



Land Use

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930 • Fax: 303.441.4856
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.org

BOULDER COUNTY PLANNING COMMISSION AGENDA ITEM #6

June 20, 2012 – 1:30 P.M.

Hearing Room, Third Floor
Boulder County Courthouse

PUBLIC HEARING

Docket DC-12-0004: Text Amendments to Article 4-116 Niwot Rural Community District (NRCD)

Request: Proposed Land Use Code amendment to Article 4-116 Niwot Rural Community District of the Boulder County Land Use Code to amend the parking requirements and related standards; by the Boulder County Land Use Department

(Staff Planner: Denise Grimm, Senior Planner)

BACKGROUND

Several County departments have worked over the past year with the Niwot Local Improvement District (LID) to study parking and transportation issues and to create the NIWOT TRANSPORTATION AND CONNECTIVITY PLAN. The parking study that was conducted as part of this effort showed that there was enough excess parking not being utilized to allow for more flexibility in the district regulations. As a result of this process, we have identified potential Land Use Code amendments in order to implement the plan and to achieve the goal of retaining the special character of the Niwot community while allowing more flexible parking options.

Staff met with the Niwot community on April 4 to discuss the details of the code amendments and to ask for input. Approximately 25 people attended. We have now revised the draft code language based on input from the meeting and discussions with staff. The Niwot Rural Community District (NRCD) code also requires a vote of the property owners which will occur before the final County Commissioners' hearing.

Key items that are being amended:

- Reduce parking requirement for new floor area to one space per 500 sq. ft of floor area.
 - Note-Existing parking to floor area configurations are grandfathered in and are not recalculated at the 1/500 rate.
- Adopt one parking rate for all uses allowed in the district so that uses can come and go without there being a different parking requirement.
- New on-site parking only required if adding floor area.
- Allow for more flexibility with shared parking.
- Eliminating the need for a site plan review process if only changing use. Requiring a site plan review or waiver process only if adding or deconstructing floor area.
- Outdoor seating won't be considered new floor area. (-if at grade and not covered area.)
- Removing the required vote for amending the code.

DISCUSSION

The proposed amendment is attached. (Proposed edits are ~~struck through~~ or underlined.)

PUBLIC COMMENT

The proposed changes were mailed to all property owners within the old town Niwot area, including the NRCD and NRCDII Districts (both the business district and residential district of old town Niwot.) It was also e-mailed to the County's listserv. Any additional comments received will be provided to the Planning Commission at the beginning of the meeting on June 20, 2012.

1. Left Hand Grange representatives - No conflict.
2. Teri Ficken- asked about the use of on-street public spaces by Gunbarrel Import Automotive's cars that are for sale and whether this was appropriate.
3. Elaine Erb - was pleased that this amendment didn't include allowing new parking lots.
4. Matt Dumler – wanted to make sure this didn't allow for the creation of a parking lot in the residential part of the townsite. (NRCDII)
5. Carrie Wise, Co-Chair of the LID – asked if we should include an amendment to allow expansion of the district for a new parking lot.
6. John Hurst – Questioned whether this was over regulation.
7. Lois Bennet – phone conversation – Lois expressed her concern about business owner interests impacting the old town residents. Mainly concerned about parking overflow from Thursday night concert series in the summers.

Note: Due to the parking study finding an excess of parking, expansion of the district to allow a parking lot was not considered a high priority item in the NIWOT TRANSPORTATION AND CONNECTIVITY PLAN. Also, the parking lot issue would need to involve different processes such as rezoning and possibly amending the comprehensive plan which would be longer term projects.

SUMMARY AND RECOMMENDATION

This Land Use Code text amendment will provide flexibility in the parking requirements while still achieving the goals of the regulations. The effects of the proposed change will be monitored as part of our ongoing efforts to work on transportation and land use issues in Niwot. If there are negative effects, such as too great of an impact on the residential area of Niwot, these regulations may need to be reevaluated in the future. Staff finds that the need for the amendment has been demonstrated, the amendments are not contrary to the intent and purpose of the Code, and the amendments do not conflict with the Boulder County Comprehensive Plan; consequently, the criteria for text amendments in Article 16-100.B. of the Land Use Code are met.

STAFF RECOMMENDS THAT THE PLANNING COMMISSION APPROVE AND RECOMMEND TO THE BOARD OF COUNTY COMMISSIONERS APPROVAL OF Docket DC-12-0004: Text Amendments to Article 4-116 Niwot Rural Community

District (NRCD) and certify the Docket for action to the Board, which certification includes the approved text of the Docket, and the official record of the Docket before the Commission with its staff comments, public testimony, and Commission discussion/action.

