



**TOWN OF NEDERLAND
PLANNING COMMISSION
REGULAR BUSINESS MEETING**

**NEDERLAND COMMUNITY CENTER
750 Hwy 72 Nederland, CO 80466**

May 22, 2013, 7:00 P.M.

AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF MINUTES FROM April 24, 2013

D. PUBLIC COMMENT

E. INFORMATION ITEMS

1. Update on the Comprehensive Master Plan

F. ACTION ITEMS

1. Application for Dissolution of Lot Lines at 110 N Jefferson Street.

G. DISCUSSION ITEMS

1. OTHER BUSINESS

2. ADJOURNMENT



Nederland Planning Commission

MINUTES

Wednesday, April 24, 2013 ~ 7:00 pm
Nederland Community Center
750 Highway 72 North

1) Call to Order

Vice-Chairman Cornell called the meeting to order at 7:08 p.m.

2) Roll Call

Present: Vice-Chairman Roger Cornell and Commissioners Steve Williams, Bill Martin, Lisa Mayhew, and Mikki Osterloo.

Also present: Town Administrator Alisha Reis, Town Clerk Michele Martin, and Deputy Town Clerk Cynthia Bakke, DDA Vice Chairman Pat Everson, C2 Sustainability/NedPeds Project Manager Conor Merrigan, and Project Engineer Brian McLaren, Huitt-Zollars, Inc.

Absent: Chairman Kris Larsen, Mayor Pro Tem Kevin Mueller.
It was noted there is a vacancy on the Board.

3) Approval of minutes from January 23, 2013

A Motion to approve the Minutes as written was made by Commissioner Osterloo, seconded by Commissioner Martin, 4 in Favor, with Commissioner Mayhew abstaining from the vote.

4) Public Comment

There was no public comment.

5) Information Items

Reis introduces new Deputy Clerk Cynthia Bakke, serving as secretary for the Planning Commission, as well as acknowledging the recent promotion to Town Clerk for Michele Martin.

a. Update on the Comprehensive Master Plan

Reis is still assembling input from Commission members and will send reminders to review each section, ensuring policies are correct. She retained notes from work sessions for re-review to assist completion of this process.

She sent the identified updates for the Future Land Use Map. Commissioner Martin and Town Clerk Martin indicated necessary changes for parcels with zoning discrepancies to be remedied. Subsequently, a for-Ordinance version of the map will be produced, thus setting another benchmark for zoning enhancement.

Reis circulated a map for viewing by attendees of recorded plat history for all town subdivisions, illustrating the build-out pattern. This preliminary chart was assembled by Town Clerk Martin, and transposed to a map, amended with a legend by Reis, and will be modified for inclusion in the final version.

She ensures any alterations from the consolidated-edit version will be incorporated into a clean version to retain corrections. Once input is received to complete the second draft, time will be set to allow for public review. Reis anticipates the second draft for May 2013 to proceed with Public Review, followed by a final meeting.

Cornell expressed his qualms about the catchword ‘sustainability’, being often employed, to the point of overuse, however hard to quantify. He felt that aspects of the Comprehensive Plan did adhere to sustainability goals, providing a broad foundation. The Plan references **Envision Nederland 2020**, a community-wide visioning process. Cornell asked whether guidelines from the Sustainability Resolution are to be implemented every time. Reis responded that many resolutions confirm or set policy. Cornell notes the updated Comprehensive Plan cites both the Sustainability Resolution and Envision 2020 as foundational documents. Additional discussion ensued related to the plan’s sustainability goals.

6) Action Items

There were no action items.

7) Discussion Items

1. Review of 60% drawings for NedPeds Project

The NedPeds project was originally conceived as a funding opportunity from DRCOG to improve multi-modal circulation in town, connecting bus stops. Project Manager Conor Merrigan of C2 Sustainability (a DDA consultant) provided a status update and background on the NedPeds project. He cross-referenced the NedPeds Project with the Sustainability Resolution point-by-point to ensure accordance. The primary focus of the DRCOG grant was to create an 8-foot, ADA-accessible, multi-modal pathway linking bus stops. The initial design was unsuitable for the town’s needs, so the project was re-conceived with 2nd Street as the primary

connector, simultaneously addressing crucial drainage concerns along this street. The 30% conceptual design drawing set was presented to CDOT in February 2013. The 60% design set is physically similar, with recommendations about drainage and surface materials. Merrigan will be keeping a tally of expressed goals/desires and unofficial minutes of each meeting he attends, available in the NedPeds project folder on Dropbox.

