DC-18-0004 NRCD Public Comments Received Through March 4, 2019 - 8 a.m.

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Online Wufoo Form Comments

From: Wufoo
To: Ruano, Jose
Subject: Niwot NRCD comment form [#2]
Date: Friday, October 12, 2018 6:15:14 PM

Name (optional)	Catherine McCall
Email (optional)	mccallca@comcast.net
Phone number (optional)	(303) 564-2542
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer

What do you value about the 2nd Avenue commercial district?

It has true character, with buildings which are "old" by Colorado standards and a funky mix of businesses owned largely by local people, not commercial chains. The scale is human and walkable, and the mix of business and residential is great and reminds me of the small towns and villages in the UK where I grew up. Most of the "new" development such as the Slater building and the buildings across from it are on the same scale, with building materials (brick, siding) that make some attempt to harmonize with the older buildings.
I have been lucky to have spent the last 50 years living in/near beautiful towns in the UK, Germany and Boulder. In all of them I have watched in horror as purely profit driven and unthinking development can destroy the very character that drew people to the town in the first place. I would really hate to see that happen to Niwot.

Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?

As an (bad) example - in contrast to earlier development such as the Slater building, the new Southpaw development looks totally out of place as it looms over Colterra next door. It looks like a classic example of maximal infill development trying to eke every sq mm out of the site. The garages at the back exit directly onto a 1 lane dirt alley which is regularly blocked by trash trucks, deliveries to Colterra etc. The height and placement of the building ensure that its occupants have a great view down into the back gardens on 3rd Avenue, destroying resident's privacy. Parking out front is up against the building, one suspects to imply that it is for the building only, rather than like the rest of the street parking on 2nd which is communal. It also means that cars are backing out across the sidewalk , which is a hazard for pedestrians. The large tree which used to be out front and which would have mitigated the looming appearance of the building, now cannot be replaced.

Size of structures including building footprints and height?	Ideally new structures should be of a footprint size and height so that that they do not overwhelm neighboring structures or cause new and significant loss of privacy to neighbors
The appearance of structures and how they fit the community character (materials and design)?	while new structures need not be "copies" of older buildings, they should harmonize in terms of overall proportions, and reference original structures by using similar materials eg brick.
Desired mix of different uses (office, retail, restaurant, residential)?	It is a town center. While it is good to have small residences above the businesses, if new development is heavily skewed to residential the balance between the two will be lost. Niwot already has large residential developments on the

	north, south and east parts of the town - which is great as they support the businesses in old town. We don't need the old town turning into a bedroom community.
What do you hope to see out of the NRCD update process?	Some agreement as to how to ensure Old Niwot retains its unique funky charm. In the immortal words of Joni Mitchell - "don't it always seem to go -you don't know what you've got till it's gone"

From: Wufoo
To: Ruano, Jose
Subject: Niwot NRCD comment form [#3]
Date: Monday, October 15, 2018 9:21:15 AM

Name (optional)	Matt Dumler
Email (optional)	matt.mdb@gmail.com
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business owner • Niwot business customer
What do you value about the 2nd Avenue commercial district?	I appreciate the small businesses that add convenience to Niwot, such as the down town coffee shop, restaurants, feed store, dentist office. I frequent all of these. I also appreciate the small size of the downtown. I worry over the efforts to create large parking areas that would blight the neighboring residential area.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	I support both mixed use development, but also limiting the impacts to the general neighborhood. The character of the neighborhood would be best maintained by careful implementation of site design and lot coverage and keeping parking on individual parcels.
Size of structures including building footprints and height?	Limiting the size of structures including heights and foot prints is something I support.
The appearance of structures and how they fit the community character (materials and design)?	I agree there should be appearance guidelines.
Desired mix of different uses (office, retail, restaurant, residential)?	I agree with a mix of uses, provided developers keep parking required on their own parcels
Interface, connections, and access between commercial and residential areas.	Interface between commercial and residential areas should be seamless. Noise, traffic and parking should be minimized.

What do you hope to see out of the NRCD update process?

I hope to see Boulder County continue to support smart creative development and respect the rural-residential character of our small town and businesses (like the feed store). I hope to see the historic design guidelines maintained. I hope there will be limits on the size of development with relation to building size and footprint, proximity to lot lines. I especially think it is important to have developers plan for accommodating their own parking, which I believe will in turn naturally limit the size and setbacks of their developments. Finally, Niwot has a special character that makes it desirable. That character was further developed as a small town through the RCD1 with the historic district and the street, sidewalk, street lights, road improvements. If we over develop and fill in all the space in RCD1 and push parking to lots around the perimeter we will destroy that special small town character that makes Niwot desirable in the first place. I will support efforts to maintain and further the historic, small town feel of downtown Niwot. It is one of the many reasons I live here.

From: Wufoo
To: Ruano, Jose
Subject: Niwot NRCD comment form [#4]
Date: Monday, October 15, 2018 10:55:25 AM

Name (optional)	Susan Wilson
Email (optional)	susanwilson@susanwilsoncpa.com
Phone number (optional)	(303) 449-8435
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
What do you value about the 2nd Avenue commercial district?	It is an appealing and charming area in which to walk and shop. It's old town character are critical to maintaining Niwot as a special place to live and visit.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	Developments should preserve the character of the town by providing green spaces, appropriate setbacks form the street and alley and appropriate size for the lot, not putting a structure on every square foot of the lot.
Size of structures including building footprints and height?	No new building in Niwot should exceed two levels and the size of the structure should be limited to create an aesthetic appeal in proportion to existing older structures and the size of the lot.
The appearance of structures and how they fit the community character (materials and design)?	The materials and design should be in character with existing older structures and not stand out as looking more modern or huge.
Desired mix of different uses (office, retail, restaurant, residential)?	It is very desirable to have most of the new development be restaurant or retail in order to maintain a critical mass of opportunities to create walking traffic and business for the existing and new businesses. Some residential above retail as in the existing Slater building is a good model.for development.
Interface, connections, and access between commercial and residential areas.	It is important to the residents on 2nd Avenue to maintain the alley as it is and not turn it into a two way road for access to new developments. It is not sufficiently wide and it is zoned residential and is inappropriate for commercial access. Such a usage would completely destroy their ability to maintain quiet enjoyment of their property and would be a significant safety issue.
What do you hope to see out of the NRCD update process?	New regulations that would codify the above guidelines for development.

From: Wufoo
To: Ruano, Jose
Subject: Niwot NRCD comment form [#5]
Date: Tuesday, October 16, 2018 8:25:54 AM

Name (optional)	Frank Goodknight
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
What do you value about the 2nd Avenue commercial district?	The mix of street level retail and office with some residential units above.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	The setbacks of the current structures along the east side of 2nd Ave is appropriate for future development. The setback of the recent Southpaw development along the alley is not. Setbacks along the alley such as those at the Niwot Inn and Slater building are much more in character of the neighborhood behind the alley. The primary access to any new development should not be from the alley. It does not allow for two way traffic and it is often blocked by service vehicles (trash, delivery etc.)
The appearance of structures and how they fit the community character (materials and design)?	I believe the current appearance requirements for new buildings are adequate.
Interface, connections, and access between commercial and residential areas.	Any new development should maintain pedestrian access from the alley to 2nd Ave.
What do you hope to see out of the NRCD update process?	I would like to see greater setback requirements along the alley and alley use limited to service rather than as access to parking.

From: Wufoo
To: Ruano, Jose
Subject: Niwot NRCD comment form [#6]
Date: Tuesday, October 16, 2018 9:50:07 PM

Name (optional)	Kathleen Kroeger
Email (optional)	kath2win@msn.com
Phone number (optional)	(303) 652-3307
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer

Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?

I think some of the new developments that have been erected on 2nd Ave. take away from what attracted me to Niwot. The small town,small shops,small scale of most things,not to mention, small impact that has been Niwot. 2nd Ave. has given me such joy,to have some coffee, to enjoy a nice lunch or dinner,to not have to get in my car and drive anywhere,we have so many things to enjoy and appreciate in Niwot. I was appalled to see those 2 plus story businesses&residential units next to Colterra be erected,they seem so out of character against the small town feel of the rest of town SO disappointed in the whole approval process. People with lots of money being greedy and wanting more of the same new look for our old town. Its shameful.
Look at units above Treppedas,at units above Emporium&Little Bird,you would hardly know they are combined use units. Can you incorporate some of old with the new? I like to see trees and flowers downtown and green patches& benches for folks to sit. There hasn't been any structure downtown that wouldn't make a nice Kodak moment to have, with my family or by itself until now. I don't want memories of a modern townhouse and business downtown with no semblance to any other charming spot in town. The scale of them is ridiculous and embarrassing to show visitors from out of the area,they have commented how unlike the rest of town they are.

Size of structures including building footprints and height?

See my above comments. I would be SO angry if I lived beside or behind any of these units or newly proposed units being planned. Folks have lived on 3rd for nearly 45 yrs.and some maybe more in alley off Murray behind the Emporium,etc. I think the county went for the money,and forgot the folks that got left behind who have spent their lives in Niwot,living,working and contributing to the community. The same thing is occurring in Denver and it screams of lack of respect for what is here historically and can be changed by the stroke of a pen and big pockets that will in the end be irreparable. I can't brag about Our town anymore. So sad.

The appearance of structures and how they fit the community character (materials and design)?	The materials and designs of new construction is way to modern for little Niwot. My HOA community across from liquor store has covenants,a lot of what I don 't agree with,but nobody gets to move into the neighborhood and completely change the look of their home to suit themselves,there has to be guidelines created for and By the people involved. It is not an easy process but it can be done.

	I appreciate contributing a little bit to this conversation in this format. Let the folks most closely impacted be heard,they Are good people!
Desired mix of different uses (office, retail, restaurant, residential)?	If new folks want to invest in downtown business creation,bring it on,just consider there is a long history in town and please consider those who live here and plan for their golden years here,we are open to change but not destruction of what we have come to love for so long.
What do you hope to see out of the NRCD update process?	Business and residential cohesiveness. Engage with the town residents,have more town hall/Grange meetings about the future.6 mos.is not a long time,and it's almost winter,so be patient,get the facts,AND for heaven's sake,keep Niwot simple,amidst all the trouble this has created,it Is still a beautiful little small town USA. It means the world to me and it will remain that way with all of us as we forge ahead to new opportunities to grow and prosper.

From: Wufoo
To: Ruano, Jose
Subject: Niwot NRCD comment form [#7]
Date: Tuesday, October 16, 2018 11:21:41 PM

Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business customer
What do you value about the 2nd Avenue commercial district?	Unique Historic buildings. Small town streetscape.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	The newer building behind the tiny brick bank building has no real meaningful setbacks from the street or spatial landscaping. Ugly, cheap architecture tacked onto a beautiful historic building. The new two story building next to 210 Franklin could have had on-street parking in the front and a landscaped yard setback from the street to complement the setback and yard of the historic house on the corner. This building and it's parking appears to cover the lot..

Size of structures including building footprints and height?

The size, scale and mass of new construction overpowers the smaller scale of the historic buildings. For example, 1.The second story addition/building that wraps around the small scale brick bank building covers most of the lot and looms above what was an important well constructed public building serving the town.. The unattractive wood siding is full o knots and detracts from the brick bank building, which has fine intricate brickwork.
2. The new building next to 210 Franklin is built too close to the small scale historic house, perhaps even on the lot line?. It also appears to be at the same distance from the street as the front elevation of the historic house. The scale and height of the new building and it's proximity to the historic building overpowers the smaller scale house. The new building and it's adjacent parking take up most, if not all, of the lot. In contrast, the historic house at 210 Franklin has a spacious yard with mature old trees..

The appearance of structures and how they fit the community character (materials and design)?

The knotty siding, the windows and the larger scale of the building behind the bank do not fit or complement the community character. The design looks like a big two-story box wrapped around the historic brick bank building.

The large scale new construction next to the 210 Franklin property could be an advertisement for James Hardie siding!. The building could be a mixed use building anywhere - not in an historic area.. The large scale windows and doors are not in character with the smaller scale windows and doors of the historic houses which are now businesses. The large sign visible through the south windows is really inappropriate. This building does not exhibit any sensitivity to fit in with the historic fabric of other buildings surrounding it.

From: Wufoo
To: Ruano, Jose
Subject: Niwot NRCD comment form [#8]
Date: Wednesday, October 17, 2018 4:02:11 PM

Name (optional)	Victoria Keen
Email (optional)	vek80544@gmail.com
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
What do you value about the 2nd Avenue commercial district?	It is like our community "living room" where we gather to celebrate, shop and dine. It has a charm that can be so easily lost in this era of high density infill development. I wish there were more shops...increasingly the empty spaces have been occupied by offices. This is sad...there isn't much reason for Out-of-towners to hang out for a day in Niwot because of this.

Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?

Recent new buildings show a total shift in what has been approved and built in the past. (Specifically Southpaw Commons.) There are three buildings crammed onto a small lot. The triplex in back is built right on the alley with minimal setback, unlike the Niwot Inn and the Slater Buidling, Slater and Niwot Inn provide a visual buffer between the residences on 3rd Ave. and the commercial district on 2nd. This lack of setback also ruins the privacy of adjacent alley corridor residents on 3rd. Southpaw residences are also accessed from the alley - this is the first time this has ever happened, which again creates more noise, pollution, etc. for residents of 3rd Ave. Other commercial buildings on 2nd are accessed from Second Ave. This is the way it should be! Also the odd 3-space parking area in front of the Southpaw Commercial building is a hazard to bicycles and pedestrians. Visually it just doesn't look appealing, and by creating 3 "private" parking spaces, it deprives others of parking at the curb. I don't believe that this parking situation complies with NRCD code regulations.

Size of structures including building footprints and height?	(Again...same development!) The triplex and office building visually overwhelm the small historic cottage. The 30 foot height is ok, the building just looks way too large for the building lot and is overwhelming in size compared to adjacent homes on 3rd Ave. I believe that residence size downtown should be compared to the size of the apartments in the Slater Building. These apartments do not "stick out" and are appropriately sized.
The appearance of structures and how they fit the community character (materials and design)?	Southpaw does not fit in with surrounding structures. The designs of Left Hand Corner, Slater Building, Niwot Inn and Lockwood building are designs to be emulated. The one-story brick building on the SE corner of Franklin and Second Ave. is also attractive.

Desired mix of different uses (office, retail, restaurant, residential)?

Residential units downtown should be integrated into a single mixed-use building as exhibited by the Slater Building with a restaurant, jewelry store and hair salon below. Restaurant and retail space is ESSENTIAL for maintaining a healthy, vibrant downtown atmosphere. If downtown is nothing but residential units and office space, we all lose...what is the point of going downtown if there are no

unique shops to frequent? Service businesses are also needed and reliable in terms of rent revenue. But again, if someone decides to spend an afternoon around Niwot, there isn't much to see.

Interface, connections, and access between commercial and residential areas.

Commercial buildings and/or any residences (groan) downtown should be accessed from 2nd Ave. The alley between the commercial district on 2nd Ave. and the residences on 3rd Ave. should not be used to access commercial businesses or potentially planned residences on 2nd. This is a one-lane, un-maintained alley with a single access point on Franklin that has traditionally been used for service vehicles only. Increased residential traffic in the alley competing with service vehicles, city/county maintenance vehicles (i.e. electrical linemen, tree trimming etc.) and delivery vehicles which will hopefully be delivering goods to Colterra soon just creates a headache for everyone. Residential traffic through the alley also creates light pollution, air pollution and noise for adjacent residences. The alley has always been our buffer from the increasingly busy downtown. Alley access for 2nd Ave. business completely spoils that sense of being "once removed." There is also a lot of pedestrian traffic on Franklin since there is a school bus stop on the corner of 3rd and Franklin. Increased traffic on the alley is hazardous to these pedestrians and children. Also in the event of an emergency on 2nd Ave., it would be difficult for people to evacuate via a one-lane alley.

What do you hope to see out of the NRCD update process?

1. Respect the alley setbacks set by The Slater Building and the Niwot Inn over 20 years ago. Currently the NRCD requires "zero" setback along an alley. This was only taken advantage of recently
2. Limit alley access to service vehicles only - another precedent set over 30 years ago.
3. Conduct a transportation study regarding safe ingress/egress to proposed developments on 2nd.
4. Review (or create) guidelines for multi-use projects
5. Review square footage requirements for any residences on 2nd. Residences should blend in, not engulf the streetscape.
6. Restrict (?) the number of free-standing residences on 2nd. More residences just increase daily traffic and do not serve the community as a whole. I don't see any pressing need for this kind of housing in Niwot. Senior and low-income, yes but...expensive apartments and homes?
7. Review density - high density infill may be appropriate for Denver, but it is inappropriate and unattractive for little Niwot.
8. Perhaps more cohesive design guidelines so downtown has a more cohesive look?

This is a lot to bite off? Maybe some things could be done now and others later? It is important to the business community that the moratorium does not go on too long. it is time to update the NRCD regulations and the Alley Study!

From: Wufoo
To: Ruano, Jose
Subject: Niwot NRCD comment form [#9]
Date: Wednesday, October 17, 2018 4:19:25 PM

Name (optional)	Xan Rubey
Email (optional)	xanaru@icloud.com
Phone number (optional)	(303) 808-5554
Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business customer
What do you value about the 2nd Avenue commercial district?	A variety of dining and shopping experiences in a quaint, charming town.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	Pedestrians on the sidewalks of 2nd Avenue should not have to worry about cars crossing over the sidewalk!!
Size of structures including building footprints and height?	Buildings should be of a height and mass that is consistent with what already exists.
The appearance of structures and how they fit the community character (materials and design)?	Appearance should also be consistent with what already exists.
Desired mix of different uses (office, retail, restaurant, residential)?	Same percentage mix of retail/office/residential that currently exists - unless the market demands otherwise.

Interface, connections, and access between commercial and residential areas.

Currently, many shoppers, diners, guests at Niwot Inn and other business visitors are forced to drive ACROSS PEDESTRIAN SIDEWALKS to get to or from parking spaces behind the commercial buildings. This is because alley use has been restricted. A lack of proper alley maintenance has caused the alley to be less usable than historically intended.

You say, "The alley was dedicated to public use, and access that is consistent with the historical use of the alley is permitted." Historically, (and still today), the alley has been used for residential access for residents of both 3rd Avenue and 2nd Avenue. It has also been used historically (and still today), for trash pick up and commercial deliveries.

You say, "The Transportation Department governs maintenance and improvements through a permitting system." However, the alley has not been maintained or improved in any way for decades. It is rife with potholes and is a danger to trash trucks and other vehicles.

You say, "The alley is a narrow unmaintained dead end access not built to accommodate heavy usage." but this is not true. The alley according to all surveys - both historic and current - is 20' wide. This is far wider than most alleys in Boulder County. It is unmaintained because the Transportation Department has never informed any of its property owners that they are responsible for its upkeep, as the 1997 letter from the County Attorney established. The Transportation Department has allowed the alley to become overgrown with weeds and small trees which

sometimes encroach into the 20' alley as much as 6 to 8 feet!! They have also allowed residents to build fences that encroach into the alley by 3 feet.

Also, a recent traffic study concluded that "Other municipalities along the front range allow alleys an average daily traffic (ADT) of 200 vehicles per day. This proposal generates 18 ADT. The proposal to the southeast is proposed to generate 60 ADT. The other users of the alley are Osmosis Art & Architecture and Nourish & Company, both of which have access to 2nd Avenue also. Based on these uses, it is likely the total ADT of the alley is approximately 100 ADT. This is well below the 200 ADT of other municipalities. It is requested that alley access for the residential be allowed."

You say, "A public process that took place in the mid-1990s set policies on how to mitigate conflict related to alley usage. Policy direction resulting from that public process was to try to direct business traffic in the block between Franklin and Niwot onto
2nd. This has worked well in some cases but has presented problems in some other instances. The study resulting from that process is available at: https://assets.bouldercounty.org/wp-content/uploads/2018/10/1996-niwot-alleystudy-report.pdf." This was a STUDY that delivered opinions and suggestions, NOT regulations. These "policies" were based on a survey of a handful of property owners and residents, sometimes with as few as ONE response leading to the policy - according to the survey report.

Additionally, the County Attorney produced a letter in 1997 to the Niwot Business Association regarding Maintenance and Usage of Alleys in Niwot in which they said, "It is our opinion that the use, maintenance, and improvements to the alleys must be such as will not interfere with the historic use of the alleys. It is likely that the primary historic use of these alleys has been access to the adjacent properties by the owners or their designees, and each adjacent property owner is equally vested in the right to use, maintain and improve the alleys in a manner which would not interfere with the use of the alley by the other adjacent property owners."

What do you hope to see out of the NRCD update process?	A QUICK end to the moratorium so that Colterra has time to get their permits and construction completed before Bradford's Business Interruption Insurance expires!! Summer Frederick and other members of the County staff have been falsely telling Niwot residents that Colterra is fine and their process is not being hindered but Bradford Heap, the owner of Colterra, says that is categorically NOT TRUE. The moratorium could force him to shutter Colterra permanently.
Attach a file with comments (optional)	county_attorney_letter_1997.pdf 109.42 KB · PDF

Boulder County

Office of the County Attorney

Post Office Box 471 • Boulder, Colorado 80306
Phone: (303) 441-3190 • Fax: (303) 441-4794 • E-Mail: ca@boco.co.gov

October 29, 1997

Ms. Anne Dyni, Secretary
Niwot Business Association
PO Box 92
Niwot, Colorado 80544

RE: MAINTENANCE OF THE ALLEYS IN THE NIWOT TOWNSITE PLAT

Dear Ms. Dyne:

The County Transportation Department has asked our office to respond to your questions about the maintenance and improvement of the alleys in Old Town Niwot.

When the original Niwot Townsite plat was filed with the County Clerk and Recorder in 1875, the streets and alleys were dedicated to the public. Over the years, the streets in the Niwot Townsite were developed and eventually accepted for maintenance by the County. The street rights of way are public in nature as a result of continuous public use for more than twenty years and the County's maintenance of the dedicated streets.

The County reaffirmed the public character of Niwot's streets by including them on the County Road Map beginning in 1953. The County Road Map was used to establish the County's apportionment of the newly created state tax on gasoline though the Highway Users Tax Fund (HUTF). Each year thereafter, the County has been required to submit an annual report to the State Highway Department in order to determine the County's share of the HUTF, which has continuously included the county-maintained streets in Niwot.

The alleys by contrast are public but not County rights-of-way. This is because the alleys were dedicated to and used by the public but never accepted by the County as "county rights-of-way" either formally through resolution or impliedly through maintenance. In addition, the alleys in Niwot were never considered to be a part of the County's road system and have never been included in the annual road mileage report to the state.

It is our opinion that the use, maintenance, and improvements to the alleys must be such as will not interfere with the historic use of the alleys. It is likely that the primary historic use of these alleys has been access to the adjacent properties by the owners or their designees, and each adjacent property owner is equally vested in the right to use, maintain and improve the alleys in a manner which would not interfere with the use of the alley by the other adjacent property owners. Aside from this, we are not aware of any quality standards which would apply to the proposed re-grading or maintenance of the alleys.

Jana L. Mendez
County Commissioner

Ronald K. Stewart
County Commissioner

Paul Danish
County Commissioner

If you have any questions or concerns related to this issue, please contact me or Clark Misner of the County Transportation Department.

Sincerely,

Leslie Wright Lacy

Leslie Wright Lacy
Assistant County Attorney

copy: Ron Stewart, Commissioner
Camilla Laughlin, Land Use
Clark Misner, Transportation

This letter was received by the NBA on Oct 31, 1997
It outlines the county's official position on alley maintenance

Anne Dyni, secty

From: Wufoo
To: Ruano, Jose
Subject: Niwot NRCD comment form [#10]
Date: Thursday, October 18, 2018 6:33:57 PM

Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business customer

What do you value about the 2nd Avenue commercial district?

Old town Niwot is a welcome remnant of a bygone era. The location is idyllic, the aura...cozy, welcoming and slow-paced. Every effort should be made to to preserve those qualities. Small town attributes and a rural setting should be priority. The combination of expansive open fields extending out to lovely mountain views to the west, and historic 19th-early 20th century buildings is breathtaking. It's a walk-able town with many great attributes.

The impact of several new structures, similar to the development we now see adjacent to Colterra, could establish an impression of density not in keeping with the current flavor that one would hope to preserve of the town. A proper balance of residential, commercial and retail property is essential.

2nd Avenue between the railroad tracks and Niwot Rd. is all there is of "Main Street, Niwot"...why wouldn't one want to proceed with great caution?

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#11]
Date: Friday, October 19, 2018 12:50:56 PM

Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer

Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:

I am pro moratorium for any project that is seeking to get, (new), commercial and or residential access of the alley from 2nd Ave. This includes any new commercial and residential structures currently being designed or slated for construction along 2nd Ave. I understand that the alley has a history of being used by service vehicles, (sanitation, Xcel, Comcast, ect) as well as use by Colterra, and I support that. I am all for cleaning the alley so it doesn't look so downtrodden, but limiting its access to new development is my primary concern.

This is the only part of the moratorium that I support. In a perfect world the moratorium would only apply to development that is seeking to gain access to the alley between 2nd and 3rd Ave.

The amount of requested new commercial and residential access to the alley is far beyond the scope of what is acceptable and what the alley can physically handel. It's a dead end alley that can't support the amount of proposed new commercial and residential access.

I think 6 months is the shortest time frame needed for proper consideration on the code rules and regulations that govern the alleys use.

What do you value about the 2nd Avenue commercial district?	The picturesque look of it. The new and old combined to provide a unique experience for residents and visitors.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	I am extremely concerned on encroachment from new 2nd Ave development and their insistence on getting alley use. Losing the buffer zone the alley has provided for 3rd Ave residents will have a dire impact on quality of life.

Size of structures including building footprints and height?

I think all development, when well thought out, can contribute to the quality of Niwot's 2nd Ave/Downtown areas.
The 1914 restaurant building looks fantastic from the street and the renovation was excellent. Conversely the Lockwood Building was constructed in 1998 and that also fits in perfectly with the downtown Niwot experience. Both the 1914 restaurant building and the Lockwood building are among the taller buildings downtown, they were built almost a century apart using vastly different materials, yet they complement one another beautifully and blend incredibly well with the rest of downtown. There are multiple examples of new and old buildings constructed at different heights, materials used, and footprint sizes that gell cohesively in the downtown area.

The appearance of structures and how they fit the community character (materials and design)?	I love all the new and old brick buildings. In general I love how brick ages and develops new colors overtime. My favorites are the Powder Keg Building and the old bank

	Porch Front Homes now occupies. Lockwood is a very close 3rd. I also love the "Wild West" facade of the 1914 restaurant building, and the stately Colterra building.

Desired mix of different uses (office, retail, restaurant, residential)?

Ideally there would be about even mix of commercial and residential.

But this is the one point I understand the developers on. When they say they cant make commercial work in all instances I caustiosly agree. I, like the majority of Niwot I'm sure, hate seeing vacant storefronts downtown. And there are currently several. I can sympathize with developers who don't want to build a commercial building only to have it sit vacant because they cant get tenants, or have a new tenant in the space every other year.

That being said, there has to be a way to add both commercial and residential to 2nd Ave that does not erode the buffer zone and privacy the alley has provided to 3rd Ave residents

Interface, connections, and access between commercial and residential areas.

I think the access is very good right now. There are numerous sidewalks and street crossings that allow for easy maneuverability downtown by vehicles and pedestrians.

I think the issue of safety along 2nd Ave is being dramatically over blown and is being used as a dog whistle.

It is my belief the developers are pushing the safety issue because unrestricted alley access for them represents the only way they are going to pull the maximum amount of profit out of their projects. The new 7 Wealth building on 2nd Ave installed 3 BRAND NEW parking spots above the sidewalk. If the developers are so concerned about safety and vehicles crossing sidewalks why was this done. That building isn't even 2 years old. If they're so concerned about safety now, they would have been just as concerned then.

The business owners are pushing the safety issue because they are more comfortable upsetting their 3rd Ave neighbors than inconveniencing their customers. Redirecting all commercial delivery trucks and equipment from 2nd Ave to the alley will be more pleasant for their customers but it infringes on the privacy of 3rd Ave residents.

What do you hope to see out of the NRCD update process?	I hope that new alley access between 2nd Ave and 3rd Ave is off the table. I hope that any new development, residential or commercial, incorporates features and materials that will seamlessly blend in with downtown Niwot and contribute to the quality of life for decades to come.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#12]
Date: Friday, October 19, 2018 10:28:15 PM

Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	KEEP the moratorium in place until guidelines can be put into place to effectively influence / provide direction for existing proposals in progress for new developments - especially new residential developments that are in any way similar to 240 2nd Ave. Hopefully the issues with Colterra can be expedited to resolution, the restoration of this great business is highly desirable!
What do you value about the 2nd Avenue commercial district?	Historic small town: Unique, small in area but packed with charm. A place to dine, shop and celebrate for locals AND "out-of-towners".

Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?

The new SouthPaw development is a complete betrayal to the character of the Niwot commercial district as well as the neighboring residential area. It's highly concerning that this new triplex may have set a precedent for future development along 2nd Ave. The side that faces 2nd Ave has contributed nothing positive to the Niwot local or visitor, but now presents a very real safety concern for pedestrians as cars need to BACK INTO the sidewalk to park / exit. This is incredibly concerning and inconsiderate as the 2nd Ave commercial district is a place where people generally WALK to experience the area. The residential component of the triplex looms two stories high directly on the alley with no setback and it sits almost directly behind the older residential homes on 3rd Ave, entirely thoughtless. As a whole, the most recent new development at 240 2nd Ave is unattractive, inappropriately dense, and appears generally very poorly designed. In no way does this new development speak to Niwot's heritage. Do not want to see this repeat. It does not embody any of the qualities that made Niwot attractive to us when we moved here.

Size of structures including building footprints and height?

New structures should not exceed two stories. The footprint should be commensurate to other existing buildings. Niwot Inn and the Slater building are frequently quoted examples of two story buildings that feature: multiple units, parking lots, setback from the alley, setback from the street. Not ideal: buildings that exceed two stories in height. Multiple buildings packed onto a single lot that relate poorly to the other buildings nearby (like the new SouthPaw triplex on 2nd Ave., and would also note that the buildings WITHIN the SouthPaw commons development also appear to relate poorly to each other, the front of the residential buildings are incredibly close to the back of the commercial building in front... again out of character with the historic, rural surroundings), buildings that have 0 setback to the alley.

The appearance of structures and how they fit the community character (materials and design)?	Appearance and materials should be consistent with some of the older existing buildings.
Desired mix of different uses (office, retail, restaurant, residential)?	The proportion of retail and restaurant should be greater than the office and residential spaces. Otherwise there is little to draw people to the area to visit the existing businesses. This commercial district is not a large area, the balance has to be right or else the character of the town, the charm, is lost.

Interface, connections, and access between commercial and residential areas.

Any non-service access to properties on 2nd Ave should be accessed via 2nd Ave. The alley is not a two-way road. Anytime there is a delivery van or trash truck in the alley for the businesses, they obstruct the alley and need to back out. Adding an estimated 60-80 trips (or more) of residential traffic to the mix is difficult to understand logistically. Significant increase to the volume of traffic would interfere with the quality of life for residents along the alley. Increased traffic is a safety, noise and maintenance issue. Residential traffic adds a new component of daily travel at any time of day/night.The addition of one or even two multi-unit residential buildings would introduce a level of use that would totally transform the alley and neglect the historic, rural setting that contributes to the appeal, (and privacy), of the 3rd Ave residential area.

What do you hope to see out of the NRCD update process?

1.Keep alley use restricted to service vehicles and existing residents 2. Consistent guidelines that preserve some of the existing standards to ensure new development relates well to nearby buildings including residential. (Unlike 240 2nd Ave) 3. Guidelines for an increased setback from the alley, again to ensure that any new development relates appropriately to the structures around it, and also to respects the residential properties 4. Guidelines for the number of residential units on 2nd ave. // Overall, some common sense updates that prevent us from losing the rare qualities that Old Town Niwot has to out of proportion development.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#13]
Date: Saturday, October 20, 2018 9:56:15 AM

Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business customer
What do you value about the 2nd Avenue commercial district?	I value the fact that the few shops offer different merchandise than big chain stores. You can shop in a friendly relaxed manner. It would be wonderful if there were a few more enticing stores. I remember when Niwot was a destination for antiques and lunch! It was a lovely way to spend a day. Also one can always park without hassle of meters etc.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	I love the small town feel. Niwot looks like a nostalgic movie set and it would be great if this could be preserved.
Size of structures including building footprints and height?	Do not make it a canyon of buildings. Pearl street has lost much of its charm and mountain views.
The appearance of structures and how they fit the community character (materials and design)?	Once again keeping the charm and small town feel. You can sit on a bench and sip coffee and feel relaxed.
Desired mix of different uses (office, retail, restaurant, residential)?	Would love to see more retail and more variety on simple places to eat. There needs to be a draw for people to come to the destination. There are plenty of places if one wants to hang out in a glorified parking lot of houses, apartments, and offices.
What do you hope to see out of the NRCD update process?	I think Niwot is a gem that needs some careful planning. Make the downtown a beautiful vibrant place people want to come to. Don't make it another bedroom community with stacked housing and density.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#14]
Date: Saturday, October 20, 2018 12:27:33 PM

Name (optional)	Marti Schmauss
Email (optional)	martione@msn.com
Phone number (optional)	(720) 289-0957
Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	USA

What do you hope to see out of the NRCD update process?

I am a frequent visitor to Niwot. I often come for lunch with my friends and then stroll through the town to shop at some of your small stores. Recently, some are gone and have not been replaced by interesting new options. I have also noticed that there are some newer buildings that don't seem to belong in this quaint little town. Traffic has also increased and parking is harder to find. I don't go to Boulder for these very reasons. Please be careful to preserve the town's essence. Don't allow Niwot to become another Boulder. I hope that you will do what is best for this unique community.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#15]
Date: Saturday, October 20, 2018 6:17:57 PM

Name (optional)	Eugenie Morton
Email (optional)	EugenieMorton@gmail.com
Phone number (optional)	(720) 422-8005
Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	Specifically I would request you amend the six month moratorium for Colterra... it is truly a corner stone and heartbeat of this tiny but fantastically quaint town that I love visiting... shopping, spending tons of money and eating out at! So please allow my most favorite restaurant to get back up an running before it's too late! So many of us have been waiting a very long time!
What do you value about the 2nd Avenue commercial district?	The diversity of the shops, they are not cookie cutter and offer unique services and gifts... I also really LOVE Little Bird!

Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?

I am a Colorado / Boulder native so this process makes me ill. I realize this is a complex issue ~ in Boulder and now in Louisville there is development right up to the edge of streets sidewalks and alleys, crammed in for maximum density and dare I say profit? I am left with a feeling of being "crowded out" ~ I don't want to linger, stop, park, walk... I just want to leave and find a place where I can relax and breath. I NEVER frequent downtown Boulder anymore for meals or shopping, it's intolerable as far as loss of ambience, traffic and parking! Sadly, more and more memories of open space and personality of towns, neighborhoods will die with me... so many now coming to this area will never know what they missed. OH! and I'm just a very young 61!

Size of structures including building footprints and height?	Please limit the height, so that I don't have to crane my neck to see the few floors up and good grief let there be room for creative expression in the surrounding landscape so NOT up to the edge.
The appearance of structures and how they fit the community character (materials and design)?	We don't all work for Google or even appreciate the template style of all angles uber modern right up to the edge of the tracks look. Communities have unique character so get a few locals to weigh in? Yes ~ shaking things up is good but please don't create such a vacuum tight trend which is what has taken over Boulder like a nasty virus.
Desired mix of different uses (office, retail, restaurant, residential)?	Since I drive in to Niwot, it is an entertainment destination for me [food, shopping, music etc.] I would really want to locals to weigh in on this after all I leave to sleep elsewhere and this is their home!
Interface, connections, and access	If I lived in the area I would want the interface to be

between commercial and residential areas.	"inconvenient" between residential and commercial. Let the businesses and their flow of traffic and parking not impact the quiet qualities of the neighborhoods. So no easy through ways etc...
What do you hope to see out of the NRCD update process?	I will keep track of this process through friends who I've and work in the area. I appreciate the fact you are trying to slow things down, truly.... please don't chase out the less than millionaire folk ~ allow for a diverse community both business and people!

