



# Nederland Planning Commission

## AGENDA

Wednesday, November 30, 2011 ~ 7:00 pm  
Nederland Community Center  
750 Highway 72 North

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- 1) Call to Order
- 2) Roll Call
- 3) Public Comment
- 4) Approval of minutes from September 28, 2011
- 5) Action Items
  - a. King Place Replat Amendment – Lots 1 & 2 (99 King Place)
- 6) Discussion Items
  - a. Discussion of potential redevelopments between 1st & 2nd, Hwy 119 & Snyder
  - b. Generation of guidelines governing the SRU process vis-à-vis parking lots
- 7) Other Business
  - a. Timing of December meeting
- 8) Adjournment



# Nederland Planning Commission

## MINUTES

Wednesday, September 28, 2011 ~ 7:00 pm  
Nederland Community Center  
750 Highway 72 North

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### 1) Call to Order

The Chair called the meeting to order at 7:12PM.

### 2) Roll Call

Present: Chairman Bill Martin, Commissioners Kris Larsen, Denise Jackson, and Mikki Osterloo; Mayor Pro Tem Kevin Mueller.

Also present: Town Administrator Alisha Reis, Town Clerk Teresa Myers

Absent: Commissioners Roger Cornell and Steve Williams.

### 3) Public Comment

Atashnaa Werner, of Greater Nederland, spoke in favor of affordable housing for seniors in Nederland. She had previously forwarded materials and comments to the Commission, and she expounded on those. She also spoke about her feelings that her comments to Envision Nederland 2020 committee regarding subsidized senior housing were “word-smithed” and altered so as to lose their emphasis. She is hopeful that the Commission will consider subsidized housing for low-income seniors in the Peak to Peak community in its review of the Comprehensive Plan.

The Commissioners noted that they did not receive the materials Werner referenced and she offered to get them to the Commission.

Chairman Martin explained the Comprehensive Plan process a bit and invited Werner to continue to dialogue with the Commission as the process continues.

Werner noted that many residents of the Greater Nederland Community contributed to the envisioning process and hopes that their concerns will be reflected in the Comprehensive Plan.

Ron Mitchell, of Nederland, explained that he was attending the meeting to show his support for the resigned mayor and the Town staff, and explained that he would be bringing his next development proposal to a town vote.

#### **4) Approval of minutes from August 24, 2011**

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

#### **5) Action Items**

- a. Consideration of change to Nederland Municipal Code Section 16-210 requiring paving of parking lots of 20+ spaces

Town Administrator Alisha Reis introduced the item and explained that it was before the Commission because staff felt that a recent planning application justified specific review of the policy codified in this section. Staff feels that the bright-line rule contained in the section at issue is not in accord with the Town's sustainability goals and will create drainage problems for the most recent applicant to whom it was applied. Staff recommends a case-by-case analysis, similar to an application for Special Review Use, with emphasis on sustainability, drainage, and aesthetic concerns. Reis explained how the sample application would proceed without a change in the Code, and the Town Attorney's legal interpretation of the current language.

Chairman Martin reminisced about an earlier situation that posed the same question but was never particularly resolved and ultimately became moot. Commissioner Jackson asked if the Code included a definition of "paved," and was informed that it does not.

The Commission appreciated the Public Works memo and the perspective it offered. Chairman Martin commented on how this paving would contribute to drainage issues further downstream in the downtown area.

Mitchell shared his recollection of how the 20-spaces requirement came to be. According to his memory, the requirement was adopted as an anti-development, anti-growth measure. Mitchell argued that the current economic climate demands a new approach.

Commissioner Jackson expressed her support for changing the code to meet the staff recommendation. Commissioner Osterloo felt the paving requirement is not necessary and drainage is of greater importance. Chairman Martin and Commissioner Larsen agreed. Mayor Pro Tem Mueller noted that this is an opportunity to try to fix this portion of the Code, and to examine what constitutes a sustainable parking lot. He wondered if the DDA would be willing to match funding for a more sustainable design for such a prominent location in Town.

Mitchell asked that he be allowed to provide a 20-minute presentation to the Commission to discuss parking issues in Town, and Chairman Martin agreed that it would be useful to hear his presentation. Mitchell offered some examples of the recommendations he could provide. Mitchell noted that the anti-development goal of the original ordinance was achieved.

