



Nederland Planning Commission

MINUTES

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

1) Call to Order

Chairman Martin called the meeting to order at 7:06 p.m.

2) Roll Call

Present: Chairman Bill Martin and Commissioners Kris Larsen, Denise Jackson, and Mikki Osterloo.

Also present: Deputy Town Clerk Michele Martin.

Absent: Town Administrator Alisha Reis, Commissioners Roger Cornell and Steve Williams, and Mayor Pro Tem Kevin Mueller.

3) Approval of minutes from July 25, 2012

A motion to approve the minutes was made by Commissioner Larsen, seconded by Chairman Martin and approved, with Commissioners Jackson and Osterloo abstaining.

4) Public Comment

There was no public comment.

5) Discussion Items

There were no discussion items.

6) Action Items

- a. **Consideration of a Special Review Use application for Aspen Grove Community Preschool (formerly known as Over the Rainbow – Nederland Community Preschool)**

Over the Rainbow Board President Jasper Webb was present to introduce the application. Also present were former Board Chair Amy DeBenedictis and

Director Rachel Schaub. Webb provided some background on their current situation, and their desire to expand in the future to serve infants and toddlers. An important element Webb wanted to point out was that Over the Rainbow (OTR) is the only non-public school in Nederland to offer tuition assistance through Colorado Childcare Assistance Program (CCCAP). OTR serves children from Ward to Black Hawk. OTR has been in the process of looking for a new facility for over three years now and were close to purchasing their current location, but due to circumstances out of their control, the deal did not go through. This proposed location would accommodate their existing population without any modification to the building, and have the potential for expansion of their services in the future. They would renovate the existing garage for the toddler area and the lower level for the infants. OTR would have to make modifications to the outside of the property for the playground equipment and fence. They appreciate the homey, welcoming feeling this site provides. They plan to keep the building generally as is for that home away from home atmosphere for the students and the neighborhood.

Chairman Martin opened the meeting to public comment.

Phil Sutton, 517 West 1st St, can appreciate the need for a preschool, but has concerns about safety in regards to traffic and the road. He doesn't think the five proposed parking spaces will be enough. There are 11 spaces now at their current location and they have plans to expand, so how could five be enough? He is sure with all the programs that OTR has, such as parent/teacher conferences, winter/spring celebrations, open house, evening board meetings, and fundraisers, etc. that people will end up parking on the street. The street is too narrow and dangerous. This is an accident just waiting to happen. Sutton remembered that former Police Chief Ken Robinson had investigated that area before, and said he saw cars coming down 35-40 mph on that street. There are also two blind corners up there. Sutton also wanted to mention that composting is a great idea, but no one does it in the neighborhood because of bears.

Lynn Abrams, 519 Hwy 72, is the house at the north end of the curve on Middle Caribou. She is in support of OTR, but agrees with Sutton on the traffic issues. She does not feel this is the right location for the preschool.

Tenaya Pieper, 501 West 1st St, had submitted a letter with her concerns. The Commission had received it in their packets. She loves kids, but the safety issues will be a real problem.

Chairman Martin closed public comment and went through Pieper's letter highlighting her main concerns: adequate parking, blind corners, fencing, space inside the building, composting, and noise.

Martin noted for the record Town Administrator Reis's memo to the Commission in lieu of her being there. Reis commented that on-street parking would not be an option. Off-site parking could include a joint parking agreement with the owner

of the Wolftongue Mill site (to the south of the property), or RTD to the east. Reis recommended additional parking on the northwest corner of the site. Though the roads are considered two-way, Reis would encourage OTR to alert their staff and parents to consider a one-way flow from West 1st Street out through Middle Caribou. In regards to the 6-foot fence proposed, OTR would have to seek a variance from the code before the Board of Zoning Adjustment.

Martin wondered about the size of their current space vs. the proposed space. Webb responded that the current house is smaller. Initially the school could operate sufficiently on the top level, and the bottom level would be for office, storage and future infant expansion. The usable outdoor space now vs. the proposed outdoor usable space was discussed. Webb was concerned about the 15-foot setback required by code if a fence exceeds 6 feet. That would significantly push back the playground equipment. A 4-foot fence does not require the setback, and they currently have a 4-foot fence that seems to work fine. Since the State's Child Care regulations are 4 feet for a fence, OTR decided they will change their plans to reflect that.

