

The Applicant hereby agrees to pay all costs and fees incurred by the Town of Nederland in the hiring of engineering, planning and legal consultants as needed, in the review of the application. The obligation of the applicant to pay such fees bears no relationship to the result of the application process. The Applicant will pay all fees as billed in any event, including the event the applicant shall withdraw or delay the application, or in the event the application is denied.

This agreement is made between the Town of Nederland and Cynthia Shaw-Pierce
(printed name of applicant)

On the 5 day of July, 2011.

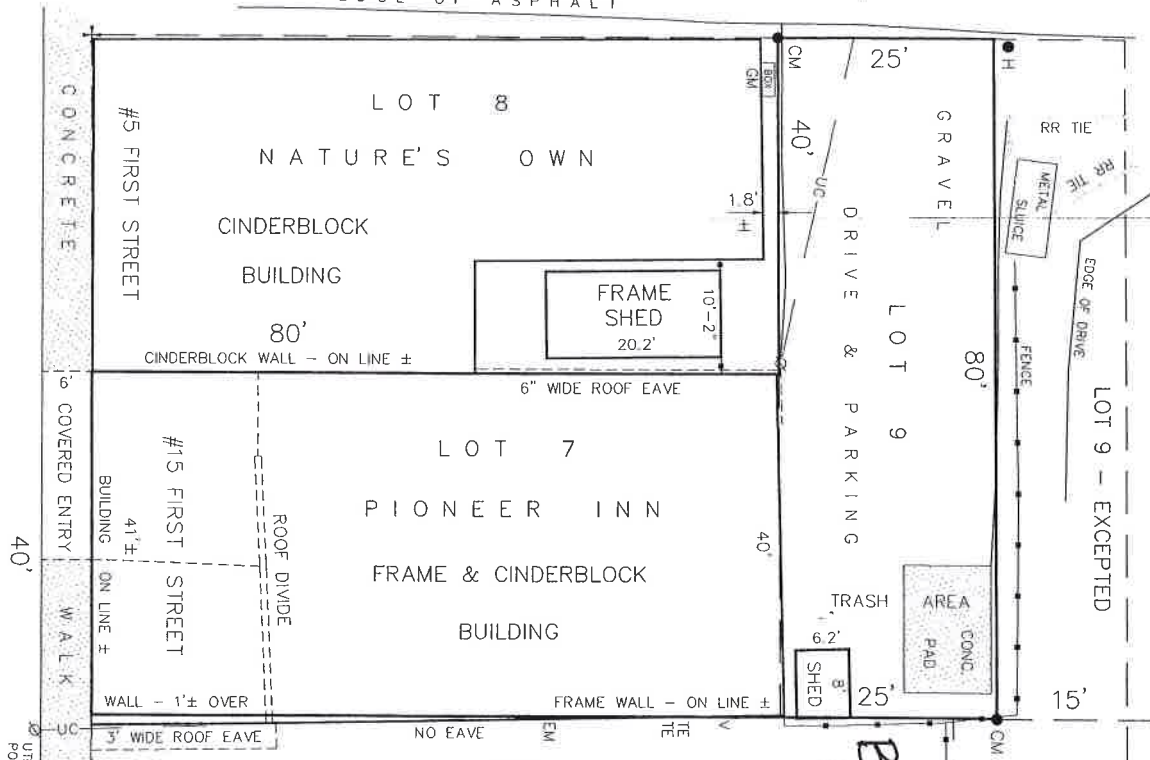
Cynthia Shaw-Pierce
Applicant

Alisha Jais
for the Town of Nederland

HIGHWAY 72 / 119

Bridge Street

EDGE OF ASPHALT



LOT 9 - EXCEPTED

Property Description
 (FROM DEED RECORDED ON FILM 1675 AS REC. NO. 01106485)
 LOTS 7 AND 9, BLOCK 1,
 AMENDED MAP OF WOHLCKE'S ADDITION TO NEDERLAND,
 EXCEPT THE NORTH 15.00 FEET OF SAID LOT 9,
 COUNTY OF BOULDER, STATE OF COLORADO.



SCALE : 1" = 10'
 0 5 10 20

Bear garden pipe

Stained glass shop + apartment

- Legend**
- + FOUND CHISELED CROSS
 - CM FOUND #9 REBAR WITH ALUMINUM CAP SET BY MELVIN SURVEYING COLORADO PLS 22576
 - DB FOUND #5 REBAR WITH ALUMINUM CAP SET BY DREXEL BARRELL & CO. COLORADO PLS 23529
 - TE TELEPHONE CONNECTION
 - UC UTILITY CONNECTION
 - EM ELECTRIC METER
 - V VENT