Chairman Martin noted that the Code needs to include a definition of “paving” and should reflect drainage and permeability concerns. Commissioner Jackson disagreed, suggesting that the paving definition should be left alone and the focus should be on the case-by-case basis via the SRU process.

Mayor Pro Tem Mueller suggested that a broader Code change involving parking should reflect the Comprehensive Plan and be scheduled for consideration immediately following that adoption. He also made requests of Mitchell for items to be included in his presentation.

The Commission agreed that Mitchell would provide a presentation on the agenda at the next meeting.

Commissioner Jackson asked if the handicapped spaces must be paved and Reis explained that federal law does require that the spaces be hard surfaces, but that it doesn't appear to require non-permeable surfaces.

The Commission agreed to support a change in the Code to a case-by-case Special Review of Use. The Commission further directed

Reis to work with Mitchell to address some of the Public Works suggestions and concerns in the short term. Reis explained to the Commission that if the Code change was adopted, the sample application would come before the Commission sometime before the end of the year.

The Commission also talked about the possibility of DDA involvement in areas that are of public concern. Mitchell informed the Commission that DDA funds can be used on private property, as long as the project does not benefit the property owner more than the public at large.

The Commission then worked to draft language for a Code amendment to the section in question and agreed upon "Parking lots containing more than 20 spaces shall be designated as Special Review Uses. Adequate drainage facilities shall be provided. Curbs or wheel stops may be provided."

The motion to approve recommending the amended language for N.M.C. Section 16-210 to the Board of Trustees was made by Commissioner Jackson, seconded by Commissioner Osterloo and approved unanimously by hand vote.

## **6) Discussion Items**

### **a. Nederland Comprehensive Plan update - Review of draft RFQ**

Reis introduced the item and explained the document that was before the Commission. Commissioner Larsen had some concerns about specifically including the incorporation of The Natural Step process as a required element of the Comprehensive Plan. Mayor Pro Tem Mueller explained in greater detail The Natural Step's principles and argued for its inclusion in the RFQ. Commissioner Larsen suggested that it would be better to allow the consulting firm applicants to raise the point themselves, rather than having it as part of the RFQ. Commissioner Jackson argued that sustainability should not be the primary consideration in evaluating an applicant's qualifications. Chairman Martin talked about whether the sustainability issue should be the pivot on which all else moves or but a single factor for consideration, woven throughout the selection process and the Plan.

Mayor Pro Tem Mueller pointed out the Board of Trustees has adopted the Envision 2020 report and that such adoption serves as a

mandate to the sub-committees to incorporate the principles of the Envision document into their processes and work products.

Chairman Martin offered different approaches to including and emphasizing sustainability goals without using it as the architectural skeleton for the RFQ processes.

Mayor Pro Tem Mueller explained that some RFQ respondents would likely engage in “green-washing,” in which sustainability principles are talked about but actual metrics and goals are not sufficiently identified. His support for The Natural Step is based largely on its quantifiable approach.

The Commission edited the RFQ document to emphasize sustainability without requiring a particular approach.

Reis noted her recommendation that the interview stage be removed due to its lack of value in the RFQ process, but retained for later in the RFP process. The Commission agreed.

Reis laid out the timeline and the process for the RFQ/RFP.

## **7) Other Business**

Reis informed the Commission that there are no current planning applications pending, so the Commission’s focus in coming months will likely be on the Comprehensive Plan and on review of non-conforming lots and properties.

Chairman Martin asked for an update on revision of the town zoning map. Reis explained that there was still a bit of work to do on it. Chairman Martin volunteered to assist with the last of the research necessary to update the map.

At Chairman Martin’s request, Reis also updated the Commission on the Board of Trustees’ position regarding the existing vacation of right of way policy.

## **8) Adjournment**

The motion to adjourn was made by Commissioner Jackson, seconded by Commissioner Larsen and unanimously approved at 8:43 pm.

