TOWN OF NEDERLAND
PLANNING COMMISSION
REGULAR BUSINESS MEETING

NEDERLAND COMMUNITY CENTER
750 Hwy 72 Nederland, CO 80466

August 23, 2017 - 7:00 P.M.

AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF MINUTES FROM July 26, 2017

D. PUBLIC COMMENT

E. INFORMATION ITEMS

F. ACTION ITEMS
   1. Consideration of a Special Review Use Application for Heath Dillon of Dillon Developers Inc. related to a commercial/industrial use to operate an excavation business at 301 East Street
      (*Note: Applicant request to continue the hearing will be first issue presented to Commission).

   2. Consideration of a Special Review Use Application for Emily Perry related to an indoor retail business (Perry’s Shoe Shop) at 114 East Second Street

   3. Consideration of a Minor Subdivision application for Mark Stringfellow at 155-163-171 Conger Street.

G. DISCUSSION ITEMS
   1. Consideration of Ordinance XXX to amend the Zoning map re: nonconforming multifamily structures in the Public (P) zoning district

H. OTHER BUSINESS

I. ADJOURNMENT
A. CALL TO ORDER
Chair Roger Cornell called the meeting to order at 7:05 pm.

B. ROLL CALL
Present: Chairman Roger Cornell, and Vice Chairman Steve Williams. Trustee Charles Wood. Commissioners Lindsey Danforth, Timmy Duggan, Linda Glasser, and Stephanie Herring, Commissioner Jesse Seavers.

Also in attendance: Land Use Attorney Nina Petraro and Planning and Building Technician/Commission Clerk Cynthia Bakke.

C. APPROVAL OF MINUTES FROM June 28, 2017
Motion to approve the minutes as written was made by Chairman Cornell, seconded by Commissioner Glasser, with 5 in favor, and abstention by Commissioners Seavers due to absence, Commissioner Danforth who had not yet been seated upon the Commission, and Trustee Wood.

D. PUBLIC COMMENT
Ron Mitchell, of Nederland, suggested the Commission investigate the economics of whether short term rental (STR) licensing will pay for staffing and enforcement of the proposed program. Chairman Cornell said the STR program can also propose a lodging tax which would necessitate voter approval.

Mary Jarril, of Nederland, said establishing STR licensing may bring liability issues re: a lack of accessible sidewalks. She encouraged the Commission to use zoning to implement the town’s vision while allowing residents to assist in solving town-wide issues. She suggested there be a call for proposals instead of spending funds on staff time and attorney fees.

E. INFORMATION ITEMS
There were no information items.
F. ACTION ITEMS
1. Continuation of a Minor Subdivision application and Public Hearing for Mark Stringfellow at 155-163-171 Conger Street (formerly 179 Conger Street) to August 23, 2017 contingent upon variance application reviewed by Board of Zoning Adjustment (BZA) on August 17, 2017

Motion to continue public hearing to August 23 was made by Chair Cornell, seconded by Commissioner Herring, with 7 in favor, and abstention by Trustee Wood.

G. DISCUSSION ITEMS
1. Consideration of Multifamily Housing in the Public (P) zoning district

Land Use Attorney Nina Petraro said the Commission directed her at the June 28 meeting to draft legislation to allow multifamily housing in the Public (P) zoning district via Special Review Use (SRU), with a subsequent change to Sec. 16-32 Use groups table. She said the change to Sec. 16-32 includes a footnote indicating density and other yard and bulk requirements will be based on surrounding areas.

Chairman Cornell opened up the Public comment upon this item.

Mary Jarril, said she’d like to reiterate her concerns about the Commission and/or Board of Trustees direction. She referenced the 2010 zoning map and said she should have been given notice about a zoning change in the neighborhood she resides. Jarril said she has lived in Nederland for 30 years and Boulder County since 1959. She said she’d like to be given equal time to discuss the redevelopment of the former Town shop site as a solar garden instead of a glut of housing.

Chair Cornell said this site was used as an example to resolve a discrepancy in the zoning map and consider the future of housing within the Public zone. He said the public zone doesn’t permit multifamily housing within the code text despite existing properties with multifamily housing zoned Public on the zoning map. He said the established setbacks and density should be maintained for these three (3) properties moving forward: Prime Haven Senior apartments, Beaver Creek apartments and Rodeo Court, the latter which is in the Medium Density Residential (MDR) zoning district.

Commissioner Herring asked if the previous zoning map could be adopted with the associated publicly zoned properties with multifamily units to revert to their former status as shown on an earlier zoning map. She asked the Commission to consider the intent of Public zone for public use of lands, separate from the question of ownership by a government entity. Commissioner Danforth asked if there were other issues pertaining to the zoning map and said she could produce maps and provide GIS expertise.

Petraro restated the issue of existing multifamily housing which would be deemed nonconforming, in addition to a town-owned parcel that has long been slated for
affordable housing. Chair Cornell said the Commission discussed the various uses incorporated within the Public zone. He said the proposed ordinance in the packet would allow MFR in the Public zone via SRU with yard and bulk requirements to factor in neighboring districts as directed at the previous meeting.

The bulk of the discussion consisted of whether allowance for uses in the Public zone should be determined by use or ownership. The Commission discussed the addition of language within an SRU Agreement to note the use is not transferrable with an ownership change, with support for a property reverting to previous zoning district if property is sold to a private owner. Commissioners also discussed how to address existing multifamily units currently zoned Public, to include the town’s parcel.

The Commission was in agreement that the benefits of Public zoning should pertain more to use, not ownership, being as public (government-owned) multifamily housing units are not open to the public as are commercial businesses. Petraro inquired how the Town’s parcel slated for housing will be zoned if multifamily housing is prohibited in the district. The Commission further discussed parcels reverting to surrounding zoning to be compliant with existing code language if sold.

Chair Cornell noting existing properties that have been zoned Public on the zoning map with effect on existing and future housing development projects. Bakke said Town staff will need to review the properties for compliance within the adjacent Neighborhood Commercial (NC) zoning district. Chair Cornell said these existing uses could be grandfathered.

After thorough discussion, Commissioners supported prohibition of multifamily housing in the Public zone. Chair Cornell noted the Commission direction change from the July meeting, however the Commission was in agreement about the potential for rezoning, provided a parcel meets required conditions. Petraro requested direction from the Commission as to whether all properties zoned Public should be reviewed. Petraro said an ordinance is required to change the map.

Mary Jarril, asked the Commission to consider multiple possibilities of the Public zone. She asked how she could bring a proposal for the area before the Commission. Bakke said Jarril could present a Concept Plan, with a required fee of $250, although clarification on procedure is necessary as the lot is town-owned. Chair Cornell said he and Jarril have discussed her ideas in the past, although the Mud Lake Agreement did include a commitment to build affordable housing, which Commissioners and Trustees have sought to honor.

Ron Mitchell said he couldn’t speak for the adjacent property owner of the Town’s lot in question, although she may be amenable to redevelopment of the block in conjunction with the Town’s parcel.

Chair Cornell called a short break at 8:23 pm. The meeting reconvened at 8:30 pm.
The Commission concluded the discussion about differing uses within the Public zone pertaining to parks or Open Space which may intentionally be used to protect these areas by preventing future development.

2. Consideration of zoning changes in the Central Business District (CBD) zoning district

Bakke introduced the item. She said she has received several inquiries about the potential for subdivision within the CBD district. She noted other districts provide guidance for subdivision with square footage per dwelling unit is determined, whereas the CBD zone lacks clear parameters, except Footnote 2 which allows for one dwelling unit per property so long as it’s clearly incidental to principal (business use) of property. Bakke asked if the Commission desires to change existing criteria.

Chair Cornell provided an historical zoning perspective. He said most lots are approximately 4000-5000 square foot, except a larger parcel owned by Ron Mitchell. Cornell said subdivision was not anticipated in this district, with the Verplank Upstream subdivision in the 1990’s done due to the parcel size exceeding 1 acre.

The Commission discussed allowance via Special Review Use (SRU) vs. prohibition of subdivision and/or adoption of similar yard and bulk requirements as the Neighborhood Commercial (NC) district. subdivide by SRU. Chair Cornell said there is still housing allowed in the CBD district as mixed use development. He further noted requirements for adequate parking, trash removal and emergency access, along with a loading dock for newer developments to reduce traffic congestion.

