



Nederland Planning Commission

MINUTES

Wednesday, February 22, 2012 ~ 7:00 pm
Nederland Community Center
750 Highway 72 North

1) Call to Order

Chairman Martin called the meeting to order at 7:09 pm.

2) Roll Call

Present: Chairman Bill Martin and Commissioners Kris Larsen, Mikki Osterloo and Steve Williams

Also present: Town Administrator Alisha Reis and Deputy Town Clerk Michele Martin

Absent: Commissioners Roger Cornell, Denise Jackson, and Mayor Pro Tem Kevin Mueller

3) Approval of minutes from January 25, 2012

The motion to approve the minutes was made by Commissioner Larsen, seconded by Commissioner Williams and unanimously approved with Chairman Martin abstaining.

4) Public Comment

There was no public comment.

5) Discussion Items

a. SRU parking lot guidelines

Town Administrator Reis explained that the Board of Trustees (BOT), after amending Section 16-210, Design Standards, in stating that parking lots containing more than twenty spaces shall be designated as Special Review Uses (SRU), is looking to the Planning Commission to draft guidelines to review a parking lot SRU. The current SRU code and application packet contains guidelines, but nothing specifically existing in regards to parking lots such as drainage or alternative,

sustainable surface materials. Staff can draft language for those two guidelines, but needs further instruction if there are other standards or guidelines to consider. Staff is also looking to the Planning Commission on how to implement these changes, through the SRU code being amended, or to include them in the SRU application packet.

There was concern of making guidelines too specific, which could limit a developer, or too general which could allow them to construct anything. This discussion originally came up with the Thai Restaurant because of their 20+ spaces. There aren't too many of these large lots in town, and flexibility needs to be key. Chairman Martin remembered when Columbine Health Clinic was going to build a brand new medical facility next to the Black Forest Restaurant and the Planning Commission had approved their plans, but there was some disagreement when it got to the BOT due to parking spaces and the clinic decided not to build because of the town's inflexibility of our standards. We need to work with people and still be able to maintain our standards. Also, when developers/owners come to us with their recommendation on what types of materials to use and why, we need to have the expertise to be able to review and comment/approve.

Commissioner Williams brought up the new RTD park-n-ride and the nice plan they had in place to deal with runoff, the retention pond, and the staggered wall.

Commissioner Larsen asked the group to think about anticipated future uses like 220 volt plug-ins for electric cars, or new and improved materials that we may not know about from industry trade shows.

Drainage is a top concern, as all runoff flows to the creek. There are no stormwater drainage plans in place now and it would be hard to have specific guidelines without knowing how materials affect runoff. Streets and grasses are our filtration system right now. Commissioner Osterloo commented that the best surfaces would be just plain dirt. Reis commented that it would be nice to pipe stormwater, but we'd have to retrofit everything and the town is not in a position to do that right now.

Public Works Department wasn't convinced about the use of recycled asphalt or loose gravel. Recycled asphalt could be mixed with oil and applied like asphalt, but if not, it will just wash away and over time will erode.

Martin wanted to know what the code states now regarding water/runoff. Reis said that basically the code states that water should not leave a person's property, which of course is an issue. Most of our code

reads so as not to make things worse for your neighbor, and that could be the Commission's main goal for these guidelines.

Martin suggested that perhaps we could have five available types of materials for parking lots and one by one check them off per SRU application based on what would work the best with the property's topography, location, etc.

Martin questioned what would be expected if we had a developer come in right now. Reis said that staff always looks for compliance first. She said the Town would want to help them be brought up to code, and then we would apply our Design Standards and Guidelines similar to what we did with the new bike & café shop on 2nd & Snyder – they met the guidelines.