Approved by the Planning Commission,

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Bill Martin, Chair, Planning Commission

ATTEST:

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Kristen Edwards, Deputy Town Clerk



# AGENDA INFORMATION MEMORANDUM TOWN OF NEDERLAND PLANNING COMMISSION

Meeting Date: November 30, 2011

Initiated By: /s/Alisha Reis

Dept: Zoning

Action  Discussion

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## AGENDA ITEM:

King Place Replat Amendment – Lots 1 & 2 (99 King Place)

## SUMMARY:

Property owner Glenna Carline has approached the Town to request an amendment to the King Place Replat (1995) that reallocated the lots of her property into their current configuration. At that time, a restriction was placed upon the property vs. any conveyance until public improvements were made, including development of “streets, curb, gutter, sidewalks, pans, drainage facilities, water and sewer improvements, landscaping and street fixtures.” Town staff, including Public Works, has determined development of water and sewer facilities is the only feasible portion of this requirement. Drainage facilities are a consideration of building permit and are called for in the administrative review overseeing this process. Public Works Manager Jason Morrison has confirmed that sewer facilities are within the 200-foot required connection radius required by code and supports connection at time of building permit for any new home at the unoccupied Lot 1. Water facilities are well outside this radius, and Morrison would support a hardship waiver for a well at the Board of Trustees, as allowed by code.

Given that the Town has a robust system for water, sewer and drainage requirements in connection with the building permit system, Town staff supports the request for replat amendment to remove said requirements prior to transfer of the property to new ownership.

## ALTERNATIVES:

- 1) Deny the request for amendment to the replat and direct Town staff to write findings in support of this denial.
- 2) Approve the request for replat amendment with conditions that water and sewer connection be made within a certain timeframe of property sale.



- 3) Approve the request for replat amendment with any other conditions that the Planning Commission may support.

**ATTACHMENTS:**

- 1) Replat amendment
- 2) Draft Resolution approving the replat amendment
- 3) Applicant letter and exhibits
- 4) Replat

**REPLAT MAP AMENDMENT: KINGPLACE REPLAT**  
**Lots 1 and 2, King Place**  
**(formerly Tracts 2220, 2220A and 2220B, Town of Nederland Plat)**  
**Town of Nederland, Colorado**

**WHEREAS**, in 1995, Glenna K. and Thomas F. Carline (“Owners”) submitted an application to the Town of Nederland, Colorado (“Town”) to replat Tracts 2220, 2220A and 2220B, as shown on the Town plat (the “Replat Application”); and

**WHEREAS**, on June 25, 1996, the Town Board of Trustees (“Board”) conditionally approved the Replat Application and the Replat Map, a copy of which is attached hereto as **Exhibit A**, that established what is now known as Lots 1 and 2, King Place; and

**WHEREAS**, as a condition of approval, the Board required the Owners to complete certain public improvements prior to the conveyance of property within the replatted area, which condition is memorialized under “Restriction on Conveyance and Building Permits” on the Replat Map, recorded at Reception No. 1674336 in the Boulder County Clerk and Recorder’s Office; and

**WHEREAS**, the Owners have since requested the Board to remove the condition that they complete and the Town accept water and sewer improvements prior to the conveyance, sale or transfer of the subject property; and

**WHEREAS**, the Board finds that the connection of Lots 1 and 2, King Place, to the Town sewer system is and was a reasonable, necessary and lawful condition of approval of the replat, in accordance with Nederland Municipal Code (“Code”) Section 13-23, and that said condition should remain; and

**WHEREAS**, the Board further finds that the connection of Lots 1 and 2, King Place, to the Town water system is and was a reasonable and lawful condition of approval of the replat, in accordance with Code Section 13-53, but that such connection is not a necessary condition precedent of conveyance at this time due to the unique geographic conditions of the property and the lack of a Town water main within two hundred (200) feet of the property; and

**WHEREAS**, the Owners have further proposed and requested Town approval to install a well to serve Lots 1 and 2, King Place, with water; and

**WHEREAS**, in examining the Replat Map, the Board further finds that imposing a requirement upon the Owners to complete other standard required public improvements, such as curb and gutter and street fixtures, does not make sense in the geographic location and for the relative size of this replat; and

**WHEREAS**, the Board therefore determines that it is reasonable to remove certain conditions from the “Restriction on Conveyance and Building Permits” on the Kingplace Replat, including the condition that the Owners connect Lots 1 and 2 to the Town water system prior to the conveyance, sale or transfer of either lot, and to instead require the provision of adequate

water service to the lots, as determined by the Town, whether by well, connection to the Town water system or otherwise; and