*Ron Mitchell*, of Nederland, said he thinks subdivision should be prohibited being as most lots were designed for buildings from the previous century. He said the Town should provide development incentives with ability to combine lots for redevelopment potential. He noted existing commercial, mixed use, and residential structures on E 2nd Street that creates a lot of traffic congestion when businesses are unloading their supply stock. Mitchell also mentioned confusion about the location of utilities for Snyder’s Garage. He said it is likely that properties will need to be resurveyed.

The Commission generally agreed with prohibition of subdivision in the CBD. Bakke asked if the Commission sought to retain the existing side setback of 0 or 10 feet. Chair Cornell said these were established as a fire safety standard to allow ladder access. Petraro said she will research verbiage to prohibit subdivision in the district.

Bakke said the term incidental is included within code language for single family residential use in Footnote 2, without further parameters. She said mixed use development is further guided by Footnote 6 with a required use of at least 30% of the use abutting the street for a multiple level structure, or 30% of the total use to be commercial and/or office uses in the CBD and GC zoning districts including all street frontage for a single-level structure. Bakke asked if the required percentage pertains to square footage, floor area, or structure size (relevant for multiple buildings on one lot).
Petraro agreed a definition due to vagueness in the existing code language, along with the need to consider street frontage. Commissioner Duggan said some lots will be deep, but not wide. Petraro said an amendment could include a maximum square footage or floor area percentage if desired. Commissioner Seavers said there should be a route of appeal if choosing an arbitrary percentage.

### 3. Further discussion of allowance for Accessory Dwelling Units (ADU’s) / Tiny Homes and associated regulations

Cornell said that there will be continued discussion on ADU’s, although the item would be tabled tonight. He said past meeting minutes include criteria from ADU ordinances by other municipalities which the Commission has discussed.

### H. OTHER BUSINESS

The Commission discussed the status of short term rental (STR) regulation previously forwarded to the Board of Trustees. Trustee Wood said former Trustee Stephanie Miller was aware of the issue; however the Board would support data illustrating STR’s impact upon the housing market affecting overall affordability and availability.

Petraro said companies like airbnb must remit municipal tax revenue offering data upon STR businesses in operation. Chair Cornell recalled statements by residents whom said the neighborhood was changing due to STR businesses. Chair Cornell said he will review his notes and work with staff to continue to support the program’s establishment.

### I. ADJOURNMENT

Motion to adjourn was made by Vice Chair Williams, seconded by Commissioner Herring, with 7 in favor, and abstention by Trustee Wood. The meeting was adjourned at 9:21 pm.

Approved by the Planning Commission,

____________________________________________
Roger Cornell, Chairman, Planning Commission

ATTEST: _______________________________________
Cynthia Bakke, Planning and Building Technician
AGENDA INFORMATION MEMORANDUM
NEDERLAND PLANNING COMMISSION

Meeting Date: August 23, 2017

Prepared By: Cynthia Bakke
Dept: Administration/Zoning
Information _____ Action____X____ Discussion ______

AGENDA ITEM:
Consideration of a Special Review Use (SRU) Application for an indoor retail business (Perry’s Shoe Shop) at 114 E Second Street for Emily Perry.
(Legal Description: Lot 3, Block 1 Nederland Roos)

SUMMARY:
The applicant, Emily Perry (on behalf of property owners/parents George and Rebekah) recently purchased property at 114 E Second Street. The Perry’s propose to relocate their longtime shoe repair and retail business (in operation in Boulder since 1922) to Nederland.

The zoning for this property is Neighborhood Commercial (NC), thus, a personal service establishment is a use-by-right in the district, whereas the enclosed retail use is permitted via Special Review Use.

Perry further outlines the business scope in the SRU application, including the attached explanation of how their proposed business corresponds with the goals of the Comprehensive Plan. The 4,060-square-foot parcel contains a singular mixed-use structure with the proposed business on the lower level, and the residential use above.

The applicant has submitted a complete site plan and has met all application requirements, including notice to property owners within 300 feet of the property of the August 23, 2017 public hearing before the Planning Commission. Proper public noticing has also been made in the newspaper and posted upon the property.

There were no submitted concerns within departmental review. Bakke has received several letters of support which included within the packet.

HISTORY AND PREVIOUS COMMISSION ACTION:
The property is zoned within the Neighborhood Commercial district. The Perry’s will finalize purchase of the property in September 2017.

The site was formerly the “Mountain Rose Hair Care” salon and residence for Patricia
Everson and daughter Robbin Rose. The business was conducted until 2017 property sale.

**Site View**

**Neighborhood Context**

**ANALYSIS:**

Nederland Municipal Code (NMC) Criteria and Conditions:

1. **Is eligible for a special review under Section 16-32 Section 16-32 Use Groups:**

   This application falls under Commercial Uses, due to the proposal for an enclosed retail use. In the NC zoning district, enclosed retail requires a special review.
(2) Is generally compatible with adjacent land uses:
The building is situated between commercial businesses to the east and west, with predominantly single family residences further to the east, north and south. The mixed use commercial business is in keeping with the original character of the zoning district and present uses, despite most residences being single-story.

(3) Meets all requirements of Section 16-52, is in compliance with this Chapter and minimizes potential adverse impact of the special review use on adjacent properties and traffic flow:
All requirements of Section 16-52 have been met. Parking Requirements: The Municipal Code directs that parking requirements for indoor retail be established via the parking requirements table (NMC Sec. 16-202 as a guide). The structure was built in 2008 and comprises 2330 total square feet, with 961 square feet of commercial space. The guideline for both commercial retail uses and personal service establishments is one space per 300 square feet, or three (3) total based upon the total square footage for all uses, plus 2 spaces per unit for single-family residence. The narrative indicates the ability to provide 3 spaces in the front of the building, and two (2) in the rear. The building also contains a garage, however these spaces would not be accessible if the rear spaces are used by the public.

(4) Is consistent with the Comprehensive Plan:
The plan does conform to some of the policies of the 2013 Comprehensive Plan Update, such as:

**Economy**
- Work with Planning Commission, Town staff, and Board of Trustees to study revisions to the municipal code, specifically the mixed use zoning requirements that may present a barrier to redevelopment or infill in the Downtown Core.
- Work with local business owners on an ongoing basis to identify how local stores could better meet the needs of Nederland residents.
- Encourage the establishment of independent businesses of local character and limited space requirements as opposed to businesses of national orientation and/or large space requirements.

**Downtown Core**
- The proposed business is located in the Downtown Core, which is considered the jumping off point for tourism within the Town.

(5) The Town has the capacity to serve the proposed use with water, sewer, and fire and police protection.
The Town has the capacity to serve the proposed use with utilities as it is already served.

**ALTERNATIVES:**
1. Recommend approval of the SRU application as presented
2. Recommend approval of the SRU application with conditions
3. Recommend denial of the SRU application

**ATTACHMENTS:**
1. SRU application package with plans and narrative
2. Draft SRU Agreement
3. Letters of support
Town of Nederland
Land Use Department
45 W. 1st Street, PO Box 396, Nederland CO 80466
cynthiab@nederlandco.org, 303-258-3266, x22

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1. Pursuant to the Town of Nederland Municipal Code (NMC) and applicable Colorado State Law, application is made to the Town of Nederland for the following:

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<td>□ 4. Encroachment Permit</td>
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<td>(less than 200sf)</td>
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I. GENERAL DATA

Applicant: Perry's Shoe Shop Phone: 303-443-4580
Address: 114 E. 2nd st 80466 Email: perryshoesc.comcast.net+

Property Owner: George & Rebecca Perry Phone: 
Address: 

Email: 

1
II. PLANS – See NMC Chapter 16 Zoning and/or Chapter 17 Subdivisions for required information to be included on plans. Attach list of all plans and other exhibits submitted, indicating name, address, license #, and phone numbers of preparer.

III. OTHER INFORMATION THE APPLICANT BELIEVES WILL SUPPORT THE APPLICATION
Please ensure a 1-inch top margin of attached narrative for recording at the Boulder County Clerk and Recorder.