ATTACHMENTS

1. Proposed Code language
2. Excerpts from the NIWOT TRANSPORTATION AND CONNECTIVITY PLAN
3. Public comment

Niwot Rural Community District (Article 4-116 of the Boulder County Land Use Code) – Proposed Revisions June 20, 2012

Note: Strikeouts indicate language to be deleted and new language is underlined.

Development Standards

- A. Amendments
 - 1. ~~Written consent of greater than 50 percent of the owners of building lots within the Niwot Rural Community District, with no owner having more than one vote, must be obtained prior to approval of any text amendments to the District Development Plan by the Board of County Commissioners.~~
 - 2. Proposed amendments to the boundary of the Niwot Rural Community District shall be referred to all property owners within the NRCD as well as the Old Town Niwot Design Review Subcommittee. Referral comments from NRCD property owners and the Subcommittee shall be considered by the Planning Commission and the Board of County Commissioners when reviewing rezoning requests in or adjacent to the current boundary of the NRCD as shown in Map 1 of this handbook.

- B. Permitted Uses
 - 1. Entire district:
 - Bank
 - Church
 - Eating or drinking place
 - Emergency care facility
 - Furniture restoration
 - Overnight lodging (not more than 14 rooms)
 - Professional office
 - Public or quasi-public facility other than listed
 - Residential provided it is part of a mixed-use development (i.e. an apartment above a store)
 - Retail or personal service facility
 - Veterinary clinic without outside pens
 - Commercial Bakery (see 4-503D) provided it is limited to no more than 2,000 square feet of floor area and is located on the second floor or in the rear of the property.
 - 2. Nonhistoric district only:
 - Agricultural products retail outlet
 - Day care center
 - Mortuary
 - Single family dwelling
 - Vehicle sales and service
 - 3. Special Review will be necessary for any use which:
 - a. Generates traffic volumes in excess of 500 average daily trips; or
 - b. Has a total floor area greater than or equal to 35,000 square feet.
 - 4. Site plan review is not required for a change of use. A site plan review waiver process is required when demolishing any square footage or adding less than 1000 square feet. A full site plan review process is required when building on a vacant parcel or adding 1000 square feet or more to a property.

Form

C. Lot, Building, and Structure Design and Dimension Requirements

1. Minimum lot size - 3,500 square feet
2. Maximum building height - 30 feet
3. Minimum setback:
 - a. Front yard - 0 feet in block one (between the Diagonal Highway and Franklin Street); 20 feet in block two (between Franklin Street and Niwot Road);
 - b. Side yard - 0 or 12 feet
 - c. Rear yard - 0 with an alley; 10 feet without an alley
4. Supplemental Setbacks:
 - a. Within the NRCD, no supplemental setback from the center line of Second Avenue is required.
 - b. Along Niwot Road, within the NRCD, the minimum yard requirements for all structures, with the exception of signs, shall not be less than 80 feet from the center line of the roadway.

D. Parking Requirements

- ~~1. Retail uses - 1 per 200 square feet~~
- ~~2. Office uses - 1 per 300 square feet~~
- ~~3. Eating and Drinking Places - 1 per 100 square feet~~
- ~~4. Parking may be provided on the lot or on another lot within 250 feet of the front door of the business.~~

1. Any additional square footage built over that which legally existed on July 1, 2012 will require 1 parking space per 500 square feet of floor area. Existing square footage is grandfathered in as the property is currently configured and is not recalculated at the rate of one space per 500 square feet of floor area.

← Form
← Form

2. A change of use within an existing structure or the addition of at grade, uncovered outdoor seating will not require additional parking.

3. Parking may be provided on the lot or on another lot within the NRCD. A county approved parking agreement is required if the parking is provided on another lot.

← Form

4. Credit will be given for on-street parking at a ratio of 1 space per 15 feet of street frontage in the area west of Franklin and 1 per 25 feet of frontage in the area east of Franklin Street.

← Form
← Form

5. Small car spaces may be used to meet on-site parking requirements provided they are designated for employee parking. In no case shall the designated small car spaces exceed 40 percent of the required on-site parking spaces.