Larsen suggested incorporating the Envision 2020 bullets if we are really looking for guidelines, such as:

- Alternative energy sources to fossil fuels for transportation
- Alternatives for building and the use of sustainable materials
- Non-motorized travel in town
- Clean air, clean water and water conservation in and around Nederland
- Connections to the outdoor environment providing active, healthy lifestyles for people of all ages
- Minimal/reduced light and noise pollution
- Focused community education programs and stewardship to reduce environmental impact fostering agricultural, economic and community sustainability

Martin suggested that we could merge parking lot guidelines into our Design Standards and Guidelines, that way we can use it for any project even parking lots less than 20 spaces, and then we can give developers/owners this resource guide and encourage them to follow it. Reis added that we could update the SRU code to say that parking lots must conform to the Design Standards and Guidelines, and then we could update that document.

Staff will pull together some verbiage to come before the full Commission again for final review before going to the BOT to amend the SRU code and update the Design Standards and Guidelines.

b. Bed & Breakfast Review (Home Occupation Code)

Town Administrator Reis said there were various methods to consider in regards to a homeowner conducting a B&B. Staff had provided a comparison between five different municipalities. Most take one of two

approaches: either by allowing the B&B as a special review/conditional use or as a specifically permitted home occupation.

An accessory use usually limits the use to one-two rooms in a home, basically as an accessory to the principle use. A home occupation is quite similar, yet our code states that a home occupation could occupy up to 50% of the total floor space. If the Commission chose the accessory use option, our code treats it as a home occupation.

Commissioner Williams remembered the code was written like that because at that time the overall square footage of homes was so small. Reis commented that she has not seen any issue arise from that 50% model. A home occupation that places a major use on top of normal household utilities would not be allowed, such as a car repair shop, catering service, or a home brewery. We could approach each application by zone or based on acreage. A home occupation specifically addresses parking, noise, traffic, etc. Town staff handles home occupations. Home occupation fees are \$75.

If the Commission chose the SRU option, we could add B&B to the hotels and motels line item in our Use Group chart and follow suit where a review is necessary per zoning district for hotels and motels and change the "N" to an "R" for the low-density residential zones to accommodate for a B&B. Commissioner Williams suggested adding a separate line item for B&Bs and marking an "R" where it seems appropriate to make it cleaner. All SRU's come before the Commission. SRU fees are \$500.

Reis's suggestion was to incorporate B&Bs into two zoning districts, such as MR and LDR, since it seems these lower density zones are the areas where residents are most interested in conducting B&Bs.

Chairman Martin suggested that perhaps a B&B would be more appealing in a high-density district rather than low-density. He thought people would want to be able to walk downtown and not be so far away from everything. Sensitivity to the commerciality of it all like parking, noises, traffic, etc. on downtown residential, of course, would still apply. Commissioner Osterloo agreed and commented that it probably wouldn't be that different from property owners who rent out their homes; you can get bad renters with parking, noise and traffic issues.

Commissioner Larsen thought that perhaps city dwellers would want to be away from downtown and that is why the lower density may be better.

Reis provided some history on a previous B&B applicant for a home occupation use back in 1995 in the MR zone, which had the same

concerns as the current applicant for a B&B in the LDR zone. The Zoning Administrator at that time considered the use to qualify under a boarding house or rooming house and not as an accessory use or home occupation. A motion was made to uphold that decision. A boarding/rooming house is not allowed in any zone, except by SRU in the HDR district.

The Commission seemed to think that the positives of B&Bs outweigh the negatives right now if the use is located in the correct place and we can regulate it through an SRU. Many folks would be offered an opportunity to create their own jobs, and we do need more lodging in town for some of the special events that occur, some Commissioners said. Reis stated that research has shown that the majority of B&B owners are retired people and they only estimate \$20K in profit a year.

It was agreed to go with an SRU option because of the ability to add any number of conditions we want; we can put in a moratorium on the number of B&Bs if we want; in one year's time we can reconsider it if we get complaints; and we could keep away from a home occupation use.