A. How the proposed application will not substantially alter the basic character of the neighborhood, or adversely impact the public safety and welfare.
B. How the proposed application will not create more noise, dust, odors, vibrations, lights, traffic or parking than is customary for the zoning district in which it is proposed, or that such increased impacts can be adequately mitigated.
C. An explanation of the character of the application and the manner in which it has been planned in consideration of the Nederland Municipal Code, Nederland Design Standards, Nederland Comprehensive Plan, and the Envision Nederland 2020 process.
D. Are there any existing or proposed covenants or deed restrictions on the property?

IV. REQUIRED FOR A COMPLETE APPLICATION SUBMITTAL
A. Non-refundable application fee per approved fee schedule.
B. Affidavit of Ownership.
C. Address mailing labels of all property owners within 300 feet of the boundaries of the property in question, if applicable. Available from the Boulder County Assessor’s Office – 303.441.3530.
D. Engineering/Legal Escrow Fee of $1000, if applicable.

It is the policy of the Town of Nederland to require a review by a licensed engineer and Town Attorney for the material submitted by the applicant. The cost of said engineering or legal review is the full responsibility of the applicant. The $1000 collected by the Town is placed in escrow for the duration of the review process. Expenses incurred by a licensed engineer and attorney are paid from the escrow account. Any unused money left in the escrow account is returned to the applicant at the end of the review process after review costs are determined.
V. AGREEMENT

The Applicant hereby agrees to pay all costs and fees incurred by the Town of Nederland above and beyond the submitted Engineering/Legal Escrow Fee and in the hiring of planning and legal consultants as needed, to review the application. The obligation of the applicant to pay such fees bears no relationship to the result of the application process. The Applicant will pay all fees as billed in any event, including the event the applicant shall withdraw or delay the application, or in the event the application is denied.

This agreement is made on the 31 day of July, 2017 between the Town of Nederland and Emily Perry (printed name of applicant).

The information I have submitted is true to the best of my knowledge. I understand that if this application is deemed complete, it will be submitted for consideration to the Planning Commission or the Board of Zoning Adjustment. If a recommendation of the proposal is given by the Planning Commission, the approved application will then be forwarded to the Board of Trustees for final consideration and approval. The Board of Zoning Adjustment is the final approval for a variance.

Applicant's Signature

Town of Nederland
We are a fourth generation family owned and operated shoe repair and retail business. We have been in Boulder, CO since 1922. We have moved to 5 different locations in those 95 years, all located in downtown Boulder. Recently, we attempted to renew our lease in our current location at 1711 15th st. The landlords decided to raise our rent from $4,000 a month to just under $9,000 a month. Barely making ends meet before, we would not be able to afford the increased rent. As we were looking at our options, we noticed that it is no longer feasible to operate our business in the city of Boulder with the skyrocketing rental prices.

We have always loved the town of Nederland, (not to mention our grandchildren live here), but also because the people are different from people in Boulder. Nederland today is how the 60’s, 70’s and 80’s were like in Boulder. People were kind, appreciative, and communal. We took care of one another, we knew one another and most importantly we supported local, small businesses. This is why we are moving to Nederland. So far, we have been welcomed hands over feet by the people of Nederland. We are proud to become Nederites and operate our small but dignified family business.

Thank you in advance for your consideration,

The Perry Family
II PLANS:

1) (Please see attachments)

2) We are anticipating a closing of the property on September 6th. We hope to be moved in, passed inspections and operating by October 1, 2017.

3) According to the Comprehensive Plan, page 6 states “In 2020, Nederland supports its local businesses and works to attract new businesses that enhance local services while supporting local values, qualities, and the 2020 vision.” We believe, that this plan outlines our mission. We are a fourth generation family owned and operated business since 1922. We will be supplying quality retail such as winter boots for adults and children, leather boots, hiking boots, leather accessories, and misc shoe products such as; laces, leather products, & insoles. Thus, we will be bringing new business, local services and values, and qualities. We hope that transplanting our shop will allow; the residents of Nederland to support local business thus bringing in more tax revenue to this town, provide a service that does not yet exist in this town, and most importantly we may give the residents of Nederland one less reason to drive down the canyon.

4) We appreciate that so far, we have been welcomed by the residents of Nederland. After operating 95 years in Boulder, we long for a community that respects and appreciates a lost art like shoe repair. There is a lot of money in Boulder, but none of that money matters when we can work for people that are grateful and appreciative. That is why we chose Nederland.
A. Permitting Perry’s Shoe Shop to sell retail sales including; boots, leather belts, and socks would not alter the basic character of the neighborhood because we anticipate these extra sales from our current repair customers. Statistically, ¾ of our sales are repair, ¼ retail. Operating since 1922, we have increased our retail sales by the demand of our current repair customers. These retail sales would not increase traffic nor adversely impact the public safety and welfare. If anything we will increase safety by providing winter boots that are slip resistant for long, cold and slippery winters.

Also, on both the east and west sides of our building is Nederland Feed and Pet and TinShed, that both sell retail. Adding retail sales to this location would fit in perfectly with this neighborhood and would not add more traffic.

In addition, not only do we meet the requirements for parking, we exceed them. As stated in the chapter 16 zoning code, 1 space of parking is needed for every 300 sq. ft. With 961 square feet of finished commercial space, we have 3 parking spaces in the front of the building, and an additional 2 parking spaces in the rear.

B. Permitting retail sales in an already established shoe repair, will not cause any more noise, dust, odors, vibrations, lights, traffic or parking. As stated before, we anticipate all of our retail sales to be acquired by our already existing repair customers. Thus, creating no more disturbances.

C. The Nederland Design Standards, pertain to new construction to maintain the town’s character and setting. There will be no changes to the interior or exterior of the building if retail sales are permitted. The Nederland Design Standards will remain intact.

The Nederland Comprehensive Plan and Envision Nederland 2020 is fundamentally indistinguishable from our business’ mission. We sell quality retail that can be repaired. Our goal is to keep shoes and accessories from ever entering our landfills thus preserving resources. Our motto is “saving the landfills one shoe at a time.” All of our retail that we sell are based on quality and if it can be repaired. We have never sold a pair of boots that couldn’t be repaired. In a nation where planned obsolescence is expected, we combat. It is services and retail like ours that will allow our society to rely less on slave labor and landfills and more on preserving and maintaining.

In addition, the 2 owners will reside in the upstairs apartment thus preserving fossil fuels not having to commute to work. We also plan to hire more local Nederland employees. We will generate revenue for Nederland, hire local employees, and bring a service to the people of Nederland that does not already exist.

Lastly, our business is exactly what the NC zoning code was intended for. Service use. We are not changing the zoning code, we are solely adding retail sales to the intended zoning use. Again, in a neighborhood where retail sales already occur in multiple locations.
D. There are no known existing or proposed covenants or deed restrictions on the property. Perry's Shoe Shop is currently under contract to buy the 114 E. 2nd St property and to close on September 6, 2017. Once title has passed, we will unquestionably know.
NOTES:
1—THIS CERTIFICATE DOES NOT CONSTITUTE A TITLE SEARCH BY FLATRONS, INC. TO DETERMINE OWNERSHIP, RIGHTS OF WAY, EASEMENTS OR ENCUMBRANCES NOT SHOWN BY THE PLAT THAT MAY AFFECT THIS TRACT OF LAND. THERE MAY BE EASEMENTS OR RIGHTS OF WAY OF THE PUBLIC RECORD THAT MAY AFFECT THIS TRACT OF LAND THAT ARE NOT SHOWN ON THIS CERTIFICATE.
2—AN IMPROVEMENT SURVEY PLAT IS RECOMMENDED TO DEPICT MORE PRECISELY THE LOCATION OF THE IMPROVEMENTS SHOWN HEREON.

IMPROVEMENT LOCATION CERTIFICATE

I hereby certify that this Improvement Location Certificate was prepared for PATRICK H. EVenson, that it is not a Land Survey Plat or Improvement Survey Plat, and that it is not to be relied upon for the establishment of fences, buildings or other future improvement lines. This certificate is valid only for use by PATRICK H. EVenson and describes the parcel's appearance on JULY 12, 2017. I further certify that the improvements or the above described parcel on this date, JULY 12, 2017, except utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described parcel by improvements on any adjoining premises, except as indicated, and that there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel, except as noted.