The DDA voted to recommend that the construction schedule will be pushed to 2014, allowing more time on design. Due to the innovative nature of the design, it's necessary to ensure engineering accuracy, address project management hurdles and honor the presence of the late-season snowfall, Merrigan said.

The project will likely be re-presented to the Planning Commission at the 90% stage, allowing opportunity for more input, though any major concerns should be put forward at this stage to ensure time to be addressed. Though project material choices were intentionally vague, CDOT was in support of the design. Merrigan feels CDOT will approve drainage choices if sensible for fiscal and engineering reasons. Mayhew asks why the standard path width is 8 feet. Merrigan responds that this is the CDOT minimum for multi-use pathways, though it could be wider. Mayhew queries what multi-modal delineates: counter-flow lanes for bikes, pedestrians, and skateboards. Merrigan answers several questions related to design review, including historical clearance for the project, which is required for the National Environmental Policy Act (NEPA) review in order to receive federal funding. Though not expected, the identification of impacts could add significant time to the project. Brian McLaren, clarified that NEPA requires projects to undergo three levels of environmental clearance. The Environmental Impact Statement is the highest, followed by mid-level Environmental Assessment, and for minor projects such as NedPeds, the Categorical Exclusion category. This still requires analysis on wetlands, threatened endangered species, cultural, historical, and social impacts, followed by a mitigation plan for resolution.

One goal is to enhance non-motorized multi-modal transit, connecting the west-side Park-n-Ride with the east-side Post Office. Pathway elements were presented separately from drainage design, as the locations, structures, and materials differ along the route.

McLaren spoke to the implementation of innovative design features to resolve drainage problems along 2nd Street.

The project lies between North Beaver Creek and Middle Boulder creek, with much of the drainage running towards North Beaver Creek. Using concepts of Biomimicry design, they intend to recreate natural drainage patterns, to expedite redirection of water off street to creek.

East 2nd Street will feature a unique drainage design: a section of porous pavers—concrete blocks allowing water permeation--to be installed in the center of the 14-foot roadway. The underside of street will be designed for storm water conveyance to channel and filter water. Both the center pavers and pathway will be designed to convey and treat water, improving quality before entering the creek. Williams noted that the system may eventually clog up, inquiring as to the maintenance required. McLaren responded that the porous pavers will require a vacuum sweeper, (which the town currently does not own) for cleaning once or twice annually. Some systems will only necessitate compressed air. He discussed the pros and cons of additional materials for the project.

Mayhew asks what about water quality will be remediated. McLaren responds that by paving street, road gravel and dirt won't be washed into creek and reservoir. The fine-grained filter material at the bottom of that section will further reduce impurities. What about underground maintenance? Studies have shown they have an infinite life if silt is kept out of system with bio-retention areas, ensuring that the bottom will not clog up. Discussion ensued regarding capacity of system. McLaren discussed 2 different designs: Major storm or minor storm. As it is not cost-effective to design for the former, the system is intended for the latter. In the event of a major storm, the roadway will convey most of the water along right-of-way. Nederland experiences heavy rainfall, snow melt, and/or both combined during spring storms. McLaren affirms the system can endure these circumstances, though existing undersized culverts will be enlarged to avoid backups.

Further discussion ensued related to pathways continuing down East Street, as well as what bus stops improvements were included in the project.