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#16]
Date: Saturday, October 20, 2018 7:17:22 PM

Name (optional)	K.
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	The moratorium on processing applications for development in the Niwot Rural Community District should be extended. The Land Use Codes should be examined and upheld, not changed to meet the needs of people wanting to ruin Niwot.
What do you value about the 2nd Avenue commercial district?	The 2nd Avenue commercial district in Niwot has been a quaint, charming area. With the building that has occurred, against the Land Use Codes, and the building that some people are wanting to do, the quaint feel of that area is, and will continue to be lost.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	The current alley between 2nd and 3rd Avenues should not be used as a street. That was not the original intent.
Size of structures including building footprints and height?	Building footprints in this area should not be too large, nor should buildings be taller than the Niwot Grange.
The appearance of structures and how they fit the community character (materials and design)?	All structures should remain in character with the community and not look like they belong in a city.
Desired mix of different uses (office, retail, restaurant, residential)?	Since this area is a commercial area, it should contain small shops and businesses.
What do you hope to see out of the NRCD update process?	Niwot residents choose to live here because it is a quaint, charming community. We want to maintain the semi-rural feel of this cozy hometown. People who "have the money" should not be allowed to dictate what happens in our community just to make money. Sometimes it's just not about the money!! Niwot residents are concerned with our quality of life!! Contrary to what the people who "have the money" believe, the community of Niwot will not "rot" if they aren't allowed to build here.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#17]
Date: Sunday, October 21, 2018 8:45:20 AM

Name (optional)	Manfred Schwoch
Email (optional)	schwoch@colorado.edu
Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	We live in Heatherwood, basically a neighbor of Niwot. Our sole reason for commenting is the fate and confusion about that wonderful restaurant, Colterra. It has been our favorite restaurant for many years, to the point that it can truly be considered a community asset and treasure which evidently has represented a large percentage of restaurant services in Niwot. Please do everything in your power to enable Colterra owners to rebuild that wonderful restaurant as soon as possible.
What do you hope to see out of the NRCD update process?	Our wish as stated above: clear the path for Colterra owners to rebuild as soon as possible.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#18]
Date: Sunday, October 21, 2018 9:10:06 AM

Name (optional)	Suzanne Najarian
Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	There should be a permanent moratorium on development of the alley area of 2nd Avenue. It totally ruins the unique character of old town Niwot. It's sad to see the buildings that have already been put up along the alley--totally out of character with the town.
What do you value about the 2nd Avenue commercial district?	It has a home town feel. I have friends who live on 3rd Avenue and have been visiting them for years. I love the sense of community that exists in old town Niwot and would hate to see that go. I have patronized the shops and restaurants on 2nd Avenue for years and love the charm. I would hate to see what's happening to Boulder also happen to Niwot.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	I understand that the proposed new buildings and the already built units are accessed through the alley, which is too small to accommodate all the potential vehicle traffic.
The appearance of structures and how they fit the community character (materials and design)?	The new buildings already finished don't fit the character of the community at all.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#19]
Date: Sunday, October 21, 2018 9:58:12 AM

Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	Colterra should not be limited by the moratorium in any way: current and future interactions with land use needs to fall under the existing NRCD regulations. Ensure the moratorium is only on new construction or change in use applications submitted after the moratorium, allowing existing businesses to improve during this time under existing regulations if it remains in place.
What do you value about the 2nd Avenue commercial district?	Access to retail and restaurants in our small town is wonderful for our community. It brings us together. I enjoy the outdoor seating areas to connect with others in the community. I enjoy All beautification efforts: trees, flowers and pedestrian paths from residential to downtown.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	No
Size of structures including building footprints and height?	No
The appearance of structures and how they fit the community character (materials and design)?	Yes, but I'm not a fan of HOAs. keep SPR process with improved communication about changes to the town, post an ad in LHVC with details, etc.
Desired mix of different uses (office, retail, restaurant, residential)?	This is my biggest concern and area I think Niwot can do better. For the downtown to thrive again, it needs more retail and restaurants on the ground floor space and less service oriented businesses. I think the community is unable to bring in more of these kinds of businesses because rent prices are too high for the low foot traffic and parking requirements are hard to meet. Changes in use to support economic development in this direction would benefit everyone (residents, businesses, property owners).
Interface, connections, and access between commercial and residential areas.	Building near residential areas and increasing traffic is definitely something to ensure is done right. Connections are also important.

What do you hope to see out of the NRCD update process?

Ensure we have guidelines that support retail and restaurant space on the first floor in down town,

moving service businesses and residential to second floor space. Help this happen with support of overflow parking off 2nd Ave, and rent assistance for 1 year until the volume of businesses has increased to a sustainable level (lid money, reduced rent offers by property managers,other).

Ensure new development fits these guidelines.

Ensure noise and screening between new construction and existing residential areas is addressed and traffic patterns that impact residential areas for this growth kept as low as possible.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#20]
Date: Sunday, October 21, 2018 11:41:15 AM

Where do you live?	Niwot
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	I feel the moratorium should be extenced untill a complete plan is reviewed by all Niwot residents. I would rather wait and get it right than to rush and regret it later.
What do you value about the 2nd Avenue commercial district?	I value the old charm of downtown Niwot. All the construction lately has not kept with the old charm. I liked the stores downtown but those have been replaced with offices which does nothing for the town.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	The setbacks should remain as they were which is to the front of the lot. I do not know who approved the latest mixed use building with all that setback and garages that empty onto the alley, but that person should be fired in my opinion. Makes me wonder who the planners work for, maybe the builders?
Size of structures including building footprints and height?	Size of the structures should be consistant with the other buildings in the area and the height must not exceed the height of the grange building.
Desired mix of different uses (office, retail, restaurant, residential)?	This is the last of the Niwot business district and should only include retail and restaurant. No more mixed use buildings please.
Interface, connections, and access between commercial and residential areas.	The alley should not be used by the business district at all. I believe this was written in the regulations in the past but has been overlooked by the planning office and garages now empty onto it. (poor research by the planners)
What do you hope to see out of the NRCD update process?	I hope to get back to the rural feel of this town which lured so many people here to make it their home. Builders feel they have the money and should be able to build as they want but most people here do not want to see that. This town has done fine for all these years without all the office buildings that have been built and do nothing for the atmosphire of the town.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#21]
Date: Sunday, October 21, 2018 1:42:56 PM

Name (optional)	Mike Selak
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	This 6-month moratorium gives the County time to update the NRCD regulations, which are 25 years old and no longer serve the needs in the present development environment in Niwot. There are only a few choice parcels left in downtown Niwot. Any new buildings will be here beyond our lifetime and it is important to do this right. We want to preserve Vintage Niwot's special charm.
What do you value about the 2nd Avenue commercial district?	The downtown is surrounded by residential areas. What brings people downtown are shops, services and restaurants. People within Niwot and outside of Niwot do not come to our downtown to look at apartments and residences in the NRCD district. Residential units downtown benefit the developers with rental revenue, but do not benefit everyone in the community. If there are too many residences, that precludes adding retail or restaurant space in the future.

Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?

Setbacks: Minimal setbacks along alley corridors are unacceptable. (Zero is currently required.) A two-story building viewed on a normal street is not as imposing as one that is 20 feet from your rear property line (as an alley corridor resident.) Imposing, large two-story buildings with minimal setback throws an 84-foot shadow over adjacent alley corridor properties during the winter months. The Slater Buiilding and The Niwot Inn are examples of "development done right" along the alley corridor with large setbacks and parking in the rear accessed from 2nd Ave.

20-foot front yard setbacks in block two seem to work well. Current side-yard setbacks of "0 or 12 feet" do not work. This gives the appearance of high density with buildings crammed together, which is also a safety hazard.

Lot coverage: Buildings should not be built to encompass the entire lot, or lot line to lot line. This type of high density is inappropriate for a small, semi-rural downtown area and does not fit in with the character of the town.

Size of structures including building footprints and height?	Square footage of structures needs to be amended so that developers do not take advantage of current regulations to "build to the max." The Southpaw Triplex footprint is larger than that of the Niwot Inn. This residential structure is massive when viewed both from 2nd Ave. and from the adjacent alley. 30 foot height building is ok as long as there is parking in the rear accessed from 2nd Ave - as modeled by Niwot Inn

and Slater Building.

The appearance of structures and how they fit the community character (materials and design)?

"Modern Industrial" architecture has no place in our downtown. Specifically "boxy" structures and flat roofs. Some of the design elements from the Block One of the NRCD could be carried over into Block Two, such as molding along the facade, roof peaks, etc. The Lockwood Building, Slater Building, Niwot Inn and Left Hand Corner are all great examples of buildings that have a certain "warmth" and fit into the Niwot character. The one-story brick building on the corner of Franklin and 2nd Ave. across from the Grange is also within character. Brick and board and batten or a combination is also attractive. There needs to be a cohesive look.

Desired mix of different uses (office, retail, restaurant, residential)?

The ratio of office, retail and restaurant should be much higher. There is no need for residential units downtown, unless they are integrated into a mixed-use building like Slater. This building sets the example for appropriate mixed use of residential and commercial. As old town residents, we have not seen any vacancies in these buildings for years, so obviously developers can make money. It is free-standing residential units that are objectionable (aka - recent Southpaw triplex.)

We need to have NEW commercial/retail space to attract investment in Niwot. If there is none available (and taken up by residences) then the downtown commercial district cannot expand.

Interface, connections, and access between commercial and residential areas.

Any commercial property on 2nd Ave. should be accessed from 2nd Ave.especially in Block Two. The alley has traditionally been a buffer between the commercial district and residential homes on 3rd Ave. Historically for the past 30-plus years the alley has only been used for service vehicles such as trash trucks, tree-trimmers, electical line work, etc. - until recently.

The east sector of the alley is one-lane with a single access point on Franklin. Allowing two-way traffic in a 20 foot wide alley for proposed residences or other developments on 2nd Ave. creates traffic hazards, light pollution, noise and air pollution for adjacent residences. There is also a school bus stop on Franklin... perpetual ingress and egress from this access point is a hazard to pedestrians and bicycles. When Colterra is rebuilt, there will again be deliveries to the restaurant made from the alley. Car traffic will conflict with the traditional use of the alley for service vehicles only.

The parking which was used for Colterra employees was enveloped by the Southpaw Triplex. Where are Colterra employees supposed to park now? I thought that 6 of the spaces in the new parking lot by Southpaw were supposed to be dedicated spaces for future Colterra employees. Whether that has changed or not...I don't know. If more buildings are proposed behind 280 and 290 2nd Ave., where will those employees and clients park, since the existing parking spaces will be eliminated? Every development along the alley corridor has repercussions for residences and adjacent commerical properties.

What do you hope to see out of the NRCD update process?	I am not against change. Having been an Old Town resident for 35 years, I have seen plenty of it! What is done with the remaining parcels in the NRCD is immensely important. These structures must compliment our rural history and blend in seamlessly. We want them to be loved by many generations to come. I see high density infill development as motivated by profit to the detriment of the community at

	large. If a revision of the 25-year old NRCD regulations will help preserve this precious gem of a town, I am all for it. We only have one shot at this and cannot fail to do the right thing.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#22]
Date: Sunday, October 21, 2018 2:37:56 PM

Name (optional)	Barb Shore
Email (optional)	barb3131@comcast.net
Phone number (optional)	(303) 652-3131
Where do you live?	Niwot
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	Let's get this don RIGHT ! no matter how long it takes . I have lived on 4th and Franklin since 1978 . This "Old Town Niwot" has been so wonderful ! . Friendly, safe and without excess traffic or parking issues.It has been able to meet the needs of us who have been here so long.
What do you value about the 2nd Avenue commercial district?	Very accessible and compact. Parking is adequate as things are now. It has a" home town" feeling and is beautiful residents of this part of town and visitors.Why do you think people come to this area? Speed limits and intersections are well designated and safe.

Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?

After what was done on 2nd. and Murray down the alley and along Murray Street to 2nd. I have strong concerns concerning the [proposed development on 2nd to Niwot Road and down the alleys. The alleys are a needed access way from Franklin to Murray.Parking there would be intrusive and dangerous . A major concern of mine is SAFETY. The 3 WAY INTERSECTION AT 2ND. AND NIWOT ROAD IS NOT SAFE .tHE VISIBILITY OF TRAFFIC COMING DOWN NIWOT ROAD FROM THE RAILROAD TRACKS WHEN YOU WANT TO TURN LEFT AT THAT INTERSECTION ONTO NIWOT ROAD IS AWFUL.YOU HAVE TO PULLOUT TOO FAR TO GET A VIEW OF THE TRAFFIC COMING FROM FRANKLIN. OR YOU MAY BE SUBJECT TO BLIND SPOT !! I have found it better for me going in the lane that takes you towards Franklin. I THEN have a very good view of oncoming traffic before I have to turn left onto Niwot Road . TRY IT SOMETIME !! . I do not want more structures ad or parking that may cause more visaibility and traffic problems .

Size of structures including building footprints and height?	Too large for that side adjacent to both 2nd. and Niwot Road. It would create more traffic problems as a result of visibility at that intersection as I clearly explained above. The height would block vision from 79th.Street down 2nd.ave towards Franklin . Who needs something that high to STICK OUT LIKE SORE THUMB.
The appearance of structures and how they fit the community character (materials and design)?	From what I have seen in the drawings and plans this whole complex would take away from the character of Niwot.. It would increase parking and traffic issues.

Desired mix of different uses (office, retail, restaurant, residential)?

My biggest option to the mix of uses is the additional RESiDENTIAL. More parking and traffic Do we need another restaurant when we already have 2 down 2nd. towards Murray and will have a third

when Colterra [s restored .. We have in addition to those we have 4 in the Niwot Square area just across the street from a new planned one . More traffic and parking problems. What impact would a new one would have on the owners and employees who have invested their money and time to establish themselves ? Are people that lazy to walk a few blocks. This is not NEW YORK CITY. Back to Safety . Increased cars , people looking for businesses, parks , and those walking and crossing streets could easily increase the possibility of ACCIDENTS and PEOPLE GETTING HURT !! .

What do you hope to see out of the NRCD update process?	Keep character the beauty/design and. SAFTEY of "Old Town " Niwot as it has been since I came here 40yrs.ago Yes there have been changes. it is still a wonderful place to live or why would so many people have come here. NO MORE SPRAWL

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#23]
Date: Sunday, October 21, 2018 8:41:37 PM

Where do you live?	Niwot
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	Plrase extend the moratorium.
What do you value about the 2nd Avenue commercial district?	I value the feel of the rural character of Niwot.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	I value the rural feel of Niwot It is important to keep 2nd Ave feeling rural. Big town, infilled developement ruins that. It is especially important not to degrade the surrounding commumity by forcing large 2 story buildings with zero setback upon the local residents .
Size of structures including building footprints and height?	Please keep the buildings KIND. Commercial development is a given. Just please be kind. Southpaw is both unattractive, and unbelievable unkind to the residence behind it. I, personally, would never treat my neighbors in such an uncaring fashion. There are ways to mitigate the effect of development upon surrounding properties, and I remained just stunned that this project was allowed.
The appearance of structures and how they fit the community character (materials and design)?	Notice the Lockwood Building. Now compare Southpaw. Southpaw says grab the most space, keep it cheap, and laugh call the way to the bank.
Desired mix of different uses (office, retail, restaurant, residential)?	It makes the most sense to keep downtown strictly commercial . It keeps a draw to the downtown, maximizes revenue for you people, and is what we signed up for, living behind commercial property.

Interface, connections, and access between commercial and residential areas.

This 'question' is curious,

We live on third Ave. The alley is ACTUALLY IN THE RESIDENTIAL ZONE.

The agreement is that 2nd Ave has use of the alley foe trash service, etc, but NOT for access to condos, apts etc. It is ridiculous to think that it is a good option to allow condos and apts to use the

alley for access.

Firstly, the alley is in the residential zone. NOT the commercial zone. Rentals on 2nd ARE commercial. So, the access rules of only property owners and services should apply.

Secondly , historically the alley has been a buffer between the business and resi zones. It requires give and take to live along such a boundry. The tough thing is, when you are just a resident, it seems your viewpoint takes a back seat to people looking to make money on their adjoining properties.

I try to look at the issue from their point of view, but cannot understand how they feel ok degrading someone elses property. (So, notice the house behind Southpaw) For me, Id talk to my neighbor, and work out a solution, or find a compromise that I (and hopefully they) felt good about. Perhaps that is why Im not a business person.

it is a no brainer that historic relationships should be a basis for future relationships. Give people what they have reason to expect. Don't suddenly allow what wasn't there before.

What do you hope to see out of the NRCD update process?	Id hope that the historic studies (ie 1996 Alley Study) havd zn effect

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#24]
Date: Sunday, October 21, 2018 8:44:18 PM

Name (optional)	Kellie Beran
Email (optional)	beran88@gmail.com
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	For the purpose of the moratorium only, the area for the moratorium can be reduced to area 3 & 4 as this is where any future development in Niwot could occur. Colterra could be excluded as this is is a repair of an existing building/business, I believe. The length of this moratorium should be sufficient for the county to be able to address all of the land use issues encountered by this community. Decisions made during this time will impact this community forever. There are very few areas remaining to be developed and they are all located between Murray and Niwot Road
What do you value about the 2nd Avenue commercial district?	We appreciate the retail businesses and restaurants. We use them and find value for the community to have these businesses in Niwot, for convenience as well as a reduced carbon footprint. These businesses are used heavily by the residents and taxes collected support the downtown area. Service businesses or residences do not support this.

Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?

In Regard to the alley in Block 3, there are safety issues.
1) it is dead end. We live on a 2-lane dead end street (3rd Ave) and we frequently see trucks backing all the way down the street as there is no turn around. This is an impossible situation for a one lane dead end alley
2) Historically, this alley has no been used as regular access to the residences. It is used as utility access at times, which is fine. To add any type of business or residence where this is the main access, creates much more traffic, safety issues, and unneeded impact on the existing residences on 3rd Ave.
3) The suggested 80 trips additional per day in the alley also means 80 trips per day on 2nd and Franklin. Niwot already has traffic and parking issues. This will just add to the congestion and reduce quality of life for all residents. It may create so much traffic and parking issues, that customers may no longer want to travel to Niwot to patronize businesses where there is no parking.The future parking near the train tracks cannot address guest parking for future condos, putting more burden on parking on 2nd Ave..

Size of structures including building footprints and height?

1) 2 story max downtown (Slater Building max height)
2) On the alley, if commercial properties on 2nd build to property line, no building more than one short story bordering the alley (12-14 ft), then they can increase to 2 story on 2nd. It would be best to have parking behind any new-build on 2nd, and have this parking bordering the alley with no

garages (like Slater Building or Niwot Inn). This will create a buffer between the business district and residents on 3rd.
3) Even thought 2nd may have been zoned commercial for many years, there were always single family residences on 2nd (districts 3 & 4), and until the past 25 years, this is how it has been used.
4) to maintain the rural character of Niwot, there needs to be some space. It should not seem congested as future development seems to imply. We love Niwot because of the small town feel - we do not want Boulder or Prospect.

The appearance of structures and how they fit the community character (materials and design)?	Architecturally in line with buildings from 1880-1920.
Desired mix of different uses (office, retail, restaurant, residential)?	No office as this does not support other retail business or LID tax which is needed to support this district. If any residences at all, they should be second floor of a 2 story building, with a restaurant or retail business on 1st floor.
Interface, connections, and access between commercial and residential areas.	Businesses on 2nd Ave must have primary access from 2nd Ave, Franklin or Niwot Road. Access to the businesses should not bleed into the residential areas.
What do you hope to see out of the NRCD update process?	1) The preservation of the rural character of Niwot 2) a vibrant retail district on 2nd Ave 3) A buffer zone between commercial district and residental areas 4) Limited use of the alley between district 3 and residents on 3rd 5) Limited development according to available parking and traffic flow 6) Any residence added to commercial district must have at least 2 parking spaces plus guest parking so as not to burden parking in business district as well as nearby neighborhoods.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#25]
Date: Sunday, October 21, 2018 8:57:01 PM

Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	EXTEND,
What do you value about the 2nd Avenue commercial district?	We really like the rural feel, hometown vibe of downtown.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	There are many contemporary structures which add to the rural feel of Niwot. That is Niwots charm! New construction should build upon that feeling. It would benefit boyh the builder and the town!
Size of structures including building footprints and height?	Keep buildings smaller! It is such a cute town!
The appearance of structures and how they fit the community character (materials and design)?	I love the buildings in the block nearest the tracks! The block beyond is just hodgepodge, and the shopping center to the east is just a shopping center
Desired mix of different uses (office, retail, restaurant, residential)?	Keep it business. It would be really cool to get more of a mix of antique and small shops. Its such a cool town!!
Interface, connections, and access between commercial and residential areas.	Let the residentials be residentials, and the businesses be businesses. Dont change status quo.
What do you hope to see out of the NRCD update process?	Some sort or predictable way forward. Gotta know if we need to leave ol' niwot

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#26]
Date: Sunday, October 21, 2018 11:10:32 PM

Name (optional)	James Thomas
Email (optional)	jimt1953@gmail.com
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business owner • Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	Please keep the moratorium in place and extend it as required for the code/reg update effort.

What do you value about the 2nd Avenue commercial district?

This district has been instrumental in achieving a vibrant, small- town feel with it's diverse shops and businesses that encourage residents to go out, socialize and get involved with their community. Since I arrived here 30+ years ago I've enjoyed being able to pick up my mail, drop off my dry-cleaning, have my bicycles repaired, take my dogs to the vet, pick up interesting gifts for friends and loved ones, go out to eat at the many, fine eateries, shop for groceries, attend parades, jazz festivals, pancake breakfasts, easter egg hunts; meet friends and neighbors at the Rock 'N Rails concerts, Friday Night Dinners and Saturday Spaghetti and Meatballs at the Oak.

I've enjoyed being able to walk my dog and take my kids (and now grandkids) downtown over the years to stroll along second avenue and beyond without fearing for their safety on the sidewalks. My granddaughters can play in the children's park, enter their costumed pets in the The Great Pumpkin Party, Parade & Petting Zoo event and welcome Santa each winter at Enchanted Evening & Holiday Parade.

There's a lot of value in living in and visiting Niwot. The 2nd avenue district plays a very important role in maintaining the vitality and vibrancy this town has achieved over many years. I'd like to see these qualities protected and nurtured.

Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?

2nd Ave is an eclectic mix of architectures and uses that work! What doesn't work is trying to force residential housing into downtown. While there have been "mixed use" provisions in the past, the residential footprints were limited to apartments above store fronts, not free standing condos and townhouses. Residential development brings nothing to the downtown. Quite the contrary: it creates density issues, parking issues, privacy issues and safety issues. I am talking specifically about Southpaw and the Lefty/Meisner plan as well as the yet to be announced 280 and 290 development.

Size of structures including building footprints and height?	I think height becomes a problem for the downtown when it goes over 2 full stories. Footprints on non-contiguous storefronts should be such that the building doesn't looked shoe-horned in and that there's enough space front and rear so as not to create any pedestrian safety and/or parking issues. Less is more (density). Ideally, any new development would have employee parking in the rear, like a lot of businesses have in Niwot today.
The appearance of structures and how they fit the community character (materials and design)?	This is more difficult to articulate in that we have such an eclectic mix of architectures. There are guidelines that the Design Review Subcommittee can use to advise, but there isn't really anything as well defined as the code for residential neighborhoods. My feeling is that whatever is being proposed should be harmonious with the architectural character and appearance of those building closely adjacent. There's enough existing examples that with harmonization guidelines, we can't go too far wrong.
Desired mix of different uses (office, retail, restaurant, residential)?	The current mix of office, retail, services and eateries is wonderful. I don't see residential housing having a positive influence on our business district. It should be limited to small apartments above dedicated businesses - like it is today. I address this in more detail in the last section of this form.

Interface, connections, and access between commercial and residential areas.

This would be about the 3rd Ave alley. Practically speaking, the traffic logistics for a narrow, dead end alley are poor at best. It has become an issue because the Southpaw developer decided to build residential garage access on this alley. No-one else has done that, and no-one else affected had any say in the site review process. None of the 3rd Ave residents access their garages from the alley because it would be foolish, given the size and condition of the alleyway. This needs to be stopped. I have a recommendation for moving the townhouses in the last section of this form. I don't believe any alley-dependent plans for development should be considered.

What has happened as a result of the Southpaw development has the 3rd avenue residents feeling betrayed. They weren't notified, they weren't consulted, and in the end, they were very much put upon. All of a sudden these large townhouse appear lake a large, in-your-face wall with windows that assault their privacy. Unchecked, developers do these things, crying all the time that they care deeply about the town and its residents. If I was a resident of 3rd avenue in that block, I'd be hiring a law firm to seek remedies. This was shoved down their collective throats and without intervention from BOCO on their behalf, there are two more developments in the wings with similar impacts. This is unconscionable, and another reason that any residential development in downtown should be banned.

This also has a negative impact on home values and salability on 3rd Ave. In Dakota Ridge, North Boulder, all of the garage loading for the single family residences is from the alleyways between house rows. Take a drive up there and look at how many people park their cars, motorcycles, RVs and trailers in the streets near their house. Many times of day, two cars cannot pass each other because of parked vehicles in the streets. The garages in the alleys are just too hard to use. I for one, would not spend market value for a home surrounded by vehicles to the point that driving egress is impacted.

In Niwot, all accesses to businesses along that alley in the second block should be from 2nd Ave. Like almost all are now in that block.

What do you hope to see out of the NRCD update process?

I would like to see protections from residential development in Niwot's downtown business district. It doesn't fit, and it creates too many issues.

Ideally, I would like to see the Southpaw development undone. The townhouses should be lifted and moved to a residential neighborhood. The 7Wealth building is an affront to anyone who appreciates the beauty of Victorian and Craftsman architecture.
That building should be modified or razed and replaced with a building design that is harmonious with the existing structures in that area of 2nd Ave.

I would like pedestrian safety addressed relative to access and parking that requires crossing the pedestrian sidewalks.

I'd also like to see provisions that preclude any possibility of high density infill development. If I wanted to live in Boulder City, I would. But I choose to live in Niwot and I'm hoping it's not too late to stop the greedy land development that is impacting neighbors, creating safety issues for residents and taking away from the wonderful vibrancy and vitality of Niwot's downtown.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#27]
Date: Monday, October 22, 2018 5:16:29 AM

Name (optional)	Agatha Moya
Email (optional)	reddpaiint@yahoo.com
Phone number (optional)	(720) 837-7527
Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	I appreciate the County Commissioners putting a moratorium in place to halt any further building in the downtown area and would very much like to see it extended!

What do you value about the 2nd Avenue commercial district?

I value EVERYTHING about the 2nd Ave. commercial district! Downtown Niwot is one-of-a-kind gem, and everyone who lives there, and those of us who go there often, know it. It is our responsibility and duty to make sure that this place, with its history and distinctive character, is protected. The shop owners and residents of Niwot have taken pride in preserving the original buildings along 2nd Ave., they understand and appreciate their beauty and uniqueness. Downtown Niwot is a welcoming and friendly atmosphere where one can meet friends for coffee and casually walk from shop to shop. DO NOT allow greed, manifested by building of condos and other development, to seep into this beautiful place which we all love. Not only will it impact the downtown area, but the stability of neighborhoods around it. If building of condos and other structures are allowed to be built in and around downtown Niwot, it will be the beginning of the end of a very unique place. I implore you to try to avoid this tragic loss for us and future generations.

Size of structures including building footprints and height?	No more than 2 stories high.
The appearance of structures and how they fit the community character (materials and design)?	Appearance is everything. Any structure must complement the structures around it, not take away from them.
Desired mix of different uses (office, retail, restaurant, residential)?	No residential structures along 2nd Ave., they don't belong there! Retail (small shops) and restaurants, ok.
What do you hope to see out of the NRCD update process?	I hope you conclude that developing and building new buildings along 2nd Ave., will not happen in the foreseeable future without transparency and an in-depth study and responsible planning, with the involvement neighborhood groups, shop owners and other concerned citizens.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#28]
Date: Monday, October 22, 2018 7:12:43 AM

Name (optional)	Jane Langdon
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	I believe that the moratorium could be amended to exclude Coltera and The Chris Finger building because the closing of these two businesses has been hard on the downtown economy. Both of these places, especially Colterra, draw customers to town town to visit our handful of retail shops.
What do you value about the 2nd Avenue commercial district?	Our little village is what drew us to settle in old town Niwot. It is a precious part of our community.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	I think there should be a set back in the ally to buffer the neighbors to the rear of the commercial properties.
Size of structures including building footprints and height?	When Bill Colson built the very successful Niwot Inn, and Olive Slater built the Slater building, both of them took into account the neighbors behind them. Both Olive and Bill kept their buildings to the front of their lots in order to give the neighbors along the ally a buffer. Also, I remember Bill sinking the Niwot Inn and gave it a garden level to keep it from looming so tall. Both of these people seemed to more concerned about being neighborly than they were about squeezing every penny out of their investment. Both places have been successful and supported by the community.
The appearance of structures and how they fit the community character (materials and design)?	Naturally we who love old town love the historic character of our town and the scale of the buildings. I would say charm is quite important.
Desired mix of different uses (office, retail, restaurant, residential)?	I don't think we can avoid this mix. I would love to see more retail....if that is realistic...competing with Amazon. We used to have so many more shops and I loved it.
Interface, connections, and access between commercial and residential areas.	If this question refers to the alley...I definitely think the alley needs to be used minimally. If there is an access from 2nd Ave, I'm afraid it will just turn into a thoroughfare. It just doesn't seem necessary. The Inn and the Slater building have done fine without depending on the alley for access. They designed their buildings accordingly. Although our home does not back up to the alley, it just seems kind to do right by your neighbors.
What do you hope to see out of the NRCD update process?	Let's work together, be kind, be neighborly and everything will work out for the good of all.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#29]
Date: Monday, October 22, 2018 1:56:16 PM

Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	6 months seems quite reasonable. There is plenty to think about and foolish to rush.
What do you value about the 2nd Avenue commercial district?	Easy access, friendly people. I know many of the business owners and feel that I do my part to support them. I love 2nd Ave retaining so much of its historic flare.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	I advocate for business access from 2nd Ave as is the existing norm. The developers contention that crossing over the sidewalk is a safety issue does not ring true. Every business on the non historic block of 2nd accesses it's parking by crossing the sidewalk! He is presenting a non existent problem. Good design can be done that allows 2nd ave access for parking and allows the alley to remain a buffer to the neighbors. Trash trucks and other service vehicles are all that need use the alley. Also, building facing the alley on the property line like Southpaw is not good design.
Size of structures including building footprints and height?	I would prefer to see future development (especially infill development) be limited to one story structures. High buildings along the alley are intensely intrusive to the neighbors also on the alley....see Southpaw. Such a structure blocks light and a feeling of space. High density feels very wrong for Niwot . "Semi rural" and "Vintage Colorado " are good things. Let's preserve that, please.
The appearance of structures and how they fit the community character (materials and design)?	Reference the Lockwood building on Franklin. It really suits Niwot. ....a mix of brick and wood with character and style. Good design should fit & flow with a town, not over power it.
Desired mix of different uses (office, retail, restaurant, residential)?	All of these elements already exist on the block. I would prefer to see retail and buiness rather than any more residential. I know that Niwot buiness owners great concern is bringing people/shopping/eating/spending to town. More residential does not help in this regard. It brings rent money to a very few.
Interface, connections, and access between commercial and residential areas.	Parking behind the buildings and decent fences work just fine. Commercial buiness alley access is intrusive. The alley is not a street. It does not need to be paved and pretty. It is

	a buffer which helps retain neighborhood property value.
What do you hope to see out of the NRCD update process?	I'd like to see the developers involved calm down. They come off as very pushy. Speaking loud doesn't make their ideas more valuable. Mostly, I think it's super important to respect Niwot as the unique town it is and not over burden it with one or two developers wishes. I very much appreciate being heard and having the wishes and rights of people who live in old Town Niwot respected. Thanks

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#30]
Date: Monday, October 22, 2018 3:54:57 PM

Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	Please uphold the moratorium until real regulations are put into place!
What do you value about the 2nd Avenue commercial district?	It's comfortable and pleasant.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	I think that Bradford Heap of Colterras is creating a distraction with his parking issue. That is not the most important issue of the moratorium. How about he creates some employee parking spots as part of his rebuild design ? Not impossible. His long winded tale comes across as quite selfish.
Size of structures including building footprints and height?	No tall structures along the alley.
Interface, connections, and access between commercial and residential areas.	Alleys should be used for service vehicles only.
What do you hope to see out of the NRCD update process?	A plan that does not let developers do whatever they want. Southpaw was put up quickly and without full and proper consideration for neighbors. There are real drainage issues and space invasion issues there.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#31]
Date: Monday, October 22, 2018 4:24:08 PM

Name (optional)	Orin Hargraves
Email (optional)	orin.hargraves@colorado.edu
Phone number (optional)	(410) 346-6025
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	Clearly a review is in order and six months is reasonable. Please just get it done in that time, so that projects in progress will not be held up if they are approved.
What do you value about the 2nd Avenue commercial district?	The restaurants and the locally owned small businesses. The fact that I can walk there and that it is pedestrian-friendly.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	I think what we have now is adequte.
Size of structures including building footprints and height?	It would be incongruous for anything to be significantly taller than what is there now.
The appearance of structures and how they fit the community character (materials and design)?	The area has been developed up to now in a fairly sensitive way. This should continue.
Desired mix of different uses (office, retail, restaurant, residential)?	What we have now is good. If anything, more retail and less office would be desirable.
Interface, connections, and access between commercial and residential areas.	It's all pretty good now. The recent redevelopment of the "link" building (where Lucky Pie is) was done very well and makes for a pleasant walk from where I live to the downtown.
What do you hope to see out of the NRCD update process?	Happy ending for all? That's probably not possible, but please be as sensitive to the residents adjacent to the area as you are to the business owners. One more thing: get Colterra's permission sorted. Currently it is a he said/they said situation that reflects poorly on everyone. Since the fire, the restaurant, once best thing there was downtown, has become an eyesore, with the garden all gone to weeds. It cannot reopen soon enough.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#32]
Date: Monday, October 22, 2018 5:25:57 PM

Are you a? (check all that apply)	• Niwot business owner • Niwot business customer

Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:

I hope that the moratorium will provide both businesses and residential people with clear guidelines for new developments moving forward. The business community wants predictability in the business environment and residents want predictability that their lives will not be upended every time a new development comes up for review. Many Old Town residents are retired or just starting a family. This feeling of always being under threat is stressful (both for residents and businesses.) If sensible updated regulations are put in place, we can all breathe easier.

I would like to see the Colterra project move forward but whatever seems to be holding up their SPRW is unclear. It is very important that this is fixed. If the problem were more transparent, other residents/businesses might be able to help with a solution.

Interface, connections, and access between commercial and residential areas.	The alley bordering the commercial district should continue to be used for service vehicles only. Two-way traffic in a one-lane alley is a safety threat and disruptive to adjacent residential homes. The alley should not be opened up to more vehicular traffic.
What do you hope to see out of the NRCD update process?	I hope this moratorium will help address some of the development trends I see as "negative;" i.e. - high density infill, inappropriately sized/scaled buildings, and an increase in traffic in our little downtown. We need to take steps to preserve Niwot's charm before it's too late!