NOTICE: The Improvement Location Certificate is prepared for the sole purpose of use by the parties stated herein. The use of this Improvement Location Certificate by any person or entity other than the person or entity certified to without the express permission of Flatrons, Inc. is prohibited. This certificate is only valid for 90 days from the signature date. It is not a Land Survey Plat as defined by C.R.S. 38-21-102(12) or an Improvement Survey Plat as defined by C.R.S. 38-21-102(9). It does not establish property corners. A more precise relationship of the improvements to the boundary lines can be determined by a Land Survey or Improvement Survey. The improvements are generally situated as shown and only apparent (visible at the time of fieldwork) improvements and encroachments are noted. Flatrons, Inc. and John B. Guyton will not be liable for more than the cost of this Improvement Location Certificate, and than only to the parties specifically shown herein. Acceptance and/or use of this Improvement Location Certificate for any purpose constitutes consent to the agreement to all terms stated herein.

DRAWN BY: K. PERKES

John B. Guyton, Colorado L.S. #16406

FLATRONS, INC.
Boulder, Colorado
(303) 443-7001
PLEASE TAKE NOTICE that the Town of Nederland Planning Commission shall have a Public Hearing on Wednesday, August 23, 2017 at 7:00 p.m. in the Nederland Community Center, 750 Highway 72 North, Multi-purpose Room, to consider the Special Review Use Application by George and Rebekah Perry (presented by Emily Perry) for indoor retail to accompany personal service establishment of Perry’s Shoe Shop at 114 E 2nd Street. All interested persons are encouraged to attend.

IN WITNESS WHEREOF, I affix my hand and the official Seal of the Town of Nederland, Colorado, July 31, 2017.

[Signature]
(Seal)

Cynthia Bakke, Planning and Building Technician
July 27, 2017

To Planning Commission and Board of Trustees,

I was so excited to hear of Perry’s Shoes potential purchase of the Mountain Rose building. The addition of a shoe shop in Nederland fills one of the needs that we hear so much about when we survey people as to what they would like to see in Nederland. For that reason, I support and urge you to approve the change of use to retail for that address.

Thank you very much,

Katrina Harms
Executive Director, Carousel of Happiness
Chair, Nederland Downtown Development Authority
To whom it may concern:

My daughter, Robbin Rose and myself, are very pleased to know that our property at 114 E 2nd St is being purchased by a business that will add to the Nederland Community.

When we were designing the building, our primary focus was to replicate a use that was popular in the beginning of our country and was the backbone of many of our prosperous cities. A live-work environment guaranteeing that the property is in use 24/7 which provides a level of security at night.

In addition, this family business, established in 1922, will add a sustainable element to our downtown area. The Perry family are wonderful people who will add to Nederland in a positive way.

I might add that every time I tell someone who is buying our property, their face lights up with a large smile and they feel it will be a great addition to our community.

Since the Bike shop at Salto is directly to the west and the Nederland Feed directly to the east, both with retail sales, this new addition of incidental retail with focus on repairs should not have any additional strain on the neighborhood. There is also retail, further east of this location, at the Art House.

For the reasons above, I urge you to approve this application for incidental retail sales by Perry’s Shoe Repair.

Thank you for your time and consideration of this very important matter.

Robbin Rose
Patricia H Everson
114 E 2nd St
July 27, 2017

To Whom it May Concern
Town of Nederland

I would like to recommend that Perry's Shoe Shop be approved for retail at their new location at 114 E. 2nd St in Nederland. Currently the locations on either side of the property sell retail products to the benefit of residents of Nederland. I believe this new business will fill a need in our community and I look forward to welcoming them to Nederland.

Sincerely,

[Signature]

Susan Schneider
Banking Center Manager
303-679-2244
7/30/17

To whom it may concern,

We are so happy that the Perry family is buying our house. It was built to be a family run business with a place to live above. And now the next family to live here will benefit Nederland. The way I did with Mountain Rose Hair Care for the past 8 years here in this home and business on E 2nd Street. Please approve the Perry's for incidental retail sales.

Thank you for your consideration.

Sincerely,
Robbin Rose
Owner
Mountain Rose Hair Care
114 E 2nd Street
Nederland, CO
Cynthia Bakke

From: Salto Coffee Works [karina@salto coffeeworks.com]
Sent: Monday, July 31, 2017 2:00 PM
To: Cynthiab@nederlandco.org
Cc: Emily Perry
Subject: Special Use Review for Perry’s

Cynthia,

I wanted to make sure this made it for the Special Use Review for Perry’s.

I would like to provide my strong support that their application be accepted to sell retail in their space. I have been a long time customer of theirs in Boulder since 1991 and have witnessed the growth of the business and expansion of retail. I believe that having another retail establishment in our district in between us and the Feed Store makes great sense and will be a great addition to the town. Having a business that is so established open in Nederland is a huge compliment to our town and community. I look forward to supporting them for another 25 years!

Kindly,

Karina Luscher
Owner/Craft Roaster
Salto Coffee Works
karina@salto coffeeworks.com
303-263-2722
Welcome to Nederland
From your Customer of
60 years

Ron Mitchell
AGENDA INFORMATION MEMORANDUM
NEDERLAND PLANNING COMMISSION

Meeting Date: August 23, 2017
Prepared By: Cynthia Bakke
Dept: Planning & Zoning
Information ____ Action____X____ Discussion ____

AGENDA ITEM:
Consideration of a Minor Subdivision Application for Mark Stringfellow at 155, 163, 171 Conger Street, formerly 179 Conger Street. (Lot 2 Block 3 Big Springs Park Meadows) continued from July 26, 2017.

SUMMARY:
Applicant Mark Stringfellow will return to discuss his application for a Minor Subdivision at 155, 163, and 171 Conger Street at the Commission’s August 23 meeting after the request for a lot width variance was granted by the Board of Zoning Adjustment on August 17. Stringfellow would like feedback and recommendations as to whether this proposal meets the direction of the Comprehensive Plan and is generally compatible with surrounding land uses. The property is zoned High Density Residential (HDR).

The applicant proposes to divide the existing parcel into 3 separate lots to provide a total of 3 new single-family housing units with a small footprint for rent or sale upon a 13,239-square foot lot, which is currently vacant. Electric utility is upon the site, with water and sewer taps and PIFs having been paid in 2014 prior to PIF fee increase with submission of a building permit for a single-family residence that was not constructed. Stringfellow did not meet conditions of the request to submit remaining building plans by June 29, 2017.

Considerations in this proposal include provision of sufficient lot size per the zoning code requirement in the HDR district requiring 4,000 square feet per dwelling unit (NMC Sec. 16-33).

<table>
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<tr>
<th>Yard and Bulk Items</th>
<th>HDR district</th>
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<tbody>
<tr>
<td>Minimum lot area per lot and per dwelling unit (sq. ft.)</td>
<td>4,000</td>
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There are existing multi-family units (contained in singular structures upon each parcel) on adjacent properties to the north and south of this location upon Conger Street. The parcel is east of a major shopping center with access nearby for mass......
transit. Further east structures are predominantly single family residences.

There were no expressed concerns submitted within the Police Department or Fire Department application review. Public Works Manager Chris Pelletier noted the loss of revenue from previously sold Plant Investment Fees (PIFs) which are now worth significantly more. The Nederland Municipal Code indicates the requirement for building permits to utilize the purchased PIF within one year of purchase, along with the ability for the Town to buy back PIFs at the original cost of purchase per Sec. 13-24. Sewer service application (l) and (m) as well as Sec. 13-54 Water service application (m) and (n). Pelletier has indicated the desire to budget funds for purchase of PIFs as per code requirements.

All public noticing requirements were met.

*Site Map and Neighborhood context:*

![Site Map](image)

**ANALYSIS:**

The parcel has a total lot size of 13,239 square feet. The applicant proposes 3 total lots, which can be accommodated at the present lot size requirement of 4,000 square feet per dwelling unit.

**The application is regulated by Nederland Municipal Code Sec. 17-21(c):**

“If the proposed subdivision is four (4) lots or less, it will constitute a minor subdivision. A minor subdivision can be shortened by the following procedure:”

(1) Staff will look at pre-application information and may recommend to the Planning Commission, for its approval, waivers of the subdivision regulations and procedure.
(2) Upon receipt of the approved waiver, staff will proceed with subdivision regulation procedures not waived.