Merrigan displayed the Recommended Surfacing Options map. The pathway is planned as recycled-content concrete, differing from ordinary design by using a saw-cut method for water infiltration. They are soliciting feedback on a variety of surface treatments including pigmentation, and exposed aggregate, though larger cobblestones this may affect plowing. Williams asks how it holds up over time with chronic freeze/thaw cycles. Merrigan says in

theory with excess water drained off and provided all aspects of design are correctly constructed, it should not be affected. Additional discussion continued related to maintenance of the various materials. Reis noted that a standard maintenance procedure will need to be identified and written up for all materials. A staff technical review will happen when design reaches 90% stage. Staff approved of the meandering to slow traffic, particularly in east 2nd Street area to encourage pedestrian safety. They also like design and drainage elements, though wanting to ensure proper maintenance. Cornell commends Merrigan and McLaren for thorough analysis and explanation.

8) Other Business

There is no other business.

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,

Roger Cornell, Vice Chairman, Planning Commission

ATTEST:

Cynthia Bakke, Deputy Town Clerk



AGENDA INFORMATION MEMORANDUM TOWN OF NEDERLAND PLANNING COMMISSION

Meeting Date: May 22, 2013

Initiated By: /s/ Alisha Reis

Dept: Planning & Zoning

Action X Discussion _____

AGENDA ITEM:

Consideration of the Dissolution of Lot Lines Application for 110 N Jefferson Street.
(Nepal LLC)

SUMMARY:

The applicant, Nepal LLC, has submitted a request for Lot Line Dissolution of her lots 1 and 2, located in block 17 of the Nederland Subdivision, as per Nederland Municipal Code Section 17-73: Dissolution of interior lot lines. The proposed plat for the dissolved lot lines is in conformance with general subdivision requirements, outlined in Articles II and III of the Municipal Code, including access to a public street and conformance to general zoning requirements for the Central Business District (CBD) zoning district in which it resides. All application requirements outlined in Section 17-73 have been met.

The dissolution does not require any dedication or vacation of easements, impact the location of any remaining lot lines within the subdivision, or create a non-conforming lot. The dissolution will bring the applicant's non-conforming structure into conformance, because the restaurant straddles lots 1 and 2, and if left alone, is non-conforming.

The CBD zone requires no minimum lot size, and each lot is currently 4,000 s.f. The property to be combined is located outside of the 500-year flood plain.

ANALYSIS:

The Planning Commission must consider the following criteria regarding Dissolution of interior lot lines (Nederland Municipal Code Sec. 17-73c):

- (1) The dissolution of lot line shall be titled with the same name as that of the original subdivision;**

The plat to be filed with the County Clerk and Recorder's Office is titled Nederland Replat "C".

(2) Proposed parcel boundaries and development shall be suitably located and sized with respect to the physical characteristics of the land and the character of the neighborhood;

The existing restaurant and proposed new mixed development are sized to the property and will not alter the essential character of the CBD district, maintaining the height of the adjacent Kathmandu Plaza, which is in keeping with zoning requirements.

(3) A lot created by the dissolution of any lot lines in accordance with this Section cannot be resubdivided except in compliance with a subdivision process of this Chapter;

The owner, Resham Gurung, is aware of this and has no plans to re-subdivide.

(4) The lots to be combined are held in identical ownership at the time of application;

Current Title Commitment or Ownership and Encumbrances Report will be submitted to our office prior to the Planning Commission Meeting.

(5) The lots to be combined are not separated by an easement, right-of-way or any other dedication to an individual or entity other than the owner of the property;

The lots are not separated by any of the above.

(6) The lots to be combined are in the same zoning district; and

Lots 1 and 2 are located in the CBD zone.

(7) The lots to be combined are part of the same underlying plat.

Lots 1 and 2 are from the original Nederland plat.

HISTORY AND PREVIOUS COMMISSION ACTION:

The Board of Trustees approved an SRU for a mixed-use development atop the existing Kathmandu Restaurant. Per condition 2c. of the SRU Agreement, it is necessary to obtain approval for lot line dissolution to bring this property into conformity, prior to further development.

RECOMMENDATIONS:

As the application meets all requirements outlined in Section 17-73 of the Municipal Code, staff recommends approval.