- Notes**
- 1) NO EASEMENTS ARE SHOWN ON THE PLAT THAT CROSS LOTS 7 AND 9. A TITLE COMMITMENT WOULD BE REQUIRED TO CHECK FOR OTHER EASEMENTS (IF ANY) OF RECORD.
 - 2) ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT ON THIS CERTIFICATE WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT ON THIS CERTIFICATE BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
 - 3) THIS IMPROVEMENT LOCATION CERTIFICATE HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF ELMINA L SPANGLER.
 - 4) THIS IMPROVEMENT LOCATION CERTIFICATE AND THE INFORMATION HEREON SHOULD NOT BE USED FOR ANY ADDITIONAL OR EXTENDED PURPOSE BEYOND THAT FOR WHICH IT WAS INTENDED AND MAY NOT BE USED BY ANY PARTIES OTHER THAN THOSE TO WHICH IT IS CERTIFIED.

Improvement Location Certificate

for: **Elmina L Spangler**

I HEREBY CERTIFY THAT THE IMPROVEMENTS ON THE ABOVE DESCRIBED PARCEL, EXCEPT UTILITY CONNECTIONS, ARE ENTIRELY WITHIN THE BOUNDARIES OF THE PARCEL, EXCEPT AS SHOWN, THAT THERE ARE NO ENCROACHMENTS UPON THE DESCRIBED PREMISES BY IMPROVEMENTS ON ANY ADJOINING PREMISES, EXCEPT AS INDICATED, AND THAT THERE IS NO APPARENT EVIDENCE OR SIGN OF ANY EASEMENT CROSSING OR BURDENING ANY PART OF SAID PARCEL, EXCEPT AS NOTED. I FURTHER CERTIFY THAT THIS IMPROVEMENT LOCATION CERTIFICATE IS NOT A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT, AND THAT IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF FENCE, BUILDING OR OTHER FUTURE IMPROVEMENT LINES.

Lee Stadel
 LEE STADEL
 COLORADO PLS 26300

Plagstaff Surveying, Inc.
 Table Mesa Shopping Center
 637 South Broadway, Suite C
 Boulder, Colorado 80505
 303-499-9737
 162544-1.dwg 10 July 2009

First Street

First Street

UTILITY POLE

WALKWAY

COVERED ENTRY

CONCRETE

GRAVEL

DRIVE & PARKING

TRASH AREA

CONC. PAD

SHED

FRAME WALL - ON LINE ±

NO EAVE

FRAME WALL - ON LINE ±

3' WIDE ROOF EAVE

WALL - 1"± OVER

ROOF DIVIDE

41"± BUILDING ON LINE ±

#15 FIRST STREET BUILDING

80' CINDERBLOCK WALL - ON LINE ±

80' CINDERBLOCK BUILDING

LOT 8 NATURE'S OWN

18'±

10'-2"

20.2'

6" WIDE ROOF EAVE

LOT 7 PIONEER INN

40'

40'

25'

25'

15'

RR TIE

RR TIE

METAL SLUICE

FENCE

EDGE OF DRIVE

25'

80'

LOT 9

25'

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NEDERLAND FIRE PROTECTION DISTRICT
P.O. BOX 155
NEDERLAND, CO 80466
PH: (303) 258-9161 FAX: (303) 258-9162

July 13th, 2011

Re: Summary of Fire inspection July 8th, 2011. Pioneer Inn, Nederland , CO

To whom it may concern,

Below are requirements of the Fire Department concerning the Fire Inspection

1. Beer Garden. Occupancy of Beer Garden may not exceed 49 people.
2. Beer Garden. Prior to any occupancy of the Beer Garden, Wooden gate must be changed so it swings out . Hardware on gate must be changed to be operable with one motion, push bar or similar. (We can review suggested hardware at your request). Current door opening from Restaurant to Beer Garden must be marked as "Exit" to mark exit from Beer Garden out through restaurant. Signage must be internally illuminated with battery backup.
3. Restaurant Exits. Front and Rear doors must have internally illuminated "Exit" signs with battery backup. Interior "Exit" sign over door to Beer Garden must be removed. If needed, NFPD will meet with your contractor to discuss proper placement.
4. Emergency Lighting. Emergency lights with battery back-up must be installed to illuminate exit paths at front, interior side (to light ingress from Beer Garden) and rear of building.
5. Doors. Rear exit door and emergency exit from Beer Garden will be marked on the exterior "Emergency Exit, do not block" and will be kept clear at all times.

Please feel free to contact NFPD offices with any questions.

Sincerely,

Ryan Roberts
Captain, EMT-I



**AGENDA INFORMATION
MEMORANDUM
TOWN OF NEDERLAND
PLANNING COMMISSION**

Meeting Date: July 27, 2011

Prepared By: /s/ Alisha Reis

Dept: Administration

Action _____ Discussion ___ X ___

AGENDA ITEM:

Update of the 2003 Comprehensive Plan

SUMMARY:

A discussion focusing on updates of Comp Plan chapters to date.