**WHEREAS**, the Board therefore desires to approve an amendment to the Kingplace Replat Map, as set forth herein.

**NOW THEREFORE**, the Board of Trustees of the Town of Nederland, Colorado, approve the following:

1. Amendment to Kingplace Replat Map: Restriction on Conveyance and Building Permits, Condition "A" Condition "A" under the "Restriction on Conveyance and Building Permits" set forth on the Kingplace Replat Map of Lots 1 and 2, King Place, within the Town of Nederland, Colorado, recorded at Reception No. 1674336 in the records of the Boulder County Clerk and Recorder, is hereby amended as follows:

A. All public improvements within "KINGPLACE REPLAT" including but not limited to all streets, ~~curb, gutter, sidewalks, pans,~~ drainage facilities, and water and sewer improvements, ~~landscaping and street fixtures~~ are fully completed and accepted by the Town of Nederland.

For purposes of this Condition "A," water improvements shall consist of those improvements necessary to provide adequate water service for a single-family dwelling unit to each lot, as determined by the Town of Nederland, whether by well, connection to the Town of Nederland water system or other means.

2. No Further Amendments Authorized. No other amendment to any other provision of the Replat Map is approved by this amendment, specifically including but not limited to the requirement that Lots 1 and 2 be connected to the Town of Nederland sewer system, and such improvements be accepted by the Town, prior to the conveyance, sale or transfer of title of said Lots.
3. Execution and Recordation. The Town Mayor and Town Clerk are authorized to execute this Amendment to signify its approval by the Town Board of Trustees and to ensure that the same is recorded in the records of the Boulder County Clerk and Recorder. This Amendment shall become effective upon such recordation.

Done and approved, after public hearing thereon, this 6<sup>th</sup> day of December, 2011.

**ATTEST:**

**TOWN OF NEDERLAND, COLORADO**  
a municipal corporation

\_\_\_\_\_  
Teresa Myers, Town Clerk

By: \_\_\_\_\_  
Joe Gierlach, Mayor

Considered and recommended for approval this 30<sup>th</sup> day of November, 2011, by the Nederland Planning Commission:

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Planning Commission Chairperson

**EXHIBIT A**

[KINGPLACE REPLAT MAP]

**TOWN OF NEDERLAND**  
**Boulder County, Colorado**

**RESOLUTION 2011 -**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF NEDERLAND APPROVING AN AMENDMENT TO THE KINGPLACE REPLAT MAP (FORMERLY TRACTS 2220, 2220A AND 2220B, TOWN OF NEDERLAND PLAT) CONCERNING THE PROVISION OF CERTAIN REQUIRED PUBLIC IMPROVEMENTS**

**WHEREAS**, in 1995, the Town of Nederland Board of Trustees (“Board”) approved an application to replat Tracts 2220, 2220A and 2220B of the plat of the Town of Nederland into two lots to be known as Lots 1 and 2, King Place (the “Replat Application”); and

**WHEREAS**, the Board approved the Replat Map memorializing the reconfiguration of the subject lots, which Replat Map was recorded at Reception No. 1674336 in the records of the Boulder County Clerk and Recorder (“Replat Map”); and

**WHEREAS**, the Board imposed certain conditions on its approval of the Replat Map, all of which are reflected and contained on the map itself; and

**WHEREAS**, the owners of the subject property have now requested the Board to remove the requirement that they complete and the Town accept water and sewer improvements, in the form of connection to the Town water and sewer service systems, prior to the conveyance, sale or transfer of title of either lot; and

**WHEREAS**, after due and proper notice, the Board conducted a public hearing on said proposed amendment to the Replat Map, at which time all interested parties were given the opportunity to be heard; and

**WHEREAS**, on November 30, 2011, the Town Planning Commission also considered the Owners’ request and made recommendation thereon to the Board; and

**WHEREAS**, after the conclusion of the hearing and the Board’s receipt of all evidence and the Commission’s recommendation, the Board wishes to approve an amendment to the Replat Map, as further set forth in the Amendment approved by this Resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF NEDERLAND, COLORADO:**

The Replat Map Amendment for the Kingplace Replat (formerly Tracts 2220, 2220A and 2220B, Town of Nederland Plat) Town of Nederland, Colorado, attached hereto and incorporated herein by reference, is hereby approved. The Mayor and Clerk are authorized to execute the same and take all action necessary to memorialize its approval and record the Amendment with the Boulder County Clerk and Recorder’s Office.