ALTERNATIVES:

1. Approve application as is
2. Approve application with conditions
3. Deny application

ATTACHMENTS:

1. Lot line dissolution application
2. Nederland Replat "C" map prepared by Lee Stadele, Flagstaff Surveying, Inc.
3. NMC Section 17-73 Dissolution of interior lot lines



Dissolution of Lot Lines Application

Town of Nederland

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

michelem@nederlandco.org, 303-258-3266, x22

Applicant Name: MARK STRINGFELLOW

Address: 69 BARREN RD

Phone: (Home) 303 517 0944 (Work) _____

Property Owner (If different from applicant): NEDAL LLC

Address: 110 N. JEFFERSON

Phone: (Home) 303 258 1169 (Work) _____

Address and location of property: Street Address 110 N. JEFFERSON

Block 17 Lot 1-2 Subdivision Nederland Zoning CBD

Current Zoning: CBD Are you requesting a zoning change? [] yes [X] no

Basic Objective: LOT LINE ELIMINATION FOR

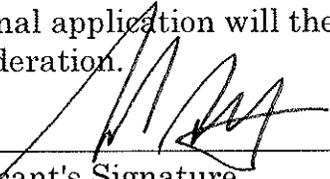
BUILDING PROJECT

The following information is required to be included with this application:

	Applicant Initial	Staff Initial
1. A survey of the land to be consolidated, consisting of <u>one</u> 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)	_____	<u>CB</u>
b. Improvement location certificate from the last five (5) years	_____	_____
c. A recorded boundary line survey at the Boulder County Clerk and Recorder's Office from last five (5) years	_____	_____
2. Current title commitment or ownership and encumbrances report showing all parties with an interest in the property	_____	_____
3. Non-refundable application fee per approved fee schedule <u>waived</u>	_____	<u>ABJ</u>

4. Size of the proposed consolidated lot: 8000 s.f. *No minimum lot area per lot in CBD*
 Meets Zoning District requirements yes no _____ CB
5. Dissolution of lot line shall be titled with same name as that of the original subdivision _____ CB
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 _____ CB
7. Lots to be combined are:
 a. Held in identical ownership at time of application _____ CB
 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 _____ CB
 c. In the same zoning district _____ CB
 d. Part of the same underlying plat _____ CB
8. Written documentation to be attached includes: *NIA*
 a. Drainage plan _____
 b. Wetland delineation, 404 permit determination (federal) _____
 c. Floodplain verification and mitigation (if necessary) _____
 d. Revegetation and soil erosion plan _____
 e. Description of public utility improvements serving the property or construction plan for needed utilities _____

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.



 Applicant's Signature

4/20/13

 Date

FOR USE BY ZONING ADMINISTRATOR

Date of:

Planning Commission Review: 05/22/13 Public Hearing: _____

Publication of Public Notice: _____ Property Posted: _____

Planning Commission recommendation: yes no

If no, reason denied: _____

Date of Board of Trustees Meeting: 06/04/2013

Decision and justification if denied: _____

Date recorded, if applicable: _____

Planning Commission Chairperson

Date

Zoning Administrator

Date

Mayor

Date

- Nederland Replat "C" -

a replat of Lots 1 and 2 . Block 17 . TOWN OF NEDERLAND
a subdivision located in the southwest 1/4 of Section 13
Township 1 South . Range 73 West of the 6th P.M.
Town of Nederland . Boulder County . Colorado
8000 SQUARE FEET OR 0.18 ACRES, MORE OR LESS - SHEET 1 OF 1

- Certificate of Dedication and Ownership -
KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED, NEPAL, LLC, A COLORADO LIMITED LIABILITY COMPANY IS THE OWNER OF CERTAIN LANDS IN THE TOWN OF NEDERLAND, BOULDER COUNTY, COLORADO, DESCRIBED AS FOLLOWS:
LOTS 1 AND 2, BLOCK 17,
TOWN OF NEDERLAND,
ACCORDING TO THE RECORDED PLAT THEREOF,
COUNTY OF BOULDER, STATE OF COLORADO.

