



Nederland Planning Commission

MINUTES

Wednesday, January 25, 2012 ~ 7:00 pm
Nederland Community Center
750 Highway 72 North

1) Call to Order

Vice Chairman Larsen called the meeting to order at 7:00 pm.

2) Roll Call

Present: Commissioners Kris Larsen, Denise Jackson, Roger Cornell, Mikki Osterloo and Steve Williams

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

Absent: Chairman Bill Martin and Mayor Pro Tem Kevin Mueller

3) Public Comment

There was no public comment.

4) Approval of minutes from November 30, 2011

The motion to approve the minutes was made by Commissioner Cornell, seconded by Commissioner Jackson and unanimously approved with Commissioners Larsen and Osterloo abstaining.

5) Discussion Items

- a. Discussion of a Bed & Breakfast home occupation use in a LDR zone, 103 Sundown Trail

Jacklyn Jones of 103 Sundown Trail was present to ask the Commission to consider amending Chapter 16 of the Nederland Municipal Code to allow for a bed and breakfast (B&B) in her LDR zone. Ms. Jones had sent a letter of request to the Commission in January and the board acknowledged they had received and read it.

Ms. Jones went on to defend her position in that it was a good time for Nederland to have a B&B, it would be a good use of her property, and it would be a low impact on her neighborhood.

Commissioner Larsen asked how many guests she would plan to have and she commented that she had two to three parking spaces and one room upstairs and one room downstairs, so a total of two to three couples at one time.

Town Administrator Reis stated that for the past 1 ½ years there have been other requests for B&Bs, mainly from the Big Springs neighborhood, yet Ms. Jones is the first that has been willing to come before the Commission to request this code amendment.

Commissioner Cornell was on the Planning Commission back in 1997 when residents from the Big Springs area had requested a B&B. They came in with a formal proposal with pictures and drawings. The Commission had reviewed criteria at that time and staff had created a new ordinance taking all the input from the discussion, which was then approved by the Commission. In 2006, the Planning Commission reviewed Chapter 16, line by line, and brought it up to date, including the list from 1997, which reaffirmed that list. It then went to the BOT for their approval.

Commissioner Jackson asked Ms. Jones how she would feel if the code was amended and other families opened up B&Bs as well. Ms. Jones said she'd have to be ok with it.

Commissioner Osterloo worried about traffic, especially if B&Bs were allowed in the Big Springs neighborhood.

Cornell suggested that perhaps Ms. Jones could take on a roommate at her house, which is allowed, as opposed to a B&B, which would have different people every weekend, and is a lot of work. Ms. Jones said she would prefer to have different people come and go.

Larsen wondered what the difference was between a B&B and a vacation rental. Reis said that vacation rentals would be viewed similar to B&Bs while rental units fall under a different section of the code.

Cornell reiterated that LDR is zoned low density residential for single family homes and that there is a reason why we have zoning regulations. He suggested that we should look at all the different situations that could occur, such as people arriving late at night with their car headlights, moving luggage around, and knocking on neighbors' doors wondering where the B&B is, etc. Larsen, from previous personal experience, suggested that B&Bs normally bring in a more mature type of tourist, more economy for towns, and provide greater commercial growth.

Commissioner Williams asked if B&Bs need a Business License and Reis stated that they would, as well as a Home Occupation License and they are

both revocable if needed. Home Occupation License inspections look for 50% or less of the total area used for business, how to manage parking, etc. Business License inspections look for safety and if the dwelling is up to code.

Jackson believes the restriction is in the code for a reason and that a B&B is not appropriate for single family homes. She agreed with Commissioner Cornell, that economically, it may be better for a rental instead of creating a B&B.

Cornell stated that the County Health Department would also have to be involved for the food that would be served.

Williams wondered what other licenses or permits would be required and Reis said there was no requirement at the State level, yet there are different B&B associations that people belong to. Anything that is not specifically prohibited in our Home Occupation Code may need to come before the Planning Commission for SRU.

Reis reminded the Commission that their motion tonight is basically to direct town staff to review the Home Occupation code in order to include B&Bs in different zoning regions, or to direct town staff not to work on this and let the code stand as is. They cannot vote on Ms. Jones' request because the Code does not allow for a B&B. The Use Group Table needs to be updated in the code because a B&B is not listed there, amongst other uses. This has been added to the list of updates needed for the Code.

A motion was made to request staff/Zoning Administrator to review, update, and make recommendation to the Home Occupation Code, especially related to B&Bs, by Commissioner Cornell, seconded by Commissioner Williams and approved by Commissioners Larsen, Osterloo, and Williams with Commissioners Cornell and Jackson voting against. Reis anticipates having something prepared by the next meeting.

6) Other Business

Town Administrator Reis gave an update on last meeting's agenda item, stating that the BOT did approve the King Place amendment to remove the restriction on conveyance, and did uphold their decision to deny the applicant's request for a hardship variance on the well.

The SRU guidelines for parking lots are still being worked on by town staff, and are planned for February's agenda.

Reis had prepared a tentative schedule of the RFQ process for the Comprehensive Plan updates and distributed it to the Commissioners by hard copy. She is looking to issue it January 27th, get responses back by February 13th and be able to review responses with the Commission at their February 22nd meeting. This timeline gets us to project startup in May which should

then not interfere with the current Parks and Rec Plan update taking place at this time. Also the Parks and Rec Plan update mail survey results will be important to incorporate into the Comp Plan update. Those results will be heard at a public meeting on February 23rd at 7:00pm at the Community Center. The survey being put together for the Parks and Rec Plan update will be prepared by a professional surveying firm with a scientific approach and process.

Also, the Joint Work Session/dinner with the BOT has been postponed from January 25th to February 22nd at 6:00pm. Commissioners Cornell and Jackson will not be able to attend. Staff will send around the agenda prior to the meeting and will ask for feedback from those not able to attend.

7) Adjournment

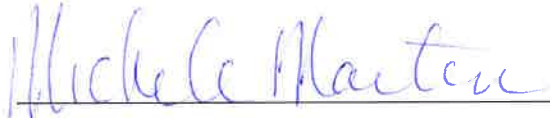
A motion to adjourn was made by Commissioner Larsen, seconded by Commissioner Jackson and unanimously approved at 7:36 pm.

Approved by the Planning Commission,



Kris Larsen, Vice Chairman, Planning Commission

ATTEST:



Michele Martin, Deputy Town Clerk