**HISTORY AND PREVIOUS COMMISSION ACTION:**

The parcel is currently vacant.

Property owner Mark Stringfellow came before the Planning Commission on June 28, 2017 for consideration of a minor subdivision request. As the lot does not meet lot width requirements per Sec. 16-33 Yard and bulk requirements, the Planning Commission allowed the Public Hearing to be continued to July 26 meeting. Karen Fletcher (representing Stringfellow whom is the Board of Zoning Adjustment Chairman) applied for a variance to lot width requirements from the Board of Zoning Adjustment on August 17. Stringfellow was present to respond to questions, but did recuse from vote due to the conflict of interest. After deliberation, the Board granted the request.

Stringfellow presented a Special Review Use for a multifamily residence (duplex) which came before the Commission on August 24, 2016, for which he received a recommendation of approval to the Board of Trustees. He chose not to complete the review, thus the SRU application was voided due to requirement for Board of Trustees review within 30 days of Planning Commission review per Sec. 16-54(d).

Stringfellow presented a conceptual PUD plan to increase density upon the parcel, which came before the Commission on February 24, 2016. The Board of Trustees considered density increase for the High Density Residential (HDR) district on July 19, however due to neighbor opposition, the Board tabled the consideration until the August 24, 2016 work session with the Planning Commission.

Stringfellow undertook re-addressing in 2015 with the intention at that time to create 3 separate residences as a use by right without subdividing the parcel. Prior to that, he submitted building permitting for a single family residence in 2014, however did not submit completed plans by the required timeline of June 29, 2014, as per agreement with former Town Administrator Alisha Reis in order to pay the Plant Investment Fee (PIF) at the old rate prior to new rates effective January 1, 2015. The building permit is expired.

**Consistency with the Comprehensive Plan:**

The plan does conform to some of the policies of the proposed updated Comprehensive Plan, such as:

**Housing**

- Identify incentives for improving energy efficiency (e.g. new windows, solar panels, etc.)
- Explore creative housing concepts to meet the community’s affordable housing needs, including small-scale housing (e.g. cabin zoning concepts).
accessory dwelling units, multi-generational development, etc. Review the Town zoning code to prepare for changes to allow for such concepts.

**Land Use**
- Develop a set of measurable criteria for evaluating development projects in terms of sustainability, including environmental, social, and economic

**QUESTIONS BEFORE THE COMMISSION:**
- Does the Commission wish to approve the Minor Subdivision request and agreement as presented?
- Does the Commission have any conditions it would like to attach to the application?

**ALTERNATIVES:**
1. Approval of the application as presented
2. Approval of the application with conditions
3. Denial of the application and direction to staff to draft findings to that effect

**ATTACHMENTS:**
1. Minor Subdivision application with plans and narrative
2. Electronic plans to include Preliminary Plat and Master Utility Plan dated 4/28/2017
3. Electronic plans to include Replat dated 4/29/2017
4. Board of Zoning Adjustment meeting minutes from 8/17/2017
5. Board of Zoning Adjustment application and narrative
6. Letters of support from adjacent neighbors received 8/17/2017
Town of Nederland
Land Use Department
45 W. 1st Street, PO Box 396, Nederland CO 80466
cynthiab@nederlandco.org, 303-258-3266, x22

Date Application Received 6/5/17
Date Application Complete 6/5/2017
Public Hearing Date 6/28/2017
Date Published in Newspaper 6/19/2017
Date Property Posted 6/12/2017
Date Notice Sent to Adjacent Property Owners 6/12/2017

Application No. 1744-004

1. Pursuant to the Town of Nederland Municipal Code (NMC) and applicable Colorado State Law, application is made to the Town of Nederland for the following:

<table>
<thead>
<tr>
<th>Type of Application(s) Requested</th>
<th>Fee $</th>
<th>Type of Application(s) Requested</th>
<th>Fee $</th>
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<tbody>
<tr>
<td>☐ 1. Annexation</td>
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<td>☐ 8. Site Plan</td>
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<tr>
<td>Standard</td>
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<td>Preliminary</td>
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<td>Residential (no further development)</td>
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<td>☐ 10. Subdivision/Replat</td>
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<td>☐ 3. Conceptual Review</td>
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<td>Minor</td>
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<td>☐ 11. Vacation of Right of Way</td>
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<td>☐ 4. Encroachment Permit</td>
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<td>☐ 12. Variance</td>
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<td>☐ N/AP</td>
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<td>☐ 5. Lot Line Dissolution</td>
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<td>Tier 1 General Variance</td>
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<tr>
<td>Preliminary</td>
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<td>Tier 2 Detached Structures (less than 2000sf)</td>
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<tr>
<td>Final (date of Preliminary Approval)</td>
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<td>Tier 3 Reduction in Energy Use</td>
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<td>☐ 6. Planned Unit Development</td>
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<td>TOTAL FEE PAID</td>
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I. GENERAL DATA

Applicant: MARK STRUGGIEWELL/ECO ONE Phone: 303 517 0914
Address: 69 BARNETT ROAD Email: MARK.E1.MOERGC@GMAIL.COM

Property Owner: SAME AS ABOVE Phone: SAME AS ABOVE
Address: SAME AS ABOVE Email: SAME AS ABOVE
Property Location/Address: 155/163/171 CONGER STREET

Legal Description: ________________ Zoning: HDR

Block: 3 Lot: 2 Subdivision: BIG SPRINGS PARK MEADOWS 30 Acres: 30

Description of the proposal: MINOR SUBDIVISION FOR 3 LOTS FOR SINGLE FAMILY HOMES

II. PLANS – See NMC Chapter 16 Zoning and/or Chapter 17 Subdivisions for required information to be included on plans. Attach list of all plans and other exhibits submitted, indicating name, address, license #, and phone numbers of preparer.

Prepared by Lee Stadele
FLAG STATE SURVEYING

III. OTHER INFORMATION THE APPLICANT BELIEVES WILL SUPPORT THE APPLICATION
Please ensure a 1-inch top margin of attached narrative for recording at the Boulder County Clerk and Recorder.

A. How the proposed application will not substantially alter the basic character of the neighborhood, or adversely impact the public safety and welfare.
B. How the proposed application will not create more noise, dust, odors, vibrations, lights, traffic or parking than is customary for the zoning district in which it is proposed, or that such increased impacts can be adequately mitigated.
C. An explanation of the character of the application and the manner in which it has been planned in consideration of the Nederland Municipal Code, Nederland Design Standards, Nederland Comprehensive Plan, and the Envision Nederland 2020 process.
D. Are there any existing or proposed covenants or deed restrictions on the property?

IV. REQUIRED FOR A COMPLETE APPLICATION SUBMITTAL
A. Non-refundable application fee per approved fee schedule.
B. Affidavit of Ownership.
C. Address mailing labels of all property owners within 300 feet of the boundaries of the property in question, if applicable. Available from the Boulder County Assessor’s Office – 303.441.3530.
D. Engineering/Legal Escrow Fee of $1000, if applicable.

It is the policy of the Town of Nederland to require a review by a licensed engineer and Town Attorney for the material submitted by the applicant. The cost of said engineering or legal review is the full responsibility of the applicant. The $1000 collected by the Town is placed in escrow for the duration of the review process. Expenses incurred by a licensed engineer and attorney are paid from the escrow account. Any unused money left in the escrow account is returned to the applicant at the end of the review process after review costs are determined.
V. AGREEMENT

The Applicant hereby agrees to pay all costs and fees incurred by the Town of Nederland above and beyond the submitted Engineering/Legal Escrow Fee and in the hiring of planning and legal consultants as needed, to review the application. The obligation of the applicant to pay such fees bears no relationship to the result of the application process. The Applicant will pay all fees as billed in any event, including the event the applicant shall withdraw or delay the application, or in the event the application is denied.

This agreement is made on the 1 day of JUNE, 2017

between the Town of Nederland and ECO ONE / MARK STRINGFELLOW
(printed name of applicant)

The information I have submitted is true to the best of my knowledge. I understand that if this application is deemed complete, it will be submitted for consideration to the Planning Commission or the Board of Zoning Adjustment. If a recommendation of the proposal is given by the Planning Commission, the approved application will then be forwarded to the Board of Trustees for final consideration and approval. The Board of Zoning Adjustment is the final approval for a variance.