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#33]
Date: Monday, October 22, 2018 5:52:25 PM

Name (optional)	Kimberly Kalinski
Email (optional)	kim.kalinski@q.com
Phone number (optional)	(303) 667-6827
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer

Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:

As a residential property owner in Old Town Niwot as well as a business customer, I am voicing my support for the six-month moratorium on new development within our Rural Community District. It is encouraging that the County recognizes the accelerated pace and overwhelming scope of development in downtown Niwot, its impact on surrounding established neighborhoods and the community as a whole. A logical decision was made to take the time to review the Land Use Code regulations so they better reflect the character and future vision for the community.The proposed development plans along Second Avenue and the usurption of the alley are rushed attempts to ignore and bypass, or in some cases, violate regulations currently under review, quickly building projects before the County and Niwot business owners and residents have time to study the situation.

What do you value about the 2nd Avenue commercial district?	Second Avenue is charming, quaint and welcoming to both residents and guests. It's home. It's an ecclectic collection of locally and independently-owned shops and businesses (no chain stores!) There is also a workable combination of residential and commercial properties (e.g. the Slater Building) providing an ideal blend of uses without being overbearing. Certainly we all want to see our businesses and business neighbors thrive, and intelligent, cooperative planning for the future can ensure this.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	The site plans to maximize lot coverage by cramming multiple large buildings into limited spaces with minimal setbacks is extremely detrimental to the character and ambiance of Niwot. By attempting to convert a 20 ft wide residential alley for two-way commercial traffic to accommodate new residential and business traffic is not only illegal, it's a recipe for disaster - creating congestion, unsafe traffic conditions, noise and light pollution, and neighborhood security issues.
Size of structures including building footprints and height?	The Southpaw Commons building at 240 Second Avenue was a frightening wake-up call. This building is obtrusive, unattractive, in clear violation of usurping public parking spaces, and adds no aesthetic value to Niwot. Future building plans seem to follow this lead, producing like-buildings up and down Second Avenue with no regard to

	community culture.
The appearance of structures and how they fit the community character (materials and design)?	Ref: Southpaw Commons above. It is a travesty that something so offensive is located uncomfortably close to the charming Colterra's Restaurant. This eyesore doesn't fit in at all.

Desired mix of different uses (office, retail, restaurant, residential)?

When visitors come to Niwot for our popular Fourth of July and Holiday parades and Rock N Rails concerts, we like to see them enjoy browsing our commercial district with intriguing shops and restaurants to stop into. Small offices are most welcome, it's a great place to work – the employees and business owners are often seen strolling Second Avenue to grab lunch or coffee. What we don't want is visitors to come to Niwot and only see a plethora of overpriced condominiums and homes shoe-horned onto lots that are too small, saying "Niwot used to be such a cute place, too bad there's nothing to do here anymore."

Interface, connections, and access between commercial and residential areas.

As stated before, the alley behind Second Avenue is not a commercial alley. It is the buffer between the commercial and the residential district. Original plans for the Niwot Inn and the Slater Building attempted to violate this alley buffer. Cooperation and negotiations between the business owners, the County and the residential owners produced a most successful result – the properties were fenced off from the alley, guests to these commercial properties parked within this fenced area, these businesses were not inconvenienced, and residents' privacy was respected. Why can't the same solution be reached with these new developments? We have been told by the developers that this solution is no longer "profitable" vs the quality of life our Old Town neighborhood has enjoyed for 40+ years.

What do you hope to see out of the NRCD update process?	A six-month (at least!) review period is crucial for the County to conduct studies, encourage community outreach, and receive input from business owners, developers and residents, ensuring that no detrimental building plans are prematurely approved and constructed. It is to the benefit of present and future developers to have clearly written and understood building codes and regulations so, going forward, they may design Niwot-compatible properties. We don't want to keep going through this process, we look to the County for this direction and assurance of property rights.
Attach a file with comments (optional)	boco5.docx 1.02 MB · DOCX

The first likely victims of plans to overdevelop Second Avenue, our lovely Climbing Trees that Niwot kids have enjoyed for decades!



As a residential property owner in Old Town Niwot as well as a business customer, I am voicing my support for the six-month moratorium on new development within our Rural Community District. It is encouraging that the County recognizes the accelerated pace and overwhelming scope of development in downtown Niwot, its impact on surrounding established neighborhoods and the community as a whole. A logical decision was made to take the time to review the Land Use Code regulations so they better reflect the character and future vision for the community.The proposed development plans along Second Avenue and the usurption of the alley are rushed attempts to ignore and bypass, or in some cases, violate regulations currently under review, quickly building projects before the County and Niwot business owners and residents have time to study the situation.

Second Avenue is charming, quaint and welcoming to both residents and guests. It's home. It's an ecclectic collection of locally and independently-owned shops and businesses (no chain stores!) There is also a workable combination of residential and commercial properties (e.g. the Slater Building) providing an ideal blend of uses without being overbearing. Certainly we all want to see our businesses and business neighbors thrive, and intelligent, cooperative planning for the future can ensure this.

The site plans to maximize lot coverage by cramming multiple large buildings into limited spaces with minimal setbacks is extremely detrimental to the character and ambiance of Niwot. By attempting to convert a 20 ft wide residential alley for two-way commercial traffic to accommodate new residential and business traffic is not only illegal, it's a recipe for disaster - creating congestion, unsafe traffic conditions, noise and light pollution, and neighborhood security issues.

The Southpaw Commons building at 240 Second Avenue was a frightening wake-up call. This building is obtrusive, unattractive, in clear violation of usurping public parking spaces, and adds no aesthetic value to Niwot. Future building plans seem to follow this lead, producing like-buildings up and down Second Avenue with no regard to community culture.

Ref: Southpaw Commons above. It is a travesty that something so offensive is located uncomfortably close to the charming Colterra's Restaurant. This eyesore doesn't fit in at all.

When visitors come to Niwot for our popular Fourth of July and Holiday parades and Rock N Rails concerts, we like to see them enjoy browsing our commercial district with intriguing shops and restaurants to stop into. Small offices are most welcome, it's a great place to work - the employees and business owners are often seen strolling Second Avenue to grab lunch or coffee. What we don't want is visitors to come to Niwot and only see a plethora of overpriced condominiums and homes shoe-horned onto lots that are too small, saying "Niwot used to be such a cute place, too bad there's nothing to do here anymore."

As stated before, the alley behind Second Avenue is not a commercial alley. It is the buffer between the commercial and the residential district. Original plans for the Niwot Inn and the Slater Building attempted to violate this alley buffer. Cooperation and negotiations between the business owners, the County and the residential owners produced a most successful result - the properties were fenced off from the alley, guests to these commercial properties parked within this fenced area, these businesses were not inconvenienced, and residents' privacy was respected. Why can't the same solution be reached with these new developments? We have been told by the developers that this solution is no longer "profitable" vs the quality of life our Old Town neighborhood has enjoyed for 40+ years.

A six-month (at least!) review period is crucial for the County to conduct studies, encourage community outreach, and receive input from business owners, developers and residents, ensuring that no detrimental building plans are prematurely approved and constructed. It is to the benefit of present and future developers to have clearly written and understood building codes and regulations so, going forward, they may design Niwot-compatible properties. We don't want to keep going through this process, we look to the County for this direction and assurance of property rights.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#34]
Date: Monday, October 22, 2018 6:22:13 PM

Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	Ann Postal wants to put up a brick 2 story wall of a building right behind our house! Please don't let her do this! VonEchen wants 12 garages accessing the alley. This is a nightmare! Please please make them downsize!

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#35]
Date: Monday, October 22, 2018 6:53:42 PM

Name (optional)	Sarah
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	Extend and amend the 6 month moratorium. Current building being built do not comply with the current flow and design style that the rest of the town currently possesses. New construction needs to follow visual Aesthetics and comply with the privacy and use of the ally way between second and third avenue
What do you value about the 2nd Avenue commercial district?	I value its old town charm and local businesses that provide economic growth and stability of our town and brings in outsiders with its local parades and enjoyable entertainment.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	The setback of the newest addition is a hazard for parking and walkers. The off road parking is not safe and is also not visually appealing. Furthermore the apartments hover over the neighboring yards and invades personal privacy
Size of structures including building footprints and height?	Too high. It detracts from the beauty of the old structures near by.
The appearance of structures and how they fit the community character (materials and design)?	I do not believe the newest addition adds any visual aesthetic. I believe they actually detract from the current design of the town. The modernness of the building and the colors are very distracting. The fassad and building materials are vinyl and again it looks like it doesn't fit
Desired mix of different uses (office, retail, restaurant, residential)?	I would be interested in restaurants and retail. Opposed to offices and residential. Furthermore, the use of the alley is only a one way with no access to additional parking
Interface, connections, and access between commercial and residential areas.	The alley way is meant for residential use and not used as a thorough fare. The increased traffic in the alley. I believe it is to be protected from 2nd ave parking and for shopping and only be used for those who should have access such as the current residents, western disposable or store dileveries and minimize traffic.
What do you hope to see out of the NRCD update process?	Colterra to begin the rebuilding and construction of their restaurant. It has been over a year since that building has sat vacant. The rebuilding of the restaurant will increase the number of local and non local shoppers and increase retail in our community. It was a huge part of our community and it will Be enjoyed again!

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#36]
Date: Monday, October 22, 2018 8:12:26 PM

Name (optional)	James and Kimberly Kalinski
Email (optional)	kim.kalinski@q.com
Phone number (optional)	(303) 447-2926
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Attach a file with comments (optional)	dc180004_comments.pdf 83.77 KB · PDF

Boulder County Commissioners & Planning Department

In reference to current and future development along Second Avenue and the adjacent alley bordering our residences on 3rd Avenue, we have some serious concerns which we would like to bring to your attention. Historically, prior to the Southpaw Commons development, two large buildings were constructed on 2nd Avenue, in this block: The Slater Building and the Niwot Inn. Both developments were designed with their buildings fronting Second Avenue, featuring pleasantly landscaped front yards providing pedestrian friendly areas embracing the commercial district. Parking infrastructure was placed behind those buildings, providing visual separation between the new buildings and the single-family homes on the other side of the alley. In addition, the main commercial access to the property was limited to 2nd Avenue by the County, to protect the nature of the existing 20-foot service alley and our residential properties. As part of this process, the County Commissioners visited the alley and commissioned the "Niwot Alley Study" of 1996. That report asserts: "newly created parking areas should not have direct traffic flow from the lot to the alley" and "in addition, the parking area should be screened from view of adjacent residents … through the use of fences and vegetation". (#2, pg. 4). Apparently, the Commissioners realized that although the commercial properties have the right to access the alley, that does not preclude the County from regulating that access. The Slater Building Site Review made the following comments in regards the Slater Building Permit (BP-96-59), dated May 6th, 1996 by Camilla Rode Laughlin. She refers to "respecting the neighboring property owners", "blocking vehicle lights from shining directly into the neighboring houses to the north of the alley" and "screening the parking area". None of these considerations have been addressed in South Paw Commons design and preliminary designs for proposed develops along 2nd Ave. appear to continue this trend.

We would also like to point out that the alley in question is in <u>our</u> residential zone and not part of the commercial zone.

Unfortunately, The Southpaw Commons Development Site Review notification was not received by the residential owners neighboring Second Avenue. As a result, we were not aware of, or able to have, any input on the development. The end result is a multitude of buildings crowding the property, creating a monolithic eyesore fronting both Second Avenue and the Alley. A development that would be more at home in a new high-density subdivision than in historic, "semi-rural" Niwot.

We think it is important to note some specific features of this development that suggest that the prime motivating factor was not the improvement of our town but maximizing profit.

The front building greets 2nd Avenue with a looming two story façade with large out-of-proportion glazing. Instead of providing a step-down of the façade to a pedestrian friendly scale or any articulation to the front plane, three parking places spanning the entire front of the property have been inserted between the building and the pedestrian sidewalk. This in no way encourages the pedestrian friendly environment that the business community has been promoting; but, to the contrary, provides a conflict between cars backing out from between other parked cars, across, what has been characterized by the business community as a "busy pedestrian walkway". It must also be pointed out that these three parking spaces have replaced three parking spaces that used to exist adjacent the street. The net effect is that we now have a "three-parking space wide" driveway across the sidewalk from Second Avenue into the Southpaw Commons development.

The rear side of the Southpaw development is equally monolithic, extending from side lot line to side lot line and extending to the maximum allowable height. It has ignored the previous recommendations of the Niwot Alley Study and all considerations of previous site reviews for this block. In addition, it does not comply with Boulder County Transportation requirements regarding two-way access to a property illustrated in the Boulder County Multimodal Standards (See Standard drawing 11). This regulation calls for a 30-foot right-of-way for two-way access to a property. The alley is 20 feet wide. Placing garage doors 4 feet off the alley does not provide an adequate "site triangle" to allow for the necessary visibility for safe exiting into "two lanes" of traffic. The finished floors of these garages started out roughly two feet above what was the existing grade of the alley. The alley was regraded (apparently, illegally) to mitigate the slope, thereby restricting the neighboring residential properties access to the alley. The development now looks down into our backyards, destroying our privacy, devaluing our properties and degrading the character of our town.

It is also noted in the Boulder County transportation document, that individual lots are only allowed one access point to the roadway. (See 5.4.4.2) South Paw Commons has multiple access points off the alley and 2nd Avenue. We would like to see 5.4.4.2 enforced in future developments.

If we build a second building along the alley on our properties, it is subject to restrictions in height and setbacks. Perhaps the commercial district needs similar restrictions to prevent extremes in future developments.

From preliminary drawings that we have seen, proposed new developments for 2nd Avenue want to continue this theme of shoe-horning in the maximum density allowable with no consideration for the fabric of our historic community nor the impact on the neighboring residences. We believe it is instructive to review some of the comments made by the developers and their supporters at the recent County meeting held at the Grange.

1) They contend that "safety" is the rational for opening the 20-foot-wide, dead end, residentially zoned alley, to commercial traffic. Their current property driveways onto 2nd Avenue, that have been in use for at least the last 50 years, are supposedly not safe. Unlike the new 3 parking spaces built across the sidewalk at the South Paw Development? They seem to discount the fact that the Slater Building and Niwot Inn both have two-way drive access from 2nd Avenue without conflict for the past 20 plus years.
2) Also brought up, was the point that Second Avenue is currently too congested with traffic and delivery trucks. Their proposed solution is building more high-density projects, part of which would access the alley and then divert delivery trucks into said residentially zoned, dead end alley. Apparently, all the deficiencies of Second Avenue and its new high-density developments can be solved by turning the residentially zoned alley into a commercial thoroughfare?
   No consideration of the residential property owners seems necessary. None was ever mentioned

Much like factory owners not wanting to be held accountable for the pollution they spew onto their neighbors, these land developers do not appear to feel they need to consider the impact of their developments upon their neighbors, residential or commercial. If Southpaw is any indication of what will occur without County supervision and enforcement of current and historic regulations, then, we implore the County to do what is necessary to restore some balance to the development process and insure that the town of Niwot is respected and enhanced, not befouled. Thank you for your consideration.

Sincerely:

Jim & Kim Kalinski

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#37]
Date: Monday, October 22, 2018 8:44:58 PM

Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	The moratorium should be in place until the Land Use Dept is able to make recommendations/ determinations for future development
What do you value about the 2nd Avenue commercial district?	Niwot has a very distinctive small town vibe. Slow pace, friendly, neat shops and pleasent atmosphere. That is its appeal
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	Structures shouldnt overwhelm their space, and have architecture compatable with the current buildings. They should allow neighbors on all sides to keep that same degree of charm. No dense infill.
Size of structures including building footprints and height?	Buildings should not be massively oversized, and should not dwarf their neighbors. Tapering the structures on all sides and considerate setbacks could help. The massive triplex behind Colterra just dwarfs the small home behind it, and seems an extraordinarily unkind thing to do to those folks.
The appearance of structures and how they fit the community character (materials and design)?	Most of the block of 2nd nearest the Diagonal fits together well. The newest buildings by Coterra seem like they are just jammed together, minimum space between, and featureless oversized cracker boxes. 7 wealth is unbelievable.
Desired mix of different uses (office, retail, restaurant, residential)?	Mostly retail would be best for the retail area. A few Apts upstairs ala Slater Bldg wouldnt be bad!
Interface, connections, and access between commercial and residential areas.	Both areas have rights, and it seems like the residential side gets the short end of the stick. Precidents such as parking lots along the alley, and limited alley use seems to be a kind way of allowing competing uses to coexist. It would be absolutely crazy to force traffic into the alley. Good for developers, but terminal for the quiet rural residential atmosphere on the north side of the alley.
What do you hope to see out of the NRCD update process?	It would be awesome if Land Use would reaffirm the direction the 1996 Alley Study pointed as a good goal. It would be great to see some bit of compassion for the neighbors, thru policies protection privacy and views, and most of all seeing policies guiding development towards the looks and lower density feel of the west block of Second Ave

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#38]
Date: Monday, October 22, 2018 9:18:24 PM

Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	I'm really afraid that lifting the moratorium would open the flood gates to allow developers Postal and VonEchen to move forward with over zealous projects which would create unfixable, impactful and negative insult to Niwot and the surrounding neighborhood.
What do you value about the 2nd Avenue commercial district?	The fact that it is small makes it very special.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	Absolutely I have concerns. The proposed projects are much too large. They are also much too invasive to the property owners along the alley.
Size of structures including building footprints and height?	Two story structures will only create an alley area that is canyon like and repressive.
What do you hope to see out of the NRCD update process?	I would like to see many current regulations upheld.....2nd Ave access only...greater alley set backs or no alley access at all. Business desires should not out weigh residential. Over building and crowding is not equivalent to progress. We have all seen too much of this type of growth happen in Boulder. "We the people" don't like it. Only developers win. Let's allow Niwot to be better than that.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#39]
Date: Monday, October 22, 2018 9:48:26 PM

Name (optional)	Jerry Lumpe
Email (optional)	jdlumpe@gmail.com
Phone number (optional)	(720) 985-6108
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	I think the moratorium is a good idea and the time should be used to solicit feedback from all stakeholders - Old Town residents, business owners and visitors to Niwot - and to use this input to help shape requirements and limitations for future commercial development. Those who are potentially impacted the most by new development - the residents who live in the Niwot commercial district - should be given a strong voice helping to shape future development.
What do you value about the 2nd Avenue commercial district?	Niwot has a wonderful small town feel, a lot of charm, and an eclectic mix of good restaurants, coffee shops, retail shops and services for such a small place. I love that you can walk the entire town in 15 or 20 minutes and take advantage of all of this.

Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?

Yes, I am a homeowner and resident on 3rd Avenue so am immediately affected by the potential new developments being considered for the backside of the west end of 2nd Avenue (along the alley between 2nd and 3rd Ave.). Large, looming residential or commercial buildings such as the ones forced into the lot next to Colterra in the past year, completely change the character and feel of the neighborhood for these residents. Privacy is lost, drainage and runoff from these new developments and parking lots are a big problem, and if the developers are allowed to turn the alley into a thoroughfare for access to new developments the result will be a nightmare literally in our back yards.

Size of structures including building footprints and height?	Yes the size, particularly height, of any new structures added to this area should be constrained to be harmonious with the look and feel of the existing structures in Old Town Niwot.
The appearance of structures and how they fit the community character (materials and design)?	I think it's critical to preserve a coherent architectural feel for the Niwot commercial district. The new commercial and residential units put up recently on 2nd Ave East of Frankly do not fit in well with the rest of the town in my opinion and this mistake should be avoided in future developments.
Desired mix of different uses (office, retail, restaurant, residential)?	I think a carefully constructed mix of all these uses is desirable and there already exist a number of good examples of how that can be done in Niwot.

Interface, connections, and access between commercial and residential areas.	As stated previously, the situation with the alley between 2nd and 3rd Ave east of Franklin is understandably of primary concern to all residents of 3rd Avenue.
What do you hope to see out of the NRCD update process?	A real commitment to making sure that everyone who has a stake in the future of downtown Niwot have their opinions and concerns heard and seriously considered. This has got to include those of us who both live here and patronize the local businesses.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#40]
Date: Monday, October 22, 2018 9:51:21 PM

Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	I believe the 6 mo moratorium was very much needed to tell these developers that they cannot simply throw up whatever structures make them the most money at the expense of not only neighbors but the character of our charming Niwot - we moved here from GunBarrell for that very reason - the charm - we expected that "growth" could be in the form of architectural compliments to existing buildings, both historical and those that are merely vintage - to be specific the southpaw fiasco has elements of everything that is not what I believe is charming about Niwot - it is horribly sited - they built up the base so that it has absolutely no relationship to the Colterra building it sits beside - now there is an award slant downward ..... and it looms around the vintage building on the other side - worst of all, 3 very unsafe parking spaces that require me and my dog and children to risk being backed over when we pass several times a day! we valued a walkable town where we could eat at restaurants , shop at the local market, and browse retail stores- like some of the best towns, a mix of shops and spaces that continue to bring us out of the house- beautiful storefronts, landscaping, quirky and charming place to stroll and be transported as one might in some of the best down towns in this state .....a town that PROTECTED its image that is the key to drawing tourists and neighbors from GunBarrell, boulder, longmont and beyond .....otherwise we are just another bedroom community -
What do you value about the 2nd Avenue commercial district?	its potential to be a charming town famous for historic buildings - as a place to stroll with friends and enjoy music- restaurants - antiquing etc.....
Size of structures including building footprints and height?	structures should have relationship to established buildings and not tower over them - they should not be allowed to raise up the existing level as if on a hill as southpaw did - it looks totally out of place - and its insistence on building out to every square inch again has cheapened the appeal of that part of the street - in addition to try to cram in garages in a small one way alley is an affront to all of us living near 3rd ave - the increased traffic would be horrendous - footprints should not be allowed to swallow the space whole-
The appearance of structures and how they fit the community character (materials and design)?	materials and design obviously should be of good quality - as this is a matter of taste I believe there should be a design review process to avoid another ugly and cheap southpaw
Desired mix of different uses (office, retail, restaurant, residential)?	yes a mix of retail - office and restaurant but not residential -

	residential is not adding anything to the quality of the Niwot experience - and the residential constructions insistence of providing parking garages might be ok if space allowed for that - but it does not! that part of the town has not room for what they are proposing
Interface, connections, and access between commercial and residential areas.	these aspects of livability should be of utmost concern! business cannot be allowed to run roughshod over such an existing unique town -

What do you hope to see out of the NRCD update process?

I hope to see officials protect this small towns quaint appeal for not just our generation but generations to come who would drive out from congested boulder to relax just a bit in a town that harks back to a slower pace- that speaks of a time when building was slow and deliberate , when beauty and use was considered as one - solid structures that survived the years as sturdy reminders to generations to follow; that a slow and considered design will benefit not only its current owner, but desires above all, to add lasting beauty and and embrace the townspeople it is in proximity to - it is only when one is acutely aware of the impact ones ideas, and desires have on the neighbors, both residential and commercial can a town blossom -

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#41]
Date: Tuesday, October 23, 2018 6:28:07 AM

Name (optional)	Liz Gould
Email (optional)	lizcgould@gmail.com
Phone number (optional)	(720) 256-9860
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business owner • Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	I would prefer it be terminated.
What do you value about the 2nd Avenue commercial district?	It is a unique commercial area that the community and visitors appreciate. Having a business in this community has been very rewarding.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	I am for Niwot continuing to see growth to the downtown area. I would like to see alley improvements and more businesses along 2nd Ave.
Size of structures including building footprints and height?	I do not think that extremely tall buildings fit into Niwot's character and would seriously detract from many homeowners property that boarders the business district.
The appearance of structures and how they fit the community character (materials and design)?	The new building should reflect Old Town's character and not look too modern.
Desired mix of different uses (office, retail, restaurant, residential)?	More retail and restaurants especially on the street front. I am okay with some residents in the back part or above the businesses.
Interface, connections, and access between commercial and residential areas.	I have always thought the alley's in Niwot's business area need improvement and possibly making them as unique as the rest of the downtown area.
What do you hope to see out of the NRCD update process?	I would like to see the overall moratorium lifted and have each new property development be individually appraised for how it will improve the business district based on Niwot's character and uniqueness. We need more retail and restaurants in Niwot and less offices and residential when it comes to the downtown area.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#42]
Date: Tuesday, October 23, 2018 8:53:47 AM

Name (optional)	marion taylor
Phone number (optional)	(303) 588-2630
Where do you live?	Outside of Niwot
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	Please do not develop this special neighborhood! Many long time residents have created and enjoyed a very unique and charming place to live. This development will ruin that-not taking into account what has gone in for generations to make this Niwot rural environs what it is today. Please suspend all applications for amendments for this land use.
What do you value about the 2nd Avenue commercial district?	It is charming, unique, generations old and safeguards Old Niwot.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	DO NOT BUILD
Size of structures including building footprints and height?	DO NOT BUILD
The appearance of structures and how they fit the community character (materials and design)?	do not build anything!! Much less condos all for profit.Niwot is better than this!!
Desired mix of different uses (office, retail, restaurant, residential)?	none to be built
Interface, connections, and access between commercial and residential areas.	none to be built
What do you hope to see out of the NRCD update process?	All applicatons for any commercial development to be stopped immediately. NO MORE DEVELOPMENT all for profit!

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#43]
Date: Tuesday, October 23, 2018 8:58:25 AM

Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
What do you hope to see out of the NRCD update process?	I would love to see a resolution between development and neighborhood that is a "win win". I believe it is possible, though a painful process.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#44]
Date: Tuesday, October 23, 2018 9:03:30 AM

Name (optional)	clare stocker
Where do you live?	Outside of Niwot
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	extend the moratorium
What do you value about the 2nd Avenue commercial district?	I value how it feels like a small town with locally owned small businesses.
Size of structures including building footprints and height?	Size seems too tall and large.
The appearance of structures and how they fit the community character (materials and design)?	The appearance does not fit with the community character.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#45]
Date: Tuesday, October 23, 2018 1:48:38 PM

Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	Keep the 6 month deal or extend. There is lots to talk about if the developers can't follow rules!
What do you hope to see out of the NRCD update process?	I'd like to know why the Niwot Alley Study of 1996 determinations were not upheld when dealing with Ann Postal and her Southpaw project!? Just because time goes by does not mean every sensible reason to keep the alley intact as solely an alley needs to change.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#46]
Date: Tuesday, October 23, 2018 2:23:29 PM

Name (optional)	Satir DeMarco
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business owner • Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	I truly hope the wisdom that was used to decide on a" time out" to get things done with more care and consideration for the preservation of our " Vintage Niwot", is Bravely sustained. As a long time downtown resident I appreciate your willingness to bring parties to the table for the good of the community and the viability that will draw people to the downtown to shop,and dine. It is only a 6 mo. pause.
What do you value about the 2nd Avenue commercial district?	The shops, the quaint nature , the older buildings, the ability to stroll and welcome neighbors and visitors,It what makes Niwot feel like Norman Rockwell land.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	Yes Definitely, I am opposed to making a quiet residential alley a thorough fare. We have a rare proximity of RURAL Residential and Commercial, It is not an ordinary Residential zoning. We Were able to negotiate a livable compromise with development that transformed cottages and grass lots to Slater building and Niwot Inn. I am afraid of Urbanizing our Semi Rural Treasure
Size of structures including building footprints and height?	Having grass, proportionate sizes,
The appearance of structures and how they fit the community character (materials and design)?	Niwot Inn is a great illustration of quality craftsmanship and style for a new building.as is the Pilates studio and the Nourish building.that Ann postle has bought,Both were developed by Jeff Lambert. The original homes have the charm that the Newest buildings lack. Notice where folks stop to take photos... Charm is critical. The front of Seven wealth is giant windows with no window coverings and lights that are often on through the night. . I think Lights should be dimmed or shut off at some point
Desired mix of different uses (office, retail, restaurant, residential)?	Artist shops, , smaller retail spaces that may be affordable rent to shop keepers, The few retail shops that can stay

	open downtown are usually owner operated or thanks ,to longtime Niwotian landlord that that offers more reasonable rent.
Interface, connections, and access between commercial and residential areas.	I would like to point out that the residents of downtown have been painted as anti Business. That could not be farther from the truth. We are patrons and go out of our way to buy art,clothing,antiques eat, have coffee, take pets to the vet,went to dentist,,go to the grocery store . precisely because we want to support our neighbors. Myself and others on the block are Grange members,Volunteers, NCA, NBA,And NCAA Members, current and past LID board members,NHS members .We roll up our sleeves and do a lot of work to make Niwot the wonderful place we love .
What do you hope to see out of the NRCD update process?	There were some mistakes and oversights that occured with the South Paw project. I appreciate the importance of correcting the process so that it cannot happen again. Jim Kalinski's Comments best summarize it.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#47]
Date: Tuesday, October 23, 2018 3:39:33 PM

Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business owner • Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	Should only apply to New Builds
What do you value about the 2nd Avenue commercial district?	Trying to build a sustainable and vibrant business community. The charm and old town charactoer of Niwot is the most attractive draw for the retail businesses
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	Architecture should follow those buildings in first block of Niwot (Wise Buys, Grange block). Business community needs to thrive without encroaching residential areas. I have been turned down by Boulder Country for projects I wanted to develop due to parking and other issues. It is the risk we all take developing property. We need to consider everyone - the residents are our customers, and can be our best advocates. We don't want to alienate anyone. Leave the alley alone. Good separation between commercials and residential.
Size of structures including building footprints and height?	2 story max seems appropriate.
The appearance of structures and how they fit the community character (materials and design)?	Modeled after buildings that have been there for 100+ years.
Desired mix of different uses (office, retail, restaurant, residential)?	I am a bit concerned with residential and office, I see parking issues. There is not enough business parking now, and if a resident has big party, where will guests park? There just is not enough room for both. Offices and residences do not support the LID tax base either. This is concerning. For a business community to thrive, we need more retail business, not office or residences..
What do you hope to see out of the NRCD update process?	I understand business, as I am a business owner. But we cannot always take just because we want to maximize profit. This really applies to the developers, not business owners. We will all have to live with what the County comes up with.

We all need to wear our big boy pants and do what we need to do - leave the alley and the residents alone, build responsibly, which may not be the most profitable, and let's move on.

Sorry, I cannot list my name - way to political.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#48]
Date: Tuesday, October 23, 2018 4:19:10 PM

Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	Please do not terminate the moratorium until Land Use Dept finalizes reviewing development guidelines. It makes no sense to allow piecemeal development with so much unresolved. Setting precedents which are found to be out of compliance later just invites people to ask for exemptions and so on. It would be hard on all ya'all planning people, and beyond frustrating for us interested parties.
What do you value about the 2nd Avenue commercial district?	The small, neighborly, home town feel of Niwot is what drew us here. Big, unsightly infill development is completely out of place and out of character for downtown.

Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?

Because business adjoins residential, both sides need to be considerate of their impact on the other. Investment return is important to BOTH sides, and is not just something that must be given to developers. That said, development can occur in a respectful way. At Southpaw, for example, perhaps the parking lot could have been positioned along the rear of the lot, accessed where 7wealth bldg is, and the condos and 7wealth placed forward on the lot. A win win.

Additional steps to minimize impacts should include generous setbacks, stepped buildings...not 30x65 foot walls along the alley.

It would be so nice for the character of Niwot to disallow high density infill. It is completely out of character with 'semi rural'

Solar access for neighbors should be considered. A 30 foot building casts an 80 foot shadow from 10 am to 2pm at winter solstice. The proposed building at Pourchfront with a 30 foot height at the alley will bury the cute bungalow behind it in shadow in the winter. It boggles my mind that someone would knowingly do such a thing to a neighbor.

Size of structures including building footprints and height?	Structures should be stepped down as needed to avoid huge monolithic walls, front back and sides. Solar access and appearance to neighbors should be considered. I am very puzzed why Southpaw bothered and was allowed to apply Article 4 . 4-806 to calculate max allowed residential square footage and then multiply that number by 3, and build one structure 375% of the median square footage of the defined neighborhood. That entirely circumvents the stated intent of maintaining size compatibility with the defined neighborhood.
The appearance of structures and how they fit the community character (materials and design)?	See above... Brick is great. Breaking up big facades helps. Designs which minimize big boxy help.

	Look at the Lockwood Bldg, or the north side of the 100 block on 2nd.
Desired mix of different uses (office, retail, restaurant, residential)?	The more retail the better, but Im not sure how that makes sense financially. The rents downtown seem to make retail very difficult. The more business there is (as opposed to residential) the better for all the merchants.

Interface, connections, and access between commercial and residential areas.

The alley.

The alley is in residential zone on the NORTH side of the alley. Rentals in the commercial zone are 'businesses' and not in the residential zone north of the alley.

Precedent has alley use limited to service vehicles and residents. See 1996 Niwot Alley Study. The alley serves as a buffer between compeating zonings, and makes life more pleasent for us all. It has been a workable soluion for many years.

Allowing developers to use the alley to access a multi unit housing development with some 80 trips a day in addition to the 20+ trips happening now (due to Southpaw Development) means all the residences are subjected to an enormous increase in traffic, noise, pollution, and so on. There would effectively be a street, rather than an alley there.

Because the deadend alley is narrow, vehicles cannot pass each other. Safety issues abound, with vehicles meeting and being unable to pass, pedestrian and bicycle traffic cmpeating with vehicles, hazardous emergency vehicle access, hazardous limited visibility exit onto Franklin and so on.

What do you hope to see out of the NRCD update process?

We'd like to see Land Use code being applied for the benefit of residents, as well as business owners. Currently, it seems the developers get their way, and dont care a bit about neighbors. It would be great to feel like we had some voice and rights in the process.

As an aside, the vet developing the preschool has had lots of town support, many of us speaking on her behalf at Commissioners meetings, writing letters, and so on. The difference is, I think, that she listens, explains her position, and finds common ground.

Please note attached photo of alley.....completely inappopriate for the traffic developers are trying to shove in there.

Thanks!

Attach a file with comments (optional)  20181023_145503.jpg
557.42 KB · JPG



From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#49]
Date: Tuesday, October 23, 2018 4:35:15 PM

Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	Niwot. Is unique, ahould not be open to developers for more commercial building
What do you value about the 2nd Avenue commercial district?	It is quant, manageble and parking is accessible
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	When builders take over, the previous rules to keep community get lost and this will change niwot forever.
Size of structures including building footprints and height?	Niwots uniqueness lies in the limit to 2 story buildings
The appearance of structures and how they fit the community character (materials and design)?	Currently the feel of Niwot as a small town is based on the unity in design of older brick buildings, and this should remain in place.
Desired mix of different uses (office, retail, restaurant, residential)?	The flow of traffic in and out of niwot Makes it manageable both for commercial and residential use and should remain as is.
Interface, connections, and access between commercial and residential areas.	Parking will become an issue if the cutrent buildings expand.
What do you hope to see out of the NRCD update process?	A very slow approach to new building

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#50]
Date: Tuesday, October 23, 2018 4:56:35 PM

Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business owner • Niwot business customer

Interface, connections, and access between commercial and residential areas.

Alley observations from 33 years of living on the alley corridor: (Reasons why residential alley access for new development is a bad idea)

Today there was a tree-trimming truck in the alley for over an hour. Any eastbound or westbound alley traffic would have been blocked.

Excel regularly comes by to clear tree limbs from power lines and at times this can take 1/2 a day or more.

Fragile sewer pipes in the alley! Several years ago our service line that connects to the main line in the alley broke. Backhoe situated in the alley for a couple days digging a very deep hole. In 2017, we had to do another sewer line repair (old pipes) within our property boundaries. Our back fence was taken down to allow a large backhoe to come in and dig up 70 feet of line. This kind of thing isn't over; the wrong schedule of pipe was used for many of our sewer connections along the alley.

Epic snowstorms...(we have seen a few!) Four feet of snow in an unmaintained, un-plowed alley. If you are depending on this alley for egress from your proposed "residence" on 2nd Ave. in the Lefty's Meisner parcel, you're stuck.

