



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

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

**June 27, 2012, 7:00 P.M.**

**AGENDA**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. APPROVAL OF MINUTES FROM MAY 30, 2012**

**D. PUBLIC COMMENT**

**E. DISCUSSION ITEMS**

**F. ACTION ITEMS**

1. Consideration of DDA's Plan of Development for the NED PED Project

**G. OTHER BUSINESS**

1. Update on Comprehensive Plan project

**H. ADJOURNMENT**



## Nederland Planning Commission

### MINUTES

Wednesday, May 30, 2012 ~ 7:00 pm  
Nederland Community Center  
750 Highway 72 North

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#### 1) Call to Order

Chairman Martin called the meeting to order at 7:04 pm.

#### 2) Roll Call

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

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

Absent: Commissioner Steve Williams

#### 3) Approval of minutes from April 25, 2012

A motion to approve the minutes was made by Commissioner Cornell, seconded by Commissioner Larsen and unanimously approved with Mayor Pro Tem Mueller abstaining.

#### 4) Public Comment

There was no public present.

#### 5) Discussion Items

#### 6) Action Items

##### a. Consideration of adoption of Planning Commission Bylaws

Town Administrator Reis stated that the Board of Trustees had requested all their advisory boards to implement operational bylaws. Staff had prepared a draft for the Planning Commission's review.

Chairman Martin questioned the involvement of the Planning Commission in regards to Chapter 18 of the code, and Reis explained how it relates primarily to signs. Reis went on to suggest that perhaps the sign code should be included in Chapter 16 Zoning vs. Chapter 18 Building Regulations. That is something that could be added to the list of code amendments after the completion of the Comp Plan update. Martin was comfortable in how the bylaws read, regarding reference to the “provisions” of Chapters 16, 17, and 18.

Mayor Pro Tem Mueller brought to staff’s attention that Section 2-273 of the code states that removal of a member may be done, after public hearing, by the Mayor. The draft bylaws state that removal of a member may be done by the Mayor with the approval of the Board of Trustees. It was agreed that staff should make note of this change for the list.

After discussing a few more elements of the bylaws, such as terms, starting time and quorum, the Commission was in overall agreement with staff’s draft.

A motion was made by Commissioner Cornell, seconded by Commissioner Larsen and unanimously passed to approve the bylaws as written, with Mayor Pro Tem Mueller abstaining.

With renewed energy of empowerment after approving the bylaws, a motion was made by Commissioner Cornell, seconded by Commissioner Jackson and unanimously passed to officially appoint Commissioner Larsen as Vice Chairman. Mayor Pro Tem Mueller abstained.

**b. Consideration of Amendment to Nederland Municipal Code, Chapter 16, Article VII, Sections pertaining to Nonconforming Uses, Structures and Lots**

Town Administrator Reis reviewed the Ordinance which amends Chapter 16 regarding nonconforming uses, structures and lots. At the Planning Commission’s last meeting on April 25, it was recommended to change certain elements of the code to allow for construction on nonconforming lots, provided such construction met all other zoning requirements. Due to this being an amendment to the Zoning Code, it was noted that this was properly noticed within the 15 day public noticing period.

Reis stated that there was one section that still needed further discussion, which addressed nonconforming residential uses in

commercial districts. Reis had deleted Section 16-181(d)(3) where it allowed a +75% of a destroyed nonconforming residential use to be restored to its original location. Discussion ensued on whether the Commission wants residential in a commercial district. A mixed-use is the closest option residents have to live in a commercial district.

Reis stated that there are four residential houses behind the Wolftongue Mill that are located in the Industrial zone. If one of those structures were to be damaged 75% or more, would the Commission be comfortable to allow them to restore the structure to its original footprint, or should they be allowed to alter and/or expand upon the structure, or should the structure not be allowed back in that zoning district at all? Neighborhood Commercial zoning is the transitional zone for residential/commercial. All the commercial zones have setbacks, except for the Central Business District (CBD).