Applicant's Signature

Town of Nederland
June 1, 2017

**Conceptual Special Review Use Submittal**

**Conger Single Family Home Narrative**

**Vision**
The vision for the Conger Single Family Home project is to create a vibrant neighborhood for local residents in the heart of Nederland; walkable to downtown, the grocery store and bus transit. The site is proposed to include three single family homes, with a small footprint. The proposal is being submitted as a minor subdivision, as per chapter 17 Sec. 17-21 of the Nederland Municipal Code.

**Site Information**
The site is located at 155, 163 and 171 Conger Street, is vacant land, zoned for high density residential uses and is 13,239 square feet in size (0.3 acres). The Town’s high density residential district requires a minimum lot size of 4,000 square feet, and single family detached units are preferred in this district (multi-family units may be approved through special review or planned unit development procedures).

The site is generally flat, with approximately 8’ of grade change sloping uphill from North to South. There is minimal existing vegetation, and no existing trees. The electric utilities are on-site and the water/sewer taps have been paid for.

**Supportive Materials**
The town is in need of affordable housing. Per the Housing Needs Assessment completed by Bowen Research in 2014, there is demand for 60 new rental units and up to 49 new for sale units in the Town by 2018. The study also identified 179 Conger Street (now 155, 163 and 171 Conger) as a site that could accommodate some of these units and encourages private sector residential development and investment. Housing to accommodate smaller household sizes, including housing for young adult / professionals, is a specific recommendation of the study. The Conger Single Family homes will provide 3 new housing units for rent or sale.

This proposal is in conformance with the comprehensive plan. The Conger Single Family Homes supports many of the policies identified in Chapter 4, specifically with regard to sustainability, housing and land use:

- will provide new, high quality housing in walking distance to many town amenities and services
- the small scale, single family homes fit in with the eclectic and historic character of Nederland
- sustainable design techniques, including solar thermal (option), will be provided with the homes
- bicycle parking will be provided in addition to the required vehicular spaces

The Conger Single Family Home minor subdivision will be a benefit to the Town of Nederland and provide much needed and desired housing downtown. The character of the proposed development fits with the scale and context of the neighborhood and will be a benefit to the Nederland community.
Preliminary Plat and Master Utility Plan

for MARK'S REPLAT, a replat of Lot 2, Block 3
BIG SPRINGS PARK MEADOWS SUBDIVISION
Town of Nederland, Boulder County, Colorado

Sheet 1 of 1 - Area = 12,863 square feet or 0.30 acres, surveyed.

- Planning Commission Certificate -
APPROVED BY THE TOWN OF NEDERLAND PLANNING COMMISSION THIS ___________ DAY OF __________, 2017.

Notes:
1. LAND TITLE GUARANTEE COMPANY ORDER NO. K70368951 WAS ENTIRELY RELIED UPON FOR EASEMENTS OF RECORD NOT SHOWN BY THE PLAT.
2. ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. A NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREIN.
3. ALL UNDERGROUND UTILITIES SHOULD BE FIELD LOCATED BY THE APPROPRIATE AGENCY PRIOR TO ANY CONSTRUCTION OR DIGGER ON OR ADJACENT TO THE SUBJECT PROPERTY.
4. BENCHMARK - NEAR SITE, TOP OF #5 REBAR ACROSS CONGER STREET ELEVATION = 8237.38 FEET, HAVBU DATUM.
5. THE SUBJECT PARCEL CONTAINS 12,863 SQUARE FEET (0.3 ACRES)
6. ZONING AND SETBACKS: THE SUBDIVISION IS ZONED "HR" - HIGH DENSITY RESIDENTIAL.

Current Setbacks:
Front Setback = 30 feet
Side Setback = 5 feet
Rear Setback = 15 feet

Proposed Setbacks:
Front Setback = 10 feet
Side Setback = 3 feet
Rear Setback = 15 feet

PREPARED BY: LEE STABLE
REGISTRATION: LAND SURVEYOR
COLORADO LICENSE NUMBER: 28300.
DECLARATION OF OWNERSHIP AFFIDAVIT

I, Mark Stringfellow, president of EcoOne Inc., a Colorado Corporation, being first duly subscribed and sworn under oath, state that EcoOne Inc., a Colorado Corporation is the owner of real property commonly known as 179 Conger, Nederland Colorado, which said property is located in Boulder County Colorado more particularly described as Lot 2, Block 3, Big Springs Park Meadows.

The ownership of this property is evidenced by a warranty deed recorded at reception no. 03324900 and a personal representative’s deed recorded at reception no. 03324899, County of Boulder, State of Colorado.

Dated this 1st day of June, 2017.

EcoOne Inc., a Colorado Corporation by Mark Stringfellow, President

STATE OF COLORADO
COUNTY OF BOULDER

Subscribed and sworn to before me this __________ day of June, 2017.

________________________________________
Notary Public

[Notary Seal]

[Notary Identification]

[Commission Expires 8/27/2019]
155, 163, 171 Conger

Adjacent uses

1. Subject property
2. Residential
   Multi Family
3. Residential
   Single Family
4. Public (Park)
5. Commercial
   (Lodging)
6. Commercial
   (Shopping)
7. Duplex Commercial
8. Commercial
   (Vacant/Parking)
9. Commercial
10. Commercial
    Vacant
PLEASE TAKE NOTICE that the Town of Nederland Planning Commission shall have a Public Hearing on Wednesday, June 28, 2017 at 7:00 p.m. in the Nederland Community Center, 750 Highway 72 North, Multi-purpose Room, to consider an application by Mark Stringfellow for a Minor Subdivision application to create 3 lots at 155, 163, 171 Conger Street (formerly 179 Conger Street). (Legal Description: LOT 2 BLOCK 3 BIG SPRINGS PARK MEADOWS SUBDIVISION).

All interested persons are encouraged to attend.

IN WITNESS WHEREOF, I affix my hand and the official Seal of the Town of Nederland, Colorado, June 5, 2017.

Cynthia Bakke, Planning and Building Technician
TOWN OF NEDERLAND
BOARD OF ZONING ADJUSTMENT
REGULAR BUSINESS MEETING

NEDERLAND COMMUNITY CENTER
750 Hwy 72 Nederland, CO 80466

August 17, 2017  7:00 P.M.

MINUTES

A. CALL TO ORDER
Chairman Stringfellow called the meeting to order at 7:05 pm.

B. ROLL CALL
Present:  Chair Mark Stringfellow, Vice Chair Ken MacFerrin, Board Members: Debbie Davenport, Leonard Kottenstette, and Mark Moll.

Absent:  Trustee-Liaison Topher Donahue, Alternate Member Roger Cornell.

C. Also present: Land Use Attorney Nina Petraro. Planning and Building Technician Cynthia Bakke who serves as clerk to the Board.

D. APPROVAL OF MINUTES FROM January 12, 2017
A motion was made by Vice Chair MacFerrin to approve the January 12, 2017 minutes, seconded by Boardmember Moll, with 4 in favor, and abstention by Boardmember Moll who was absent from the meeting.

E. PUBLIC COMMENT
There was no public in attendance.

F. DISCUSSION ITEMS
There were no scheduled discussion items on the agenda.

Boardmember MacFerrin asked if a past request for a Board of Trustees review of the variance criteria could include alignment with Comprehensive Plan goals. He said this should be included governing variance requests aside from the legal criteria. Stringfellow clarified that the Board is seeking alternative information in order to base desired standards in alignment with Town goals. Bakke said she had not heard this request in the four years she has served as clerk, as Beery had not attended a Board meeting during this time. She noted the land use application asks applicants to state how the proposal supports guiding
Boardmember Davenport said the Board had discussed approval of variances for energy reduction with the Town Attorney Carmen Beery prior to Bakke’s employment. She said the 5 equally weighted conditions of legal criteria were established in order to provide a clear standard to follow for future variance requests. She asked how the Board would decide between legal standards vs. alternative information, such as applications proposing energy reduction.

Bakke said the board meets infrequently because variance requests are discussed beforehand in a pre-application conference with Town staff. She said the five criteria are utilized to discuss the viability of a request, but ultimately the choice to move forward is made by the applicant, whether or not the criteria appears to be met.