**RESOLVED, APPROVED and ADOPTED this 6<sup>th</sup> day of December, 2011.**

TOWN OF NEDERLAND

By: \_\_\_\_\_  
Joe Gierlach, Mayor

ATTEST:

\_\_\_\_\_  
Teresa Myers, Town Clerk

From: "gkcarline@juno.com" <gkcarline@juno.com>  
To: alishar@ned.co.org  
Subject: King Place BOT letter  
Date: Fri, 28 Oct 2011 19:47:23 GMT

October 28, 2011

To: Town of Nederland, CO Board of Trustees  
Re: Lots 1 & 2, King Place, Water and Sewer  
From: Glenna Carline 303-258-7953 928-284-9078 gkcarline@juno.com

Dear Trustees,

In 1995, Tom and I came before the Town to cease existence of Tract 2220B as shown on the then plat of The Town of Nederland (Exhibit A) and to pursue a lot line adjustment between the two remaining tracts, 2220 and 2220A, thereby decreasing density and enhancing the two remaining lots with more acreage meeting the Mountain Residential zoning of the area. The following conditions were imposed.

1. No access to Tract 2220 via King Place. Access to be strictly from East St. (Stinky Gulch).
2. The Tracts will be referred to as Lot 1 and Lot 2, King Place.
3. Easement to be given to Town of Nederland for utility easement 196.73 ft. long running parallel to Stinky Gulch.
4. A Restriction was placed on the Replat Map (Exhibit B) of Conveyance and Building Permits containing in part: No conveyance, sale or transfer of title of Replat Tracts 2220 and 2220A until water and sewer are fully completed and accepted by The Town of Nederland.

We ask that the Town of Nederland waive number 4 and delete the restriction from the Replat map in that upon signing the Replat map we were forced to accept an unreasonable condition that places an un-necessary hardship on both parcels by a restriction common when relating to an actual subdivision, however Tracts 2220, 2220A and 2220B were never a subdivision and are not at this time.

As diagramed on Exhibit C, our proposed house site is shown with easy access from the lower portion of the private access road from Stinky Gulch. It is a fine, secluded house site away from the satellite dishes and cemetery and above an aspen site with wide views of Barker Reservoir. The sewer line, with a straight shot to the sewer main at Stinky Gulch, would share the access road to the house site. Situating the house on any other portion of Lot 2 would necessitate pumping of the septic from that site location up the hill to King Place, a great distance from the house site.