Chairman Martin stated that any new building should conform, yet questioned if it should be allowed to be rebuilt as a nonconforming use if it was there before zoning and was grandfathered in. Commissioner Jackson thought if someone really wanted to live in an industrial zone, then they should be able to rebuild in that zone, she supports the deletion, Commissioner Osterloo agreed. It was mentioned that any damaged structure could be rebuilt even larger or higher as long as it met the other zoning requirements. There was general consensus to approve Section 16-181 as presented.

Reis went on with the remainder of the revisions:

- 16-182 removed (b) which prohibited residents from seeking a variance for their relief.
- 16-183 is the section the Board of Zoning Adjustment members spoke about at the last meeting. Reis created (b) which allowed nonconforming structures to be altered or expanded as long no further violations occurred. The most common example of a nonconforming structure is one that does not meet setback requirements.
- 16-184 has no changes. This is the section on how the community had addressed the short lots in the past by simply recognizing them, not the illegal lot splits from the 1970s that Ordinance 455 had been written to address.
- 16-185 is the section that had prohibited residents from expanding beyond the existing footprint. The changes now allow for construction on recognized nonconforming lots, as long as all other provisions of code are met.

- 16-186 was deleted in its entirety. This is the section that prohibited residents from remodeling or maintaining their home.

Reis recommended that as long as 16-184 stays intact there is protection, because it recognizes all the short lots that are legal lots of record. As long as there is a recorded plat map then a lot is considered legal for someone to pursue a building permit.

Reis stated that Town Attorney Beery had reviewed this for legal content and gave her approval, only offering one word change, which was incorporated.

Chairman Martin asked what staff could anticipate after this amendment, and Reis responded that staff would now be able to assist people with their home improvements. If, for whatever reason, people still couldn't meet other zoning requirements, then at least they would have the ability to go to the Board of Zoning Adjustment for a variance.

A motion was made by Commissioner Cornell, seconded by Commissioner Jackson and unanimously passed to recommend to the Board of Trustees to approve the draft ordinance amending Article VII of Chapter 16 of the Nederland Municipal Code, concerning nonconforming uses, structures and lots, to permit the alteration of nonconforming structures that do not increase the existing nonconformity and to permit construction on nonconforming lots that comply with all other code requirements. Mayor Pro Tem Mueller abstained from voting.

The Board of Trustees will see this item on their June 5 agenda. Reis suggested having representation from the Commission to be present at the meeting. Commissioner Cornell confirmed that he could be there.

## **7) Other Business**

### **a. Update on Comprehensive Plan project**

Town Administrator Reis provided an update on the project. The Board of Trustees approved and awarded the contract to The SE Group. The contract approval will be on their Consent Agenda for June 5. The SE Group provided an initial work plan, which Reis passed around for the Commission to review. She will email a copy to the group. Their kick-off meeting is scheduled for Wednesday, June 6. It is a call-in meeting, and Reis will send a notice to the Commission tomorrow with the details. Reis did have a good conversation with

\*\*\*DRAFT – Not yet approved by Planning Commission\*\*\*

Ridgeway, which was listed as one of The SE Group's references. They were very pleased with the results of working with The SE Group.

It was suggested to possibility set up a booth at some of the local events like the High Peaks Art Festival, Miners' Days, etc., to provide the public with information on the Comp Plan update. Mayor Pro Tem Mueller offered his assistance in setting up a booth.

For the record, Chairman Martin shared that SE stood for Sno Engineering.

## 8) Adjournment

The next meeting is scheduled for June 27.

A motion to adjourn was made by Commissioner Cornell, seconded by Commissioner Larsen and unanimously approved at 8:10 pm.

Approved by the Planning Commission,

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Bill Martin, Chairman, Planning Commission

ATTEST:

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Michele Martin, Deputy Town Clerk



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

**Meeting Date: June 27, 2012**

**Initiated By: Nederland Downtown Development  
Authority**

**Dept:**

**Action  Discussion**

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**AGENDA ITEM:**

Review of an amendment to the previously approved Plan of Development to include the NED PED project resulting in recommendations, if any, to be forwarded to the BOT for a public hearing at their July 3<sup>rd</sup> meeting.