Martin asked if OTR had talked to RTD about parking, and pointed out that the existing RTD lot was Phase I. The grassy area that kids slide down in the wintertime is demarcated for Phase II parking, as a future growth area. OTR had not reached out to RTD yet, but it was suggested that perhaps they could connect to that additional parking site at some point.

DeBenedictis commented that they could add one or two more parking spaces, with minimal leveling, on the west side next to what is already drawn on the plan. OTR does have a verbal agreement with Ralph Meyertons, owner of Wolftongue Mill, for additional parking. Webb said they plan to formalize that with the Meyertons.

Commissioner Larsen wondered who owns Middle Caribou Road (gravel road). Larsen thought it was a very narrow, steep road and maybe it should be delineated a one-way road. Webb thought that may be a good idea, as she was driving coming south on that road to the property, and once she got to the fork it was difficult to figure out which was the legal direction to go. Larsen was also concerned about maintenance of that road and who was responsible for it. Town staff would have to review the ownership.

Martin remembered from their previous agreement in 2003, the discussion on fire hydrants and a turnaround area for emergency vehicles. The neighbors confirmed there were fire hydrants, and Martin pointed out that since this is not a dead end like their current location, there should be no need for a turnaround area. Martin also wanted to comment that if Middle Caribou was made one-way it would hinder the Fire Department's ability to come up that way, they would have to drive down the highway and come up West 1st to get to the school.

Webb commented that they currently hand out maps to their new families to direct them on parking and traffic flow. She envisions they would do the same for this site.

Martin asked about their capacity in regards to parking. The five spaces on their plan meet the Town's parking requirement, yet the Town required 11 spaces back in 2003 for a reason. Webb wanted to mention that the pull through lane can accommodate three cars.

Schaub stated there are staggered arrival times; typically there are only two children who arrive at 7:30 a.m. The majority of the kids come between 7:30-9:30 a.m. There are a total of 16 children enrolled with the school, though all 16 do not come on the same day. Most children are picked up at 3:30 p.m. The current location allows for a maximum of 26 children, and the new location would allow for 30 children. It is OTR's preference to have a smaller enrollment. Also, they have four employees on duty each day. It was noted that school buses are not part of their expectations.

Commissioner Jackson was very concerned about the amount of parking currently proposed. She felt they should at least have the 11 spaces that were required of them before. Webb said they could put 11 spaces on the western side of the property into Parcel C depicted on the plan, but it would just take a lot more money to do so. Parcel C is planned for Phase II of their project, but could certainly be used for parking, if needed. Maybe parking could be done in phases as well to help with the cost.

Jackson and Martin wondered why they choose this site and if they had a back-up plan. Webb responded that their current lease is good through March of next year, there are not a lot of available properties here, and the few they were able to find were in densely populated areas. The contract is contingent upon this approval. DeBenedictis pointed out that OTR does need to purchase something sooner rather than later due to funds allocated to them.

Commissioner Osterloo agreed with everyone's concerns, and wanted to stress the need to work out an agreement for overflow parking on the Wolftongue Mill site.

Martin reviewed Town Attorney Beery's memo regarding the fence request and variances that would be required through the Board of Zoning Adjustment if the applicant chose to stay with a 6-foot fence. One variance would be needed for a fence to exceed 3 feet within 100 feet of the center of any intersection, and the second variance would be needed for a fence to exceed 4-foot within 15 feet of any lot bordering a street. OTR has agreed to reduce the 6-foot fence to 4-foot, and the 4-foot fence along the concrete walk in the front of the house to 3-foot to alleviate the need to seek variances.

OTR would expect to start the transition this Fall, getting the fencing and playground moved from their current location are the key issues.

It was decided that when they are ready to expand into their infant and toddler program, then they should come back to the PC for a re-review for possible parking and traffic issues.