Bakke responded that the land use application also provides different tiers for variance requests, with Fletcher’s application on behalf of Stringfellow considered a Tier 1 variance. She said a Tier 2 variance is geared for detached structures under 200 square feet, and a Tier 3 variance allows for a reduction in energy use. She said the latter variance provides a route to receive a variance specifically for an application proposing to reduce energy, i.e. placement of solar array within a required setback. Stringfellow said Sec. 16-232 (2) (b) allows the Board to vary or modify for the purpose of considering access to sunlight and wind for renewable energy devices and achieving sustainability criteria adopted by the Board of Trustees.

Petraro affirmed that the legal standards are established by law, although the Board could choose to further discuss their desire to add a section to Sec. 16-232 concerning the Nederland Comprehensive Plan and make a recommendation for inclusion to the Board of Trustees. Boardmembers discussed the potential of a work session for further discussion on this topic, although were unable to determine a date at this time.

G. ACTION ITEMS
Consideration of a Zoning Variance Application for a 6 ½ foot lot width variance for 3 proposed single-family residences by Karen Fletcher (on behalf of property owner Mark Stringfellow) at 155, 163, and 171 Conger Street, formerly 179 Conger Street. (Legal Description: Lot 2 Block 3 Big Springs Park Meadows Subdivision)

Chairman Mark Stringfellow recused himself from presiding over and voting upon this item to avoid a conflict of interest as the variance request before the Board involves property in his ownership. Stringfellow was present in the audience to respond to factual questions unable to be answered by his
representative Karen Fletcher. Vice Chair Ken MacFerrin assumed duties of Board Chair for the proceedings.

Vice Chair MacFerrin asked Bakke to introduce the item. Bakke provided a brief summary of the property’s history. She said the property is located in the High Density Residential district and contains 13,239 square feet. She said property owner Stringfellow came before the Planning Commission on June 28, 2017 in order to request a minor subdivision for the creation of 3 lots at 155-163-171 Conger Street from a singular parcel formerly addressed 179 Conger Street.

Bakke indicated the property is able to meet parameters of NMC Sec. 16-33 yard and bulk requirements, except the required lot width of 40 feet. She said the proposed lots would each contain 33 1/3 feet lot width. She said the Planning Commission reviewed associated criteria and determined approval of a minor subdivision without required lot width would constitute the creation of nonconforming lots. Bakke said after procedural consultation by the Land Use Attorney Nina Petraro, Stringfellow sought to pursue a variance from the district’s lot width in order to further the subdivision request and continue the Public Hearing before the Planning Commission on August 23.

Applicant Karen Fletcher argued that the property contains an unnecessary hardship because the lot was platted in the 1970's, although zoning was adopted in 1982, therefore the current owner didn’t create the hardship. She said the parcel has adequate square footage to contain 3 separate units, although the request for variance of 6 ½ feet from the lot width requirements would be the minimum square footage to afford relief. She said Planning Commissioners were unaware of the origin of the required minimum lot width of 40 feet contained within the Nederland Municipal Code. She said the lot’s square footage is able to contain 3 units despite an inability to meet the required street frontage.

The Board discussed the height of the proposed structures after Fletcher mentioned adjacent neighbor concern presented at the June 28 Planning Commission meeting about impact to existing solar gain being affected by new development. Stringfellow said the units are intended to be approximately 22 feet wide, and one story high, with a garden level floor.

Boardmember Davenport said the application includes a map showing adjacent uses which helps to show the context of the area, including single family residences to the east despite the existing multifamily units on Conger Street.

Vice Chair MacFerrin asked Fletcher why the units are being proposed to be subdivided instead of the ability to develop a multifamily residence as a use by right. Fletcher said the units are intended to be sold individually, with an inability to do so if contained in a single larger unit. She said they have collected
letters of support from neighbors showing partiality for separate units. Petraro asked for these letters to be provided and entered into the public record.

MacFerrin asked if Town staff were aware of the history of the establishment of the required minimum lot widths within the Nederland Municipal Code. Bakke said she was unaware, however believed it may have been part of the Model Zoning Code that was adopted by the Town. She said Planning Commission Chair Roger Cornell (who serves as alternate to the Board) would likely know the origination of yard and bulk requirements. She said Cornell did not attend to preserve his vote if the variance was approved to come before the Commission the following week.

Moll asked if the owner would build 2 units if the variance request is denied. He said the letters he read from the adjacent neighbors were not in favor of a multifamily unit. The applicant added that the requested application might be lower density than other options.

Davenport said the proposal could provide affordable housing and asked if they can consider affordability in addition to the legal criteria for variance. Petraro said the code has not been changed to include consideration of the Comprehensive Plan, thus they are governed by the legal criteria foremost, with an ability to consider access to sunlight for renewable energy devices and achieving sustainability secondarily.

Fletcher reiterated that the property meets the square footage requirements and solar access can be maximized by having panels upon 3 units, more than it would upon a singular larger structure. Boardmember Davenport said the proposal didn’t include solar energy usage. She asked if this was a consideration moving forward. Fletcher and Stringfellow confirmed that they will now be implementing solar upon these three houses.

Boardmember Kottenstette asked if the units will be staggered upon the lot. Fletcher deferred to Stringfellow to respond. Stringfellow pointed out the locations of the units upon a map and said they would be staggered and stair stepped diagonally from east to west due to input from an adjoining neighbor, and to not interfere with the neighbors’ solar access.

**Motion to approve the subject Zoning Variance Application for a 6 ½ foot lot width variance at 155, 163, and 171 Conger Street was made by Boardmember Moll, seconded by Boardmember Kottenstette, with 4 in favor.** Bakke said with approval of the variance request, the public hearing for the minor subdivision application will continue before the Planning Commission on August 23.
H. OTHER BUSINESS
The Board further discussed the ability for a workshop. The Board concluded that they would set aside 30-45 minutes at the end of the next scheduled hearing to discuss the possibility of recommending additions to Sec. 16-232 of the Nederland Municipal Code.

I. ADJOURNMENT
Motion to adjourn made by Vice Chair MacFerrin, seconded by Member Davenport, with all in favor. Chairman Stringfellow adjourned the meeting at 8:12 pm.

Approved by the Town of Nederland Board of Zoning Adjustment,

____________________________________________________________
Mark Stringfellow, Chairman

ATTEST:    
____________________________________________________________
Cynthia Bakke, Planning and Building Technician
Town of Nederland
Land Use Department
45 W. 1st Street, PO Box 396, Nederland CO 80466
cynthiab@nederlandco.org, 303-258-3266, x22

Date Application Received: 7/24/2017
Date Application Complete: 7/31/2017
Public Hearing Date: 8/17/2017
Date Published in Newspaper: 8/17/2017
Date Property Posted: 8/17/2017
Date Notice Sent to Adjacent Property Owners: 8/14/2017

Application No. 17-L4-005

1. Pursuant to the Town of Nederland Municipal Code (NMC) and applicable Colorado State Law, application is made to the Town of Nederland for the following:

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<tr>
<th>Type of Application(s) Requested</th>
<th>Fee $</th>
<th>Type of Application(s) Requested</th>
<th>Fee $</th>
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<tbody>
<tr>
<td>1. Annexation</td>
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<td>8. Site Plan</td>
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<tr>
<td>Standard</td>
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<td>Preliminary</td>
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<tr>
<td>Residential (no further development)</td>
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<td>Final</td>
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<td>(date of Preliminary Approval)</td>
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<td>3. Conceptual Review</td>
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<td>10. Subdivision/Replat</td>
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<td>4. Encroachment Permit</td>
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<td>Minor</td>
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<td>5. Lot Line Dissolution</td>
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<td>6. Planned Unit Development</td>
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<td>12. Variance</td>
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<td>Tier 1 General Variance</td>
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<td>Tier 2 Detached Structures</td>
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<td>(less than 200sf)</td>
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<td>Tier 3 Reduction in Energy Use</td>
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<td>TOTAL FEE PAID</td>
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</tbody>
</table>

I. GENERAL DATA

Applicant: Mark Stringfellow
Phone: 303 258-1595
Address: PO Box 1448, Nederland CO 80466
Email: mark.e1modern@gmail.com

Property Owner: EcoOne Inc
Phone: Same
Address: Same
Email: Same
Property Location/Address: 155, 163, AND 171 CONGER STREET

Legal Description: Zoning: HDR

Block: 3 Lot: 2 Subdivision: Big Springs Park Meadows Acres: 0.30

Description of the proposal: see attached

II. PLANS – See NMC Chapter 16 Zoning and/or Chapter 17 Subdivisions for required information to be included on plans. Attach list of all plans and other exhibits submitted, indicating name, address, license #, and phone numbers of preparer.