**SUMMARY:**

In 2006, a Plan of Development, as required by state statute, was approved by the Planning Commission and the BOT. In consideration of the recent turnover of the NDDA board, the town solicited legal counsel as to how best to proceed with the NED PED project. The opinion was that the best course of action was to amend the existing Plan of Development to include the NED PED project via direct mention. State statute requires that prior to approval, *“the governing body shall submit such plan to the planning board of the municipality, if any, for review and recommendations. The planning board shall submit its written recommendations with respect to the proposed plan of development to the governing body within thirty days after receipt of the plan for review.”*

The timeline for the NED PED project, as proposed by the BOT, suggests that an additional funding request to be made to DRCOG in August in order to request additional funds that are anticipated. These additional funds are primarily due to the expanded scope of the project to include storm water management and an enhanced design process, per the NPP (Nederland Planning Process).

The NDDA is aware the project will receive input from many sources, including the DAT, SAB, PROSAB, BOT, and CDOT, as well as the community. Also, the NDDA is aware that the project will require many levels of approval as it moves forward. The NDDA is committed to working

to insure that the project furthers the goals of the community as set forth in Envision Nederland 2020.

**HISTORY AND PREVIOUS COMMISSION ACTION:**

On September 21, 2010, the BOT approved an application for DRCOG TIP Funding and instructed the Nederland Downtown Development Authority (NDDA) to apply for it. This is the only project submitted by Nederland in this round of TIP funding. TIP funding will not be available again until after the 2012-2017 TIP cycle.

On March 16, 2011, DRCOG adopted the 2012-2017 Transportation Improvement Program (TIP) including Nederland's only project. The Town was notified that the application for this funding was approved by the Denver Regional Council of Governments (DRCOG), which serves as the metropolitan transportation planning organization for the Denver metro area, including Nederland. The project was funded with Federal Funds allocated by DRCOG (project #2012-061).

On May 3, 2011, the BOT discussed with the Boulder County Transportation Department a bus stop improvement plan to provide shelter from wind and rain at bus stops in Nederland.

On August 23, 2011, the BOT held an informational workshop on the CDOT IGA's provisions and to discuss the timeline and process, including clarification of the breakdown of funding.

On November 1, 2011, the BOT began discussion of the CDOT IGA and received public comment.

- SAB recommended the BOT accept the IGA and move forward, with the understanding that the project must comply with Resolutions 2004-006, 2007-006, and 2011-021, specifically following and documenting LEED standards and contractor demonstration of environmental protections. Additionally, the SAB will supply, as part of this recommendation, a list of initial design recommendations and the SAB provided draft Sustainability Scorecard results for use in guiding initial design considerations.
- PROSAB was unanimous in finding that the plan supported the following goals and objectives: 1) Establishment of high quality and safe recreational trail experiences for uses of facilities in the Nederland Area, 2) Establishment of safe pedestrian friendly routes through town, including clearly marked and enforced crosswalks, 3) Development of non-motorized multiple use trail linkages in the Town of Nederland to provide alternative transportation and a more pedestrian friendly environment, including linkages between Nederland Neighborhoods and routes to the Youth and Family Center and athletic fields. In addition, the routes of all the proposed plan align with routes designated in the Trails Master Plan.
- The BOT received letters of support from representatives of buildings along the route: Nederland Area Historical Society, The Post Office, Saint Rita Roman Catholic Church, Nederland Community Presbyterian Church, and Cohen Law



Group. The BOT received community e-mail communication both for and against the project.

- During public comment, the BOT was warned of sending unintended messages to outside funding organizations if it waffled on the decision.

On November 15, 2011, the BOT continued a discussion of the IGA that began November 1. BOT discussion was completed, including a straw poll of the Board which directed staff to continue work on the IGA. It was noted that while there was clear public support for the portion from the library to the roundabout, the section connecting the roundabout along the highway to the Post Office did not have support. Many citizens were in favor of routing the connection to the Post Office down 2<sup>nd</sup> Street, which is believed to be more widely used. Some citizens also objected to the proposed amount of concrete.