Power outages (seems to be more frequent in Old Town.) Linemen repairing power lines in the alley after an outage. This can go on for hours.

Trash trucks and EcoCycle - no way to get around those big boy trucks! More residences, the longer that alley pick-up takes.

Kitchen deliveries to Colterra (several times a week) - trucks pull into the alley from Franklin for easy access to the restaurant kitchen. This is safer than a large truck blocking traffic on Franklin, where kids are going to the school bus stop. (We hope to see deliveries to Colterra again soon - we miss Colterra!)

Employees at 280 and 290 2nd Ave. cut through the alley daily. Will we need a stop sign at that driveway between the two properties as other cars are allowed alley access to proposed residences on the Meisner/Lefty property?

Ice during winter months in the alley. Difficult to imagine 100 trips a day with cars careening down the alley over a slick surface.

Speeding down the alley (yep, we've seen that too!) We now have neighbors who have toddlers or babies. Curious children, an open gate...severe repercussions. What about children in the proposed

residences at Lefty/Meisner property? Let's play in the alley!

Loose dogs (wow, how many times have we seen that happen over the years?) Running down the alley..."Stop that dog!" Fur children are more likely to be injured with 100 "residential" trips up the alley (including Southpaw residents) And this includes the esteemed Kronos, that patron alley cat of Niwot who pays a visit to all of the 2nd Ave. businesses every day. He also goes to yoga!

Orderly evacuation of people in proposed residences in case of fire (or flood..yep, we've seen that too.) A line of cars trying to get down the alley quickly to the ingress/egress point at Franklin, or quick egress from 2nd Ave.? How about EMT and emergency vehicles...easier to just come in off 2nd Ave. or bump down the alley to respond to an emergency?

Yes, our alley is a bit "scruffy." Another thing we have dealt with is people just deciding to park in open areas near our rear property lines in the alley when they can't find a parking spot on 2nd Ave. One of our residents let the vegetation grow in that area just for that reason, because this kind of parking was an issue. The alley is not "abused," as one of the developers described it. (Had to laugh at that one.)

3rd Ave. alley corridor residents have enjoyed 40 years of the alley as a buffer between the commercial and residential zone. Increased traffic with headlights, noise, dust, car exhaust (not only in transit, but "warming up" in their garages) upends our privacy, tranquility, health and quality of life. We are older people who are recently retired - finally able to enjoy our homes after a lifetime of working and supporting our families. Others are younger people just starting families who also do not want to see their lives upended.

In addition, increased alley traffic has a negative effect on our property values.The alley is not wide enough to support two-way traffic, but we all know that!

Thanks for listening.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#51]
Date: Tuesday, October 23, 2018 7:09:24 PM

Name (optional)	Lois Dolan
Phone number (optional)	(303) 652-0215
Where do you live?	Niwot
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	Keep the six months make it lo get if needed. I live in old town (corner of 5th and Murray). You need a lot more public meetings about what the property/business owns want to do to old town. It used to be charming and unique. Now it is looking like all the other towns.
What do you value about the 2nd Avenue commercial district?	I do not use the businesses on 2nd. The shops I use to go to are long gone. The restaurants are not to my liking. The rest is office space.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	Niwot is a Semi-Rural town. Please stop trying to make it into a city. If a property owner wanted to change anything about their building it needs to be inside only. No scraping, no additions. Leave all the buildings as they are now. They did enough to change Niwot in the early 1990s. Enough is enough. Our town is loosing all the charm it once had ,for what? Leave all current building as they currently are. Now need to change size of building or lots size.
Size of structures including building footprints and height?	No changes to current outside appearance. Not additions. No scraping of current buildings. They must stay or you will no longer have Niwot. Might as well change the name of this town back to Modoc.
The appearance of structures and how they fit the community character (materials and design)?	Why do you need to change any of it. It must match the 1800s look of this town. That is the charm that is being lost. Most of the new stuff looks out of place, to modern.
Desired mix of different uses (office, retail, restaurant, residential)?	It is currently sufficient. If the NBA feels it needs more poeple live on 2nd Ave return the original homes back homes instead of every building being a business like it was in 1992.
Interface, connections, and access between commercial and residential areas.	This was all addressed in the connectivity management plan years ago. Leave as it is . no more changes. As for the old beet dump parking lot...People will not walk from it to the other end of 2nd Ave. So put it in writing that it stays as it currently is forever. Boulder County choose to keep silent until the last moment before signing the deal. NBA kept silent as well. Why? Is this going to happen again?
What do you hope to see out of the NRCD update process?	In force what is in place. Help keep what is left of the SEMI-RURAL character that the current plan states. Rural. If they

	want city style life go to Boulder or Longmont.Please help preserve this wonderful town. If you continue the unique charm that I have love my whole life will be turely home like the homes of my grandmother's friends... Now the Niwot Inn And The Children Park. Did we really need them? Or would homes have been a better use of the land.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#52]
Date: Tuesday, October 23, 2018 7:37:45 PM

Name (optional)	Bruce Warren
Email (optional)	bwarren@niwotlaw.com
Phone number (optional)	(303) 652-2433
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business owner • Niwot business employee • Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	The moratorium should be terminated immediately. See attached letter.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	Current NRCD regulations as they have been applied over the past 25 years are appropriate, with the exception of use of alleys. Alleys are public right of way and should not be restricted in use, as set forth in the 1997 letter from the Boulder County Attorney's office.
Size of structures including building footprints and height?	Current NRCD regulations are appropriate.
The appearance of structures and how they fit the community character (materials and design)?	Preservation of historic structures should be encouraged, but not required. HPAB review is appropriate for recommendations.
Desired mix of different uses (office, retail, restaurant, residential)?	This should solely be determined by the property owner as community needs and desires constantly change.
Interface, connections, and access between commercial and residential areas.	Access through the alley should not be restricted as set forth in the County Attorney's 1997 letter.
What do you hope to see out of the NRCD update process?	Clean up language of the NRCD regulations to be consistent with how the Code has been applied for the last 25 years.
Attach a file with comments (optional)	bw_letter_to_bocc_re_moratorium_10232018.pdf 325.45 KB · PDF

WCM

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Bruce W. "Biff" Warren
Attorney at Law
bwarren@niwotlaw.com

October 23, 2018

To the Boulder County Commissioners:

I am writing as a 43-year resident and business owner of Niwot. I do not now own property in the Niwot Rural Community District, though I have been part owner of 121 2nd Avenue, 136 2nd Avenue and 210 Franklin Street in the past. I am not representing anyone else's interests. The views expressed are my own.

Boulder County has recently done a great disservice to the community of Niwot by imposing a development moratorium on the Niwot Rural Community District (NRCD).

The alleged "crisis" that led to the moratorium is first and foremost, not a crisis, but rather a creation of the Land Use Department and to a lesser extent, the Boulder County Transportation Department. I say this as someone who has worked with both departments, in numerous capacities, including (1) as an attorney in private practice representing clients in real estate matters, (2) as president of Niwot Youth Sports in developing ballfields in Niwot, (3) as an officer of the Niwot Community Association when the TDR program was developed, (4) as a member of the Boulder County Planning Commission from 1993 to 2000, (5) as a member of the Niwot Local Improvement District Advisory Committee since its inception in 2008, and (6) as president of the Niwot Cultural Arts Association in developing Niwot Children's Park. I would like to think I have had a good working relationship with Boulder County, and an appreciation for the valuable work that the county has done to preserve Niwot as a special place to live and work.

That said, it is my opinion that the moratorium enacted by Boulder County at the request of the Land Use Department with no prior notice or discussion has been a complete disaster.

These are my observations as to what led to this debacle and what should be done to correct it:

1. The Land Use Department is understaffed, and has been since at least 2013 (the flood), in spite of the fact that applicants pay the cost of staff time in reviewing land use applications. Since the flood, applicants have to attend a pre-application conference, then prepare their application, then call to be put on a list to file the application, then wait for Land Use to call and actually set a time when an applicant can file an application. Even the most inane or simple requests are put in the queue, waiting for a time when the staff can actually respond.

   As an example, we need to build a small storage-concession building at Whistle Stop

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Park to house a beer trailer and other equipment used for the Rock & Rails summer concert series, which is conducted every summer pursuant to a Special Use Review Development Agreement dating back to 2007. The Agreement notes that no structures were contemplated then, but that future structures would require a building permit. Representatives of the Niwot Cultural Arts Association (park owner) met with Dale Case in early June 2018 at his request so we could describe the project, which is a 990-square foot one-story building in the southwest corner of the property, dwarfed in size by the neighbor's large shed. We were told that we needed to submit a letter requesting permission, and that staff would look at the Development Agreement and decide whether we could simply apply for a building permit, or whether we would need to file an application to amend the Special Use Review. We submitted that letter on August 30, 2018, expecting a short turn-around. To our surprise, we were then notified that we could expect to receive an answer in November 2018 at the earliest. We still await that decision, and if we have to file for an Amendment to the Special Use Review Approval, there is no chance of completing the building before next summer. Even with a favorable November decision, our timeline will be very tight.

The delays experienced by developers in Niwot are even worse. I have spoken to Tim and Mary Coonce of Porchfront Homes, who have been waiting since June 11, 2018, in spite of numerous inquiries, for even a response from the county as to when they can file for Site Plan Review for their project on 2nd Avenue. That delay, especially in light of the moratorium, is inexcusable. The county completely controls this process, and there appears to be no comprehension from anyone at the county that these delays are costly to everyone - building costs go up, possible donated materials are lost, holding costs of properties increase, and ultimately consumers pay.

2. In spite of 25 years of development on 2nd Avenue in Niwot under the NRCD regulations where up to 5 residential units were built on one site above a commercial building, someone in the Land Use Department decided in 2017 that mixed-use development on 2nd Avenue was limited to not more than 9 residential units per acre, a standard which had never been applied before.

   Dale Case's letter of December 15, 2017 to Anne Postle cited section 4-115 of the Land Use Code, claiming that an NRCD could not alter or expand the uses allowed in the zoning district (Commercial) before it became the NRCD. The language of that code section, however, applies to "uses" and not density of an allowed use. The fact that the code had never been interpreted in the manner set forth in Dale's letter was the basis for Anne Postle's appeal of that decision. I am also advised that when Dale Case discussed Anne's appeal with her, he also mentioned that multi-family housing was not allowed in the NRCD because it was not allowed under the prior Commercial zoning, and that if she won her appeal, he would again deny her request on that basis.

   Of course, the fact is that multi-family housing (more than one residence) has been allowed in the NRCD on more than one occasion prior to 2017 as part of the allowed use listed as "Residential provided it is part of a mixed-use development (i.e. an apartment above a store)," so it is likely an appeal of that decision would have also been successful.

Anne asked me to assist her with her appeal, which I did. When I spoke to Dale about Anne's appeal, Dale told me, for the first time, that the definition of "subdivision" also prohibited multi-family housing in a mixed-use development. Citing a never-before mentioned definition of "subdivision" or "subdivided land" under a state statute (CRS 30-28-101), the Land Use Department was also poised to deny Anne Postle's development request because it included more than one residence and was therefore considered a "subdivision," which could only be approved through a Subdivision process or Exemption. Dale admitted that Boulder County never intended for that statute to apply to a missed-use development in the NRCD, but felt obligated to enforce it. He also indicated that Land Use intended to resolve that issue by changing the NRCD regulations.

The context of that statute implies that it requires a subdivision process when multiple-dwelling units are proposed, but it also specifically provides that the county can grant exemptions for projects that do not fall within the purposes of the statute. Dale asked that Anne withdraw her appeal so that the Land Use staff could work on updating the NRCD regulations to fit her proposal.

Anne declined to withdraw her appeal, and on January 31, 2018, Dale withdrew his determination letter prohibiting more than one residential unit, and issued a new letter allowing 2 units on each parcel.

This example is important because Land Use apparently "discovered" the "density" issue, the "multi-family" issue, and the "subdivision" issue sometime in 2017 when the first determination letter was issued. If the "density" or "multi-family" or "subdivision" issues needed to be addressed, Land Use could have easily done it then, with little fanfare, and certainly without a moratorium. Since they have not done so, and have used this as one excuse for imposition of a moratorium, I have drafted a simple modification to section 4-115 of the Land Use Code and a simple addition to Section 4-116 (the NRCD) which would solve any such perceived problems:

> Section 4-115:
> B. Uses Permitted. Any approved RC District may appropriately limit, but may not alter or expand, the *types* of uses allowed in the zoning districts which govern the subject parcels immediately prior to rezoning. *Density of an allowed use is limited only by setbacks, parking requirements, design guidelines, and height limitations.*
>
> Section 4-116:
> *F. Exemption from Subdivision Requirements:*
> *Any development which does not result in division of land into separate parcels or condominiums is exempt from the definition of "subdivision" or "subdivided land" under C.R.S. 30-28-101 (10), and does not require a Subdivision Exemption or an Exemption Plat under the Land Use Code.*

3. The Land Use Department, with the acquiescence of the Transportation Department, has created false expectations for 3rd Avenue residents about the use of alleys. The alleys behind the NRCD properties were platted in 1875, and have been public right-of-way

ever since. Leslie Lacy of the County Attorney's office drafted a letter in 1997 which described the alleys as public right-of-way, and further noted that the alleys are for the use and benefit of all of the adjoining property owners and their designees. She went on to say that all adjacent property owners are "equally vested in the right to use, maintain, and improve the alleys in a manner which would not interfere with the use of the alley by the other adjacent property owners."

Her letter was valid then, and it is valid today, but for some reason, the Land Use Department has created a false expectation among 3rd Avenue property owners that they can restrict and interfere with the rights of 2nd Avenue property owners to use the alleys. Some residents of 3rd Avenue have been incorrectly led to believe by the county that they can encroach into the alley with fences, that weeds and brush growing into the alley cannot be removed, that potholes cannot be fixed, and that 2nd Avenue property owners do not have the same rights to use of the alley as 3rd Avenue residents do.

When called upon to enforce the 2nd Avenue property owners' rights, the Transportation Department has failed to do so. I am advised of at least one incident when a contractor for a 2nd Avenue property owner was physically prevented from filling potholes in the alley by a 3rd Avenue resident who believed, incorrectly, that she had a right to do so. The Land Use Department has insisted, as part of Site Plan Review for several properties, that 2nd Avenue property owners cannot be allowed to use the alley for access to their properties. This is not only absurd, it is contrary to law as expressed in the 1997 letter from the County Attorney. It is also bad planning, and creates needless access points from 2nd Avenue to required parking areas in the rear of properties. As you have seen firsthand during your tour of the alleys, commercial property owners have been required to create alleys next to public alleys, and to fence off parking areas from being able to access the alley.

The Transportation Department needs to immediately authorize adjacent property owners to remove encroachments of weeds and shrubs into the alley which interfere with its use, and back them up if there is any interference. Owners of fences which encroach into the platted alley need to be notified of the need for removal. Contrary to what some have been led to believe, adverse possession of government-owned property, such as the alleys, is not recognized under Colorado law. The Land Use Department needs to stop attempting to restrict alley access by property developers along 2nd Avenue. As others have pointed out, these decisions in the past have led to safety concerns for pedestrians along 2nd Avenue, and those property owners whose rights to use of the alley have been unlawfully restricted in the past should be notified that their right to use the alley is no longer restricted.

4. The Land Use Department has, for whatever reason, failed to consistently refer Site Plan Review applications to the Niwot Historical Preservation Advisory Board as required by NRCD regulations. The Board operated as required under the NRCD regulations for many years under the leadership of staff planner Denise Grimm. At some point, the Board stopped meeting and did not review development applications in the NRCD. All of a sudden, within the last year, the Board was reconstituted and began reviewing

applications. From my understanding of reports from members of that Board, the Board met with the Land Use staff at the end of the summer to discuss its role, and at that meeting, Land Use Staff brought up the concept of a moratorium for the first and only time, but left the distinct impression with the Board members that a moratorium would not be pursued. Sadly, that has not been the case, and has already caused irreparable harm to the Niwot community.

In summary, I would ask that you:

1. Adequately staff the Land Use Department to process applications and requests in a timely manner.
2. Amend the Land Use Code to clarify that density of a use allowed in a Rural Community District may be modified to fit what has been allowed in the past, and that density is limited only by other provisions of the NRCD; and to add the "subdivision" exemption language, or something similar, and discontinue efforts to further amend the NRCD regulations in any manner which would restrict 2nd Avenue property owners from developing their properties under the current NRCD Code as it has been applied by the Land Use Department over the past 25 years.
3. Direct the Transportation Department to enforce the 1997 County Attorney letter concerning use of the alleys, and explain to 3rd Avenue residents why the alley use cannot be restricted, and that encroachments must be removed.
4. Direct the Land Use Department to stop restricting use of the alleys by property owners along 2nd Avenue, and advise all current property owners that any prior restrictions are lifted.
5. Direct the Land Use Department to put in place procedures to ensure that all future development applications are sent to HPAB for review.

If you do so, you will go a long way towards restoring trust and confidence in Boulder County which has, unfortunately, been badly damaged by actions which are perceived by a vast majority of Niwot residents as unnecessary, arbitrary and unfair.

Thank you for your consideration.

Sincerely,

Bruce W. (Biff) Warren

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#53]
Date: Tuesday, October 23, 2018 9:07:49 PM

Name (optional)	Annlee Landman
Email (optional)	annlee.landman@comcast.net
Phone number (optional)	(970) 846-7830
Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	I strongly believe the spirit of the moratorium should be respected and extended to protect Niwot from over development.
What do you value about the 2nd Avenue commercial district?	My dentist and vet is in Niwot and I have many friends who live there. I enjoy the restaurants, antique stores and the local grocery store - and like the easy accessibility, parking and charm of the district. It is however, getting harder to park and more crowded, and with the newer taller buildings on the alleys, it feels dense and much less open.
Size of structures including building footprints and height?	I worry that Niwot will lose all its charm and individuality with increased development.
The appearance of structures and how they fit the community character (materials and design)?	All of the newer structures I've seen appear to be cheaply built and maximize space with little regard for design or compatibility with any existing style of architecture.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#54]
Date: Tuesday, October 23, 2018 9:08:31 PM

Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	Keep the moratorium before Niwot turns into a Boulder or Gunbarrel shadow
What do you value about the 2nd Avenue commercial district?	That there are businesses that you can walk to from one block to the next. It has a unique ambiance. for years I have heard about Connectivity project, to bring downtown and cottonwwod closer, The crosswalk and sculpture park are ment to help that, but a mass of in fill development that is not in keeping with the needs of the community and just maximizes development because it can, will not be conducive. There is a natural mixed use given the proximity of cottonwwod park and old town ,and Johnson farm,
Interface, connections, and access between commercial and residential areas.	I have heard that residents were recently approached by Ann Postle to purchase their properties along Niwot rd next to liquor store and feed store to turn those low profile homes into Commercial potentially more Larger Mixed Use on Large parcels that currently set a semi rural tone. We need your HELP!

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#55]
Date: Tuesday, October 23, 2018 10:04:52 PM

Name (optional)	Brad Langdon
Email (optional)	bradlangdon@Gmail.com
Phone number (optional)	(303) 652-2723
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	Extend, if needed. If the code is changed with surface consideration and later on it becomes clear we should have thought this out a little more, well....

What do you value about the 2nd Avenue commercial district?

Retail shops and restaurants, mainly, as far as business types go.

Every friend or family member that has visited us, whether it's the first time of a return visit always comments about what a sweet, lovely, quaint town Niwot is. They all love poking in and out of the shops. They all, in their own way say that Niwot is something unique.

I like the fact that friends and neighbors have businesses in the commercial district. I love that you can drive your beater pickup truck to the feed store for your livestock needs or yo can go next door and purchase a Porsche.

In short, I like the rural feel of the commercial district as it currently is. It fits plays a significant role in the charm of our 'town'.

Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?

I like the way the Slater building and the Niwot Inn are up closer to the street and parking is behind. In my mind this accomplishes two things. It keeps vehicles out of view of an already congested 2nd Ave and by having the buildings forward ir maintains a sense of space between the northerly side of commercial district and the homes behind it.

The Southpaw apartment building is a fine looking building, ***however*** it's size and design are - and I don't mean to be unkind - a sore thumb on 2nd Ave as is the building that currently houses Seventh Wealth. There is nothing about their size and siding materials that fits the character of the semi-rural designation of Niwot.

As for lot coverage - again I don't mean to be unkind - The Southpaw/Seventh Wealth/Nourish threesome on that lot is too crowded. Something like that might be appropriate in a city setting, but again, not in Semi-rural Niwot. The feeling, to me, is like three building have been shoved into a corner, like they were in storage.

I understand current code allows zero feet setback from the rear of the lots on the northerly side of 2nd Ave. Now that one building is up that is nearly on the back property line it's evident that that code is misplaced. More of the same is way too crowded.

The setbacks from sidewalks and the front of the lot of the current buildings (Southpaw Commons, excluded) are what I favor.

Size of structures including building footprints and height?	I don't know if its lore or code that buildings on 2nd Ave are restricted to the height of the peak of the Grange, but I like that Idea. As for footprints: Two storey buildings with with driveways for parking in the rear, ala the Slater Building and the Niwot Inn are ok with me. One storey buildings with with driveways for parking in the rear are okay, too.

The appearance of structures and how they fit the community character (materials and design)?

The appearance of structures should reflect what we see on the first block of second avenue, specifically the actual historic buildings. The design of the two newest buildings on the southerly side of that blockTwo storey buildings) are visually incompatible with the rest of the block.

The best example of this is the building Bob Parish built on Franklin St, across from the present Colterra restaurant. It looks like it's been here as long as some of the actual historic buildings on 2nd ave but was built, I believe, in the 1990's. That's a prime example of materials and design for the remainder of the commercial district.

Desired mix of different uses (office, retail, restaurant, residential)?	I'm in favor of residential ONLY if it's above commercial. Residential in lieu of anything commercial, or residential with a minimal amount of commercial, just to meet regulations, is, I think, a mistake. While these residents will bring people who will spend money in local businesses, I think people who come to town, whatever the draw, will add more to the tax base. In summary: residential over retail shops - yes restaurants - yes office - limited. Offices do nothing to enhance sales tax

Interface, connections, and access between commercial and residential areas.

The alley behind the northerly side of the 2nd block is residential zoning; ***please keep it that way*** Access to business on 2nd ave from 2nd ave has not been a safety issue. New development design should be accessed from the street. How many pedestrian accidents have we had between vehicle entering and exiting shops head-on? I don't know but it can't be many, if any.

I am not in favor of parking in from of buildings where vehicles back across the sidewalk. Pedestrians have a responsibility to pay attention, but backing across a sidewalk is inherently more dangerous that driving across a sidewalk head-on.

And while we're on the subject of access, how did Southpaw Commons get to take away public

parking on the street and one it on to private property?

What do you hope to see out of the NRCD update process?	I hope to see a large scale view that balances maintaining he charm of Niwot with code that allows developers to build financially successful projects. If we allow claustrophobic infill like Southpaw along either or both sides of the street we will have despoiled the attractiveness of Niwot, thus killing any hope of having a thriving town going forward. We'll just be another place instead of something special.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#56]
Date: Wednesday, October 24, 2018 3:07:54 AM

Name (optional)	Amy Kalinski
Email (optional)	amykalinski73@gmail.com
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Attach a file with comments (optional)	nrcd_regulations_comments.pdf 49.01 KB · PDF

Dear Board of County Commissioners and Staff,

I have lived in Niwot for almost my entire life and like many residents, have concerns regarding recent development and proposed future development on 2nd avenue. As both a resident of 3rd Avenue and customer at Niwot businesses, I have been negatively impacted by recent development in several ways.

Many of my concerns are in relation to the recent development at 240 2nd Avenue, otherwise known as Southpaw Commons. This development sets a precedent for what future developers will think is acceptable development in the Niwot Rural Community District (NRCD) unless new regulations are put in place to restrict this type of development. I attended the community meeting on the 17th, and amid the many complaints, to the best of my recollection, there was only one person who had anything positive to say about Southpaw Commons: its owner. This is not the type of development that Niwot wants.

Outlined below are some of the problems I have with this new development. I enumerate these concerns in the hope that new regulations will be implemented to prevent future development similar to Southpaw Commons.

Unlike previous developments, such as the Slater building and the Niwot Inn, Southpaw Commons has its parking lot to the side of the development and has building almost up to the rear property line. "During the adoption of the Niwot Rural Community District. . . it was generally agreed upon that parking should occur at the rear of lots, as was typical." (1996 Niwot Alley study, pg. 1) This is an arrangement that the county has also be in favor of in the past: "There are statements in the NRCD file as well as letters from Transportation Department staff in associated files that support the position of rear-lot parking." (Alley Study, pg. 1) I also agree that the rear of the lot is the best location for parking spots for two reasons. Because the parking sports are behind the building, it screens them from view from 2nd avenue, which enhances the experience of downtown. Additionally, it shows consideration from the developers to their neighbors on the other side of the alley. By not developing all the way to the lot line, it gives a buffer between neighbor's backyards and large buildings and prevents having building with windows looking directly into their neighbors' yards. Original plans for the Niwot Inn (and possibly the Slater Building) included development up to the lot line. This was prevented, presumably by intervention from the county, and has created development that is beneficial for both neighbors of the buildings and anyone enjoying downtown.
There is currently no clear regulation against the type of intrusive development displayed at Southpaw Commons, so I advocate for increasing setbacks on the rear of lots in the NDCR and/or adding requirements that parking lots are located at the rear of the lots.

Southpaw Commons is also the first development on the Northern side of 2nd Avenue East of Franklin Street that requires use of the alley between 2nd and 3rd Avenue to access part of its property. The 1996 Alley Study refers to this section of alley as Area 3, so I will use the same naming convention. The Alley Study outlines policies made by the county that are "statements made with the intention of creating a consistent, clear position during design review or any other process" (Alley Study, pg. 4). First, "where physically possible, Second

Avenue or another primary road should be used to access a property instead of an alley." (Alley Study, pg. 4). Although this statement makes an exception to allow access to the alley when it is not physically possible to access a property otherwise, this is not the case in Area 3. Instead, this provision refers to the North-Western part of 2nd Avenue, where the historic buildings are all connected, making it impossible to add a driveway between them. In Area 3, this is not the case. It is always physically possible to access the properties from 2nd Avenue, so the alley should not be used to access development in Area 3. This point is expanded on by another policy made by the county: "In the block identified as Area 3 in this study, newly created parking areas should not have direct traffic flow from the lot to the alley." (Alley study, pg. 4). The alley study also found that in Area 3, historically the alley has been "used more for incidental access to backyards instead of parking access." (Alley study, pg. 6) which is how I believe it should remain. The county also agreed with this point in a letter written by an Assistant County Attorney which stated "use, maintenance, and improvements to the alleys must be such as will not interfere with the historic use of the alleys." (Office of the County Attorney, 1997). Allowing new developments on 2nd Avenue to access the alley would interfere with its historic use.

There are a few reasons why I believe the use of the alley in Area 3 should be maintained as it has been historically. First and foremost, safety. This alley is small, unmaintained, has poor visibility and is a dead end. It is not wide enough to support two-way traffic. Preliminary planes for proposed new developments in Area 3 also include additional garages that would back up onto the alley, similar to the one's included in Southpaw Commons. Add maintenance vehicles and garbage trucks, which currently use, and are frequently stopped in the alley, and you have a recipe for an accident. The increased traffic would also pose a safety concern to residents of 3rd avenue and the residents of Southpaw commons. The heavy use of the alley in Area 3 proposed by developers would also greatly depreciate the quality of life and property values for those of us who live on the other side of the alley.

These polices from the Alley Study are not currently regulations, but because the county did not follow them when Southpaw Commons was approved, I believe it would be beneficial to the community if they were made into regulations to ensure they are followed in the future. The Alley Study concludes that "Area 3 is a candidate for future alley use policy implementation to solve current and future conflicts of interests between business and residential owners." (Alley Study, pg. 6). The conflict has arisen, so now is the time to implement these policies in order to maintain the historic use of the alley and ensure the safety of residents.

I would also like to address the recent modifications that have been made to the alley in Area 3. A few years ago, asphalt was added to the alley where it connects with Franklin Street. Additionally, in the last few months gravel has been added to the alley behind Southpaw Commons and continuing down the alley to Franklin Street. The addition of this gravel has significantly increased the height of the alley, by around 2 feet. Another policy from the Alley study states that "Prior to undertaking any alteration of the alley, permission for the alteration **must** be granted by the Transportation Department." (Alley study, pg. 4). As far as I can ascertain, no such permission was granted. The letter from the Assistant County Attorney also states that adjacent property owners can only "maintain and improve the alleys in a manner which would not interfere with the use of the alley by the other adjacent property owners."

(Office of the County Attorney, 1997) By increasing the height of the alley by around 2' this new gravel addition has interfered with properly owners on 3rd Avenue's ability to access their property from the alley, and thus goes against what is considered allowable by the county.

To the best of my understanding neither the County Attorney Letter or Alley Study currently hold legal precedent, but show what the county's position has been in the past. I believe the regulations should be updated so the county's position can be enforced in the future. Additionally, if there are currently additional regulations prohibiting making changes to adjacent land if the changes would inhibit property owners access to their own land, they should be enforced.

Although mixed-use development is allowable in the NRCD, I believe it is important that the main focus of new developments be enhancing the business community because there is a "demand to locate business within the very limited number of business and commercially zoned areas in Niwot." (Alley Study, pg. 2). The way Southpaw Commons has implemented its mixed-use design is quite different from previous mixed-use project in the NRCD. Unlike previous mixed-use development the residential portion of Southpaw Commons is in a separate building from the commercial portions. In previous mixed-use development, such as the Slater Building, the residences have been in the same building, above the commercial development. I think the Slater Buildings implementation of mixed-use is what we should be looking for in future developments because the businesses remain the focal point of the development.

I am also concerned about how zoning codes apply to Southpaw commons. Section 4-115 of the Boulder County Land Use Code, which pertains to the establishment of a Rural Community District, and was used to establish the NRCD, states that "Any approved RC District may appropriately limit, but may not alter or expand, the uses allowed in the zoning districts which govern the subject parcels immediately prior to rezoning". Prior to rezoning, the NRCR was a Commercial District, which indicates that commercial zoning regulations apply to the NRCD. Section 4-110 of the BC Land Use Code, which gives regulation on Commercial Districts, gives the following regulation on Maximum gross residential density: "a. On subdivided land where the dwellings are connected to public water and sewer facilities…Nine dwelling units per acre. b. On other land…One dwelling unit per acres." This indicates that because Southpaw Commons is 0.4 acres and contains 3 dwellings, to fit into these regulations, the land must be subdivided. However, if the land was subdivided, then the subdivisions including the residential properties would no longer be mixed use, and according to NRCD regulations give in Article 4-166 of the land use code, residential development is only allowed "provided it is part of a mixed-use development "(3). Assuming I am correctly interpreting the land use code, it would seem that the county did not follow their own zoning laws when Southpaw Commons was approved. Either way, this is clearly a gray area that would benefit from a clarification of the regulations before the moratorium is lifted.

My final concern in relation to Southpaw Commons is how it fits into the 'semi-rural' character of Niwot. At the community meeting, many community members expressed their desire that Niwot remains 'semi-rural' in character. The county also agrees with this assessment, as it states in NIW 2.02 of the Boulder County Comprehensive Plan (BCCP) that "It shall be county policy to recognize the desired character of the Niwot Community Service Area

as being 'semi-rural' and encourage additional future development be compatible with the 'semi-rural' character" (pg. 114). Like others at the community meeting, I believe that the Southpaw fails to meet this requirement. The infill style of development seen at Southpaw, where attempts are made to fill as many square feet as possible with development, and the buildings are built to the maximum allowable height, do not fit this semi-rural character. This type of development is more appropriate in a large city, like Boulder or Denver, not in small town Niwot.

The BCCP also states in NIW 2.03 that "new developments [within the Niwot Community Service Area] planned adjacent to existing developments and within the same zoning district shall reflect the general density and design characteristics of the existing developments." (pg.114) Southpaw commons fails to do that for several reasons, including the points I've expanded on relating to its use of the alley, the location of its parking lots, its implementation of mixed-use, and failure to be 'semi-rural' in nature.

Unfortunately, there is nothing that can be done to change past development. We can however, implement new policies to ensure that future developments are designed to best serve the community.

Finally, I would also like to address the current situation with Colterra. At the community meeting, several members of the community and the Niwot Business Association voiced their desire for the swift reopening of Colterra. I would also like to see Colterra open as soon as possible; It is an integral part of the community and attracts people from out of town to visit Niwot. That being said, I cannot advocate for the lifting of the Moratorium to meet this end. This is because without the implementation of clear, new regulations to the NRCD prior to allowing new development, developers will continue to develop properties based on how they can maximize their profits, instead of considering the interests of the community.

Additionally, I would like to point out some details regarding Colterra's problems with parking spaces that were not addressed at the community meeting. Prior to the change in ownership of 240 2nd Avenue, "Colterra, lease[d] space for 6 cars on the property along the alley." (Project Narrative: Southpaw Commons, pg.2) Although the owners of Southpaw Commons stated that "If this lease agreement continues, Colterra's employees could use the extra space within the new parking area [to the East of Southpaw Commons]," (Project Narrative: Southpaw Commons, pg. 2) it appears as if no such agreement has been made.

Also, "[Boulder County] Staff notes that if the parking lease is not renewed, it leaves the operation of the restaurant [Colterra] in jeopardy because it will not be able to meet the parking requirements for the continued use of the square footage used by the restaurant (the intent of the restaurant approval is that these parking agreements be in perpetuity)." (SPR-16-0108 Conditions of Approval, pg. 3). This information seems indicates that even if the Moratorium wasn't in place and Colterra had not suffered damage from a fire, it would not be able to continue operation due to insufficient parking spaces. This was not addressed at the community meeting. Instead it seemed like developers and Business Association members were trying to shame members of the community into agreeing to advocate for the lifting of the moratorium by blaming us for Colterra's inability to reopen.

Perhaps a solution to Colterra reopening without needing to lift the moratorium, which should appease both community and Business Association members, is to renew their parking space leasing from the owners of Southpaw Commons. Their previous statements, and surplus of parking spaces, appear to indicate they would be willing to come to such an agreement.

(I have uploaded the cited document pertaining to this parking agreement, but it can also be found with docket SPR-16-0108. "Project Narrative: Southpaw Commons" is pgs. 29-30 and "SPR-16-0108 Conditions of Approval" is pgs. 3-11 of POSTLE Mixed Use Development)

I, like many residents of Niwot, am not against new development: We are simply asking if be done responsibly in a way that enhances our community rather than being a determent to it. It is because of this that I advocate for the continuation of (and if necessary, the extension of) the moratorium on new development in the NRCD in order to update regulations to protect our community from unwanted development and maintain the charming, rural appeal of Niwot for generations to come.

Thank you for your consideration

Amy Kalinski

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#57]
Date: Wednesday, October 24, 2018 3:13:27 AM

Attach a file with comments (optional) postle_mixed_use_development.pdf
5.46 MB · PDF

Dear Board of County Commissioners and Staff,

I have lived in Niwot for almost my entire life and like many residents, have concerns regarding recent development and proposed future development on 2nd avenue. As both a resident of 3rd Avenue and customer at Niwot businesses, I have been negatively impacted by recent development in several ways.

Many of my concerns are in relation to the recent development at 240 2nd Avenue, otherwise known as Southpaw Commons. This development sets a precedent for what future developers will think is acceptable development in the Niwot Rural Community District (NRCD) unless new regulations are put in place to restrict this type of development. I attended the community meeting on the 17th, and amid the many complaints, to the best of my recollection, there was only one person who had anything positive to say about Southpaw Commons: its owner. This is not the type of development that Niwot wants.