Taxes were discussed. We currently do not have any lodging tax in town because it is a hard sell on the community who only views the Best Western Lodge as who would be taxed, and it would appear unfair. A B&B would require a business license and they would have to report sales tax if renting for less than 30 days. Martin remembered an issue in a Colorado town where there was a significant loss in revenue because of vacation rentals. Hotels were losing out on sales and the town on sales tax revenue because of so many rentals done online.

It was decided to direct staff to fill in the use chart with another line item to add B&Bs and fill in "R" similar to hotels and motels, yet change the "N" to an "R" in the MR/LDR/MDR/HDR zone, update the SRU application packet with more conditions/requirements, and resubmit to the full Commission for their consideration before forwarding to the BOT.

6) Other Business

a. RFQ submissions for Comp Plan (Scoring instructions)

Town Administrator Reis said that we have received 12 RFQ submissions. The Commission is being asked to try to filter it down to three-five firms for the next step in the process, which is the RFP. The scoring sheet allows reviewers to be as liberal as needed, especially if some of these firms are really outstanding. The 12 submissions have

been made available online in Dropbox and the Commissioners should have received an email with instructions on how to access the files. The tentative schedule shows the RFP being submitted by February 27th, but we have the ability to alter that date. The Parks and Rec plan is up for adoption in August, so we may want to change our schedule to avoid public study “fatigue”.

Reis will send the RFP around for review. The RFP gets into more details, but refers back to the RFQ.

Trustee Lee had brought up reference checks during the Parks and Rec. Plan project, and we can conduct checks as well, either at the RFP step or during the RFQ. Commissioner Williams suggested we filter out the RFQs first, and then conduct the reference checks on the RFPs to minimize the amount of time it takes. The rest of the Commission agreed.

Chairman Martin wondered if the Parks and Rec Plan survey had been sent yet. Reis said it is being finalized right now and that it has not been sent. Commissioner Osterloo commented on the fact that there had been concern that the Parks and Rec Plan survey was directed to more out-of-town limit residents vs. in-town and asked what the plan would be if we send out a Comp Plan survey. Reis said the Comp Plan will directly impact town residents and any survey would be sent to the population, yet we also will cover a three-mile radius of residents from town limits.

Williams asked about firms and GIS analysis and wondered if the criteria should include a firm who could help with GIS. Reis explained that the selected firm will create land use maps that go with the comp plan, but we are not asking them to set up GIS for the town, as that is too expensive.

b. Further Updates

Town Administrator Reis wanted to let the Commission know of future projects:

- Non-conforming lots - staff will start research on the situation we have and work with the County on conducting a lot-by-lot analysis to quantify the problem in the next several months. We already have a resident who is willing to approach the Commission to discuss the impacts of the current code.
- Zoning map changes – only three conflicting areas left. Comp Plan results will aid with this. One of the areas includes 626 Peak to Peak Hwy, which is two non-conforming lots, each with different

zones and a house straddling the lots. This lot is currently for sale and has the opportunity for zoning clarification.

- Snyder Garage – residents would like to see the historic character remain, but structurally the building is not sound, it has a lot of issues. We have had a lot of inquiries, but people are turned off by the thought of potential environmental issues, as well as the current price. Brownfields has funding available for environmental characterization and testing, if we can get a letter of interest from someone in negotiations for the property.
- Possible PUD – Tom and Sally Grahn would like to submit a PUD for their lodge and trailer park area. We should see that shortly.
- Gateway Park – the propane facility is willing to move from its current location as long as we can find a space for them and pay to move them.
- Community Development Block Grants are available and will be looked into for downtown.

7) Adjournment

The next meeting is scheduled for March 28th, we will check everyone's schedule due to Spring Break.

A motion to adjourn was made by Commissioner Williams, seconded by Commissioner Osterloo and unanimously approved at 8:30 pm.

Approved by the Planning Commission,



Bill Martin, Chairman, Planning Commission

ATTEST:



Michele Martin, Deputy Town Clerk