THAT THE UNDERSIGNED HAVE BY THESE PRESENTS LAID OUT AND PLATTED UNDER THE NAME OF "NEDERLAND REPLAT C" AND DO HEREBY DISSOLVE THE LOT LINES AS SHOWN ON THIS SUBDIVISION PLAT AND HEREBY DEDICATE TO THE PUBLIC BY THE ORIGINAL PLAT OF THE TOWN OF NEDERLAND SHALL BE RETAINED, AS REFLECTED ON THIS PLAT. THE UNDERSIGNED HEREBY FURTHER DEDICATES TO THE PUBLIC UTILITIES THE RIGHT TO INSTALL, MAINTAIN AND OPERATE MAINS, TRANSMISSION LINES, SERVICE LINES AND APPURTENANCES TO PROVIDE SUCH UTILITY SERVICES WITHIN THE SUBDIVISION OF THIS PROPERTY. THE DEDICATION OF SUCH UTILITY SERVICES TO THE PUBLIC WAYS, INCLUDING BUT NOT LIMITED TO, ROADS, STREETS, LANES AND DRIVES AS SHOWN HEREON.

EXECUTED THIS _____ DAY OF _____ 2013.

RESHAM GURUNG _____ LOK MALLA _____
MANAGER, NEPAL, LLC _____ MANAGER, NEPAL, LLC _____

- Acknowledgement -
STATE OF COLORADO)
COUNTY OF BOULDER) SS.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2013, BY RESHAM GURUNG, MANAGER OF NEPAL, LLC OWNER OF THAT REAL PROPERTY DESCRIBED AS "NEDERLAND REPLAT C".

WITNESS MY HAND AND OFFICIAL SEAL.

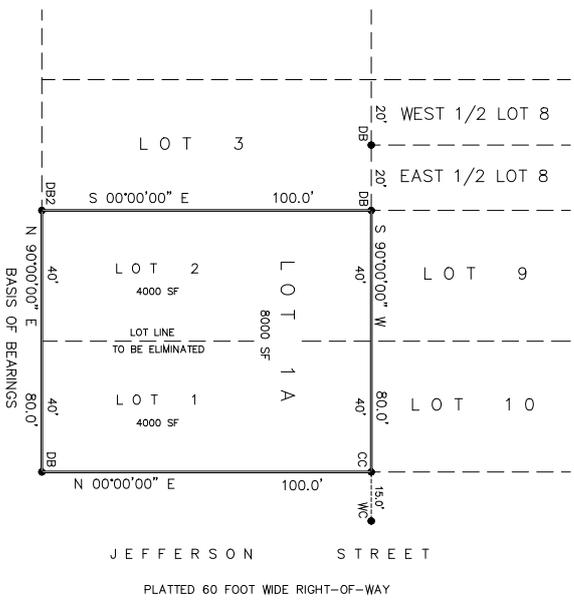
MY COMMISSION EXPIRES : _____
NOTARY PUBLIC _____

- Acknowledgement -
STATE OF COLORADO)
COUNTY OF BOULDER) SS.
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 2013, BY LOK MALLA, MANAGER OF NEPAL, LLC OWNER OF THAT REAL PROPERTY DESCRIBED AS "NEDERLAND REPLAT C".

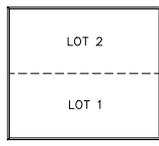
WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES : _____
NOTARY PUBLIC _____

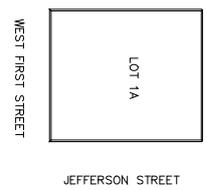
- NEDERLAND REPLAT "C" -



- CURRENT LOT CONFIGURATION -
BEFORE LOT LINE ELIMINATION



- RESULTING LOT CONFIGURATION -
AFTER LOT LINE ELIMINATION



Scale : 1" = 20'
0 10 20 40
U.S. SURVEY FEET

- Flagstaff Surveying Inc. -
TABLE MESA SHOPPING CENTER
637 SOUTH BROADWAY, SUITE C
BOULDER, COLORADO . 80305
303.499.9737
16004s-1dwg . 15 May 2013