~~6. Commercial Bakeries - 1 space for every 500 square feet of floor area (no loading space required unless determined to be necessary through the site plan review process.)~~

← Form
← Form

6. No loading space is required unless determined to be necessary through the zoning review or site plan review process.

← Form
← Form

NIWOT TRANSPORTATION AND CONNECTIVITY PLAN

Strategic Parking recommendations:

1. Short-term actions while parking utilization in N.R.C.D. is below 74%

- **Policy Changes**

- **Begin a process with Boulder County Commissioners and the public in early 2012 to amend the parking requirements in the N.R.C.D.**

- Existing properties in the N.R.C.D. would be allowed to change use without providing additional parking
- All reconstruction and new construction in the N.R.C.D., that adds additional square footage to an existing structure, would require providing parking at rate of 1 space per 500 square feet (regardless of use)
- The distance to provide parking beyond the front door of a business would be increased beyond the current 250' maximum
- Allow for shared parking agreements via a Boulder County- approved shared parking agreement
- Amend the bicycle parking requirements as part of N.R.C.D. code to require bicycle parking when reconstruction and new construction in the N.R.C.D occurs

- **Potential physical changes as needed**

- Install new regulatory signage on 2nd Street
- Signs limit parking to 4 hour parking for all parking where more turnover is desired
- Parking enforced by business owners with "courtesy cards"
- Courtesy cards explain new parking procedures and provide store discounts
- Construct new bike parking in locations as shown in Appendix B
- Construct short-term multi-modal projects as outlined in previous section

2. *Parking Utilization between 75-85% or one major new use is projected to increase demand to 75-85% - Actions to consider in the N.R.C.D.*

- ***Policy Changes***

- *Request employees of the N.R.C.D to park at edges of district*
- *Conduct parking utilization study on non-event day in August at a minimum of every 3 years or as needed*

- ***Potential physical changes as needed***

- *Stripe on-street parking spaces on 2nd Street*
- *Consider 45 angle parking on both sides of 2nd Street*
- *Update directional signage from entry areas*
- *Explore land ownership and location options for possible future parking facility*
- *Construct additional multimodal projects in previous section*

3. *Parking Utilization greater than 85%- Actions to consider in the N.R.C.D.*

- ***Policy Changes to consider:***

- *Work with the Boulder County Commissioners and the public to evaluate the parking requirements in the Niwot Rural Community District.*
 - *This process may mean more strategic changes to the parking requirements.*

- ***Potential physical improvements as needed***

- *Acquire or construct additional parking supplies previously identified (see 75% to 85% actions).*
- *Implement a comprehensive parking signage plan*
- *Construct additional multi-modal projects as outlined in previous section*



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MEMO TO: Property owners within the NRCD and neighbors
FROM: Denise Grimm, Senior Planner
DATE: May 22, 2012
RE: Docket DC-12-0004

Docket DC-12-0004: Text Amendments to Article 4-116 Niwot Rural Community District (NRCD)

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Staff met with the Niwot community in April to discuss the details of the code amendments and to ask for input. We have now revised the draft code language. These proposed amendments will be brought to Planning Commission and then the Board of County Commissioners for consideration at public meetings. Public testimony will be taken by both Boards. The Niwot NRCD also requires a vote of the property owners which will occur before the final BOCC hearing.

Key items that are being amended:

- Reduce parking requirement for new floor area. (1 space per 500 sq. ft of floor area.)
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This process includes a public hearing before the Planning Commission and Board of County Commissioners. The Land Use staff, Planning Commission and County Commissioners value comments from individuals and referral agencies. Please check the appropriate response below or send a letter. Late responses will be reviewed as the process permits; all comments will be made part of the public record and given to the applicant. Only a portion of the submitted documents may have been enclosed; you are welcome to review the entire file at the Land Use Department. If you have any questions regarding this application, please contact me at (720) 564-2611 or dgrimm@bouldercounty.org

Cindy Domenico County Commissioner

Deb Gardner County Commissioner

Will Toor County Commissioner

Please e-mail or return responses to the above address by **June 8, 2012**. (Sooner if possible.)

We have reviewed the proposal and have no conflicts.
 Letter is enclosed.

Signed Susan Wilson PRINTED Name Susan Wilson
Agency or Address Treasurer, Lett Hand Garage

If possible, please e-mail your response to dgrimm@bouldercounty.org

Grimm, Denise

From: Webmaster
Sent: Tuesday, May 29, 2012 5:23 PM
To: #LandUsePlanner
Subject: Ask a Planner - Web Inquiry

Name: Teri Ficken
Email_Address: teri@fdi-one.com
Docket_Number: DC-12-0004
Remote User:
HTTP User Agent: Mozilla/5.0 (Windows NT 6.1; WOW64) AppleWebKit/536.5 (KHTML, like Gecko) Chrome/19.0.1084.52 Safari/536.5

Comments_to_Planner:

I have a business in downtown Niwot and i would like to know why Gunbarrel Import Automotive is allowed to park cars that are for sale in the public right-of-way. They take up the better part of the block. This is a huge problem for the businesses around them; they take up all of the parking with cars that are "for sale". Can something be done about this?