III. OTHER INFORMATION THE APPLICANT BELIEVES WILL SUPPORT THE APPLICATION

Please ensure a 1-inch top margin of attached narrative for recording at the Boulder County Clerk and Recorder.

A. How the proposed application will not substantially alter the basic character of the neighborhood, or adversely impact the public safety and welfare.
B. How the proposed application will not create more noise, dust, odors, vibrations, lights, traffic or parking than is customary for the zoning district in which it is proposed, or that such increased impacts can be adequately mitigated.
C. An explanation of the character of the application and the manner in which it has been planned in consideration of the Nederland Municipal Code, Nederland Design Standards, Nederland Comprehensive Plan, and the Envision Nederland 2020 process.
D. Are there any existing or proposed covenants or deed restrictions on the property?

IV. REQUIRED FOR A COMPLETE APPLICATION SUBMITTAL

A. Non-refundable application fee per approved fee schedule.
B. Affidavit of Ownership.
C. Address mailing labels of all property owners within 300 feet of the boundaries of the property in question, if applicable. Available from the Boulder County Assessor’s Office – 303.441.3530.
D. Engineering/Legal Escrow Fee of $1000, if applicable.

It is the policy of the Town of Nederland to require a review by a licensed engineer and Town Attorney for the material submitted by the applicant. The cost of said engineering or legal review is the full responsibility of the applicant. The $1000 collected by the Town is placed in escrow for the duration of the review process. Expenses incurred by a licensed engineer and attorney are paid from the escrow account. Any unused money left in the escrow account is returned to the applicant at the end of the review process after review costs are determined.
V. AGREEMENT

The Applicant hereby agrees to pay all costs and fees incurred by the Town of Nederland above and beyond the submitted Engineering/Legal Escrow Fee and in the hiring of planning and legal consultants as needed, to review the application. The obligation of the applicant to pay such fees bears no relationship to the result of the application process. The Applicant will pay all fees as billed in any event, including the event the applicant shall withdraw or delay the application, or in the event the application is denied.

This agreement is made on the 23 day of JULY, 2017

between the Town of Nederland and Mark Stringfellow

(printed name of applicant)

The information I have submitted is true to the best of my knowledge. I understand that if this application is deemed complete, it will be submitted for consideration to the Planning Commission or the Board of Zoning Adjustment. If a recommendation of the proposal is given by the Planning Commission, the approved application will then be forwarded to the Board of Trustees for final consideration and approval. The Board of Zoning Adjustment is the final approval for a variance.

Applicant's Signature

Town of Nederland
July 20, 2017

Request for Variance through the Town of Nederland Board of Zoning Adjustments

The following is a brief narrative regarding the proposed construction of 3 single family residences on 155, 163 and 171 Conger Street.

Vision
The vision for the Conger Single Family Home project is to create a vibrant neighborhood for local residents in the heart of Nederland; walkable to downtown, the grocery store and bus transit. The site is proposed to include three single family homes, with a small footprint. The proposal is being submitted as a minor subdivision, as per chapter 17 Sec. 17-21 of the Nederland Municipal Code.

Site Information
The site is one parcel and is located at 155, 163 and 171 Conger Street, is vacant land, zoned for high density residential uses and is 13,239 square feet in size (0.3 acres). The Town’s high density residential district requires a minimum lot size of 4,000 square feet per structure, and single family detached units are preferred in this district (multi-family units may be approved through special review or planned unit development procedures).

The site is generally flat, with approximately 8’ of grade change sloping uphill from North to South. There is minimal existing vegetation, and no existing trees.
The electric utilities are on-site and the water/ sewer taps have been paid for.

Supportive Materials
The town is in need of affordable housing. Per the Housing Needs Assessment completed by Bowen Research in 2014, there is demand for 60 new rental units and up to 49 new for sale units in the Town by 2018. The study also identified 179 Conger Street (now 155, 163 and 171 Conger) as a site that could accommodate some of these units and encourages private sector residential development and investment. Housing to accommodate smaller household sizes, including housing for young adult / professionals, is a specific recommendation of the study. The Conger Single Family homes will provide 3 new housing units for rent or sale.

This proposal is in conformance with the comprehensive plan. The Conger Single Family Homes supports many of the policies identified in Chapter 4, specifically with regard to sustainability, housing and land use:

- will provide new, high quality housing in walking distance to many town amenities and services
- the small scale, single family homes fit in with the eclectic and historic character of Nederland
- sustainable design techniques, including solar thermal (option), will be provided with the homes
- bicycle parking will be provided in addition to the required vehicular spaces

The Conger Single Family Home minor subdivision will be a benefit to the Town of Nederland and provide much needed and desired housing downtown. The character of the proposed development fits with the scale and context of the neighborhood and will be a benefit to the Nederland community.

Regarding the request for variance:
I am in the process of requesting a minor subdivision on this property in order to build three single family residences. I am requesting a variance of the minimum lot width from 40 feet to 33 1/2 feet per unit. Although this site meets the 4,000 square foot minimum lot size, the total street frontage per unit can only be 33 1/2 feet (because the lot is 100 feet wide), which would be the minimum variance relief. The granting of this variance would allow much needed housing with easy access to shops, businesses who need employees and the RTD system.

This lot was created in 1972 when the plat for Big Springs Park Meadows was recorded. The zoning code that created the lot width requirement was approved in 1981. Therefore, the narrowness of the lot is a unique physical circumstance peculiar to this property and creates a non-conforming use.

Because of the narrowness of lot, there is insufficient street frontage for three housing units to be built, although the total square footage exceeds the minimum needed for 3 units.

This hardship was not created by the current owner, as stated above.

This variance will not alter the essential character of the neighborhood, since the other buildings on this street are multifamily dwellings, and all the lots have been built on, so this variance would not permanently impair the appropriate use or development of adjacent property. It would allow the true purpose of this lot to be utilized.

This variance would also be the minimum variance that will afford relief and is the least modification possible.

Thank you,

Mark Stringfellow
August 16, 2017

Max Pollet
Owner of The Flower Collective

I’m in favor of having three homes on the Conger site to the east of the Flower Collective because that would be the most beneficial use of that site.

Please grant the variance that would allow this to happen.

Please call me if you have any questions

Thank you,

Max Pollet
August 15, 2017

To Whom It May Concern,

I am the owner of 139 Conger, which adjacent to Mark Stringfellow’s lot.

I would prefer to see 3 single family dwellings, rather than a triplex, developed on his lot, as I think it would be better for the neighborhood.

Best,

Melissa Dunning
P.O. Box 533
Pinecliffe, CO 80471
720-480-3682
Letter for Mark Stringfellow

Planning Board,
Town of Nederland

Dear Board,

I have reviewed the plans Mark Strigfellow has for developing the lot adjacent to and north of my triplex at 187 Conger. Mark is applying to divide this lot into 3 new lots and build 3 single family homes on each new lot - each with an elevation of about 20 feet – each with about 1600 to 1700 square feet of floor space.

I support Mark’s plan. I believe this is exactly the kind of development on this lot that will best benefit the Nederland community. This is the kind of housing families trying to establish themselves as contributing members of the community need and want.

Mark and I talked about drainage from our lot to his. Mark operates in the spirit of seeking mutual benefit – very enjoyable to work with.

I look forward to Marks successful development of the property and to the new families we will enjoy having in the neighborhood.

Thanks,
Rudy Harburg
Owner of 187 Conger in Nederland
August 16, 2017

Dan Ball
Owner of B&F Mountain Market

I would like to see the variance, for Lots 155, 163 and 171 Conger St., granted so that three single family homes can be built on that site. I believe single family homes would promote a family environment more than would more apartment like rental units.

We are in dire need of affordable housing so that people can get into the housing market in Nederland with new construction built to the current codes.

We also need affordable housing in Nederland so that people that work in town can live in town.

Thank you,

Dan Ball