- Legend -

- DB ● . FOUND #4 REBAR WITH 1 1/2" INCH DIAMETER ALUMINUM COLLAR SET BY DB & CO. LS 17664
- DB2 ● . FOUND #5 REBAR WITH 1 1/2" INCH DIAMETER ALUMINUM CAP MARKED BY DB & CO. PLS 27279
- WC ● . SET #5 REBAR WITH 1 1/2" INCH DIAMETER ALUMINUM CAP MARKED STADELE/LS 26300/15 WC AS 15 WITNESS CORNER
- CC ● . CHISELED GROSS IN CONCRETE SIGN POST BASE
- SF . . SQUARE FEET

- Town of Nederland Certificate of Approval -

THE FOREGOING PLAT IS APPROVED FOR FILING PER THE TOWN OF NEDERLAND, THE BOARD OF TRUSTEES OF THE TOWN OF NEDERLAND TOWNSHIP AND APPROVES THE PLAT AND AGENTS THE DEDICATION HEREIN SHOWN.
APPROVED BY THE TOWN OF NEDERLAND BOARD OF TRUSTEES THIS _____ DAY OF _____ A.D., 2013.

ATTEST: _____ MAYOR
_____ TOWN CLERK

- Clerk and Recorder's Certificate -

STATE OF COLORADO)
COUNTY OF BOULDER) SS
ACCEPTED FOR FILING IN THE OFFICE OF THE CLERK AND RECORDER OF THE COUNTY OF BOULDER, STATE OF COLORADO THIS _____ DAY OF _____ A.D., 2013, AND DULY RECORDED AS RECEPTION NUMBER _____

RECORDED _____ PAID. _____

DEPUTY _____

LEE W. STABELE
REGISTERED PROFESSIONAL LAND SURVEYOR
COLORADO LICENSE NUMBER 28930

- Notes -

1. ANY TITLE COMPANY, LLC FILE NO. _____ DATED _____ FEBRUARY 2013, WAS ENTIRELY RELEAD UPON FOR EASEMENTS OF RECORD.
2. BASIS OF BEARINGS - PER THE SUBDIVISION PLAT, I, HLD, THE BEARING NORTH 90°00'00" EAST ALONG THE SOUTH LINE OF BLOCK 17, TOWN OF NEDERLAND, BETWEEN THE SURVEY MONUMENTS SET BY DREXEL, BARRELL & COMPANY IN MARCH 1982.
3. IN ACCORDANCE WITH C.R.S. 13-80-106 : NOTICE : ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION.
4. THE SUBJECT LOTS ARE LOCATED IN UN-SHADED ZONE X, THE AREA DETERMINED TO BE OUTSIDE OF THE 500 YEAR FLOOD PLAIN ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP, MAP NUMBER 08013C 0099 1, DATED 18 DECEMBER 2012.
5. THIS PLAT REIMAGES A SURVEY OF BLOCK 17 PREPARED BY DREXEL, BARRELL & COMPANY (COLORADO LS 17849) PREPARED IN MARCH 1982 (JOB NO. 4907).
6. ALL DIMENSIONS SHOWN ARE RECORD AND MEASURED VALUES.
7. THE NEDERLAND BOARD OF TRUSTEES VOTED ON _____ TO APPROVE A REQUEST IN CONFORMANCE WITH SEC. 17-73 OF THE NEDERLAND MUNICIPAL CODE FOR DISSOLUTION OF THE LOT LINE BETWEEN LOTS 1 AND 2, BLOCK 17, TOWN OF NEDERLAND.

- Planning Commission Certificate -

APPROVED BY THE TOWN OF NEDERLAND PLANNING COMMISSION THIS _____ DAY OF _____ A.D., 2013.

- Surveyor's Certification -

I, LEE W. STABELE, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SURVEY OF "NEDERLAND REPLAT C" WAS MADE UNDER MY SUPERVISION AND THAT THE ACCOMPANYING PLAT ACCURATELY AND PROPERLY SHOWS SAID LOTS.
SIGNED THIS _____ DAY OF _____ 2013.