Outlined below are some of the problems I have with this new development. I enumerate these concerns in the hope that new regulations will be implemented to prevent future development similar to Southpaw Commons.

Unlike previous developments, such as the Slater building and the Niwot Inn, Southpaw Commons has its parking lot to the side of the development and has building almost up to the rear property line. "During the adoption of the Niwot Rural Community District. . . it was generally agreed upon that parking should occur at the rear of lots, as was typical." (1996 Niwot Alley study, pg. 1) This is an arrangement that the county has also be in favor of in the past: "There are statements in the NRCD file as well as letters from Transportation Department staff in associated files that support the position of rear-lot parking." (Alley Study, pg. 1) I also agree that the rear of the lot is the best location for parking spots for two reasons. Because the parking sports are behind the building, it screens them from view from 2nd avenue, which enhances the experience of downtown. Additionally, it shows consideration from the developers to their neighbors on the other side of the alley. By not developing all the way to the lot line, it gives a buffer between neighbor's backyards and large buildings and prevents having building with windows looking directly into their neighbors' yards. Original plans for the Niwot Inn (and possibly the Slater Building) included development up to the lot line. This was prevented, presumably by intervention from the county, and has created development that is beneficial for both neighbors of the buildings and anyone enjoying downtown.
There is currently no clear regulation against the type of intrusive development displayed at Southpaw Commons, so I advocate for increasing setbacks on the rear of lots in the NDCR and/or adding requirements that parking lots are located at the rear of the lots.

Southpaw Commons is also the first development on the Northern side of 2nd Avenue East of Franklin Street that requires use of the alley between 2nd and 3rd Avenue to access part of its property. The 1996 Alley Study refers to this section of alley as Area 3, so I will use the same naming convention. The Alley Study outlines policies made by the county that are "statements made with the intention of creating a consistent, clear position during design review or any other process" (Alley Study, pg. 4). First, "where physically possible, Second

Avenue or another primary road should be used to access a property instead of an alley." (Alley Study, pg. 4). Although this statement makes an exception to allow access to the alley when it is not physically possible to access a property otherwise, this is not the case in Area 3. Instead, this provision refers to the North-Western part of 2nd Avenue, where the historic buildings are all connected, making it impossible to add a driveway between them. In Area 3, this is not the case. It is always physically possible to access the properties from 2nd Avenue, so the alley should not be used to access development in Area 3. This point is expanded on by another policy made by the county: "In the block identified as Area 3 in this study, newly created parking areas should not have direct traffic flow from the lot to the alley." (Alley study, pg. 4). The alley study also found that in Area 3, historically the alley has been "used more for incidental access to backyards instead of parking access." (Alley study, pg. 6) which is how I believe it should remain. The county also agreed with this point in a letter written by an Assistant County Attorney which stated "use, maintenance, and improvements to the alleys must be such as will not interfere with the historic use of the alleys." (Office of the County Attorney, 1997). Allowing new developments on 2nd Avenue to access the alley would interfere with its historic use.

There are a few reasons why I believe the use of the alley in Area 3 should be maintained as it has been historically. First and foremost, safety. This alley is small, unmaintained, has poor visibility and is a dead end. It is not wide enough to support two-way traffic. Preliminary planes for proposed new developments in Area 3 also include additional garages that would back up onto the alley, similar to the one's included in Southpaw Commons. Add maintenance vehicles and garbage trucks, which currently use, and are frequently stopped in the alley, and you have a recipe for an accident. The increased traffic would also pose a safety concern to residents of 3rd avenue and the residents of Southpaw commons. The heavy use of the alley in Area 3 proposed by developers would also greatly depreciate the quality of life and property values for those of us who live on the other side of the alley.

These polices from the Alley Study are not currently regulations, but because the county did not follow them when Southpaw Commons was approved, I believe it would be beneficial to the community if they were made into regulations to ensure they are followed in the future. The Alley Study concludes that "Area 3 is a candidate for future alley use policy implementation to solve current and future conflicts of interests between business and residential owners." (Alley Study, pg. 6). The conflict has arisen, so now is the time to implement these policies in order to maintain the historic use of the alley and ensure the safety of residents.

I would also like to address the recent modifications that have been made to the alley in Area 3. A few years ago, asphalt was added to the alley where it connects with Franklin Street. Additionally, in the last few months gravel has been added to the alley behind Southpaw Commons and continuing down the alley to Franklin Street. The addition of this gravel has significantly increased the height of the alley, by around 2 feet. Another policy from the Alley study states that "Prior to undertaking any alteration of the alley, permission for the alteration **must** be granted by the Transportation Department." (Alley study, pg. 4). As far as I can ascertain, no such permission was granted. The letter from the Assistant County Attorney also states that adjacent property owners can only "maintain and improve the alleys in a manner which would not interfere with the use of the alley by the other adjacent property owners."

(Office of the County Attorney, 1997) By increasing the height of the alley by around 2' this new gravel addition has interfered with properly owners on 3rd Avenue's ability to access their property from the alley, and thus goes against what is considered allowable by the county.

To the best of my understanding neither the County Attorney Letter or Alley Study currently hold legal precedent, but show what the county's position has been in the past. I believe the regulations should be updated so the county's position can be enforced in the future. Additionally, if there are currently additional regulations prohibiting making changes to adjacent land if the changes would inhibit property owners access to their own land, they should be enforced.

Although mixed-use development is allowable in the NRCD, I believe it is important that the main focus of new developments be enhancing the business community because there is a "demand to locate business within the very limited number of business and commercially zoned areas in Niwot." (Alley Study, pg. 2). The way Southpaw Commons has implemented its mixed-use design is quite different from previous mixed-use project in the NRCD. Unlike previous mixed-use development the residential portion of Southpaw Commons is in a separate building from the commercial portions. In previous mixed-use development, such as the Slater Building, the residences have been in the same building, above the commercial development. I think the Slater Buildings implementation of mixed-use is what we should be looking for in future developments because the businesses remain the focal point of the development.

I am also concerned about how zoning codes apply to Southpaw commons. Section 4-115 of the Boulder County Land Use Code, which pertains to the establishment of a Rural Community District, and was used to establish the NRCD, states that "Any approved RC District may appropriately limit, but may not alter or expand, the uses allowed in the zoning districts which govern the subject parcels immediately prior to rezoning". Prior to rezoning, the NRCR was a Commercial District, which indicates that commercial zoning regulations apply to the NRCD. Section 4-110 of the BC Land Use Code, which gives regulation on Commercial Districts, gives the following regulation on Maximum gross residential density: "a. On subdivided land where the dwellings are connected to public water and sewer facilities…Nine dwelling units per acre. b. On other land…One dwelling unit per acres." This indicates that because Southpaw Commons is 0.4 acres and contains 3 dwellings, to fit into these regulations, the land must be subdivided. However, if the land was subdivided, then the subdivisions including the residential properties would no longer be mixed use, and according to NRCD regulations give in Article 4-166 of the land use code, residential development is only allowed "provided it is part of a mixed-use development "(3). Assuming I am correctly interpreting the land use code, it would seem that the county did not follow their own zoning laws when Southpaw Commons was approved. Either way, this is clearly a gray area that would benefit from a clarification of the regulations before the moratorium is lifted.

My final concern in relation to Southpaw Commons is how it fits into the 'semi-rural' character of Niwot. At the community meeting, many community members expressed their desire that Niwot remains 'semi-rural' in character. The county also agrees with this assessment, as it states in NIW 2.02 of the Boulder County Comprehensive Plan (BCCP) that "It shall be county policy to recognize the desired character of the Niwot Community Service Area

as being 'semi-rural' and encourage additional future development be compatible with the 'semi-rural' character" (pg. 114). Like others at the community meeting, I believe that the Southpaw fails to meet this requirement. The infill style of development seen at Southpaw, where attempts are made to fill as many square feet as possible with development, and the buildings are built to the maximum allowable height, do not fit this semi-rural character. This type of development is more appropriate in a large city, like Boulder or Denver, not in small town Niwot.

The BCCP also states in NIW 2.03 that "new developments [within the Niwot Community Service Area] planned adjacent to existing developments and within the same zoning district shall reflect the general density and design characteristics of the existing developments." (pg.114) Southpaw commons fails to do that for several reasons, including the points I've expanded on relating to its use of the alley, the location of its parking lots, its implementation of mixed-use, and failure to be 'semi-rural' in nature.

Unfortunately, there is nothing that can be done to change past development. We can however, implement new policies to ensure that future developments are designed to best serve the community.

Finally, I would also like to address the current situation with Colterra. At the community meeting, several members of the community and the Niwot Business Association voiced their desire for the swift reopening of Colterra. I would also like to see Colterra open as soon as possible; It is an integral part of the community and attracts people from out of town to visit Niwot. That being said, I cannot advocate for the lifting of the Moratorium to meet this end. This is because without the implementation of clear, new regulations to the NRCD prior to allowing new development, developers will continue to develop properties based on how they can maximize their profits, instead of considering the interests of the community.

Additionally, I would like to point out some details regarding Colterra's problems with parking spaces that were not addressed at the community meeting. Prior to the change in ownership of 240 2nd Avenue, "Colterra, lease[d] space for 6 cars on the property along the alley." (Project Narrative: Southpaw Commons, pg.2) Although the owners of Southpaw Commons stated that "If this lease agreement continues, Colterra's employees could use the extra space within the new parking area [to the East of Southpaw Commons]," (Project Narrative: Southpaw Commons, pg. 2) it appears as if no such agreement has been made.

Also, "[Boulder County] Staff notes that if the parking lease is not renewed, it leaves the operation of the restaurant [Colterra] in jeopardy because it will not be able to meet the parking requirements for the continued use of the square footage used by the restaurant (the intent of the restaurant approval is that these parking agreements be in perpetuity)." (SPR-16-0108 Conditions of Approval, pg. 3). This information seems indicates that even if the Moratorium wasn't in place and Colterra had not suffered damage from a fire, it would not be able to continue operation due to insufficient parking spaces. This was not addressed at the community meeting. Instead it seemed like developers and Business Association members were trying to shame members of the community into agreeing to advocate for the lifting of the moratorium by blaming us for Colterra's inability to reopen.

Perhaps a solution to Colterra reopening without needing to lift the moratorium, which should appease both community and Business Association members, is to renew their parking space leasing from the owners of Southpaw Commons. Their previous statements, and surplus of parking spaces, appear to indicate they would be willing to come to such an agreement.

(I have uploaded the cited document pertaining to this parking agreement, but it can also be found with docket SPR-16-0108. "Project Narrative: Southpaw Commons" is pgs. 29-30 and "SPR-16-0108 Conditions of Approval" is pgs. 3-11 of POSTLE Mixed Use Development)

I, like many residents of Niwot, am not against new development: We are simply asking if be done responsibly in a way that enhances our community rather than being a determent to it. It is because of this that I advocate for the continuation of (and if necessary, the extension of) the moratorium on new development in the NRCD in order to update regulations to protect our community from unwanted development and maintain the charming, rural appeal of Niwot for generations to come.

Thank you for your consideration

Amy Kalinski

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#58]
Date: Thursday, October 25, 2018 10:45:15 AM

Name (optional)	Tom Parsons
Email (optional)	tparsons1000@aol.com
Phone number (optional)	(303) 465-2930
Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	The value a Brad Heap restaurant brings to the community, whether it be Niwot or Boulder or Lafayette or Longmont, is hard to measure, but nonetheless obvious to long-time residents. For Niwot to lose the opportunity for Colterra to be replaced would be a shame and more ammunition for those who disparage the value of government regulatory entities. This is an opportunity for our representatives to reward someone who gives back to the community.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#59]
Date: Thursday, October 25, 2018 10:54:49 AM

Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	Niwot needs more local businesses especially businesses that attract visitors and add to the unique character of the community. While we don't live in Niwot directly, our kids go to Niwot High School and for many years it has been our preferred destination for dining and recommend family and friends stay at the Niwot Inn due to accessibility to shops and restaurants. Coltera has always been a restaurant we have enjoyed supporting in the past and would like the opportunity to do so in the future.
What do you value about the 2nd Avenue commercial district?	Parking, accessibility to a wide range of shops and restaurants as well as the classic, small town feel.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#60]
Date: Thursday, October 25, 2018 10:58:45 AM

Name (optional)	Mark Cronshaw
Email (optional)	mbcronshaw@gmail.com
Where do you live?	Outside of Niwot
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	I believe the moratorium should be terminated immediately. I understand that it is impeding reconstruction of Colterra restaurant in Niwot. I have enjoyed meals there in the past, and would like to eat there again in the future when it has recovered from its fire.
What do you value about the 2nd Avenue commercial district?	Dining at various restaurants, and playing bridge at the Lefthand grange

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#61]
Date: Thursday, October 25, 2018 11:00:02 AM

Name (optional)	Duncan Scribner
Email (optional)	duncanscribner@msn.com
Phone number (optional)	(303) 564-8618
Where do you live?	Outside of Niwot
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	I am in support of making exceptions to the moratorium, amending it in support of development of the culture and business environment.

What do you value about the 2nd Avenue commercial district?

I admittedly am a sometime visitor to Niwot, mostly for dining, music, and just generally enjoying the authentic sense of Niwot. I don't have any idea about the politics there, but I do know that our family has really loved our times there, particularly for going to Colterra for beautiful celebratory dinners when our kids achieve things, for birthdays and the like. To include their redevelopment from their tragic fire in this moratorium just seems off the mark. Rules and Regs are important for many reasons, but exceptions are always important as well when they truly serve the community and bring traffic to local businesses.

Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	Site design is always critical for successful development.
Size of structures including building footprints and height?	I'm not aware of what's being proposed and would have to see it.
The appearance of structures and how they fit the community character (materials and design)?	There is always a way, with great architectural skills, to make structures fit in, even when there are big challenges.
Desired mix of different uses (office, retail, restaurant, residential)?	Mixed use is probably good these days; more diversity and activity. The direction the world is going as we become less insular in our community development.
Interface, connections, and access between commercial and residential areas.	No opinion. Would have to see it.
What do you hope to see out of the NRCD update process?	I hope to see a relaxation of whatever barriers are in place to development of the area and I believe many people I know who are not as likely to take the time to complete this input will feel similarly.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#62]
Date: Thursday, October 25, 2018 11:04:22 AM

Name (optional)	Deanne Sarchet
Email (optional)	dgsarchet@ecentral.com
Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	Please let Colterra begin re-building! We miss it!

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#63]
Date: Thursday, October 25, 2018 11:06:10 AM

Name (optional)	vidan gonthier
Email (optional)	vidan@me.com
Phone number (optional)	(303) 898-4824
Where do you live?	Outside of Niwot

Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:

I understand the need for a comprehensive review of downtown Niwot development. At the same time, certain extraordinary situations, such as the burning of Colterra restaurant, a perennial favorite destination of the communities of boulder county deserves special considerations. The owners, having not received sufficient replacement funds from the insurance company are needing to make changes to their rebuilding plans. I believe they should not incur further and financially burdensome penalties by having their project tabled until the moratorium is lifted, which could be many months or longer. Their situation should be treated as an exception, even if they don't specifically meet the guidelines for exceptions. This was a tragic blow to the restaurant and the county shouldn't be adding insult to injury.

Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#64]
Date: Thursday, October 25, 2018 11:10:51 AM

Name (optional)	Glenn Krum
Email (optional)	glenn.krum@comcast.net
Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	United States
What do you value about the 2nd Avenue commercial district?	Restaurants and local businesses
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	I would like to see Colterra reopen as close as is reasonable to its original look and feel.
Size of structures including building footprints and height?	Keep it low, no multistory.
The appearance of structures and how they fit the community character (materials and design)?	Maintain the small town character as much as poss.
Desired mix of different uses (office, retail, restaurant, residential)?	Multiple use is going to be required to keep the area as a healthy business environment.
Interface, connections, and access between commercial and residential areas.	No opinion
What do you hope to see out of the NRCD update process?	The return of Colterra as a thriving restaurant. We

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#65]
Date: Thursday, October 25, 2018 11:17:19 AM

Name (optional)	Kent Jakobsen
Email (optional)	kentjak1@gmail.com
Phone number (optional)	(310) 962-1678
Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	Terminate the moratorium! As a regular and loyal customer of Colterra and other 2nd St. Niwot shops I resent the moratorium being put in place without local property owner's notification AND because of the delays in allowing Colterra's plans to go forward.
What do you value about the 2nd Avenue commercial district?	Ambiance, small town feel with a varied business base.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	I know Bradford Heap of Colterra will submit plans that are aesthetically pleasing and in keeping with the "feel" of downtown Niwot. Allow Colterra to rebuild per their re-design plans.
Size of structures including building footprints and height?	Yes - height restrictions are important and building footprints should not get too close to 2nd. St.
The appearance of structures and how they fit the community character (materials and design)?	Yes - Aesthetic review is important and materials should stress uniformity but with a flair.
Desired mix of different uses (office, retail, restaurant, residential)?	Limit residential facing 2nd St. but behind office or retail is ok
Interface, connections, and access between commercial and residential areas.	Allow residential adjacent owners adequate but minimal traffic arteries to their homes.
What do you hope to see out of the NRCD update process?	Terminate the NCRD moratorium immediately

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#66]
Date: Thursday, October 25, 2018 11:33:40 AM

Name (optional)	Andra Stanton
Email (optional)	andystanton@comcast.net
Phone number (optional)	(303) 954-9942
Where do you live?	Outside of Niwot
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	It would be very exciting to have Colterra return to Niwot. The recently passed County Moratorium on development is preventing that from happening. The Moratorium passed without any discussion with the community or local business owners. Please reverse it. This will pave the way not only for the new Colterra but other new restaurants, shops, and community amenities for the Niwot area. Thank you.
What do you value about the 2nd Avenue commercial district?	What a lovely spot for dining and shopping as well as partaking of yoga and Pilates classes. I love the art gallery and art shows. It's a charming, lively and welcoming area.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	I live in Boulder, on the Boulder/Gunbarrel line.
Size of structures including building footprints and height?	Small and in line with the height and mass of the other buildings in the area.
The appearance of structures and how they fit the community character (materials and design)?	In line with the other buildings there.
Desired mix of different uses (office, retail, restaurant, residential)?	That would be good.
What do you hope to see out of the NRCD update process?	Bring Colterra back.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#67]
Date: Thursday, October 25, 2018 11:42:44 AM

Name (optional)	Carol Grudis
Email (optional)	carol.grudis@gmail.com
Phone number (optional)	(303) 918-5152
Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	Please terminate the Moratorium on processing applications for development so that Bradford Heap can rebuild Colterra. We love to go to restaurants and stores in the area. These businesses benefit the whole area.
What do you value about the 2nd Avenue commercial district?	The unique flavor of the area as it is so different from Boulder.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	No
Size of structures including building footprints and height?	no
The appearance of structures and how they fit the community character (materials and design)?	no
Desired mix of different uses (office, retail, restaurant, residential)?	no
What do you hope to see out of the NRCD update process?	A more progressive attitude toward business.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#68]
Date: Thursday, October 25, 2018 12:04:58 PM

Name (optional)	Shane McDonald
Email (optional)	shane.mcdonald@level3.com
Phone number (optional)	(720) 891-7058
Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	I live in Broomfield and the recently passed County Moratorium on development is preventing new restaurants, shops, and community amenities for the Niwot area. The Moratorium passed without any discussion with the community or local business owners. If the Moratorium goes forward there is a risk of damaging downtown Erie and further slowing smart development and should be reversed!

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#69]
Date: Thursday, October 25, 2018 12:41:40 PM

Name (optional)	M Tal Hindson
Email (optional)	tal@talcreative.com
Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	We believe Niwot should have an opportunity to responsibly develop it's business community over the next few years. As it now stands, existing businesses cannot develop further services, or even return to servicing the community (Colterra Restaurant) with the current Moratorium on development. We believe in responsible growth, not lack of growth, in our Niwot community.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#70]
Date: Thursday, October 25, 2018 1:26:49 PM

Name (optional)	Linda Adams
Email (optional)	linda@trispectivegroup.com
Phone number (optional)	(750) 259-4092
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer

Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:

I would absolutely terminate the six-month moratorium on processing applications for development in the Niwot Rural Community District. Such moratorium passed without full hearing places real constraints on the nurturing and development of a vibrant community. As a frequent patron of Colterra and the local businesses such constraints create a pause in the business community from which the community may never recover. Niwot is not the town it was 100 years ago and is not the town it will be 100 years from now. Halting considered, planful and intentional development may mean there is no town.

What do you value about the 2nd Avenue commercial district?	It has it's own unique feel where rural and sophisticated experiences can come together.
What do you hope to see out of the NRCD update process?	Fewer local government constraints and mandates.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#71]
Date: Thursday, October 25, 2018 1:41:08 PM

Name (optional)	Carol Li nsley
Email (optional)	clinsley@comcast.net
Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	amend the moratorium in order to assure that Colterra can rebuild .
What do you value about the 2nd Avenue commercial district?	I do not live in Niwot so I cannons comment on any proposed zoning. However, Colterra before it burned was a jewel in Boulder County. It was a great loss. It was one of the only places where customers could sit and dine under the big trees or in the historic house and enjoy our beautiful rural country. As the country has grown restaurants have become noisy, crowded, and fast. Colterra was the exception. I urge you to provide exemptions to any proposed or existing rules that would enable the owners to keep Colterra in Niwot and to preserve the historic character of the experience.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#72]
Date: Thursday, October 25, 2018 1:57:50 PM

Where do you live?	Outside of Niwot
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	Loved that restaurant. Please bring it back!
What do you value about the 2nd Avenue commercial district?	The lack of this restaurant hurt Niwot. We love to come stay at the bed and breakfast and were devastated when we couldn't come to Colterra.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#73]
Date: Thursday, October 25, 2018 2:30:05 PM

Name (optional)	William Barrett
Email (optional)	wjbarrett457@aol.com
Phone number (optional)	(720) 939-8933
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	Please cancel any sort of moratorium in Niwot. I am a 13 year resident, and this is completely unacceptable. We are not in Boulder city, but independent. We can not have Liberal beurocrats making decisions for our sound minded community. I ask that the County immediately drop any restrictions for Niwot.
What do you value about the 2nd Avenue commercial district?	It should be more commercial, with more bars and restaurants.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	Owners, not the County, should have their wishes.
Size of structures including building footprints and height?	Any height is OK.
The appearance of structures and how they fit the community character (materials and design)?	This is not something that should be controlled by the government.
Desired mix of different uses (office, retail, restaurant, residential)?	Mostly restaurants prefered.
Interface, connections, and access between commercial and residential areas.	Not needed.
What do you hope to see out of the NRCD update process?	Approve any restaurant plans.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#74]
Date: Thursday, October 25, 2018 3:11:35 PM

Name (optional)	Dan Meester
Email (optional)	danmeester@gmail.com
Phone number (optional)	(720) 290-0719
Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	I understand that there is a building moratorium in Niwot and it could possibly effect the proposed re-opening of Colterra. Colterra has been a Niwot fixture and deserves to be exempt from this moratorium. After all, plans to restore Colterra do not entail new construction, simply rehabilitation of an existing structure. Colterra has been essential with my staff and out clients to enjoy a delightful meal and have a business meal in a pleasant back drop. Please make an exemption for Colterra. Thanks Dan Meester

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#75]
Date: Thursday, October 25, 2018 3:12:29 PM

Name (optional)	Sharlie Watts
Email (optional)	sharliemw@gmail.com
Phone number (optional)	(720) 271-0318
Where do you live?	Niwot

Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:

I live in Old Town Niwot. I am a member of NBA as well. I have attended all the meetings but due to work will not be at the hearing on the 30th.
I have raised many concerns to the builders who want to put residential units in the alleys. This creates a major traffic and safety hazard. Traffic must back out of the alley if there is not enough room to turn around. Franklin street is walked by many many people. Their safety is important. I do not think this should have happened last year and hopefully you will see how it has impacted the overall feeling and historic presents to a small town.
Please keep the moratoriums in place and do not let builders destroy this town.

What do you value about the 2nd Avenue commercial district?	Historic walking small town feel.
Size of structures including building footprints and height?	No 2 story units on back of alley.
The appearance of structures and how they fit the community character (materials and design)?	The large building next to small historic house with 2 story condo behind it are a terrible eye sore. Do not let this type of building continue in the historic section.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#76]
Date: Thursday, October 25, 2018 3:19:34 PM

Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	Please terminate the moratorium for development in Niwot. We make a point of driving to Niwot from The Estes area to enjoy the quaintness of the town and the fun shops and restaurants.
What do you value about the 2nd Avenue commercial district?	We love the atmosphere and community feel. We were regulars at Colterra for both lunch and dinner and always brought our out of town guest for a fabulous dining experience on the patio, weather permitting. Loved the farm to table philosophy and feel strongly the surrounding area needs Colterra back!

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#77]
Date: Thursday, October 25, 2018 6:02:45 PM

Name (optional)	Polly Palmer
Email (optional)	pollypalmer@msn.com
Phone number (optional)	(720) 288-1289
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	Terminate the moratorium on processing applications for development in the Niwot Rural Community district pending consideration of Land Use Code amendments.

What do you value about the 2nd Avenue commercial district?

I value the unique nature of the area and the businesses that have opened there and am sad about those that have closed. When I first moved to Niwot in 1993, escaping from the drunks and violence in Hill area in Boulder, I knew I had found my paradise. One of the magnets was Reverend Taylor's Restaurant which was frequented even by folks from Denver because of its history, ambiance, and food. Wish it were still here. Another stellar venue was Colterra, now closed for almost two years after a fire and frustrated attempts to reopen without a viable sustaining development plan. No, there will not be neon signs or highrise condos on the site -- the owner respects the FLAVOR of Niwot and the values of the community for healthy food and a subdued impact on the area, both visibly and emotionally. Please consider the potential damage the moratorium can do to restoring one of Niwot's most beloved and vibrant businesses.

Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	7773 Country Creek Drive Let the Country Creek Drive Home Owners' Association (CCHOA) decide.
Size of structures including building footprints and height?	Let the Niwot Community and Niwot Business Association decide.
The appearance of structures and how they fit the community character (materials and design)?	Let the Niwot Community and Niwot Business Association decide.
Desired mix of different uses (office, retail, restaurant, residential)?	Let the Niwot Community and Niwot Business Association decide.
Interface, connections, and access between commercial and residential areas.	Keep the bike and walking paths, the left hand painted chairs, the open spaces, and the vintage look of the buildings.
What do you hope to see out of the	Pull back from dictating something to Niwot that the

NRCD update process?	Community and the Niwot Business Association have had no voice in implementing.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#78]
Date: Thursday, October 25, 2018 6:09:21 PM

Name (optional)	Kareen Millard
Email (optional)	johnkareen32@gmail.com
Phone number (optional)	(303) 938-8556
Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	I am for terminating the six month moratorium in processing applications. I really want to welcome Colterra back to it's home.
What do you value about the 2nd Avenue commercial district?	I have been a fan of Colterra for years and really would like to see it come back to life. I really miss this find dining establishment. I also enjoy the shops near by.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	No
Size of structures including building footprints and height?	no
The appearance of structures and how they fit the community character (materials and design)?	The structure should follow the other structures around. And continue to give it a friendly country vibe.
Desired mix of different uses (office, retail, restaurant, residential)?	Let's mix it up to bring a good diversity to Niwot.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#79]
Date: Thursday, October 25, 2018 6:51:00 PM

Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	I feel the moratorium is counter-productive to allowing planned and thoughtful growth in Niwot. We especially are interested in the redevelopment of Colterra. It's reopening would draw us to make additional visits to Niwot there and with other businesses. Termination of the moratorium seems like the most sensible approach to allow growth and generate additional business and taxes for the town.
What do you value about the 2nd Avenue commercial district?	Diversity of businesses.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#80]
Date: Thursday, October 25, 2018 7:39:22 PM

Name (optional)	Beth Lichtenstein
Email (optional)	Bpsyched@msn.com
Phone number (optional)	(303) 998-0707
Where do you live?	Outside of Niwot
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	Colterra was absolutely, hands down our favorite Boulder County Niwot restaurant. I am so pleased to hear they want to reopen and I vehemently protest a moratorium blocking this in any way. Please rethink what is best for Niwot.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#81]
Date: Friday, October 26, 2018 9:29:16 AM

Name (optional)	Scott Firle
Where do you live?	Niwot
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	Remove the Moratorium effective immediately. My young family and I moved to Niwot over four years ago. We have enjoyed the restaurants, breweries and local businesses that contribute to our experience but also towards revenue for our local improvement district. I was saddened with the closing of Powder Keg and the fire over at Colterra. Plan and simple this Moratorium is putting the vibrancy of Niwot into jeopardy AND....it is my opinion that the main issue is that the alley way in second block would get more use if certain types of development move forward. Address the Alley way, not the development that would bring more vibrancy to our community. There are policies and procedures already in place to make sure that the development going in fits the character of our community. Businesses looking at moving here and re-investing in their properties are now questioning wether Niwot is a good place to do businesses. Which is of GREAT concern to me as a resident.
What do you value about the 2nd Avenue commercial district?	Vibrancy.. There is some infill that could be done to more mirror 1st ave and make better us of the space.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	More infill to accommodate more opportunities for vibrancy. Make that back alleyway more useful to the commercial district and residences
Size of structures including building footprints and height?	Height no more that two stories, I would like to see better use of the space to accommodate more opportunities... Like 1st block.
The appearance of structures and how they fit the community character (materials and design)?	I am not opposed to new structures as long as they fit the old town feel. I love how the Niwot inn looks.
Desired mix of different uses (office, retail, restaurant, residential)?	I would love to see more mixed use so that we have some residence, retail, breweries and workers in old town to patronize our local businesses.
Interface, connections, and access between commercial and residential areas.	Improve that back alley way.
What do you hope to see out of the NRCD update process?	The moratorium lifted and the zoning language not changed. The county shouldn't force developers to build only certain types of projects in a downtown atmosphere. I want to see a vibrant old town, not a locked down mess where we can't even get our staple restaurant back....

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#82]
Date: Friday, October 26, 2018 10:32:24 AM

Name (optional)	Mary Porrey
Phone number (optional)	(303) 807-4706
Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	
Terminate the moratorium. Few business in the culinary area are as gifted as the restaurants of Bradford Heap and of him in particular, We have a very limited number of high-end restaurants in this area where I live, north of Lafayette, near Niwot and south of Longmont. Why strangle us from the opportunity of dining in a top-notch restaurant the likes of SO many fine places in Boulder, where perhaps you (the county commissioner's) live. Niwot is so restricted and limited as to how they can improve on the quality of business in the community that it almost appears as though our small little city is somehow going to be a financial threat to great big Boulder. The restaurant had a fire; they have been patient enough already to try and rebuild in Niwot. Ease the restrictions. Just TODAY, I read an article about how the restaurant business is saving communities, many in small-town America. Your restrictions smack of a socialistic/control with an enormous over-reach of government intervention. Sadly, not why we moved into Boulder County.	
What do you value about the 2nd Avenue commercial district?	We/several of us, value the restaurant on 2nd avenue/Main!
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	Colterra if off the beaten path and of no threat to the main drag at all.
Size of structures including building footprints and height?	I'm not an architect. Bring the sides together, life the moratorium and start a conversation!
The appearance of structures and how they fit the community character (materials and design)?	The community could allow Bradford Heap to set a more pleasing look to the community rather than stifle it. Niwot downtown as it stands would not earn any great awards for beauty.
Desired mix of different uses (office, retail, restaurant, residential)?	Niwot is a mish-mash of old and older. Any newly constructed building by Bradford Heap would enhance the community. He's very talented. Get out and walk around and see what we/I mean.
Interface, connections, and access between commercial and residential areas.	START a reasonable conversation so the community and residents of the country and see what the interfacing issues are. They aren't just floating around in mid-air; define something!
What do you hope to see out of the NRCD update process?	I hope to see PROGRESS. Do something constructive for Niwot. If you stifle progress you'll lose the best Chef in the

county, and I'm not his Grandmother...I'm just a valued customer that appreciates his hard-work and effort. Everyone misses Colterra.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#83]
Date: Friday, October 26, 2018 2:51:53 PM

Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	Please lift the moratorium! We want our favorite restaurant back! We brought so many people into Niwot to dine there and of course, we always end up patronizing other shops while there. Without Colterra, we just don't make a point to visit Niwot. Please let them rebuild!
What do you value about the 2nd Avenue commercial district?	see above

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#84]
Date: Saturday, October 27, 2018 1:31:06 PM

Name (optional)	M Cox
Email (optional)	grecocox@aol.com
Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	Terminate Niwot is finally hitting its stride. This makes no sense
What do you value about the 2nd Avenue commercial district?	The fact that there is now more variety – more reason to visit and shop. Shopkeepers are very friendly I don't see how this Measure helps anyone at a time when you should be growing
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	No
Size of structures including building footprints and height?	No
The appearance of structures and how they fit the community character (materials and design)?	No No
Desired mix of different uses (office, retail, restaurant, residential)?	No

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#85]
Date: Saturday, October 27, 2018 1:45:43 PM

Name (optional)	james miller
Email (optional)	jfrmiller@msn.com
Phone number (optional)	(303) 652-2820
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	I believe that most of what this moratorium is about is in a good place. The biggest objection that my wife and I have is with any delay in re-opening the Colterra restaurant. That repair should be expedited. Colterra is an outstanding restaurant that attracts large number of out of towners to Niwot. It is probably the nicest venue in town. To delay it's reopening would be a travesty.
What do you value about the 2nd Avenue commercial district?	This area does not need much change perhaps tweaking a bit but no large changes, "PERIOD"
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	Use the current infrastructure as a model. In places it is rather quirky and that is what Niwot is all about. We've lived in Niwot for 46 years and it has changed too much. Leave it alone!
Size of structures including building footprints and height?	Nothing that exceeds the largest and tallest existing structures.
The appearance of structures and how they fit the community character (materials and design)?	There is not a lot of space to monkey with but with an overall view of the area it should be easy to fit any new architecture into the area. Colterra is a good example as it represents the old including the trees.
Desired mix of different uses (office, retail, restaurant, residential)?	More unique boutiques ie. specialty food shops, antiques and small retail. Anything other that just plain office space or real estate businesses.
Interface, connections, and access between commercial and residential areas.	All looks pretty good as is. I would be open to ideas. There is always a better way to build a "mousetrap".
What do you hope to see out of the NRCD update process?	Reaffirm what Niwot already has, replicate some venues and protect the area from new and un-wanted business & buildings.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#86]
Date: Saturday, October 27, 2018 2:20:37 PM

Name (optional)	Nancy Bureau
Email (optional)	LEFTHANDANIMAL@GMAIL.COM
Phone number (optional)	(303) 652-8387
Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business owner • Niwot business customer

Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:

Please terminate this moratorium. It will hinder development for the next 6 to 12 months for the Niwot Business area. Instead, having a scheduled discussion with neighbors would be a win/win for all. Neighbors may not realize that many of the festivals and events that make Niwot special are sponsored by Niwot businesses; if we limit this district, it will decrease business involvement in the community. Also, small business owners will not be able to endure the moratorium, but large corporations, like Starbucks, will. The moratorium will likely hinder small business and encourage large corporations.