Larsen brought back to the table the issue of composting. Schaub stated they started about a year ago and had bear problems as well. They agree it is not worth having if it attracts bears. They would be more than happy to drop this from the proposal. OTR would like to be part of the Town's composting program. It's the rotting trash that attracts the bears, not when it is in compost form and spread on the garden.

Webb thanked the neighbors for showing up tonight and was grateful for their comments.

Jackson asked about their name change to Aspen Grove Community Preschool. Webb said they changed the entity name with the Secretary of State, not their EIN. They will be meeting with their licensing folks later to ensure it doesn't interfere with any of their licenses. They are pretty confident it won't.

Martin went through the Draft Agreement to make some corrections in preparation for the Board of Trustees. The following were changes:

- 2f – not needed since road is two way, that was probably just carried over from the previous Agreement.
- 2h – it was agreed that OTR should show eight parking spaces on their site plan, show that the pull-through lane can accommodate up to three vehicles, and have a written agreement with Ralph Meyertons for the use of his property for additional parking.
- 2j – change the number of children to 30 from 35. OTR's maximum capacity at the new location would be 30 children. If they expanded into their infant and toddler program, the enrollment could go up by 12 maximum for a total number of 42 children. Any number above 30 would then trigger OTR to come back before the Commission for a re-review of the Agreement.

Martin then went through the application to pick out any applicable points. There was a concern during public comment regarding the noise level. Schaub commented that the outdoor noise level really depends on the time of the year. On average the children nap from 1:00-3:00 p.m. Late morning is prime time to be outside. OTR has been trying to think outside the box, and have thought that climbing vines on the fence would benefit their gardening area, as well as help to mitigate the sound by acting as a barrier.

The Commission concluded that the punch list of conditions should include:

- Compost and trash requirements outlined. How will the storage area be secured? Work with Town staff and the folks of Ned Compost to get on the schedule for pick-up and drop-off of material.

- No on-street parking on West 1st Street or Middle Caribou Road.
- Recommend eight on-site parking clearly delineated with a credit of three spaces for the pull through lane, and optimally an agreement with Ralph Meyertons/Wolftongue Mill for the ability to use his property for additional parking.
- No need for a fire turnaround, as there is adequate ingress and egress.
- Mandatory directional traffic flow would be for staff and parents to go up 1st Street, exiting to the west down Middle Caribou Road.
- 30 student limit.
- All parking must be on-site, in pull through, or on Meyertons' property.
- Lighting as per application.
- Clarification in the form of a letter or statement from Ralph Meyertons in regards to snow removal, snow storage, and maintenance of his property for OTR's use.

Jeffrey Kudsk, West 1st Street, confirmed that Town does plow part of West 1st Street.

Martin wanted to direct OTR to work with Town staff to confirm ownership of the roads and potential upgrades that may be needed, including yield signs. The 2003 Agreement had similar issues in regards to the road and safety concerns. Paving was required at that time. The Board of Trustees may require improvements based upon approval.

OTR will revise their plan prior to the Board of Trustees meeting. The revisions will include eight on-site, clearly marked parking spaces, the 6-foot fence reduced to 4-foot, and the 4-foot fence along the concrete walk in the front of the house reduced to 3-foot to alleviate the need to seek variances.

A motion was made by Commissioner Larsen to recommend to the Board of Trustees the approval of the Special Review Use application for Aspen Grove Community Preschool (OTR) with the covenants and conditions as listed above, seconded by Commissioner Osterloo, and passed, with Commissioner Jackson opposed.

7) Other Business

Chairman Martin lives next to the compost facility by the Town shop and wanted to bring up a concern from a neighbor. The issue was the proposed expansion of material planned to be collected, such as construction debris with nails, and the potential for trash and junk being strewn about.

8) Adjournment

The next meeting is scheduled for September 26.

A motion to adjourn was made by Commissioner Jackson, seconded by Commissioner Larsen and unanimously approved at 9:00 p.m.

Approved by the Planning Commission,



Bill Martin, Chairman, Planning Commission

ATTEST:



Michele Martin, Deputy Town Clerk