On January 3, 2012, the BOT reviewed the IGA and possible implementation of the Nederland Planning Process (NPP) for project review by the Board of Trustees, Town advisory boards, and public input gathering. There was support for “option 2”, which was to delay acceptance of the DRCOG funds until after the question would be put to the voters for securing the NDDA portion of the funding. Trustee Perret motioned to approve “option 1”, allowing the Town to be responsible for the \$18,000 first-year grant match funding until the NDDA secured the funding. The resolution to accept the CDOT IGA was rejected, and the resolution to approve the NPP process was tabled.

In March 2012, the Town was turned down for a Safe Routes to Schools grant partially on the basis of indecision and uncertainty on the DRCOG funding project. The grant would have funded completing the trail from the end of the sidewalk at Eldora Road to the Nederland Middle/High School, as well as two highway crossings in town to support the trans-community trail.

On March 20, 2012, the BOT approved Resolution 2012-12, adopting the Nederland Planning Process (NPP) as a model to govern the public input and review process for town projects.

On April 18, 2012, Mayor Gierlach and Trustee Croughwell attended the DRCOG Executive Directors meeting, where they discussed additional TIP funding that DRCOG will plan to allocate. The Town may be able to re-submit a modified design to DRCOG. The Nederland project can be allowed to be re-routed down 2<sup>nd</sup> Street in lieu of the highway. The project may include different surface material as was proposed previously. The project may include storm water management systems, and bus stop shelters, which were also supported by the community.

On May 1, the BOT voted unanimously to direct the Mayor to convey to DRCOG that the Town intends to proceed with the NED PED project, that staff is to continue working on the funding IGA with CDOT, and that \$58,000 of NDDA funding be applied toward this project.

On May 15, the BOT appointed five appointees to the NDDA.

On May 22, the NDDA held their first meeting. Mayor Gierlach gave a presentation of the NED PED project and there was general consensus of support for the NED PED project. The board appointed Ron Mitchell and Pat Everson to be NDDA representatives to the Design Advisory Team (DAT), which would be a committee comprised primarily of citizens along the proposed route. This committee is intended to help guide the design and to work with consultants to achieve a design which will address community needs.

On June 2<sup>nd</sup>, the NDDA held a board retreat to get some background and history and to further discuss budgets and timelines for the group.

On June 3<sup>rd</sup>, the DAT held its first meeting with the residents, and representatives of businesses and non-profits along the proposed route.

On June 6<sup>th</sup>, the NDDA held a budget workshop to gain a better understanding of the budget, implications and revisions to be made prior to BOT approval.

On June 12<sup>th</sup>, the NDDA held its second meeting, and it was decided to prioritize tasks related to implementation of the NED PED project. Approval of the Plan of Development was determined to be a high priority.

**RECOMMENDATIONS:**

The NDDA is requesting that the Planning Commission review the amended Plan of Development and provide comments to be forwarded to the BOT for consideration at their July 3<sup>rd</sup> meeting.

**ALTERNATIVES:**

By state statute, the Planning Commission may take 30 days to forward comments to the BOT.

**ATTACHMENTS:**

- 1) Amended Plan of Development
- 2) Proposed Project Map
- 3) Preliminary Project Budget

**FINANCIAL CONSIDERATIONS:**

The total budget for NedPeds is currently estimated to be \$906,000 including design and construction. The DDA match portion is estimated at \$180,000 and the total DDA cost is estimated at \$201,000. These figures may change as the project proceeds.

## 2006 PLAN OF DEVELOPMENT (Amended 07/03/12)

The following list of projects are not in any priority order because it is important that the DDA Board retain flexibility to act upon any of these projects or other projects that arise.

In developing these projects, the DDA formation committee considered the input provided by participants at the past two Economic Summits, the findings and recommendations of the Market Analysis and information compiled by action groups that resulted from the two Summits.

### **1. Circulation**

Design and build a circulation system for pedestrians, bicycles, traffic and parking so as to minimize conflicts among the modes of transportation and maximize the safety and convenience of driving to and walking in the District.

- Improve the shopping center/bank intersection
- Provide safe pedestrian crossings of Highway 119 and other main roads
- Construct sidewalks and trails
- Connect key amenities (e.g. RTD to downtown)

### **2. Riverwalk**

Develop the Middle Boulder Creek corridor into an attractive centerpiece of the Town that connects the South and North business areas and the lakefront in an environmentally sensitive manner.