Grimm, Denise

From: ecerb@indra.com
Sent: Wednesday, May 23, 2012 11:28 PM
To: Grimm, Denise
Subject: RE: Niwot parking amendments (Docket DC-12-0004)

> Because the study found a current excess it was determined that
> creation of a lot wasn't a high priority in the short term.

Hooray. I can't think of much less appealing use of the land in this area than a parking lot. Let's get more people using other modes to come to downtown Niwot and not put so much emphasis on concrete and asphalt.

Elaine Erb

Grimm, Denise

From: LUList
Sent: Tuesday, May 29, 2012 4:32 PM
To: Grimm, Denise
Subject: FW: Niwot parking amendments (Docket DC-12-0004)

Follow Up Flag: Follow up
Flag Status: Flagged

Perhaps Meredith or Jessica already forwarded this to you... ?

From: john.hurst2@comcast.net [mailto:john.hurst2@comcast.net]
Sent: Tuesday, May 29, 2012 12:14 PM
To: LUList
Subject: Re: Niwot parking amendments (Docket DC-12-0004)

Overregulation? Seems like overkill. jh

From: "LUList" <lulist@bouldercounty.org>
To: LUCODE@listserv.bouldercounty.org
Sent: Tuesday, May 29, 2012 11:33:58 AM
Subject: Niwot parking amendments (Docket DC-12-0004)

The Boulder County Planning Commission will be considering Land Use Code amendments to the Niwot Rural Community District at their meeting on Wednesday, June 20, 2012. The intent of the regulations is to be more flexible with respect to automobile parking in the historic downtown Niwot area. The attached document describes the proposed changes. Additional information can be found on our website: <http://www.bouldercounty.org/property/build/pages/lucodeupdatedc120004.aspx>

Your comments, concerns, or support is welcome! Please email your written comments no later June 8 if you'd like them to be included in the Planning Commission back-up materials. You are encouraged to attend the meeting and speak directly to the Planning Commission on June 20 as well. The meeting typically begins at 1:30 in the 3rd floor Hearing Room of the Courthouse building at 1325 Pearl Street. Please let me know if you have any questions regarding this docket.

Denise Grimm, AICP

Senior Planner

Boulder County Land Use Dept.

P.O. Box 471

Boulder, CO 80306

(720) 564-2611

dgrimm@bouldercounty.org

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Help with lists: <http://www.bouldercounty.org/gov/media/Pages/emaillisthelp.aspx>

Visit the Boulder County Web site: <http://www.bouldercounty.org>

Grimm, Denise

From: Matt Dumler <matt.mdb@gmail.com>
Sent: Wednesday, May 23, 2012 4:45 PM
To: Wise
Cc: Grimm, Denise; greenelally@juno.com; jtheastman@msn.com; kcglasscock@comcast.net; davemateer@comcast.com; ecerb@indra.com; whereismarni@yahoo.com; Arndt, Rachel; Himick, Jason; andrewfiscus@hotmail.com; Andrew Fuhrer; Anne Dyni; Bruce Rabeler; bwarren@niwotlaw.com; Cotton Burden; Ed Spreder; Elaine Erb; Karlynn Spreder; Kathy Koehler; Kim Glasscock; Laura Skaggs; Lefty; Nick Mastronardi; Pat Murphy; Randi vogt; Tim Luise; Will Hentschel; Dan Hawk; Tony; Harris; #LandUsePlanner; Gerstle, George; Swirhun, Lesley; Hackett, Richard
Subject: Re: Niwot parking amendments (Docket DC-12-0004)

Hi Denise,
this looks good, but the zoning changes refer to the NRCD (2nd Ave, business) area only, not NRCD 2 (surrounding residential area)? My concern is creating a NRCD (business area) parking lot in the NRCD 2 (residential area). Can you confirm the proposed zoning changes apply only to the business NRCD?

Also, please add Randi Vogt to your email list for NRCD issues. She is a resident at 91 Franklin.
Her email is vogtpr@comcast.net
I've copied her this email.