What do you value about the 2nd Avenue commercial district?	The sense of community and the small business unique character.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	Site design should mimic the unique character of Historic Niwot.
Size of structures including building footprints and height?	Limit buildings to 3 stories maximum
The appearance of structures and how they fit the community character (materials and design)?	Site design should mimic the unique character of Historic Niwot.
Desired mix of different uses (office, retail, restaurant, residential)?	Mixed use could be ideal
Interface, connections, and access between commercial and residential areas.	Mixed use would allow interface of commercial and residential area.
What do you hope to see out of the NRCD update process?	I hope this current NRCD moratorium is overturned.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#87]
Date: Saturday, October 27, 2018 8:25:04 PM

Name (optional)	Jane Zander
Email (optional)	janezander@comcast.net
Phone number (optional)	(720) 340-6880
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	I am in favor of the moratorium. The residents need to be heard as to what they want for the town expansions. Most moved to Niwot for the rural atmosphere. That is being taken away. When the Niwot Cultural Association purchased the BNSF property for a parking lot, the residents were informed AFTER The contract was signed. Input was allowed only as a courtesy to the residents, but it didn't really make any difference how we felt. The Niwot businesses are impacting the residents, without regard for the resident's property rights.
What do you value about the 2nd Avenue commercial district?	The small, rural character of the businesses.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	I personally would like the businesses to stay one story. I would like the walks, alleys to be left alone. I would only like to see changes that were supported by the residents who lived adjacent to the properties that wish to expand.
Size of structures including building footprints and height?	One story, small buildings
The appearance of structures and how they fit the community character (materials and design)?	Keep with the appearance of the current town.
Desired mix of different uses (office, retail, restaurant, residential)?	Retail and office. Not residential
Interface, connections, and access between commercial and residential areas.	Not sure
What do you hope to see out of the NRCD update process?	The residents and business compromise and agree. A win/win for all.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#88]
Date: Saturday, October 27, 2018 9:16:43 PM

Name (optional)	Susan Donaldson
Email (optional)	sdonaldson43@comcast.net
Phone number (optional)	(720) 565-0252
Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business customer

Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:

The closure of the restaurant Colterra has been a blow to diners throughout the county but, I suspect, particularly to Niwot residents. The owner wishes to rebuild the restaurant, with a few changes, since it was partially destroyed in a fire but the current moratorium prevents him from doing so. Since his business has been around for years, I wonder if it isn't a candidate for grandfathering. The town supported the business before – with pride, I might add, since the establishment was acknowledged as one of the finer dining venues in the county – and I'm sure it would again. In the meantime the property lies dormant and will eventually become an eyesore if it is not restored. In addition, the longer the business remains closed the longer the town misses out on tax revenue. The people of Niwot and of the rest of Boulder County (and beyond) would welcome the reopening of Colterra. Niwot's other restaurants are busy – I know because I frequent them – and the town can support having Colterra back in business. Please reconsider the moratorium process in this case. Thank you.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#89]
Date: Sunday, October 28, 2018 9:18:04 AM

Name (optional)	Karen
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	Everyone I know has been anxiously waiting for Colterra to reopen. It would be a huge mistake not to allow this to happen. I can see the concern regarding housing, but to restrict commercial growth would be shooting yourself in the foot.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#90]
Date: Sunday, October 28, 2018 3:52:05 PM

Name (optional)	Carole Simon
Email (optional)	msimon55@aol.com
Phone number (optional)	(303) 834-9034
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	Let's let retail and restaurants move forward without endangering the loss of the towns historic charm.
What do you value about the 2nd Avenue commercial district?	We've always enjoyed shopping and dining on 2nd Ave, as it was a special place to bring guests when visiting the area. We miss Colterra, especially their outdoor weekend brunches. I'd like to see it have more retail, more dining options and even some weekend stores and restaurants open.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	I think it's important to keep the charm of the old town. If that requires the above then it would be important.
Size of structures including building footprints and height?	Again, in keeping with the charming and historic look.
The appearance of structures and how they fit the community character (materials and design)?	Yes, that's important. See above
Desired mix of different uses (office, retail, restaurant, residential)?	To keep the town alive and strong, a blend is probably necessary. When I think about the offices being in a retail store like Osmosis Art and Architecture, I see it can be combined. They've kept the charm of the town.
Interface, connections, and access between commercial and residential areas.	I'm not sure I completely understand but again, let's not remove the existing charm the town has.
What do you hope to see out of the NRCD update process?	Room for retail and restaurants to move forward. PS we live in the unincorporated village using a Longmont zip code

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#91]
Date: Sunday, October 28, 2018 10:55:28 PM

Name (optional)	Bruce Rabeler
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business owner • Niwot business customer

Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:

I believe the moratorium should be amended to only apply to first floor residential developments and those requesting access to the alley between 2nd and 3rd avenues. The issues around alley access and alley setbacks are the only thing controversial. It should be made explicitly clear that Colterra is exempt from the moratorium, even if they choose to change their site review plans. These plans can and should be reviewed through the normal site review process. The community has made it very clear that we want Colterra to re-open ASAP. What we don't want are first floor residential developments with frontage access to 2nd Avenue. The two blocks of 2nd Avenue need to be a vibrant mix of restaurants and retail to form a corridor and connectivity to the retail shops and restaurants in Cottonwood. Existing properties that are currently vacant should be exempt from the moratorium, even if there is a change of use requested or development on the 2nd floor.

What do you value about the 2nd Avenue commercial district?	I value the quaintness and uniqueness. I don't want to see cookie-cutter regulations that don't allow for uniqueness going forward. I would like to see each property reviewed individually and decisions made based on the unique challenges and opportunities that each property offers, keeping in mind that this is a commercial district. Mixed use is acceptable if it is on the second floor or the rear of the property. Residential development does nothing to help bring customers to town or add to tax dollars collected by the L.I.D.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	I think set backs for buildings on both alleys need to be reviewed. Is building right up to the alley appropriate? What is the appropriate distance? I think there are buildings currently built that could be used as examples of what is appropriate and that some agreement and compromise can be made between the property owners on both sides of the alley. This should be something that doesn't need 6 months to accomplish.
Size of structures including building footprints and height?	I'd like to see that if two story buildings are going to be built on the alley that they be stair stepped back in height such that the second floor isn't straight up from the alley. What that second floor stair step distance should be might be a similar distance to what the first floor set back is from the alley.
The appearance of structures and how	I'd like to see more brick used to provide some sort of

they fit the community character (materials and design)?	continuity and cohesiveness between the historical buildings and the new ones.

Desired mix of different uses (office, retail, restaurant, residential)?

Retail shops and restaurants should be the primary uses of first floor spaces with street frontage on both blocks of 2nd Avenue. Some office space is ok, but it should be limited. 2nd Avenue should be an area that people visit to shop and dine. Residential and office space is ok on the second floor or in the rear of a property. By requiring spaces with frontage to 2nd avenue to be retail or restaurant might bring rents down to a level that retail businesses can afford. Allowing spaces to be filled by the highest renter, regardless of the use, changes the nature of downtown Niwot. We have enough office and service industry spaces already in Niwot. Any new commercial development should be retail or restaurant if it has frontage access to 2nd Avenue, or trade that usage with an existing office or service space.

Interface, connections, and access between commercial and residential areas.	Currently the alley between 2nd and 3rd avenue is being used as a buffer between 2nd Avenue businesses and 3rd Avenue residences. Perhaps landscaping, fencing, or some other means of buffering can serve a similar function.

What do you hope to see out of the NRCD update process?

I hope to see active engagement between the community, developers and county planners to come up with what's best for Niwot. Where there's agreement, i.e. on Colterra, let's move forward. Where there's controversy, i.e. alley access, let's identify the issues, get input and make timely informed decisions. Going forward there should be better notification and communication by the county to involve the community in the design review process. At the moment the moratorium has stopped development completely and that's not what I believe most people want. I believe the overwhelming concern is that any new development on 2nd Avenue be thoughtful and maintain the character of Niwot, keeping in mind the primary business function of those two blocks, as well as the interface between commercial and residential areas.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#92]
Date: Monday, October 29, 2018 10:18:19 AM

Name (optional)	Kamron Wosachlo
Phone number (optional)	(303) 520-3223
Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	Terminate ... six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:
What do you value about the 2nd Avenue commercial district?	Options and unique style! Colterra needs to come back - they were the heart of longmont and has been severely missed!
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	It is perfect the way it is - no need for change
Desired mix of different uses (office, retail, restaurant, residential)?	Need more restaurants

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#93]
Date: Monday, October 29, 2018 11:45:48 AM

Name (optional)	Andrew Esposito
Email (optional)	Ame121689@gmail.com
Phone number (optional)	(917) 836-5397
Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	Terminate. This Moratorium is preventing growth in Niwot that other surrounding areas are benefiting from.
What do you value about the 2nd Avenue commercial district?	Availability to enjoy the comforts of a small town that offers everything.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	No, I don't believe a moratorium should be in place.
Size of structures including building footprints and height?	No.
The appearance of structures and how they fit the community character (materials and design)?	No, community should be inclusive. Not pigeonholed into one specific thing.
Desired mix of different uses (office, retail, restaurant, residential)?	No, any blend is fine.
Interface, connections, and access between commercial and residential areas.	No.
What do you hope to see out of the NRCD update process?	Transparency

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#94]
Date: Monday, October 29, 2018 2:13:22 PM

Name (optional)	Stacey
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	I don't understand why you can't continue to look at new applications while continuing to do the research. I strongly support the rights of business such as Colterra to be able to build/rebuild/develop their properties.
What do you value about the 2nd Avenue commercial district?	I like being able to walk over to local restaurants (particularly brunch at Colterra) and shop at the small businesses, such as Little Bird.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	I think that on-street parking is part of the charm of Niwot, although the "use of limited parking spaces" for businesses like the cafe are also a good use. I don't understand why the latest business put three parking spots directly behind the three on-street parking spots in front of it, causing the front yard to be primarily asphalt, without adding any partking at all.
Size of structures including building footprints and height?	No opinion, as long it fits with existing buildings.
The appearance of structures and how they fit the community character (materials and design)?	No opinion, Niwot is already pretty mixed in terms of materials. The trees is also part of the character.
Desired mix of different uses (office, retail, restaurant, residential)?	Many of the structures in downtown Niwot are already mixed use with residences in back or on the second floor. I would like to preserve and continue this trend.
Interface, connections, and access between commercial and residential areas.	Keep Niwot walkable. It's not very large, and the ability to walk to and between businesses is part of the charm.
What do you hope to see out of the NRCD update process?	I'm not sure that anything needed to be fixed. If there is going to be any revisions to the plan, I'd appreciate an updated map.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#95]
Date: Monday, October 29, 2018 4:16:52 PM

Name (optional)	Dick Fetter
Email (optional)	dickfetter@comcast.net
Phone number (optional)	(303) 499-1025
Where do you live?	Outside of Niwot

Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:

I am writing to ask that, whatever you do in general, you allow Colterra to re-open at its previous site. As one who has known Boulder since 1965, I understand why growth might lead to a moratorium. However, this restaurant is nothing new. There was a restaurant there before Colterra and Colterra has added a lot to fine dining in both Niwot and Boulder County while making excellent use of a historic site and providing employment for local people. There is nothing here that adds to anything new, only a fresh start for an outstanding business that was a great feature in the community prior to suffering a devastating fire. Colterra has provided many pleasurable hours at table to many people over the years. Please allow them to re-open and carry on once again. Thanks very much. Dick Fetter

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#96]
Date: Monday, October 29, 2018 4:39:23 PM

Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business owner • Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	Intended to send this comment by the deadline on Oct. 29th, but our internet went down. (Wild, uncivilized Niwot!)

Interface, connections, and access between commercial and residential areas.

The attached picture shows a Toyota van entering the alley by Colterra, just off of Franklin. Clearly, there is not enough room in the alley for another car heading west in the alley to pass.

The alley is roughly 20 feet wide. The 3rd Ave. residential side of the alley is also lined with utility poles and power lines. Measuring from our rear fence line, roughly 5 feet is needed to safely avoid/clear the wooden utility poles. On the south side of the alley in the commercial zone, a bare minimum of 3 feet would be needed to avoid damaging existing fence lines. 20 feet minus 8 feet = 12 feet.

The average SUV is 6.5 feet wide not including the mirrors. Large SUV's like the Chevy Suburban are almost 7 feet wide. Clearly the math does not add up here for two-way traffic in the alley corridor between 3rd Ave. and the commercial zone.

Also I might add that currently (and historically for at least the past 40 years) there have been only two residential garages on 3rd Ave. bordering the alley. The first is a ramshackle historic garage across from Colterra that is not in use. The second garage is further down the alley to the east. This garage has been there at least since the 1960's and the owners of this property do not regularly access the alley, but instead use 3rd Ave. for access to Franklin. Now we have 3 apartment residences accessing the alley from the commercial zone (for the first time) with more proposed in future developments at the Lefty/Meisner property.

Historically, the north side of 2nd Ave. were residences (and a lovely orchid greenhouse where the new parking is located.) None of these residences had garages on the alley. The two cottages at 280 & 290 did not have garages, there was a trailer, and a magnificent craftsman style home that was torn down to make way for the Niwot Inn and Slater Building.

One more thing...did you know that the 3rd Ave. alley has also been a wildlife corridor? For years there were generations of red foxes who frequented the alley. One of my neighbors would watch with her kids in delight as a fox busily tried to bury a slice of pizza in her yard taken from Lefty's dumpster. Foxes were also prone to curl up and nap in empty flower pots on decks and patios. We watched the kits cavort and play in our back yards.

Early dawn we would often see a family of raccoons running along our back fence. A neighbor actually devised a raccoon "ladder" to rescue baby raccoons who went dumpster diving at Colterra and could not get out.

There have also been generations of nesting owls along the alley corridor. It was always delightful to watch the awkward owl fledglings perched precariously on our fences as they learned to fly.

Generations of red-tail hawks nested in the surrounding trees feeding on mice and other small rodents. There is also the legendary Niwot bobcat and yes...the occasional brazen coyote, trotting town the alley in broad daylight.

And bunnies...boy do we have bunnies! With all the noisy construction and mayhem in the alley, the natural predators (foxes, hawks and owls) have moved on, so the bunnies are multiplying..well...like rabbits.

Some of the vegetation in the alley may look unkempt, but during the spring and summer, the native plum trees, cascades of beautiful silver lace vine, hops,Virginia Creeper and dandelions are teeming with pollinators...bees and butterflies. This vegetation also serves to screen our properties from the commercial zone and gives us some semblance of privacy.

Un-gentrified - yes! This is semi-rural Niwot.

Thanks for listening!

Attach a file with comments (optional)  vaninalley.jpg
162.10 KB · JPG



From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#97]
Date: Monday, October 29, 2018 5:37:47 PM

Name (optional)	michael zona
Phone number (optional)	(310) 261-0035
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business owner • Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	Please keep the moratorium on Niwot building until saner heads can prevail
What do you value about the 2nd Avenue commercial district?	The small town feel is essential to keep the sense of community.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	I do not.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#98]
Date: Tuesday, October 30, 2018 10:51:54 AM

Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Comments on whether to terminate, extend, or otherwise amend the six-month moratorium on processing applications for development in the Niwot Rural Community District pending consideration of Land Use Code amendments:	I believe the moratorium should be terminated. It is a wonderful part of our system that people get to voice their views. But no one should be allowed to abuse the privilege. Plans were approved, grace was given for previous invasions of the easement, people were heard. To make the viscous accusations after the fact, because people were too lazy to comment earlier is not acceptable up to the standards of the Niwot community.
What do you value about the 2nd Avenue commercial district?	Out 2nd Avenue district is outstanding. With the inclusion of residential properties the area no longer seems like a ghost town when business close. Keeping a mix of traditional and new is evidence of a growing vibrant community. If everything looks like it did in the early 1900 we would look like a theme park. If it all brand new we look like a millennial play ground.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	I fear the proposal to have cars crossing the sidewalks is dangerous and will keep parents from bringing kids to a dangerous environment. Lot coverage is definitely an issue, but I trust planning and review processes to address this.
Size of structures including building footprints and height?	I also trust planning to address footprints and height... To build attractive usable space the OWNER is incented to make it appealing.
The appearance of structures and how they fit the community character (materials and design)?	I love the mix of looks, just like any vibrant town in America.

Desired mix of different uses (office, retail, restaurant, residential)?

I desire a mix of all 4... like a real town would have... 'cause we are a real town!!

I have lived in Niwot for over 30 years, been a Niwot business owner and involved with community projects. I want Niwot to be a vibrant town... not a tourist destination.

I did not sign my name because I have been made aware of the vicious retribution handed out by the people who want Niwot to not be a great place to live. They apparently want it to be a vengeful stagnant place for their private enjoyment. Each of us have experience great appreciation in our home values... and along with that comes higher insurance and tax bills. I would hate to see a few mean people stop the growth Niwot has experienced to feed their need to control. Everyone of us has had to give up a small bit of our 'small town' to accommodate growth. It is all for the good of the COMMUNITY.

What do you hope to see out of the	I love that people are being heard. I would hate to see the

NRCD update process?	noisy minority shout out the people who continue to make Niwot a great place to live. It appears they want to ignore laws they don't like and make up rules they wish they had. They definitely do not represent me.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#99]
Date: Friday, November 2, 2018 1:24:38 PM

Name (optional)	susan routt
Email (optional)	s.routt@comcast.net
Phone number (optional)	(303) 589-2477
Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business customer
What do you value about the 2nd Avenue commercial district?	I value this as a place that has some vibrancy and services including restaurants and other shops that could come into this area and expand this to provide more of a destination and time spent in downtown Niwot.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	901 Pearl St #303
Size of structures including building footprints and height?	A 3 story maximum height should be allowed. Footprint is determined by the end use of the buildings as well ability to make a project feaseable for development. An example would be a combination of residences, shops, restaurants which would allow multi-use and would necessarily require a larger footprint.
The appearance of structures and how they fit the community character (materials and design)?	This needs to be carefully managed for fear of too much homogenization and boring buildings like Boulder has now created. Too much of trying to make things look like an old building when they aren't isn't always the way to go. Good taste and interesting architecture should be the primary consideration.
Desired mix of different uses (office, retail, restaurant, residential)?	This is an ideal locale to have all the above and to turn this into a place where more folks can live and walk and enjoy this smallish town.
Interface, connections, and access between commercial and residential areas.	These should be well-designed and easy access if desired between all.
What do you hope to see out of the NRCD update process?	This moratorium should be cancelled. It reduces and in some cases could eliminate great concepts that would make this an even more ideal downtown. Businesses and financing cannot be delayed in some cases and additionally, this delays further a downtown that has more to offer. Also, with interest rates rising, these projects need to be started now.

Businesses should not be subject to a delay due to an identity crises with the city government. This identity needing to be forged can be done in parallel with projects not in lieu of them.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#100]
Date: Sunday, November 11, 2018 11:14:06 AM

Name (optional)	Grace Morlock
Email (optional)	sockopath@gmail.com
Phone number (optional)	(303) 345-4148
Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business customer
What do you value about the 2nd Avenue commercial district?	It's charm. All those little, old brick buildings and the friendliness of the business owners.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	It's getting pretty dense especially with the new construction going on.
Size of structures including building footprints and height?	Too big. Losing charm with the size.
The appearance of structures and how they fit the community character (materials and design)?	The new buildings are NOT in keeping with the character of Niwot.
Interface, connections, and access between commercial and residential areas.	Bad plan on the residences towering over the houses on the residential street directly to the east behind the main drag/commercial street.
What do you hope to see out of the NRCD update process?	Some consideration of the impact these new (and ugly) constructions will have on the charm of Niwot.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#101]
Date: Wednesday, December 19, 2018 6:24:07 PM

Where do you live?	Niwot
What do you value about the 2nd Avenue commercial district?	Small town charm. Openness, as opposed to lots of buildings crammed together. Retail stores to browse, although, it's not much that way anymore, compared to 20 years ago.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	I'd want to keep the setbacks how they are between Niwot Road and Franklin. Don't allow slot apartments.
Size of structures including building footprints and height?	Height along the alley between 2nd and 3rd should be 1 story, possibly 2 story in the front (on 2nd). Foot prints should not be such that buildings are crowded together. You cannot keep small town charm if you crowd in as many buildings as possible. Keep areas of landscaping.
The appearance of structures and how they fit the community character (materials and design)?	NOT like Southpaw. That architecture is "Anywhere, USA". Something with the kind of character that fits in better with existing structures. The Niwot Inn did a terrific job with design.
Desired mix of different uses (office, retail, restaurant, residential)?	More retail, less residential. I don't see the need or desire to put any more residential on 2nd. Restaurants, if they are not expensive like 1914 House and Colterra. Some of us cannot afford to spend that kind of money, so we go to Longmont to seek out other restaurants.
Interface, connections, and access between commercial and residential areas.	I've walked 2nd Avenue many times in the past 20 years and have not seen any problems with pedestrians vs cars. However, building more along that street could pose many problems with in and out traffic. The residents on 3rd Avenue have a good point about the increase in potential traffic that the alley cannot handle. By the way, I live on Meadowdale.
What do you hope to see out of the NRCD update process?	Stopping greedy developers to fit as many units on a lot as they can to make a buck. This is a small town, not New York where they must cram people on top of each other. Also, I attended the Dec. 17 meeting. A lot was discussed about what to do with the alley, but no one talked about who would pay for it. I was told that the County would not pay for any improvements. If not, then who would? And if it's up to the business owners and homeowners, why did we even discuss it?

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#102]
Date: Friday, January 18, 2019 7:35:12 PM

Name (optional)	Josh Morin
Email (optional)	josh@taddikentree.com
Phone number (optional)	(303) 817-5555
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
What do you value about the 2nd Avenue commercial district?	I value having a local vibrant commercial district that allows me to buy products and use services without having to go to Longmont or Boulder. I value walkability, slow vehicle traffic. I like being able to patronize small local businesses. I like bringing my kids family and friends to this part of town. I like holding business meetings here too
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	In my opiniona commercial District is a commerical district and property and business owners should Be allowed to use and build out there properties in ways that benefits business while also providing for usability and walkability.
Size of structures including building footprints and height?	Use existing code
The appearance of structures and how they fit the community character (materials and design)?	At one time there was no downtown and now there is an historic section between Franklin amd Murray. The downtown section between Franklin and Niwot road does not have an historic character and so should not be restricted further. Let property owners determine the design and character of buildings. We have everything from concrete block, wood shack, craftsmen etc. Why put more regulation on it?
Desired mix of different uses (office, retail, restaurant, residential)?	Retail, restaurant, food, coffee, bar, coworking, office, community gathering. There are already apartments/ homes and residential use should continue to be allowed as well.

Interface, connections, and access between commercial and residential areas.	Let commercial property owners use the alley per existing agreement.
What do you hope to see out of the NRCD update process?	The county making decisions to support a vibrant business district. Enforce keeping the alleys maintained and alllow adjacent property owners to use them per the existing intention as stated in the county letter.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#103]
Date: Monday, January 21, 2019 11:45:47 PM

Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
What do you value about the 2nd Avenue commercial district?	Unique shops, friendly, character buildings, variety of offerings from feed store to high end dining to a Grange Hall for community gatherings to antiques to realtors to coffee and food to clothes and bikes or a dentist or other businesses. The Inn brings guests while the jewelers, hair stylists, car dealer, architects, services and many holistic shops bring visitors from near and far.
Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?	I don't think any buildings should sit on property lines, buildings should not impose on neighbor's property. This is historic area and should have era architectural character (not boxes). Buildings set 10ft off alley and 10ft back from public sidewalk with distance on sides of buildings or fire walls between structures. All for the interest of safety. Lot coverage: there should be trees and open space; I.e. if residences are included, it is not a high density housing district (that is Cottonwood), this is a business district.
Size of structures including building footprints and height?	The maximum height should remain at 30ft. Two stories maximum. Too much hardscape or property ground coverage can create drainage issues. All drainage should be directed to the street because there is no drainage system in the alley (for example cement drainage culvert constructed on west side of the Grange Hall).
The appearance of structures and how they fit the community character (materials and design)?	Two story bricks flat face buildings have no character and are imposing. Mix of materials can create character. Historic era buildings were craftsman style, Victorian, gingerbread, Tudor and the simplistic designs still had character. These building examples are still evident in the Niwot residences on Neva Road and the older residences on Second and Third Avenue.
Desired mix of different uses (office, retail, restaurant, residential)?	Office, retail, restaurant on street level is a business element. Residential on second floor is fine. Mixed use is okay in business district when primary face of structure is business.
Interface, connections, and access between commercial and residential areas.	Residents on Third Avenue (east) need to respect 10ft of alley easement. Businesses should respect and provide parking off alley for resident access and/or some employee parking and access. Alley is a transportation vehicle and the space should be

	respected. Not building on alley property line is a safety issue, especially if that property entrance/exit crosses a sidewalk.
What do you hope to see out of the NRCD update process?	ALL property owners should respect each other... walk in your neighbor's shoes. - The business property is an investment for income and/or retirement for business owners. - The residential property is an investment and possible retirement for the home owner.

From: Wufoo
To: Ruano, Jose; Hackett, Richard
Subject: Niwot NRCD comment form [#104]
Date: Monday, January 21, 2019 11:51:12 PM

Name (optional)	Arlene Baldwin
Email (optional)	aglbaldwin@gmail.com
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer

What do you value about the 2nd Avenue commercial district?

It was a street with a variety of small gift, clothing and antique shops with a few restaurants. We have 3 food locations closed: Coltera's for a fire, Powder Keg Brewery saying the beer brewing business was changing and Treppeda's closed (after 20+ years) saying the building owner refused to update the space for them to expand their business.There have been complaints for years that the owner of one building that housed a number of the shops was charging too high a rent for the types of businesses. The Tribune building is empty again. The 1914 Restaurant is a large building with a large seating capacity and almost no parking! Porchfront Homes adds zero interest to attract anyone to shop in Niwot. Same for the CPA firm. That leaves one small gift shop, jewelry store, hairdresser, bicycle shop, sewing store, realtor and a few interior stores for exercise and yoga. The Vet Clinic will be moving to their new location (which is great), so that will open up more commercial space on 2nd Avenue. Hopefully a variety of small shops might fill in that space with something interesting.

Site design and structure placement (setbacks from streets, sidewalks, alleys, lot coverage, etc.)?

1.) We have a horrible parking situation most of the time. The exception is Sunday.
2.) The parking on 2nd Avenue as you approach Murray Street from Franklin obstructs any view of cross traffic so that it has created a blind intersection. 2nd Avenue needs a Stop sign on all 4 corners.
3.) The alley. It is a muddy mess with potholes. There is only one way in and the same way out. Based on its present design, the traffic and parking is beyond what it is capable of handling.
4.) No more "patio areas" that replace parking spaces on 2nd Avenue.
5.) 2nd Avenue property owners are demanding they be allowed to build up and out. Whether the upper levels are either loft apartments or small business, there are 4 factors that must be a addressed:
A.) The alley access MUST be resolved. It cannot remain a one-way in/same way out!
B.) It needs to be paved AND a entity determined with the monetary and physical responsibility of maintenance. Not another "its a Non-maintained County Road" situation. We've been there and done that! I think the commercial property owners should be responsible considering their probable flow of traffic and use compared to the 3rd Street property owners.
C.) Mandatory (4-6) parking spaces at the lower level back portion of the lot must be incorporated into the design and enforced. Trash bins need to be part of the design.
D.) All upper level additions on the back of any 2nd Avenue building overlooking the alley must have a privacy wall or decorative fence to preserve the privacy of the residences whose backyards line the other side of the alley. This is a major adverse impact to the residential properties (the commercial property owners on 2nd Avenue gain on the improvements and income for their properties).
E. Boulder County Planning needs to provide Old Town Niwot residents with information as to how the proposed 119 Hwy RTD parking expansion (estimated for 2023) will impact the proposed purpose of the land that was purchased (LID) for additional parking along the railroad tracks and

Murray Street from 3rd to about 5th Streets. Where is all this money coming from and going to? Budgets, taxes, revenue???

Size of structures including building footprints and height?	Not more than 2 stories. No exceptions because of vague and obscure building regulations. The buildings should continue to be set back as current existing buildings. Sidewalks, curbs and ADA access have to be included to match what is in existence unless there is a hazard (tree roots, brick paths that need to be leveled, etc.).
The appearance of structures and how they fit the community character (materials and design)?	The exterior of the buildings must conform to the historic look of 2nd Avenue (despite some of the more "recent" brick buildings). 2nd Avenue is in "old Town Niwot." Are we essentially a historic district or not?
Desired mix of different uses (office, retail, restaurant, residential)?	I really object to 2nd Avenue being residential. What is the zoning for 2nd Avenue? I believe it is too late to change what has already taken place on 2nd Avenue. I think it has and will continue to be the downfall of what once was a very active commercial area at one time.
Interface, connections, and access between commercial and residential areas.	Again, my comments on the blind intersection situation that has developed on Murray Street and 2nd Avenue. Needs 4-way stop. Cars coming from Franklin on 2nd Avenue towards 119 HWY cannot see traffic on Murray Street going east to west. Likewise, traffic on Murray cannot see 2nd Avenue traffic because of parked cars in front of Porchfront Homes on the corner of 2nd and Murray.
What do you hope to see out of the NRCD update process?	No more slamming through buildings and renovations that don't relate to our community. Most of the time Old Town Niwot residents are being pressured to give in to the Commercial Property owners and their financial goals. Unfortunately I am out of town next week and am grateful for the opportunity to make my comments through this comment form.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#105]
Date: Thursday, January 24, 2019 12:04:10 PM

Name (optional)	James Kalinski
Phone number (optional)	(303) 447-2926
Where do you live?	Niwot
Please provide feedback on the proposed draft Niwot NRCD regulations. *	Please find our attached concerns about the revised zoning regs for Niwot.
Attach a file with comments (optional)	response.docx 14.84 KB • DOCX

RE: Proposed revisions to Niwot Zoning Code

We have continued concerns about proposed current revisions:

1) In Block 5, the average lot building coverage of the (4) lots that are built out, is 36%. County is proposing a 50% allowed coverage. How was that # derived? And why isn't it 40%?
2) Alley access from Block 5 has not been addressed beyond some inscrutable language:

   Streetscapes and public areas including alleys shall be improved and landscape to enhance the pedestrian experience and to help buffer residential areas.

   What does this mean in terms of the alley**?**

3) The findings of the Niwot Alley Study of 1996 have not been addressed or carried forward in these revisions. Why not?
4) Current design proposals for Block 5 have houses backing onto the alley. Sole access to these large houses is thru the alley. County transportation guidelines mandate a 30 foot right-of way for access to a property. These designs employ county property as part of their parking infrastructure. Is that allowable? Note that (2) houses of 3280 sf each and a duplex (5600 sf) are proposed for just the back end of the Meisner property, while we, in the residential district are only allowed a home of around 2600 sf- max.
5) Mixed Use restricts the number of residential units, but, if the developer chooses to install just residential units, what's to prevent him from doing as many units as possible?
6) Niwot is a Bedroom Community. Almost everyone has to drive to work. To assume that by not providing parking on site, one will promote the use of public transportation, is naïve. Residents will just park on public streets, exacerbating the current parking dilemma in Niwot.
7) Developer's are required to provide a 20-foot, landscaped setback facing the commercial district, but are allowed to build a 15 foot high wall on their property line facing the residential district. Of course, it's better than a 30 foot wall, but, it does not do much to "soften" or "buffer" the impact of the development. An effective buffer would be a landscape strip along the rear property line with coniferous trees.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#106]
Date: Friday, January 25, 2019 9:47:56 AM

Name (optional)	Susan Wilson
Email (optional)	susanwilson@susanwilsoncpa.com
Phone number (optional)	(303) 449-8435
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer

Please provide feedback on the proposed draft Niwot NRCD regulations. *

The county has a tough job but they seem to have managed to provide a plan that is the worst case scenario for all sides. The proposed use of the alley for access for new projects in addition to using it for the Inn and Slater Building is catastrophic for the 3rd Ave residents. The development restrictions seem no less catastrophic for the developers and current owners judging from their reaction at the meeting at the high school. Can't we do better? Couldn't there be at least no alley access for existing properties that don't currently have it and the proposed setbacks from the alley with perhaps more liberal FARs and front setback for the business property owners. At least all sides might feel they had to give up something but not that they have been destroyed.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#107]
Date: Friday, January 25, 2019 10:44:01 AM

Name (optional)	Anne Postle
Email (optional)	apostle@osmosisarchitecture.com
Phone number (optional)	(303) 995-9944
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business owner • Niwot business employee • Niwot business customer
Please provide feedback on the proposed draft Niwot NRCD regulations. *	Please read attached letter. The proposed NRCD Land Use code revisions do not have the support of even ONE of the affected property owners.
Attach a file with comments (optional)	response_to_proposed_code_revisions.pdf 58.47 KB · PDF

County Commissioners, Planning Commission and Land Use Staff,

A few thoughts about the proposed NRCD code revisions:

- Do the affected property owners have any voice at all? Business Property owners within NRCD are subject to a change to the rules that affect their property against their will. Their concerns are ignored. I challenge anyone to find even ONE property owner within the NRCD Commercial district who is in favor of the proposed new rules**. <u>There are 29 properties in the NRCD and not one property owner will voice their support.</u>** Prior to 2012, no change in the rules would be allowed without a vote of 50% of the NRCD property owners. Today we are dealing with a Land Use Staff that is trying to force a change that is not supported by even ONE property owner. I doubt even most 3rd Avenue Residents would support limits this extreme.

- Niwot Inn: Niwot Inn is a jewel in our town. It was used as an example of desirable project at every community meeting, by both residents and business owners. **<u>Under the proposed new rules, the Niwot Inn is 33% too large for its site and could not be built today</u>**. Instead of 14 rooms, only 9 would be allowed. Those 9 rooms would have to charge at least 33% more per night to be viable. In the future, if there is any reason why the Niwot Inn would need more space, (increase the number of handicap accessible rooms, add a hot tub to support its spa, add an elevator for handicap access to public rooms in the basement or upstairs) even just a very small addition, this would be denied. No changes will be allowed that increase the degree of 'non-conformity' and the Inn is already considered too large by the Boulder County Land Use Department.

- The Excel Electric Building: A new building for Excel Electric is planned in Longmont, and the building at 201 Murray is under contract. The potential new owners have a vision for a mix of office/retail and restaurant uses. They would love to have a restaurant with a rooftop deck and panoramic mountain views. Unfortunately, per the proposed new rules, this building is already too large on the first floor (Lot coverage allowed would be 50%, while this property's existing lot coverage is 54%). A minimal amount of square footage could be added upstairs per the new FAR rules, but not near enough for a roof-top deck. All potential to add square footage to this property has been stripped away. **<u>Even projects that are desired by all but a very few residents will be made impossible if the new rules are adopted.</u>**

- Little Bird: Liz Gould and Bruce Rabeler have worked very hard to create a beautiful shop that is a destination in Niwot. During a time when retail is VERY CHALLENGING, Little Bird is a huge asset to our town. Liz and Bruce were able to purchase their building a few years ago, with the understanding that they could improve it at some time in the future, providing part of their retirement income. **<u>If these regulations are adopted, the Little Bird building as it exists is over the allowed Building Lot Coverage.</u>** Their first floor has too much square footage. Any improvement that 'increases the degree of non-conformity' will not be allowed. **<u>Other properties that have too much square footage on the first floor include the Excel Electric Building, and Free Skier Magazine Building.</u>** Buildings which are at the maximum first floor square footage include Wise Buys and the former Antique Auction building at 263 2nd Avenue.

- Floor Area Ratio requirement: A limit to Floor Area Ratio is not proposed for the Historic District. The explanation from Land Use is that since the Historic District is already subject to HPAB Review, Site Plan Review, Niwot Design Review Committee review, setbacks and Lot

Coverage, no additional FAR is necessary. Under both existing and proposed rules, properties outside the Historic District are subject to an identical review process (HPAB review if they have a building on the property over 50 years old which is the case with most properties), with the addition of a newly required community meeting. Even with this extensive review process, an FAR of .55 is proposed for properties outside the Historic District. **This drastic reduction in square footage allowed on properties outside the Historic District, even though an equally rigorous review process is required, makes no sense.**

- Difference between Historic District and remaining NRCD property: The Lockwood Building was recently described by a 3rd Avenue resident as a jewel. This resident suggested that the size, details, interest in the façade, mix of materials and location of the building close to the street should be the model for properties outside the Historic District. The Lockwood Building has a current FAR of 1.82, although it is not limited to this number. Outside the Historic District, an FAR of .55 is being proposed. **If this regulation is passed, properties outside the Historic district will be limited in size to 1/3 of that allowed in the Historic District**. Currently the property values in both blocks are similar. This exercise to strip away the potential for improvement of one block stifles that block's business growth, destroys its ability to compete and forces higher rents.