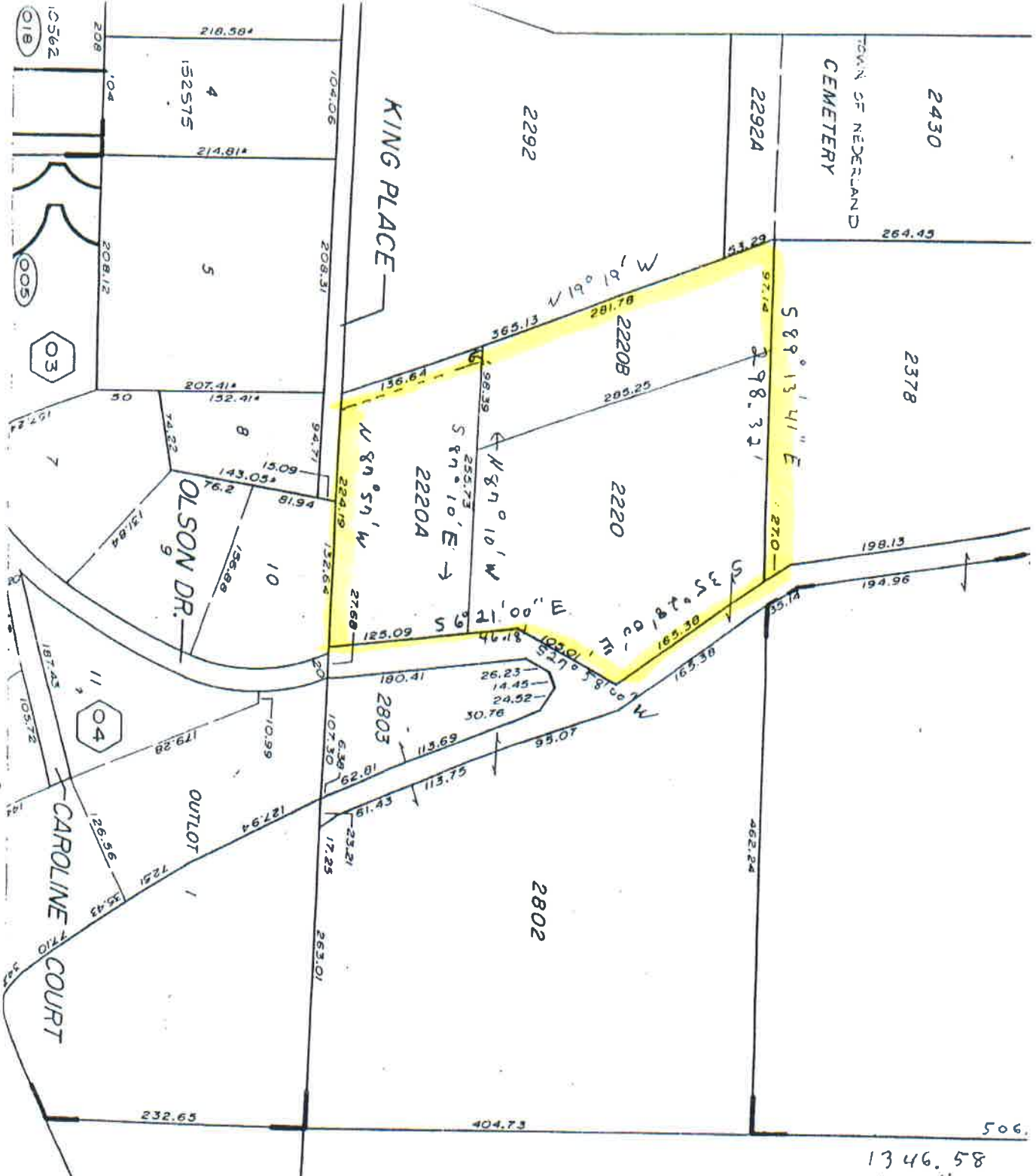
We also ask for permission to install a well. Service for water and sewer originating at King Place would require mature trees to be removed and excessive cost spent to extend services for just one home making it technically and financially unfeasible. In addition, during the Replat process, the neighbors to the west threatened to sue both the Town and the Carlines if any



landscaping was disturbed or trespass made around the water main and hydrant which they deemed to be on their property.

Thank you for your consideration.

Sincerely,  
Glenna Carline



1346.58

EXHIBIT A

S 89°13'41" E 298.32

(S 89°04' E 298.32 DEED)

2.28'

15' EASEMENT AND R.O.W. FILM 713 REC. #958041

S 35°28'00" E 165.38

PARCEL A  
1.57 ACS. ±

TRACT 2220B

TRACT 2220

218.27 N  
N 19°32'16" W  
N 19°19' W

P.O.B. PARCEL "A"

S 07°48'40" E 18.08'

S 84°35'23" E 273.23

S 27°58'00" W 105.01

EASEMENT CENTERLINE  
S 19°32'16" E

418.42 DEF'D  
418.27

11.03'

20' ACCESS & UTILITY EASEMENT 200.00

PARCEL B  
1.01 ACS. ±

TRACT 2220A



P.O.B. PARCEL "B"

(171.27 DEED)  
S 6°21'00" E 171.80

PURPOSES (REC. #970257)  
PLACE (PLATTED)

(224.19 DEED)

FIRE ACCESS EASEMENT N 87°57'00" W 224.27 NORTH LINE NEDERLAND (BASIS OF REAR)

NORTH 15.0'

FND. 3/4" PIPE

FND. 3/4" PIPE

LOT 5

LOT 8

LOT 10

OLSON DRIVE (PLATTED)

RLAND

HEIGHTS

SUBDIVISION

EXHIBIT B - SEE LARGE REPLAT MAP