- Construct a new overpass at Highway 119 to accommodate pedestrian trails along the creek
- Provide a pedestrian path along the north side of the creek with easy access and integration with businesses
- Construct a pedestrian-friendly bridge linking Chipeta Park and East First Street
- Enhance the creek for better fish habitat and kayaking

### **3. Beautification** - improve the attractiveness of the District.

- Place underground publicly and privately owned utility and communication lines.
- Promote attractive streetscape (e.g., lamp posts, landscaping, signage)
- Retain historical buildings and adhere to Town architectural design standards
- Incorporate art features (e.g., historical artifacts, fountains, graphics, etc.)
- Encourage and promote private and public development projects, such as parks, plazas, and landscaping throughout the District

#### **4. Town Square**

Design and build an attractive and functional gathering place for the community and visitors.

- Convert the Town-owned land behind the Visitor's Center to a town square
- Create a multi-purpose space for community gatherings such as farmer's market, festivals, arts and crafts fairs and other events
- Incorporate attractive landscaping, historical features and public art in projects

#### **5. Promote and Support Private Developments that Create a Public Benefit**

Encourage activities and services that will attract residents and tourists by broadening the entertainment, cultural, shopping and social activities and events that take place in the district.

- Participate with developer/builder if their project is highly desirable; and their project is consistent with the plans and objectives of the DDA; and their project may not be otherwise economically viable
- Plan and develop public facilities that will enhance and encourage the development of privately sponsored projects
- Encourage planning and projects which are compatible with their surroundings
- Encourage diversity of land uses in the district so that the area includes a cross section of compatible uses
- Actively solicit and if necessary, provide sites for land uses that are important to the economic vitality of the town

#### **6. Amendment to Plan of Development to include the NED PED project.**

The overall project is focused on the design for the enhancement of the multi-modal aspects of the corridor including the need for new walkways and non-vehicular road crossings; expanded and formalized parking areas on public rights of way; adjustments to private parking areas within public rights of way and within temporary easements; provisions for drainage and storm water management facilities including water quality enhancement; utility relocations (if needed) and other appurtenant items.



CDOT Fiscal Year ending June 30

DDA BUDGET TIMING (Calendar Year)

	NEDPEDS BUDGET DRCOG/		Total	2012				2013				2014			
	DDA	CDOT		2012	2013	2014	Total	2012	2013	2014	Total	2012	2013	2014	Total
Design	30,000	60,000	142,105		142,105		142,105		99,474		42,632		142,105		
Construction	150,000	426,000	753,895		150,779		763,895		763,895		-		763,895		
<b>Total Budget</b>	<b>180,000</b>	<b>486,000</b>	<b>906,000</b>		<b>906,000</b>		<b>906,000</b>		<b>906,000</b>		<b>906,000</b>		<b>906,000</b>		<b>906,000</b>

\* Source could be additional funds from DRCOG or DDA

Design Phase Budget

DAT: Design (Civil Engineer/landscape Architect)  
 Total \$ 142,105

Source of Funds *original match*  
 DDA 18,000 21% 30,000  
 DR COG/CDOT Commitment 60,000  
 Additional DR COG/CDOT Request 52,105  
**142,105**

2012 42,632 2013 56,842 2014 42,632

Construction

Construction Project Manager 81,203  
 Construction 682,692  
 Total \$ 757,895

Source of Funds *original match*  
 DDA 150,000 20% 150,000  
 Boulder County 10,000  
 DR COG/CDOT Commitment 426,000  
 Additional DR COG/CDOT Request 177,895  
**763,895**

2012 9,000 2013 12,000 2014 9,000

2012 18,000 2013 24,000 2014 18,000

2012 15,632 2013 20,842 2014 15,632

2012 42,632 2013 56,842 2014 42,632

2012 30,000 2013 75,000 2014 45,000

2012 150,000 2013 127,800 2014 127,800

2012 7,000 2013 88,947 2014 53,368

2012 37,000 2013 376,947 2014 236,168