- Floor Area Ratio (FAR): **Force Away Restaurants**, Force Away Retail, Force Astronomical Rents. We have already lost Treppedas, Colterra is vacant, Powder Keg is vacant, Lefty's is on its way out, vacancies exist all over town. Most of this has occurred since the Moratorium.

- Niwot as a ghost town: a vibrant commercial district is critical to a healthy town. A thriving business district seeks investment, seeks customers, seeks tenants, **seeks sales tax revenue**. If these regulations pass, Niwot's business district is constrained. Even though our population has grown every year for decades, the potential for growth in our commercial district will be stripped away. Niwot residents will be forced to drive to Boulder or Longmont to get the goods and services that they need. Our current business district does not have the critical mass to thrive. These regulations will guarantee that we will continue for decades in a struggle to survive. **Anyone wishing to open a new business will not choose Niwot…we don't have the foot traffic to support retail, don't have the critical mass to make the town a destination for a day of shopping, dining and exploring, and the proposed regulations will guarantee that we will be gasping for air for years to come.**

- Land Use listed that one of their guiding principles is to 'limit the creation of non-conforming structures and uses following the code update'. **If these code revisions are adopted, almost 45% of the 29 existing properties in the NRCD will be non-conforming!** This is outrageous! At least 4 others that are in conformance with the new rules are just under their max lot coverage or FAR.

I hope you will see clearly that the proposed Land Use Code revisions hurt Niwot, are not desired by Niwot's citizens and business owners, and should not be allowed to go forward.

Sincerely,
Anne and Jim Postle
Niwot Residents
Owners of 4 properties and a retail business in the NRCD

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#108]
Date: Friday, January 25, 2019 12:38:58 PM

Name (optional)	Debra Reuben
Email (optional)	sickfrench1@yahoo.com
Phone number (optional)	(303) 817-9335
Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business owner

Please provide feedback on the proposed draft Niwot NRCD regulations. *

This is Debra Reuben, wife of David Meisner 376 2nd Av. Here is my feedback from the Niwot meeting held Jan 24th.

This is not the first time the county has gotten in the way of my family's financial success . In 199? , we decided to build on our property. We went through all of the meetings, hired a wonderful architect , the traffic department signed off on our ability to access the property through the alley $75,000 and lots of time and energy later, when we were ready to build... the neighbors complained .... the county changed their minds and decided no ally access. This limited the size of the building to the point where it was no longer financially feasible to build. Again, we found someone who wants to develop our property. Again , the county is imposing so many guidelines and regulations that it is no longer financially feasible to build . Our contract is dependent on his ability to
Make money on the project He is preparing to walk out of the contract the way things are going. Our building.. the Gate Way to Niwot lies vacant. In order to maintain the property so it does not look like a decaying heap with dead weeds cost thousands a month. Property taxes are very high. It lies vacant and quite worthless as no builder can afford to build within the restrictions set forth. Not only do we have a set back from 2 nd av. Now we have a set back from the alley. And the height restriction of 15' instead of 30'. . That's 50%.Wow. And only for a handful of property owners. How is this fair?

. We pay just as much property tax as the people who are able to build higher density on their properties.
All property owners need to be treated with equal ability to achieve financial success .
This feels like blatant discrimination! How is it possible to treat a couple of blocks different from the others zoned commercially.? Like previous builders zoned commercially in Niwot, we should be allowed to build right up to 2 nd Av. With zero set backs!! Especially if we are going to have to set back from the ally! We should be allowed equal density and height restrictions as buildings previously built. Many residents of Niwot actually support and encourage a prosperous, lively town . They support the development of commercially zoned properties and want to see developments succeed to help set the tone for a vibrant town. We are not even in The historical district, and yet somehow the restrictions for our block is even more severe. We have loud unreasonable neighbors who feel their rights are more significant then ours.
This is outrageous and is killing the vitality of Niwot. And a more personal basis..it is killing the value of our land and the quality of our lives .

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#109]
Date: Friday, January 25, 2019 5:18:41 PM

Name (optional)	Bruce Rabeler
Email (optional)	brucerabeler@gmail.com
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business owner • Niwot business customer

Please provide feedback on the proposed draft Niwot NRCD regulations. *

I attended the meeting last night at the Niwot High School and am a business property owner on 2nd Avenue (112 2nd Ave) as well as a property owner on 3rd Avenue (330 3rd Ave).

First of all, I want to comment that I don't think the comment last night that "all property owners on 2nd Avenue don't like the current draft proposal" was fair and accurate. We are not all of one mind. I think there needs to be changes to the draft language, but not for the reasons the developers expressed.

Surprisingly, what was not discussed in any detail last night were the set back requirements on both blocks 3 & 4 and 5 & 6. The most contentious part of this moratorium process has been the divide between the residential property owners on 3rd Avenue and the commercial property owners on 2nd Avenue. One of the main goals of the moratorium has been to address this issue and the creation of a buffer between these two blocks and their two uses. Most of the discussion last evening was about Building Lot Coverage and Floor Area Ratio. In my opinion these two issues are separate from the buffer issue and do nothing to address that. They have more to do with aesthetics and a perceived desire that I don't think exists.

If it's conceded that the alley is going to be opened up to (some) increased use, then the buffering issue revolves around the set backs and landscaping mitigation. My neighbors on 3rd Avenue do not want to concede any use of the alley, but it seems to me pretty clear that the county is going to allow at least some use. If that issue can be clarified I think compromises can be reached on the other issues. Right now I think that ambiguity is hindering the process.

Personally, I've felt that the compromise position on the alley has been that it remain a residential alley with only residential units on both sides of the alley being able to use it. Commercial access to the buildings on block 5 would still be from 2nd Avenue, but new residential development on the south side would be able to have garages on the alley and access their property from the alley.

I like the wording in the draft proposal that residential units need to be on the second story or in the rear of properties. I think this is essential to 2nd Avenue remaining a commercial district. We don't want Niwot to turn into being only a bedroom community. As a retail business owner, it's important to me that we maintain a vibrant retail and restaurant corridor along 2nd Avenue from Murray Street to Cottonwood Square.

So, if it's conceded that there will be some, limited increased use of the alley, the discussion turns to setbacks and lot coverage. On blocks 3 & 4 the proposed lot coverage is 75%. That would make our

building (112 2nd Ave), as well as two other buildings non-conforming. Given that our building already has 77% lot coverage, why not acknowledge that reality and make the current requirement for block 3 at least 77%. That addresses the current reality without significantly changing the proposed regulation, which is currently 75%.

Block 4 has one building that has 88% lot coverage and another that has 80%. I would propose that the new regulations take that reality into account also. A good solution I think would be to increase the regulation from 75% on both blocks to 80% so that only one property is non-conforming instead of 3. This is a slight change and one that seems to make sense.

On blocks 5 & 6, I think allowing only 50% coverage is unrealistically, and unnecessarily, low. Most importantly, I believe that increasing the lot coverage can be allowed and still achieve the buffering goal between 2nd Avenue and 3rd Avenue.

If you look at the property directly to the west of ours on block 3, it has 69% lot coverage and a 1.17 FAR. I think this is a good example of what could be acceptable on blocks 5 & 6. The ground floor of this building (a garage) is set back at least 20 feet from the alley (25 ft?) and the second floor is set back an additional amount, with a deck above the garage. This stair stepping is similar to what is proposed in the new draft language, but this property goes even farther. Using this as a template for block 5 in particular I think could help mitigate the increased use of the alley (along with a landscaping buffer).

The draft language for block 5 is that there would be a 0 foot set back with a 15 foot maximum building height within 25 feet of the rear property line. I think the set back could be increased to 20 feet along this alley with this same regulation regarding the height of the building the next 25 feet into the property, or whatever the length of a garage would be. That's essentially what has been done on the property I mentioned above on block 3. Requiring this 20ft set back would also provide better, safer, access to the alley from these garages, which I believe should be the only increased access to the alley.

This increased buffer would still allow for a higher than 50% lot coverage. For example, the property I mentioned above has 69% lot coverage. It also is set back at least 20 feet, I believe, from 2nd Avenue, with hardscape and other landscaping in that setback. This landscaping is similar to what the draft language is trying to achieve as well.

That said, I personally don't think that a 20 foot setback from 2nd Avenue, on the front of properties, on blocks 5 & 6 is necessary. Conceding this to the commercial developers I think is at an acceptable compromise for requiring a 20 foot set back from the alley.

Possibly a compromise of 65% lot coverage and a 1.0 FAR is something that everyone can live with on blocks 5 & 6, if there are the changes to the set backs I mention above.

That leaves blocks 1 & 2. I see no reason to limit lot coverage there to just 55%. They should be allowed at least 65%, if not 75-80% like blocks 3 & 4. Development of block 2 is particularly critical to downtown.

I'm all in favor of landscaping, but I think what's critical on block 5 is the buffering landscaping along the alley, not a blanket 20% minimum within the property as a whole. There is very little landscaping along the 2nd avenue frontage of blocks 3 and 4, yet this creates an attractive atmosphere for customers to walk and shop. I'd like to see a similar atmosphere on blocks 5 & 6.

Some landscaping, and trees in particular, but there's no need for all properties to be set back 20 feet.

I was confused by the discussion of the parking changes, but I like that it's being discussed that the parking lot that LID funding has been used to purchase and build be considered as possible qualified parking space. Colterra in particular should be able to use this parking area to qualify to rebuild. The county needs to understand the need for this parking lot and allow and help us to build it ASAP!

There's probably no way to do this, but I think there should be some regulation that limits the amount of non-retail and restaurant space occupied on 2nd Avenue. There's an increasing amount of office and other service industry use of ground floor frontage space and a corresponding decrease in retail and restaurant occupancy. We can't have a vital downtown unless we have a sufficient amount of retail and restaurant space. Retail in particular is being hit for various reasons. Online shopping for one, and increased rents for another. Requiring a certain amount of retail usage would possibly result in the landlords seeing the need for rents to be lowered, allowing retail to survive and thrive.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#110]
Date: Sunday, January 27, 2019 9:00:56 PM

Name (optional)	tracey snow
Email (optional)	traceyasnow@yahoo.com
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer

Please provide feedback on the proposed draft Niwot NRCD regulations. *

In response to the meeting last Thursday evening in Niwot. ..
*The alley set backs seem resonable. Will fences be required?
*in the past 20 years the businesses adjacent to the alley have not been very responsible regarding maintenance of their fences. The Slater building and the Inn have allowed their fences to fall into disrepair. They also have allowed their trash areas to be a mess. Broken glass is often scattered in the alley. Osmosis often has an overflowing recycling bin. These businesses seem to be only interested in the alley when they see a benifit in it for themselves. As neighbors, we see it as a great buffer between business and residential.
*it seems that the Von eshen project has been granted alley access????????? Does this then apply to all businesses????? I'm afraid that if given access , the alley will be overrun with traffic. Developers tend to take advantage of any leeway they are given and sometimes over reach.....refer to south paw .....the envelop was pushed and mistakes were made. The front parking area does not conform to any regulations; is actually dangerous; and nothing appears to be being done about it. The alley is NOT a roadway. Please don't allow developers to take undo advantage.
*Is burying the power lines a valid idea?
*Developers will make plenty of money one way or another. Any reduction in their desired density won't kill them. Please put the integrity of Niwot and the nice town that it is ahead of some individual profiteering.
I realize that there is so much to consider with development projects. Thank you for taking the deep concerns of our neighborhood into honest consideration.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#111]
Date: Monday, January 28, 2019 5:24:09 PM

Name (optional)	Bob Von Eschen
Email (optional)	admin@vonscolorado.com
Phone number (optional)	(720) 891-4742
Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business owner

Please provide feedback on the proposed draft Niwot NRCD regulations. *

Proposed Density Changes (FAR, Lot Coverage, Height Restrictions, Setbacks)
FAR and Lot Coverage
Proposed FAR and lot coverage restrictions would produce far less density on blocks 5 & 6 than blocks 3 & 4 – without any justification for the difference in treatment. The persistent distinction between "historic" and "non-historic" is without merit because the buildings on the remaining to-be-developed lots in block 5 & 6 are more than 50 years old and therefore subject to HPAB review – just like the ones in blocks 3 & 4.

The massing and bulk of future developments are already being regulated by lot coverage and height restrictions. Having an additional FAR restriction is redundant and unnecessary and seems designed simply to limit development to single-story buildings. Historically, Niwot has always had a mix of one and two-story buildings. Land Use has stated that they want to prevent people from building "boxes" however, their restrictions are forcing developers to do exactly that – with no room for creativity, charm or architectural interest.

The proposed density changes strip away the potential for improvement of ONE block, stifles that block's business growth, destroys its ability to compete and forces higher rents than their neighboring block's.

The current proposed changes would set property and business owners up to fail. Neither of the Von Eschen projects would be possible as they were designed (with the help of Planners at Pre App). The modifications that we would have to make in order to be compliant would cause the projects to be financially unfeasible. Any future developers would find the same calculations to be true.

Under the proposed new FAR rules, the Niwot Inn is 33% too large for its site and could not be built today. Instead of 14 rooms, only 9 would be allowed. Those 9 rooms would have to charge at least 33% more per night to be viable. In the future, if there is any reason why the Niwot Inn would need more space (add a hot tub, add an elevator), this would be denied. No changes will be allowed that increase the degree of
'non-conformity'.

Setbacks
At community meetings one of the few things that was agreed upon by almost everyone was that if the rear setback were increased to 20' then the front setback could be decreased by 10'. The proposed 25' rear setback is more than everyone agreed on and does not allow for decreasing the

front setback to compensate.

Proposed Code Changes to Alley Access
The initial issue driving the moratorium and the supposed “need” to rewrite the Code was the use of the alley (a public right of way) between the commercial buildings on 2nd Ave and the residents along 3rd Ave. The proposed Code changes do NOT address the alley at all. Land Use said they would review the alley issue later, after the Code changes have been made! Waiting until the regulations are written is not acceptable. A survey of the alley should be done now. Any property owners who have fences or structures that encroach in the right of way should be notified and instructed to rectify the situation within two months. Commercial property owners should be allowed to fill potholes and remove weeds once this survey is complete.

Proposed Code Changes to Parking Requirements
There should be one parking space required per residential unit. This would support the County’s stated goal of reducing cars on the road.

Proposed Changes to Number of Residential Units
The number of dwelling units should be related to the amount of parking that the property could provide. In other words, if a parcel has room for 3 residential units and the required 3 parking spaces, then 3 units are acceptable. If a parcel could only provide 2 spaces, then only 2 units should be allowed. Why limit residential housing in a community that already has a housing shortage?

More residential units in town means fewer people having to drive to get to Niwot’s downtown. Again, Boulder County has stated a goal of less dependence on cars and this would support that.

General:
The proposed Code changes are not supported by even ONE property owner. Prior to 2012, no change in the rules would be allowed without a vote of 50% of the NRCD property owners. Property owners inadvertently gave away those voting rights during the Great Parking Controversy of 2012 because they were verbally assured that nothing would ever be done without their input and consent. These proposed changes have not received either.

Niwot’s “Old Town” commercial district (NRCD I) is only two blocks long. For it to be a vibrant commercial area (as stipulated in the Boulder County Comp Plan) it needs greater critical mass, not less. Without a viable commercial district, Niwot residents will be forced to drive to Boulder or Longmont to get the goods and services that they need.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#112]
Date: Monday, January 28, 2019 5:47:07 PM

Name (optional)	Xan Rubey
Email (optional)	xanaru@icloud.com
Phone number (optional)	(303) 808-5554
Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business owner • Niwot business customer

Please provide feedback on the proposed draft Niwot NRCD regulations. *

I have been considering opening a small business (art gallery/gift shop/ wine bar) in Niwot. With the newly proposed Code restrictions and the effects they would have on the commercial properties, I am afraid to move forward with these plans. The current climate is simply too restrictive and stifling to create a thriving commercial district. I would be crazy to start a business on a street with so many commercial vacancies and more on the way.

Niwot has been - and could be again - a quaint, charming little town that is perfect for visitors and residents to shop and dine when they don't want the hustle/bustle of Boulder. But if the proposed Code changes go into effect that will not be possible. It would force rents well beyond what I could ever hope to recoup with my sales.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#113]
Date: Monday, January 28, 2019 6:06:21 PM

Name (optional)	Bruce Warren
Email (optional)	bwarren@niwotlaw.com
Phone number (optional)	(303) 652-2433
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business owner • Niwot business customer
Please provide feedback on the proposed draft Niwot NRCD regulations. *	See attached letter.
Attach a file with comments (optional)	letter_to_bocc_re_nrcd_proposed_regs_1282019.pdf 68.86 KB · PDF

WCM

www.niwotlaw.com

Bruce W. "Biff" Warren
Attorney at Law
bwarren@niwotlaw.com

January 28, 2019

RE: NRCD I proposed regulations

To the Boulder County Commissioners:

I am writing as a 43-year resident and business owner of Niwot. I previously served as a member of the Boulder County Planning Commission from 1993-2000. I do not now own property in the Niwot Rural Community District, and I am not representing anyone else's interests. The views expressed are my own.

Two things to consider:

1. Current NRCD regs were put in place after a long process, involving approval by vote of the property owners of the NRCD. In 2012, as part of a change to parking regs following a community-based study, the Land Use Department inserted a provision in the ballot submitted to and approved by NRCD owners which removed a requirement that property owners had to approve ANY changes to the NRCD regs. I have attached the staff memo submitted to the BOCC at that time, which includes the deleted section, which provided:

"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."

Very little is said about this change in the memo, and no explanation is given for it. Fast forward to 2018-2019, and we have a Land Use initiative, fueled not by property owners of the NRCD, but by nearby residential property owners, who complained about the approval of the development of one parcel, long after the fact, long after approval was granted within the existing NRCD regulations. **Even though no longer required by the Code, Boulder County should give great deference to property owners of the NRCD who are most affected by the proposed changes.** A mail-in ballot, similar to the one used to change the parking regulations, should be submitted to the NRCD property owners for an advisory vote prior to this coming before the BOCC.

2. The proposed regulations seek to impose a Floor Area Ratio (FAR) on the NRCD. No one to my knowledge has asked for this, and the proposed FAR would severely limit what was

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Niwot, Colorado 80544-0610

WARREN, CARLSON & MOORE, L.L.P.

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(303) 652-2449 FAX

allowed under current regulations. Changing the regs which would make ANY existing property non-conforming flies in the face of good planning, and should be rejected out of hand. If a FAR is to be imposed, the starting place should be the highest FAR of existing buildings in the NRCD.

Thank you for your consideration.

Sincerely,

Bruce W. (Biff) Warren

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#114]
Date: Monday, January 28, 2019 6:09:44 PM

Name (optional)	Bruce Warren
Email (optional)	bwarren@niwotlaw.com
Phone number (optional)	(303) 652-2433
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business owner • Niwot business customer
Please provide feedback on the proposed draft Niwot NRCD regulations. *	2012 staff Memo re changes to NRCD, referenced in my earlier letter.
Attach a file with comments (optional)	dc120004staffreporttobocc20120731.pdf 916.53 KB • PDF

Boulder County

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
BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING

July 31, 2012 -- 11:00 a.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. The vote conducted this month approved of the amendment. (52% for, 12% against and 36% no response.)

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.

Cindy Domenico *County Commissioner* **Deb Gardner** *County Commissioner* **Will Toor** *County Commissioner*

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 listserve. The vote conducted showed owners of 15 out of 29 properties (or 13 out of 25 discreet owners) in favor, three out of 29 opposed and eleven out of 29 not responding.

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.
8. Randi Vogt – owner of 91 Franklin by phone - Supports code change but would like there to be some safeguards in place to prevent problems that might be created if a larger restaurant or bar opens in the district. She'd like measures to ensure noise mitigation from music, exhaust venting, or outdoor activity.

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. Additionally, the needed majority vote of the property owners was received.

The Planning Commission voted unanimously to approve the amendments at their June 20, 2012 meeting. STAFF RECOMMENDS THAT THE BOARD OF COUNTY COMMISSIONERS APPROVE Docket DC-12-0004: Text Amendments to Article 4-116 Niwot Rural Community District (NRCD).

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.
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.
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.
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.)~~

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

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*

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**

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)

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)

Several County departments have worked over the past year with the Niwot LID to study parking and transportation issues and to create the NIWOT TRANSPORTATION AND CONNECTIVITY PLAN. As a result of this process, we have identified potential Land Use Code amendments in order to implement the plan.

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.)
- Adopt one parking rate for all uses allowed in the district so that uses can come and go without there being a different requirement.
- Note-Existing parking to floor area configurations are grandfathered in and are not recalculated at the 1/500 rate.
- New on-site parking only required if adding building square footage.
- 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 demolishing 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.

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, Left Hand Grange

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

SUBSCRIPTION INFORMATION

You may unsubscribe from LUCODE at any time by visiting the Boulder County Web site at http://www.bouldercounty.org/gov/media/Pages/emaillisthelp.aspx or by sending an e-mail to LISTSERV@LISTSERV.BOULDERCOUNTY.ORG with "SIGNOFF LUCODE" in the body of the message.

This message was sent from an unattended mailbox. For help unsubscribing please e-mail listmaster@bouldercounty.org

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; jheastman@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>; "jheastman@msn.com" <jheastman@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 <ecerd@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 evey 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; jheastman@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; 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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Follow Up Flag:	Follow up
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Randi Vogt – owner of 91 Franklin by phone

Supports code change but would like there to be some safeguards in place to prevent problems that might be created if a larger restaurant or bar opens in the district. She'd like measures to ensure noise mitigation from music, exhaust venting, or outdoor activity.

Note-we might be able to accomplish this with SPRW for use changes or outdoor seating –adding conditions related to limit locations and hours?

Grimm, Denise

From:	Grimm, Denise
Sent:	Wednesday, May 23, 2012 5:58 PM
To:	'Matt Dumler'; Wise
Cc:	#LandUsePlanner; Gerstle, George; Swirhun, Lesley; Hackett, Richard; Andrews, Barbara; Salas, Peter; 'Andrew Fuhrer '; 'Anne Dyni'; 'Bruce Rabeler'; 'bwarren@niwotlaw.com'; 'Connie R (connie@TheHitchingPostNiwot.com)'; 'Cotton Burden'; 'Ed Spreder'; 'Elaine Erb'; 'Karlynn Spreder'; 'Kathy Koehler'; 'Kim Glasscock'; 'Laura Skaggs'; 'Lefty'; 'Marni Ratzel'; 'Nick Mastronardi'; 'Pat Murphy'; 'Randi vogt'; 'Will Hentschel '
Subject:	RE: Niwot parking amendments (Docket DC-12-0004)
Attachments:	nrcd amnd.pdf

Hi Matt, Carrie and others:

This round of code changes does not include expanding the district to allow a new parking lot.

Part of the reason for doing the study last year was to identify the need for a lot and to prioritize that effort with other measures to help the parking situation. Because the study found a current excess it was determined that creation of a lot wasn't a high priority in the short term. I've explained in the various community meetings that taking on that effort at this time would only slow down the code amendment process that we identified as a higher priority.

The parking lot issue would need to involve different processes such as rezoning and possibly amending the comprehensive plan. These aren't a high priority for staff at this time due to the study identifying it as a less urgent issue as well as other work load time constraints and priorities. I'm hoping to find time in June to create a timeline for the necessary processes for the creation of a lot so that the community can determine what to plan for, but I'm not sure that it will be something that the commissioners will want staff to put much time towards until there is a greater need. We can discuss this issue more later in the summer.

I'm out of the office until next Wed. but please feel free to send me further comments and I'll follow up next week. Hard copies are in the mail to everyone (see attached.)

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

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dgrimm@bouldercounty.org

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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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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 evey 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.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#115]
Date: Monday, January 28, 2019 8:04:09 PM

Name (optional)	tracey snow
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer

Please provide feedback on the proposed draft Niwot NRCD regulations. *

A note regarding the general condition of the alley. .....over these months of development dialog , Von eschen has tried to paint a picture of the alley as being a mess. Allegations of 'nouctious weeds ' and fence line inconsistencies have been thrown around in an attempt to discredit the neighborhood. I find this sort of banter to be highly disengenuious . The business side of the alley has a lengthy history of careless disregard for alley maintenance. Overflowing trash and recycling bins, fences & gates that are falling apart and broken glass strewn about as well as litter. 3rd Ave residents caused none of these ugly issues.
I don't want to see businesses receive open access to alley usage when they have shown years of disregard for it. Neighbors at least have decent fences and a desire for plant coverage as some degree of buffer from business
.When south paw was being built, we came home one day to find a 4 foot swath of our back fence crashed in. My husband believed it to have been caused by workers in the alley (south paw construction) so he spoke to Ann Postle. The repair was quickly made (without our imput, but nonetheless repaired). We appreciated the repair being done but did not appreciate someone not acknowledging the damage done in the first place. Doesn't bode well for having more construction behind our house. I mention this as one more concern on the list.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#116]
Date: Tuesday, January 29, 2019 1:20:41 PM

Name (optional)	jon jelosek
Email (optional)	GIMINC1@QWESTOFFICE.NET
Phone number (optional)	(303) 652-3040
Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business owner

Please provide feedback on the proposed draft Niwot NRCD regulations. *

Owner of Gunbarrel Import Motors and the property at 283 2nd Ave. I attended the meeting last week at Niwot HS. I believe the vast majority of the attendees oppose the proposed draft. These are business owners and property owners. I recall only one person voicing any agreement to the draft, and I am not sure if she was a property or business owner. I appreciate, that on several occasions, the representatives for the County indicated the purpose of the meeting was to get feedback from the community, before any decisions were made. Therefore, I hope and pray, the concerns of the business and property owners, will be considered and honored. This is my 21st year in Niwot, and I value our community.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#117]
Date: Tuesday, January 29, 2019 8:54:20 PM

Name (optional)	Auburn Meisner
Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business owner

Please provide feedback on the proposed draft Niwot NRCD regulations. *

This is not the first time the county has gotten in the way of my family's financial success . In 199? , we decided to build on our property. We went through all of the meetings, hired a wonderful architect , the traffic department signed off on our ability to access the property through the alley $75,000 and lots of time and energy later, when we were ready to build... the neighbors complained .... the county changed their minds and decided no ally access. This limited the size of the building to the point where it was no longer financially feasible to build. Again, we found someone who wants to develop our property. Again , the county is imposing so many guidelines and regulations that it is no longer financially feasible to build . Our contract is dependent on his ability to
Make money on the project He is preparing to walk out of the contract the way things are going. Our building.. the Gate Way to Niwot lies vacant. In order to maintain the property so it does not look like a decaying heap with dead weeds cost thousands a month. Property taxes are very high. It lies vacant and quite worthless as no builder can afford to build within the restrictions set forth. Not only do we have a set back from 2 nd av. Now we have a set back from the alley. And the height restriction of 15' instead of 30'. . That's 50%.Wow. And only for a handful of property owners. How is this fair?

. We pay just as much property tax as the people who are able to build higher density on their properties.
All property owners need to be treated with equal ability to achieve financial success .
This feels like blatant discrimination! How is it possible to treat a couple of blocks different from the others zoned commercially.? Like previous builders zoned commercially in Niwot, we should be allowed to build right up to 2 nd Av. With zero set backs!! Especially if we are going to have to set back from the ally! We should be allowed equal density and height restrictions as buildings previously built. Many residents of Niwot actually support and encourage a prosperous, lively town . They support the development of commercially zoned properties and want to see developments succeed to help set the tone for a vibrant town. We are not even in The historical district, and yet somehow the restrictions for our block is even more severe. We have loud unreasonable neighbors who feel their rights are more significant then ours.
This is outrageous and is killing the vitality of Niwot. And a more personal basis..it is killing the value of our land and the quality of our lives

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#118]
Date: Tuesday, January 29, 2019 8:55:43 PM

Name (optional)	Savana Meisner
Email (optional)	savana.meisner@colorado.edu
Phone number (optional)	(303) 817-3805
Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business owner

Please provide feedback on the proposed draft Niwot NRCD regulations. *

This is not the first time the county has gotten in the way of my family's financial success . In 199? , we decided to build on our property. We went through all of the meetings, hired a wonderful architect , the traffic department signed off on our ability to access the property through the alley $75,000 and lots of time and energy later, when we were ready to build... the neighbors complained .... the county changed their minds and decided no ally access. This limited the size of the building to the point where it was no longer financially feasible to build. Again, we found someone who wants to develop our property. Again , the county is imposing so many guidelines and regulations that it is no longer financially feasible to build . Our contract is dependent on his ability to
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From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#119]
Date: Tuesday, January 29, 2019 8:56:19 PM

Name (optional)	Colten Meisner
Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business owner

Please provide feedback on the proposed draft Niwot NRCD regulations. *

This is not the first time the county has gotten in the way of my family's financial success . In 199? , we decided to build on our property. We went through all of the meetings, hired a wonderful architect , the traffic department signed off on our ability to access the property through the alley $75,000 and lots of time and energy later, when we were ready to build... the neighbors complained .... the county changed their minds and decided no ally access. This limited the size of the building to the point where it was no longer financially feasible to build. Again, we found someone who wants to develop our property. Again , the county is imposing so many guidelines and regulations that it is no longer financially feasible to build . Our contract is dependent on his ability to
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From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#120]
Date: Tuesday, January 29, 2019 8:57:07 PM

Name (optional)	David
Email (optional)	reubenmeisner@aol.com

Please provide feedback on the proposed draft Niwot NRCD regulations. *

This is not the first time the county has gotten in the way of my family's financial success . In 199? , we decided to build on our property. We went through all of the meetings, hired a wonderful architect , the traffic department signed off on our ability to access the property through the alley $75,000 and lots of time and energy later, when we were ready to build... the neighbors complained .... the county changed their minds and decided no ally access. This limited the size of the building to the point where it was no longer financially feasible to build. Again, we found someone who wants to develop our property. Again , the county is imposing so many guidelines and regulations that it is no longer financially feasible to build . Our contract is dependent on his ability to
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From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#121]
Date: Wednesday, January 30, 2019 7:37:41 AM

Name (optional)	Frank Goodknight
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Please provide feedback on the proposed draft Niwot NRCD regulations. *	.
Attach a file with comments (optional)	nb5.docx 4.84 KB • DOCX

The FAR and lot coverage density allowed in new development on block 5 in Niwot as proposed by the county have been characterized as too restrictive by those seeking to redevelop some of the lots. The proposed coverages are little different than what was built as the Slater building and the Niwot Inn, both of which most people agree are successful developments without the negative impact to the surrounding community that more intensive lot coverage would have. The higher density that the developers are advocating would be out of character with the rest of the district and have a negative impact on the neighboring properties.

Alley access to parking for developments along block 5 of 2nd Avenue would be a dramatic change in the use of the alley. It would also be contrary to the 1996 Alley Study which states that "*Where physically possible, Second Avenue or another primary road, should be used to access a property instead of an alley. The roads are better designed to handle traffic flow and are maintained by Boulder County*." The drastic increase in traffic in the alley would serve no purpose except to enable more intensive development along 2nd Avenue.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#122]
Date: Wednesday, January 30, 2019 10:31:35 AM

Name (optional)	Dave Snow
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer

Please provide feedback on the proposed draft Niwot NRCD regulations. *

I'd like to express my appreciation to Boulder County Land Use for taking on this project. I'm certain it isnt easy. Hopefully the result will be something we all can live with, and ensure predictability for a bit.

Just a few thoughts about the proposed changes to the NRCD code

Section B. Use\
Is an all residential project an option?

Item 6 says a single family home is acceptable, but can multiple single family homes be put on a single parcel?

Mixed use is one thing, but all residential certainly wont help the business district flourish.

Section C Lot, Building, and Structure

3.3 Rear setback Is it possible to match the block 3-4 setbacks? It would give us a bit more breathing room, if the parking in the rear requirement is eliminated.

Section D. Parking

3. Allowing parking to be provided at another site sounds problematic. For instance, when the new lot is constructed along the RR tracks, businesses in block 5/6 may count that parking as 'theirs'. Customers, however, may want to use the closer residential streets instead. So, does that mean a residential permit system?

4. It worries me that residential streets will become an auxiliary parking area for downtown. While a listed criteria states that increasing demand upon residential neighborhoods isn't acceptable when a business trys for reduced parking, I cannot imagine how that would be policed.

Section E. Design Requirements

1. How is alley improvement payed for?

4. Please require outdoor lighting to be down lighting. Currently, one business has a string of 50 or so Edison type clear bulbs which burn all night and radiate directly into neighboring homes.

6.b How about breaking up facades on the rear of the buildings as well. That is the front side from our 3rd Ave perspective.

2. Rear height restriction is a help, but still will result in plunging the rear 40 feet of neighboring yards into shadow in the winter, and a loss of privacy. Parking in the rear (NOT on the side) requirement is a better solution because it adds a better buffer. That was its intent.

Section F

The Community Engagement addition is most welcome.

Alley Use

Why is this not part of the discussion? It has enormous bearing on what can and cannot be built. Perhaps The Moratorium should be extended so that a clear picture might be had by all.

Once again,a big 'Thank you' for tackling this project.

Dave Snow

PO Box 1012
Niwot, CO 80544

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#123]
Date: Wednesday, January 30, 2019 12:18:10 PM

Please provide feedback on the proposed draft Niwot NRCD regulations. *	Comments attached - Satir DeMarco
Attach a file with comments (optional)	satirletter.pdf 33.95 KB • PDF

Outrageous! The meeting and discussion afterward with Dale Case is beyond alarming. The residents pleaded from the beginning of Southpaw to respect the limited use of the alley. Now not only are you planning on allowing the meisner and Leftys property to acsess the alley, You propose to :

1.Pave it! The alley along the west side that is used as an example is NOT PAVED!!
And paving this section makes no sense, it creates an invitation for confusion as it looks like a road. DO NOT DO THIS

2.Allow the existing properties of the slater building and the Inn ,The very properties we all used as a model of coexistance between

the commercial and residential area.to “Modify” their propeties in exchange for a curb cut being eliminated on 2nd ave,
Adding insult to injury to the longtime residents who make Niwot what it is.
THE Alley use has more direct impact than any other building issues.
Admitting there will be at least 200 trips a day on the alley without a traffic study!
Using safety and walkability is a hypocrisy When the Postle Property is allowed to keep 2 parking spots that require backing up over the main path .
Modifications do not even require public input.Its an easy submittal toooYOU!

There has never been an accident with the existing configuration nor has there been any facts or traffic study provided.BUT

you are willing to turn a Rural residential alley into a thoroughfare. Admitting there will be more trips literally in our back yard than on the street in front of our homes.
A concession of a 6ft fence and speed bumps or buried power lines will not compensate for the loss of quality of life and the ONE asset The residents own,Their HOME.
The developers are concerned with maximizing profits, none of the proposals will add funds to the LID ,We residents, the ones who have voluntered and donated and created the unique small town feel are being forced to give up the the peace we have known not for the good of the town but for the profits of a few,without reason.
Our proposals have not even been addressed,

Vacating the alley
Creating a pedestrian friendly alley for vibrant ecology, a new trend using the wild plums and holly hocks that have grown and more plants that can support bees and butterflies while allowing existing and modest use of alley. This proposal was brought to the horrific Grange work shop meeting . While it was late to present thta it was never addressed or considered.Instead every consideration has been given to open the alley. Set backs and staggered building height are helpful but perhaps can be compromised for the limited use of alley becoming a road.

Please consider the important impacts beyond screaming developer, We have chosen not to be insane at meetings,but am

happy to oblige if thats what it takes to get your attention and our needs met.