Thanks,
Matt

On Wed, May 23, 2012 at 1:32 PM, Wise <wiseinniwot@yahoo.com> wrote:

Denise,
We are also hoping to start the process for changing the zoning regs to have a parking lot close to the district. Doesn't this make sense to make the changes now, with the parking amendments? A parking lot is still very important to us.
Carrie Wise
Co-Chair Niwot LID

From: "Grimm, Denise" <dgrimm@bouldercounty.org>
To: "greenelally@juno.com" <greenelally@juno.com>; "jtheastman@msn.com" <jtheastman@msn.com>; "kcglasscock@comcast.net" <kcglasscock@comcast.net>; "davemateer@comcast.com" <davemateer@comcast.com>; "ecerb@indra.com" <ecerb@indra.com>; "whereismarni@yahoo.com" <whereismarni@yahoo.com>; "Arndt, Rachel" <rarndt@bouldercounty.org>; "Himick, Jason" <jhimick@bouldercounty.org>; "andrewfiscus@hotmail.com" <andrewfiscus@hotmail.com>; Andrew Fuhrer <andrew@smpmags.com>; Anne Dyni <adyni@earthlink.net>; Bruce Rabeler <brucerabeler@gmail.com>; "bwarren@niwotlaw.com" <bwarren@niwotlaw.com>; Connie Renpats <connie@theHitchingPost_niwot.com>; Cotton Burden <cotton@burdeninc.com>; Ed Spreder <ed@spreder.com>; Elaine Erb <ecerb@indra.com>; Karlynn Spreder <karlynn@sprederteam.com>; Kathy Koehler <Katherine.Koehler@yahoo.com>; Kim Glasscock <keglasscock@comcast.net>; Laura Skaggs <lauralskaggs@aol.com>; Lefty <leftysgourmentpizzeria@yahoo.com>; Marni Ratzel <whereismarni@yahoo.com>; Matt Dumler <matt.mdb@gmail.com>; Nick Mastronardi <ndm@axiswest.com>; Pat Murphy <pmurphy@niwotrealty.com>; Randi vogt <vogtpr@comcast.net>; Tim Luise <luiseinniwot@yahoo.com>; Will Hentschel <whentschel@ozarch.com>; "wiseinniwot@yahoo.com" <wiseinniwot@yahoo.com>
Cc: #LandUsePlanner <#LandUsePlanner@bouldercounty.org>; "Gerstle, George"

<ggerstle@bouldercounty.org>; "Swirhun, Lesley" <lswirhun@bouldercounty.org>; "Hackett, Richard" <rhackett@bouldercounty.org>

Sent: Tuesday, May 22, 2012 6:43 PM

Subject: Niwot parking amendments (Docket DC-12-0004)

I apologize for the delay getting back to everyone. I've attached some revised language from what we saw at the neighborhood meeting. In it I've tried to make it clearer how the grandfathering of existing square footage would work. The idea being that all existing square footage and parking is grandfathered in as it exists and that any new floor area would require added parking. The new square footage would need only one space for every 500 square feet of floor area.

Existing floor area could not be recalculated at the 1/500 rate. (This would make it possible for some buildings to more than double their square footage and the town would look overbuilt, or remove existing parking spaces and create a shortage.)

A couple people at the meeting expressed some concern that one parking space per 500 square feet of floor area was too great of a change. We could reconsider this and look at one per 300 or 400. Please let me know your thoughts. Please respond with any thoughts or concerns by June 8 (or earlier if at all possible.) If no major changes are needed I will then schedule this for the Planning Commission meeting on the June 20 agenda.

Please forward this to other business owners and old town residents.

Denise Grimm, AICP
Senior Planner
Boulder County Land Use Dept.
P.O. Box 471
Boulder, CO 80306

(720) 564-2611
dgrimm@bouldercounty.org

--
Matt Dumler
MD Builders
720 290 3815

Grimm, Denise

From: Wise <wiseinniwot@yahoo.com>
Sent: Wednesday, May 23, 2012 1:32 PM
To: Grimm, Denise; greenelally@juno.com; jtheastman@msn.com; kcglasscock@comcast.net; davemateer@comcast.com; ecerb@indra.com; whereismarni@yahoo.com; Arndt, Rachel; Himick, Jason; andrewfiscus@hotmail.com; Andrew Führer; Anne Dyni; Bruce Rabeler; bwarren@niwotlaw.com; Cotton Burden; Ed Spreder; Elaine Erb; Karlynn Spreder; Kathy Koehler; Kim Glasscock; Laura Skaggs; Lefty; Matt Dumler; Nick Mastronardi; Pat Murphy; Randi vogt; Tim Luise; Will Hentschel; Dan Hawk; Tony; Harris
Cc: #LandUsePlanner; Gerstle, George; Swirhun, Lesley; Hackett, Richard
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Cc: #LandUsePlanner <#LandUsePlanner@bouldercounty.org>; "Gerstle, George" <ggerstle@bouldercounty.org>; "Swirhun, Lesley" <lswirhun@bouldercounty.org>; "Hackett, Richard" <rhackett@bouldercounty.org>
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