



Nederland Planning Commission

MINUTES

Wednesday, January 22, 2014 ~ 7:00 pm

Nederland Community Center

750 Highway 72 North

1. CALL TO ORDER

Chairman Larsen called the meeting to order at 7:05 p.m.

2. ROLL CALL

Present: Chairman Kris Larsen, Vice Chairman Roger Cornell and Commissioners Mikki Osterloo and Betty Porter.

Also present: Town Administrator Alisha Reis and Deputy Town Clerk Cynthia Bakke.

Absent: Commissioners Steve Williams, Lisa Mayhew and Trustee Liaison Kevin Mueller

3. APPROVAL OF MINUTES from November 20, 2013

A motion to approve the minutes as written was made by Commissioner Porter, seconded by Commissioner Cornell, 3 in Favor, with abstention by Commissioner Osterloo.

4. PUBLIC COMMENT

There was no public comment not pertaining to the Agenda.

5. INFORMATION ITEMS

Reis said that the Board of Trustees approved the NedPeds Project with inclusion of recommendations by both the NDDA and the Planning Commission. Per Board amendment, the road will be re-designed to spare the spruce trees in front of one of the homes on East 2nd Street, as well as the spruces in front of Prime Haven.

Reis said that the Board of Trustees has also approved Canary Song to operate as a recreational marijuana store.

6. ACTION ITEMS

1. Consideration of a Special Review Use Application related to a For-Profit Club (Cannabis) at 154 Highway 72

This item was moved up before the first action item upon the Agenda, so as to be postponed to a date certain, with respect to noticing requirements. **The Planning Commission will hold a Special Meeting on February 13, 2014 at 7 pm to hear this Special Review Use request.** The Public Hearing needed to be postponed due to a lack of quorum. Commissioner Porter explained her need to recuse from the vote, prompting the lack of quorum combined with other Commissioners' absences.

(Please note that since the meeting, the postponed date had to be moved to a regular Planning Commission meeting as of February 26, 2014, due to an inability to obtain quorum.)

2. Consideration of a Special Review Use Application related to Motor Vehicle Repair at 250 N. Caribou Street

Applicant Paul Holzhauer stated that he would like to open a motor vehicle repair shop at 250 N. Caribou Street. He said that he has been a mechanic in the area for 37 years, after graduation from Nederland High School. He inquired if the Planning Commission had any questions to clarify with respect to his application.

Larsen asked if all criteria have been met by the applicant, and if there were any considerations derived of internal review or public comments about the proposed use. Reis responded that the application for motor vehicle repair use meets all Special Review Use requirements, is located in the General Commercial zone, and has a long history of light industrial and automotive repair uses in this location. The public notice was posted in the customary posting locations, as well as upon the property. Reis confirmed that there was no public comment registered in opposition of Holzhauer's proposed business.

Larsen opened the meeting to Public Comment.

Ruth Nieber stated that she owns the cabin across the street at 492 W 4th Street, and has personally witnessed the history upon the applicant's leased space. She expressed her concern that parked vehicles could affect her tenant's view, as had happened with previous motor vehicle repair shops at this location. She said that she wants to ensure that vehicles will not accumulate along Caribou Creek and/or Caribou Road, or upon 4th Street. Commissioner Porter agreed that the renter's view should not be obscured by vehicles. Reis responded that fifteen cars is the proposed vehicle maximum, and all are to be contained upon the site. Holzhauer affirmed that there will be no on-street parking. Reis reported that Police Department review presented only historical concerns of stored unrepairable cars and salvage conducted on-site, indicating that parking must be contained on-site. Reis clarified that this condition, as well as prohibiting on-site salvage, has been contained within the draft Special Review Use Agreement.

Larsen closed the Public Comment portion of the meeting.

Cornell said that everything is contained to a logical spot upon the site proposal, and doesn't foresee an issue provided that Holzhauser keeps to the conditions within the Special Review Use Agreement.

Planning Commission members inquired how violations of this Agreement would be handled. Reis clarified that if conditions within the Special Review Use Agreement are in violation, Holzhauser would be informed of the issue, to bring into compliance prior to a formal Compliance Review is brought before the Planning Commission.

Cornell inquired as to the intended hours of operation. Holzhauser stated that he intends to operate from 8-5pm on Monday-Friday, with Saturday being available by appointment only. Cornell requested that the stated hours be included within the Planning Commission Recommendations.

Cornell motioned to recommend approval of Paul Holzhauser's Special Review Use at 250 N. Caribou Street for motor vehicle repair use, provided that the application meets all Special Review Use criteria, and specifies hours of operation, seconded by Osterloo, 4 in Favor.

Reis explained that the adjustment will be made in the draft Special Review Use Agreement, which will go before the Board of Trustees on February 4, 2014. Reis advised the applicant of procedure, clarifying that with Board of Trustees approval, Holzhauser will be allowed to commence operation of his business.

G. DISCUSSION ITEMS

H. OTHER BUSINESS

Reis said that the For-Profit Club Special Review Use at 154 Highway 72 will come before the Planning Commission at a Special Meeting on February 13, 2014. At the Regular meeting on February 26, the Planning Commission will hear the Planned Unit Development application submitted by Sally Grahn. The Conceptual Review of this proposed development had come before the Planning Commission a year prior. Reis said that a matrix of actions to be implemented from the Comprehensive Plan will be prepared for Planning Commission consideration.

Cornell said that Planning Commission members were offered annual training in the past, such as general protocol reminders, and planning materials to help new members transition onto the board.

Cornell noted that with regard to Comprehensive Plan implementation, there are considerations of industrial zoning upon entrance to Town, abandoned vehicles, amendments within the zoning code, and the trash ordinance. He said that they will likely need work sessions to make progress on implementation.

Cornell inquired about considerations for recreational marijuana establishments, such as Canary Song. Reis spoke about Special Review Uses related to growing

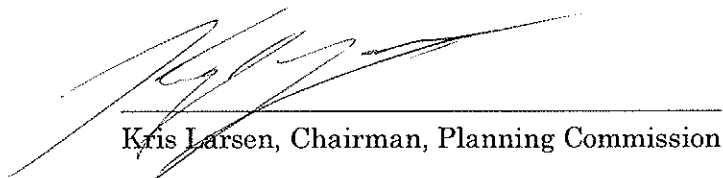
operations for retail marijuana, which may come before the Planning Commission beginning in September/October 2014. She advised the Planning Commission that they will want to be familiar with Ordinance 720, as well as any special conditions related to those uses for Special Review Use consideration. Cornell noted that there are multiple such uses allowed across Town, which Reis said was a decision by the Board of Trustees to open up the residential growing sector. The Planning Commission will continue to discuss how to regulate residential growing operations, and the incoming Nederland Police Chief will be working on a plan for code enforcement.

Some considerations to be addressed with respect to residential growing operations are odor, traffic, parking, habitability, the use of butane tanks to make products, environmental issues, and the high-intensity wattage of grow lights, which can overload the home system due to high energy needs. Reis said that United Power has stated that their load increased 20% since medical marijuana growing operations were approved; however, we have not received this information from Xcel Energy. Reis noted that these issues can be addressed on a case-by-case basis within the Special Review Use process. Reis requested that Planning Commission members forward their concerns to her.

I. ADJOURNMENT

A motion to adjourn was made by Commissioner Porter, seconded by Commissioner Osterloo, and was unanimously approved at 7:34 p.m.

Approved by the Planning Commission,


Kris Larsen, Chairman, Planning Commission

ATTEST:


Cynthia Bakke, Deputy Town Clerk