



Nederland Planning Commission

MINUTES

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

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

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.

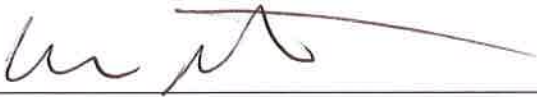
For the record, Chairman Martin shared that SE stood for Sno Engineering.

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,



Bill Martin, Chairman, Planning Commission

ATTEST:



Michele Martin, Deputy Town Clerk