Sincerely,
Satir Cheryl DeMarco
333 3rd ave
Niwot,co
SINCE 1989!

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#124]
Date: Wednesday, January 30, 2019 3:25:08 PM

Name (optional)	Lauren Hansen
Email (optional)	Laurenization@gmail.com
Phone number (optional)	(720) 289-1822
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer

Please provide feedback on the proposed draft Niwot NRCD regulations. *

I recently attended the meeting held at Niwot High School and appreciate efforts to present information and gather feedback.

As background, I have lived in Niwot for over 20 years and I am interested in maintaining vibrancy in the commercial area of Niwot, balanced with thoughtful development guidelines.
1. I agree that garages should not be included in FAR.
2. Colterra, considering how much it has contributed to Niwot over the years, should be allowed to - even encouraged - to redevelop their property into an operational restaurant, even if it means grandfathering provisions/uses or another approach to assist the owner. We need them back in Niwot!
3. Another long time business owner is Niwot Feed. He should be allowed to improve his property as he sees fit (reasonable grandfathering, etc.)
4. Proposed restrictions on Block 5 & 6 strike me as too narrow and restrictive.
5. Parking issues - Since it is not desirable to build (anything) right next to the RR tracks, perhaps another parking lot could be generated there.
6. Off site Parking - It seems Niwot may be a good candidate for a variety of alternative options: pedi-cabs during events, scooter & bike rentals, dedicated (temporary) Uber/Lyft pick up/drop off spots, potentially work with local organizations to support & promote.
7. This may not be a popular view, but it doesn't seem like additional living units should be given priority in downtown Niwot (Blocks 1-6). If this is the area to generate sales tax, then the focus should be on sales & services rather than living units.
8. The photo samples distributed at the Niwot High meeting regarding "What Niwot could look like" were very attractive and inviting. I would support measures that would allow those uses, setbacks, etc. (Sorry - I don't remember the group's name.)

Thank you for the opportunity to weigh in!

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#125]
Date: Wednesday, January 30, 2019 3:49:11 PM

Where do you live?	Niwot
Please provide feedback on the proposed draft Niwot NRCD regulations. *	Too much residential is being included with the commercial. Business is business, and to have a prospering downtown, residental use should be eliminated, or at least strongly discouraged.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#126]
Date: Wednesday, January 30, 2019 3:59:01 PM

Where do you live?	Niwot
Please provide feedback on the proposed draft Niwot NRCD regulations. *	The FAR and Lot Coverage numbers are a bit confusing, but seem like they will help keep unsightly bulk under control. It will be nice to preserve the uncongested feel of old town.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#127]
Date: Wednesday, January 30, 2019 4:28:26 PM

Name (optional)	Dave Snow
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer

Please provide feedback on the proposed draft Niwot NRCD regulations. *

I am utterly devastated by the Countys apparent willingness to throw the Third Avenue residents under the bus regarding alley use and rear setbacks.

The alley use issue is equally important to the type of development allowed on 2nd Avenue, and should go hand-in-hand with it and not be left for a future solution. (It seems apparent from the county response to vonEschens question about whether he is able to count on alley access for his 80-plus cars a day that a decision to allow it has already been made. I am completely disappointed at the utter lack of transparency regarding this issue.)

Changing alley use into an 800+ foot driveway for is a foolish and most inconsiderate solution, unless you are the developer. It puts a road where there was once a quiet alley, likely with overhead streetlights, noise and traffic, and completely inappropriate to the residential setting. It will completely change the character of our homes.

This change of use is a dramatic departure from the policies in place for over two decades. These existing alley policies have been no doubt known to the developers, and, being no surprise, should not harm their investment unexpectedly.

For example, looking over SPR - 00 - 107, (a plan to develop the Meisner property (376 2nd Ave) in the year 2000), the county stated that the 'alley was not to be used to access 2nd Ave or Franklin and that conditional approval for the Meisner project could not be used or construed as approval for increased use of the alley to and from adjacent properties or other points of access. Traffic access...must be generated from and confined to the existing lot only as accessed from 2nd Avenue and Niwot Road.' This thinking was in line with existing policy, considerate of the 3rd Ave residences, and a workable compromise for both commercial and residential property owners. Why this needs to be changed has not been adequately addressed.

We fought hard for the restrictions on the alley use and the parking-in-the-rear policy so that 2nd Avenue properties could be developed while preserving our residential peace and quiet. The rear parking policy and limited alley use combined to create a buffer between the competing zonings. This means rather than a second story viewing platform up against our yards, and an 80+ foot shadow (cast by a 30' building in the winter) across our sunny backyard, we'd have a bit more sky and privacy, Had the Southpaw parking lot been run along the back of the lot as it could have been, neither of these things would have been an issue.

Our homes are every bit as much of an investment for us as commercial properties are for developers, and we should have as much right to protect our investment from things which diminish their values. The proposed 500% increase (actually a much higher percentage) in alley traffic effectively puts a new street in our backyard, far busier than 3rd Ave . The Slater building, Niwot Inn

and the Postle projects will obviously push to have their fences taken down and commandeer the alley for access to their own parking and so on. Traffic will increase still further, as will need for overhead streetlights, more infrastructure, and so on. Each time the regulations are relaxed in the developers favor is just a stepping stone towards a future Id rather not see.

The county plan mentions importance landscaping the alley so it acts as a buffer, but the reality is that a few bushes won't change the fact that the alley will be a street, a few feet from our back yard. It is ludicrous to call such an alley (with 100+ trips/day) a buffer from anything.

Our residential neighbors care about each other, and we try to be considerate of our impacts upon one another. It is a very different relationship with developers, who don't have to live among the changes which they make, or with the people whom they affect.

Changing the existing alley use policy will have an absolutely enormous negative (permanent and always increasing) effect upon both our properties values and our quality of life.

.
Please reconsider your stance regarding this issue.

Thank you

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#128]
Date: Wednesday, January 30, 2019 4:33:41 PM

Name (optional)	James Kalinski
Email (optional)	lefthanddesign@1526spruce.com
Phone number (optional)	(303) 447-2926
Where do you live?	Niwot
Please provide feedback on the proposed draft Niwot NRCD regulations. *	See attached letter
Attach a file with comments (optional)	response_to_boulder_county_meeting.docx 16.76 KB • DOCX

Boulder County Land Use:

To Whom It May Concern:

New Proposed FAR and building coverage vs 1996 Niwot Alley Study and parking requirements.

The facts regarding the proposed FAR and Allowable building coverages were misrepresented by the developers in the County's most recent public meeting (January 24, 2019). If you take the (4) properties in Block 5 that are built-out, (Colterra's, South Paw, Slater Building and Niwot Inn), the average building coverage is .36 – the county is proposing .50 – an increase in allowable density. The average FAR for those built-out lots is .58. The County is proposing an FAR of .55, a 3/100's reduction. So, despite the indignation, in actuality, the proposed density limits are in line with or more generous than the previous build-outs. This begets the question, why is the County moving to new regulations if the existing restrictions on lot development mandated by the Niwot Alley Study and current parking requirements produced the same densities. Two of these developments (Niwot Inn & Slater Building) are appreciated by both residents and business owners alike. (one business proponent referring to the Niwot Inn as the "Gem of Niwot", during the meeting). Existing regulations produced two widely respected developments by both sides of the issue, what is the County trying to fix?

Gateway to Niwot:

The eastern entrance to Second Ave. was described by business proponents as the "Gateway to Niwot". What is currently being proposed for the Meisner property at this entrance to the downtown is a residential subdivision, consisting of five single family homes and two townhomes, along with the existing dentist's office building set in the middle. This is not a "Gateway" development, it adds nothing to the downtown business district, it does nothing to generate foot traffic or create any synergy for the existing business community, it doesn't add another architecturally distinctive "gem" to the downtown district. What it does do is extend Burgundy Park (on steroids) into the downtown, diluting the charm and distinctive nature of Niwot, turning it into another run-of the mill, profit driven, developer inspired subdivision. We are not sure the business community understands what they're supporting. The adjacent Lefty's property is slated for the same treatment: Save the existing non-descript (former house) and jamb two new houses behind it.

Subdivision Access:

When Burgundy Park was built, it was designed to be accessed from Niwot & Neva Roads, two major thoroughfares. There were no through-street connections to "Old Town". It was kept as an independent entity. The Meisner property development plan has all the characteristics of a subdivision. It is proposing multiple independent houses on a postage stamp lot. At least three of these homes are larger than what the County allows being built on a single-family lot on Third Avenue (approximately 2600 sf). It has an existing drive-cut on Niwot Road, providing easy access to the property without impacting neighboring residential properties or the business community. It appears the County staff is now doing backflips to try to divert traffic from the natural, historic access to the property and send it through Old Town, down a dead-end, service alley. All of this effort is in apparent support for one developer's demand for higher density. Impact on the neighboring residential properties be damned. We would encourage the County to review how Burgundy Park was designed to minimize impact on the existing community.

Profit Analysis:

One proponent of development exclaimed that "It is expensive to build", so more density is necessary to make it profitable. The current proposed development for the Meisner lot currently shows 17,812 square feet of new development. Assuming construction costs of @200/sf: cost to build is $3,562,400. Assuming the new construction is valued at $500/sf, the total value of the new construction is $8,906,000. If we assume the sale of the existing office building covers the cost of the land, and perhaps there's a million dollars in fees for permits and tap fees for utilities, the net profit is around $4,343,600. Yes, construction is expensive, but the profit margins are substantial. If the proposed

density restrictions are adopted by the county, the Meisner project would have to be reduced by 25% or so. End result, the developer would still realize a profit over 3 million dollars.

Niwot Brand:

The eastern end to the Niwot business district would benefit from an architecturally distinctive building on the corner of 2nd and Niwot Road. A building that speaks to its history and invites passersby into town and provides some retail on the ground floor. If the current land restrictions were retained, the land would be developed like the Slater building and the Niwot Inn, with a distinctive building at the front of the property and parking in the rear. In contrast, the current development proposals, call for preserving the unremarkable former dentist's office and Lefty's Pizza Joint (neither architectural "gems") and cramming in a bunch of residential units behind and around them. This is not the right direction for Niwot.

Boulder County Proposal:

We applaud the County's efforts to reduce density via floor area ratio, building coverage limitations, and height limitations on the rear 25 feet of Block 5. These restrictions will help to enforce the County's characterization of Niwot as "semi-rural". However, we are mystified by their reluctance to address the most controversial issue: access to and use of the existing service alley. It only became apparent after the formal part of the meeting that the County plans to abandon their own "Niwot Alley Study" of 1996 (commissioned by the County Commissioners and used to control the designs of the Slater Bldg. and Niwot Inn). This study established the alley as a "buffer" by limiting commercial access to the dead-end alley. We are adamantly opposed to directing commercial traffic into our residential neighborhood, as depicted on the County's own zoning map. This has the potential of introducing more "trips per day" down the dead-end alley then we see down Third Avenue proper. As previously stated: "It is clear, that the developers would like to reap all the benefits of high-density development while shifting all of the negative impacts onto the adjacent residential community. Commercial development and its collateral impacts should be restricted to and absorbed by the commercial district. We encourage the County to uphold all property owners' rights and the precedents established in the Niwot Alley Study."

The County needs to address all of the issues regarding development in the NRCD in a cohesive manner not piecemeal, as is currently the case.

Sincerely

Jim & Kim Kalinski

343 3rd Avenue

Niwot Co

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#129]
Date: Wednesday, January 30, 2019 4:35:49 PM

Name (optional)	Dave Snow
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Please provide feedback on the proposed draft Niwot NRCD regulations. *	I appreciate the idea to tier the height restriction on the rear of new construction. It will still be unpleasant, but little less so. Anything to give an incentive to build away from the rear lot line would be appreciated.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#130]
Date: Wednesday, January 30, 2019 4:39:04 PM

Name (optional)	Kimberly Kalinski
Email (optional)	kim.kalinski@q.com
Phone number (optional)	(303) 667-6827
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Please provide feedback on the proposed draft Niwot NRCD regulations. *	please see attached file
Attach a file with comments (optional)	nrcd_comments.docx 18.00 KB • DOCX

TO: Boulder County Land Use Department
RE: Niwot Rural Community District

The opportunity to meet, discuss and offer input on proposed Boulder County changes to the NRCD is always appreciated, as these are always informative sessions. Sadly, however, these meetings are commandeered by developers and their attorneys who think their intimidating rants will be more effective than logical discussions. The attempts to bully and threaten members of the Land Use Department by certain developers at the January 24th meeting was shameful. The residents of Third Avenue and like-minded concerned citizens were noticeably silent during this meeting because, quite frankly we are now accustomed to these blustering hollow rants, having sat through four such meetings with the developers. It's just not worth getting into an argument with them, or as George Bernard Shaw appropriately said:

"I learned long ago, never to wrestle with a pig. You get dirty, and besides, the pig likes it."

As a resident of Third Avenue, I appreciate the opportunity to put into writing comments for consideration by the Boulder County Land Use Department

1. We have said it time and time again: The residents of Third Avenue are not opposed to change and development. We are, however, concerned about the accelerated pace and overwhelming scope of development in downtown Niwot and its impact on surrounding established neighborhoods and the entire community. The proposed Lot, Building and Structure Requirements presented by the County in the January 24th meeting are mostly positive and favorable. A FAR of 55% is totally acceptable and prevents the block in question from becoming too densely built out. The developer-proposed FAR of 1, bemoaning that he "can't make any money" is an unreasonable and ludicrous argument. Moreover, the height restriction of 15 feet for 25 feet into the property from the alley and the proposal that all parking must be in the rear or on the side of the building are quite in sync with the objectives of respecting neighborhood boundaries and quality of life.
2. The main topic of the Grange meeting in December centered around alley use and access, yet the issue of the fate of the alley keeps being avoided by County representatives. **The alley must not be turned into a thoroughfare**! Is the Niwot Alley Study, which has been so copacetic for the business community and residents for the past 20 years being disregarded and completely tossed out? What happened to "if it's not broke, don't fix it?" The alley is in the residential zone and not part of the commercial zone; rental and retail properties proposed being built which would use the alley are commercial properties. Original estimates were 80 vehicle trips per day through the alley, later this estimate was raised to more than double this figure, neither of which are not only unsafe for a 20 ft alley to sustain, it brings into play issues of light and noise pollution, security, privacy, traffic hazards and maintenance costs, just to name a few. Once the idea of opening the alley was floated, the owner of the Niwot Inn jumped on the bandwagon, wanting to knock down her fences and allow traffic to/from her property (it is highly doubtful this move would help her lamentations and woes

about bringing more business to her establishment). Along the same lines, she bemoaned the unsightliness of Lefty's Pizza, saying she had to draw the curtains and shield her guests' eyes from the sight. If proposed changes are adopted, we Third Avenue residents would be expected to draw our curtains and attempt to hide unattractive architecture (ref: Southpaw Commons) and the panoramic view of garages up and down the alley, watching an excessive number of vehicles streaming up and down.

3. Much has been discussed about the need for an appealing "Gateway to Niwot" at the corner of Second Avenue and Niwot, as described by business proponents. Many volunteer hours and insightful ideas have already successfully produced a very favorable "Link" between the Cottonwood Park shopping center and Old Town, providing the town with a Sculpture Park, Little Library site, benches, the home of the Niwot Christmas Tree, very attractive landscaping and walking paths. The goal is to guide pedestrians and visitors across Niwot Road to experience the totality of the town. Imagine visitors encountering an overly dense congestion of residential properties with their corresponding garages and driveways once they cross into Old Town. This Gateway should not lead into a subdivision, it needs to be a tasteful blend of retail business and restaurants with residential properties on the second floor, in keeping with the architectural style approved by the Niwot Historical District. Mixed use should be mandatory, not subject to the whims of developers depending on how they can make the most money vs. what's most beneficial for the town.

Again, thank you or having Niwot's best interests in mind. We all want our little community to thrive, proudly showing off our tasteful residential and retail architecture and landscaping, encourage visitors to keep coming, find creative solutions for coexistence between businesses and residents, and respect the quality of life and livelihood for all citizens of Niwot.

Respectfully,

Kimberly Kalinski
343 Third Avenue
Niwot Colorado

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#131]
Date: Wednesday, January 30, 2019 6:57:30 PM

Name (optional)	Alexandra Dango
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer

Please provide feedback on the proposed draft Niwot NRCD regulations. *

To the Boulder County Commissioners & Planning Department,

In response to draft of the proposed Code criteria for the Niwot Rural Community District (NRCD) update:

The proposed updates to the NRCD Land Use Code acknowledge some of privacy concerns for residents on 3rd Ave. directly behind the commercial area on 2nd Ave. In particular, reducing the maximum building height within 25 feet of the rear setback is a key revision that could greatly curtail the impact of new development to the 3rd Ave residents. The proposed language does stipulate that this update is "in certain cases" (Section C. Lot, Building and Structure Requirements). It is therefore not clear, where this part of the Code update would be applied (what qualifies as "certain cases"?), and consequently it is unclear how effective this update would be in practice.

One of the Key Concepts stated for the Land Use Code update states that one of the driving objectives for the update is to "Recognize the transition between residential and commercial areas." The suggested requirements for new development again consider privacy of the residents adjacent to the alley. However, the Alley itself is a key part of the transition between the residential and commercial area, the plans for alley access, safety and traffic mitigation lack transparency and cohesion.

The topic "Lot Access and Alley" in the Key Findings Summary implies that the Alley should be improved for pedestrian and bike access, and also that two-way traffic should be considered for commercial and residential vehicular use. This level of use presents major modification to traffic levels in an area of Niwot that does not qualify as an actual road. This remains a serious area of concern for those of us adjacent to the alley.

We urge the County to address the following topics, and seriously consider limited access to the Alley:

1. Multimodal traffic in the Alley:
o Will encouraging new vehicular, pedestrian and bike traffic – combining it with the existing traffic in the alley – be a safe environment for all the travelers and neighbors concerned?
2. Vehicle speed:
o How will this be mitigated in the Alley?
3. Safety on Franklin Ave:
o How will the Franklin access point to the alley be improved for the safety of pedestrians, cyclists and vehicles on Franklin Ave.?
4. Traffic level in the Alley vs. on 3rd Ave, Measuring Impact to Adjacent Residents:
o Will the overall traffic in the Alley exceed the traffic on 3rd Ave? If so, is this equitable to adjacent,

semi-rural residents?
o In what way can impact of increased traffic to the residents be quantified and addressed?
o Is there such a thing as “too much traffic” in any scenario?
5. Downtown residents increase overall traffic:
o How will the impact of residential traffic for mixed-use lots in the commercial area be measured? Is this considered commercial traffic or residential traffic, and why is this distinction not better outlined in the summary of community input?
6. Alley Study:
o Will an Alley study be performed? (If no, why not?)

Sincerely,

David and Alexandra Dango

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#132]
Date: Wednesday, January 30, 2019 7:17:28 PM

Please provide feedback on the proposed draft Niwot NRCD regulations. *	Comment dated 1/30/19
Attach a file with comments (optional)	letterjanuary30th2019.docx 15.43 KB · DOCX

TO: Boulder County Land Use

RE: NRCD Regulations Update

Dear Boulder County,

I really think you owe all citizens of Niwot - residents, business owners and developers alike, a transparent and more detailed discussion of what you have in mind for the alley between the residential zone on 3rd and the commercial zone on 2nd Ave. The County's plans for the alley were barely mentioned during the meeting on January 24th. Only AFTER the meeting did residents learn that plans include "blowing up" the arrangements for businesses on 2nd Ave. to access from 2nd Ave. This solution has worked so well for the past 20 years, governed by the County's own Alley Study.

We surmise that both one-way and two-way traffic are being considered. (This is unclear as well.)

- Has a traffic impact study been conducted or is one planned?
- What would be the impact of adding 200 + trips on Franklin St., if that is the singular alley outlet/access point? To my knowledge, there has never been a traffic study conducted for Franklin St. When Left Hand Animal Hospital on the corner of 3rd and Franklin is completed, there will be increased traffic on Franklin. How does that factor into the 200+ trips accessing the alley from Franklin?
- What would be the impact on the residents of 3rd Ave. with noise, light pollution, etc.? How will negative effects be mitigated?
- If two-way traffic with a single outlet on Franklin is being considered, what solutions does the County have in mind to mitigate two-way traffic in a narrow alley?
- Is the County planning on closing off some of the curb cuts on 2nd Ave. and have customers, employees, business owners and delivery vehicles access from the alley only? What are the safety ramifications of this in general, and in terms of emergency response?
- If the County is considering opening up the alley to ALL traffic, what does that say about The Alley Study? Will another study be conducted?
- If a second alley outlet is planned on 2nd Ave. or Niwot Road, what are the impacts for increased traffic and safety? What is to prevent vehicles from by-passing 2nd Ave. completely and using the alley as a short-cut?
- What is the rationale for opening up the alley to ALL traffic? Please explain the benefits. (We already know that residents don't derive any benefit from this decision at all.)
- If the rationale is partly about safety, conduct a pedestrian safety study downtown. Let's rely on facts rather than innuendo.
- What are plans for snow-plowing, etc. in an unmaintained alley?
- What about construction traffic for development – i.e. Von Eschen, Anne Postle's projects, and Colterra destruction/reconstruction? Will all that traffic be sent down the alley as well? What impact will that have on local alley traffic?

Perhaps a meeting with Boulder County and all alley stakeholders is in order. We are all in limbo since the County's plans are unclear and lacking in transparency. A respectful Q & A?

Victoria Keen & Mike Selak
285 3rd Ave. Niwot

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#133]
Date: Wednesday, January 30, 2019 8:00:07 PM

Name (optional)	Scott & Paula Deemer
Email (optional)	p.deemz@gmail.com
Phone number (optional)	(303) 710-6526
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Please provide feedback on the proposed draft Niwot NRCD regulations. *	Please see attached file for our comments.
Attach a file with comments (optional)	niwot_rural_community_district_1.30.2019.pages 354.42 KB • PAGES

We are very concerned about the proposed new restrictions on new construction in downtown Niwot and want to share our concerns with you.

1. We believe that any changes must first and foremost consider the impact to the business property owners that are effected. It would be very unfair to expect the owners to "take the loss" resulting from new restrictions. If changes are made that take away from the owner's potential to produce income from their property, in all fairness the county should also devise a way to reimburse the property owners for the loss of value and potential income. (Tax on the residents of Niwot? If what the county is proposing is for the good of the community - shouldn't the community pay for the cost to the owners?)

2. Up until the moratorium was imposed, the town had been experiencing an increase in commerce as is reflected in the tax revenue. More money was being spent in Niwot because more was being offered to do and to buy. The tax revenue has since gone flat - a direct result of the moratorium. Imposing the proposed restrictions will likely result in Niwot not being able to regain its economy. Resulting in a full scale down turn instead.

It is our personal belief that there are a small group of vocal residents in town that would consider a down turn in Niwot's economy a benefit; wishing Niwot to be decline into as a sleepy and near vacant town from the past. The restrictions that are being proposed would likely result in this wish coming true.

3. Our desire is to see tax revenue increases that mirror the trends of neighboring communities. The revenues from years past help us build the children's park and keep our well loved festivals funded. Reducing the potential for tax revenue through imposing restrictions that wouldn't allow more structures like the Niwot Inn to be built doesn't benefit anyone.

4. We believe that if an inclusive survey of ALL Niwot residents were conducted, the results would say that the overwhelming majority are very pleased with what has been the development direction of the town prior to the moratorium. The majority of Niwot residents would say that there has been a good balance of preserving the nature of the town and allowing for new construction to take place. The Niwot Inn is a perfect example of this.

The residents that represent the minority view wishing to impose more restrictive measures are very vocal. But they are a minority. Their voice should not be given more weight than business owners and the majority of residents. The majority of the residents and business owners do not see a need to impose new restrictions. The majority of residents and business owners support doing all we

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#134]
Date: Wednesday, January 30, 2019 8:51:55 PM

Name (optional)	Catherine McCall
Email (optional)	mccallca@comcast.net
Phone number (optional)	(303) 564-2542
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Please provide feedback on the proposed draft Niwot NRCD regulations. *	see attached file
Attach a file with comments (optional)	nrcd_comment_form_20190130.docx 14.71 KB • DOCX

I live and work on 3rd Avenue, Niwot. I attended the January 24th meeting to discuss the proposed new development guidelines for the Niwot Rural Community District and have the following comments:

I live on the north side of 3rd Avenue behind the section of 2nd Avenue falling under the new proposed guidelines. As such, I am directly affected by development along 2nd Avenue and the access alley but much less so than my neighbors on the South side of 3rd. My main concern is how the proposed new development impacts the character of Old Town as a whole. Until the Southpaw development was built at 240 2nd, the majority of the buildings along 2nd Avenue were a mix of commercial and residential, with commercial predominating. Residential units are small and above businesses (eg in the Slater Building). However, the Southpaw development and currently proposed developments are primarily rental residential, including single family homes. The proposed development on the corner of 2nd and Niwot road appears to be a small scale version of suburbia, completely out of character with the rest of the downtown. This dilutes the commercial character of the business district and removes the future possibility of bringing more small business on that site to Niwot. We already have extensive and attractive suburban type development, high density condo/townhouse development and megamansion areas in Niwot, providing a base of customers for local businesses. More residential on Main street does not add significantly to this base and dilutes the commercial character of the downtown. I believe that any development regulations should stipulate the ratio of commercial to residential with a strong bias to commercial.

At the January 24th meeting, impassioned arguments were made by the developers and certain business owners that in order to produce a "vibrant" town, few restrictions should be placed on development. But the development proposed is rental residential. Exactly how is a relatively small number of expensive rental apartments going to generate a vibrant downtown? The closing of 2 idiosyncratic and beloved 2nd Avenue restaurants (Colterra and Treppedas) was brought up as a reason for allowing less control of proposed developments. This is disingenuous. Colterra suffered a fire and Treppeda's apparently closed because of tenant/landlord friction over rental agreements and renovations. Rent for properties in Old Town Niwot has become a serious issue for businesses as properties are bought up, often by out of town entities with a main view to the bottom line. This is unfortunate and a real problem, but building rental residential on Main Street is not going to fix that problem.

Access to current and new buildings on 2nd Avenue is a key component of development of this area. However, the current proposed procedure attempts to separate the building regulations from access. The new NRCD building regulations are anticipated to come out in March but apparently the decisions on how the alley between 2nd and 3rd is to be used will require a 6 month assessment. How can this be? Developers can't build until they know where the access to their buildings will be. Is there already an unwritten agreement between BOCO and the developers as to how this will pan out?

At the Jan 24th meeting we were told that that a desired outcome would be to divert access to buildings on 2nd avenue from cutouts on 2nd avenue to the alley. I get this – it matches the arrangement in the historic block. Esthetically, it would theoretically allow a series of unbroken facades along the south block of 2nd. Business access to properties in the Historic district is from the alley behind the buildings. However, the alley behind the eastern block of Main street is much, much longer that the alley in the historic district. It is also really narrow and it dead ends before Niwot Road. I lived on an alley house in Boulder for17 years (7th and Pleasant). It was much shorter than the alley behind 2nd but long enough for inconsiderate drivers to pose a serious risk to pedestrians in the alley. Impassioned arguments were

made at both the 24th and 17th January meetings that the current arrangement of cutouts from 2nd Avenue pose a danger to pedestrian safety. This is based on no data – no safety studies. It is a case being disingenuously made by the Southpaw developer who has appropriated 3 parking spots from the road to the space immediately in front of the building – violating current NRCD regulations and requiring cars to BACK UP across the sidewalk. On questioning a BOCO representative I was told that this safety concern was a reasonable assumption. Assumptions are not data and should not be used to write regulations. One could just as well make an assumption that diverting a very significant amount of traffic to the narrow alley would pose a danger to pedestrians in the alley and to residents of 3rd avenue who have alley access through gates and garages opening onto what becomes a narrow busy road.

I think that the alley should indeed be a useful access to commercial buildings on 2nd. I do not think the alley should become a busy access road to garages for inappropriate residential development

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#135]
Date: Thursday, January 31, 2019 6:16:19 PM

Where do you live? Niwot

Please provide feedback on the proposed draft Niwot NRCD regulations. *

I am a 3rd Ave resident whose property directly abuts the alley and I want to strongly urge the county to follow the guidelines established in the 1996 Niwot Alley study. Allowing developers to pack properties and potential future projects with maximum density and routing all that new traffic down the alley would be extremely detrimental to the quality of life for 3rd Ave residents.

I would also encourage the county to ignore the red herring safety issue that is continually being championed by the developers. The way the issue is presented and talked about by the developers you would think there are catastrophic fatal incidents on a bi-weekly basis. Their position is meant only to stoke fear, distract, and lead the county to create rules and regulations that only benefit them.

I also am firmly against the developers proposals and recommendations that urge the county to re-rout all existing traffic down the alley to access 2nd Ave properties from the back. The notion that driveway crossings and parking spaces above the 2nd Ave sidewalk are dangerous is again outlandish. The developer of South Paw Commons put (3) brand new parking spots above the sidewalk in front of the 7-Wealth building less than a year ago. Now that same developer is adamant that such types of parking spaces are life threatening to downtown Niwot pedestrians. If they are so against these types of parking situations now surely they would have held that position less than a year ago.

Turing the narrow rural alley into a two way through street, re-directing all existing traffic for 2nd Ave access, and introducing all new development traffic is the real safety issue in this entire fiasco.

Does anyone not think the alley would become a cut through from Niwot Rd to Franklin Street if the developers get what they desire?

I hope the county can see through the developers mis-information and rule in favor of preserving Niwot's rural character and quality of life for 3rd Ave residents. Niwot's 3rd Ave residents will be here long after the developers pull millions out of over development and take off out of town.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#136]
Date: Friday, February 1, 2019 2:36:19 PM

Name (optional)	Kimberly Kalinski
Email (optional)	kim.kalinski@q.com
Phone number (optional)	(303) 667-6827
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer

Please provide feedback on the proposed draft Niwot NRCD regulations. *

See attached photo, the alley between 2nd and 3rd Avenues should be kept as a service alley. Photo show tree removal at 343 3rd Ave commencing 1/31/19, requiring the alley to be blocked off for three days. Access was only possible from the alley, not the street. Logically – and logistically – how can this alley be considered for redevelopment as a thoroughfare, sustaining 80+ vehicle trips daily? To the left in the photo is Lefty's fence and Niwot Inn's dumpster, clearly no room for 2-way traffic. This is not an isolated incident: on 1/30/19 the alley was also blocked for tree removal at the Niwot Inn, moving vans have blocked the alley for 4 hours, and it was a common occurrence for Colterra's and Lefty's delivery trucks to block the alley for the duration of their delivery.

Attach a file with comments (optional) kalinskialleyphoto.jpg
2.84 MB · JPG



From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#137]
Date: Thursday, February 7, 2019 7:34:10 PM

Name (optional)	Bob Von Eschen
Email (optional)	bouldrrbob54@gmail.com
Phone number (optional)	(303) 668-7620
Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business owner

Please provide feedback on the proposed draft Niwot NRCD regulations. *

Restrictions that are posposed are not encouraging any new development that would make financial since.
Niwot is a very fragile economic area and is in jeopardy of loosing.
The biggest restriction is the country's imposing a floor area ratio (FAR) of .6. This will make any new development in the business area NOT feasible.
I have two projects that work under the current code that will not work with the new perposal from the county.
Please set aside the FAR #'s.
They have not been used over the last 100 years and it looks like that has worked well.
If the new regulations had been in effect. Niwot would have died at the beginning.
Don't let this happen.
Bob

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#138]
Date: Thursday, February 7, 2019 8:57:59 PM

Name (optional)	Elaine
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer

Please provide feedback on the proposed draft Niwot NRCD regulations. *

On the one hand I am pleased to see that the recommendations for Niwot place a focus on walkability. On the other hand, I am upset to see that the recommendations make redevelopment nearly impossible.

I've lived in Niwot for over thirty years. In that time I have seen us grow from a quiet community with few dining and entertainment options to a community with good restaurants, year round events, senior housing, and a booming brewpub(sometimes a bit much!) next door to our home.

I walk through town frequently and find many of the properties that are slated for redevelopment to be in dire need of improvement. So it concerns me that the planning staff have developed plans that would not allow existing buildings like the Niwot Inn to be built today.

We need to get beyond looking at this as a small microcosm but as a way we can aid our entire county and community.

Part of the beauty of Niwot is access to businesses in a ready walking radius. So why would we restrict new building that can allow small housing options in this area? Any people who choose to move to downtown Niwot and live in these developments are highly likely to take advantage of walking and biking through town, easy access to transit that is now expanding, and being a part of a living community.

Change can be hard but change is inevitable. I believe in the developers who are looking to bring new and vibrant buildings to our community. Do we really want to hold on to the decrepit Lefty's Pizza building when that site could be expanded? Do we want to tell the Niwot Inn that they can't even add a carport? Will we force Colterra out of our community and limit their ability to rebuild because he would like to add a living space on the property?

For Boulder county to be truly forward thinking, we absolutely need to explore new housing opportunities. When I travel in to Boulder, I am sharing the road with 30% of drivers who come from Larimer and Weld counties on the Diagonal. With few housing options, people live farther away.

Please make it easier for innovative developers to add housing options on their sites. Increase the proposed FAR for downtown Niwot. Let our small town actually be a town!

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#139]
Date: Monday, February 11, 2019 3:58:11 PM

Name (optional)	Kellie Beran
Email (optional)	beran88@gmail.com
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer

Please provide feedback on the proposed draft Niwot NRCD regulations. *

It seems this process is becoming more complicated by the day, and more one sided (pro business), that it should be.
There are 2 issues and I have 2 suggestions:
1) Alley access - the best way to resolve is to vacate the alley and deed to adjacent owners. Split right down the middle. All building regulations will then apply based on setbacks approved. All property owners will be required to maintain their own property. They will need to figure out alternate access. This is the only way we can avoid an alley becoming a street, whcih makes no sense.

2) New builds in downtown Niwot - Density should be the same as existing density for entire area. If one end is "loaded", then the entire town will lose it's already threatened charm. Also, existing ratio of business to residential should be preserved.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#140]
Date: Thursday, February 14, 2019 6:21:01 PM

Name (optional)	Carol Ramsey
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer

Please provide feedback on the proposed draft Niwot NRCD regulations. *

The safety issue being presented is so unfair. I have been in Niwot for 20 years and have never heard of any issues until this recent issue with new buildings and the alley. Interesting that all of the owners on the North are willing to access through alley only to make Niwot safer – and most of them are the new developers! Let's not create an issue where there is none.
It just seems the developers, and those that stand to profit from these suggested projects, are beating up on the residents that want to protect their quality of life and the quality of life for all of Old Town – the business owners motivation is profit only, NOT quality of life unless it is their own purse.
Let's at least be truthful here. I am confident the County can read through the lines of all of these comments and look at the facts only. You need to serve the entire community – not just those screaming the loudest.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#141]
Date: Friday, February 15, 2019 9:26:43 AM

Name (optional)	Dayna Roane
Email (optional)	Dayna@perryco.com
Phone number (optional)	(303) 652-8282
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business owner • Niwot business employee • Niwot business customer

Please provide feedback on the proposed draft Niwot NRCD regulations. *

Hi,

I have lived in Niwot since 1996, own property on 2nd Avenue, and have a business that employs 10 people in Niwot. I don't understand how neighborhood concerns about the use of an alley have blown up into a crisis driven full-scale redesign of property use regulations that may result in dramatic reductions in use for the business property owners on 2nd Avenue.

It is my understanding that just last Tuesday the County Land Use Dept presented potential changes to the land use comp plan to the Niwot LID, and that one of the "topic buckets" is "maintaining a compact development pattern". Do these two groups speak to each other? How does reducing development potential in an already developed town environment make sense relative to the overall county vision of less autos, more walking, more compact development pattern? Niwot is the perfect venue to put these goals into place!

I am frustrated that the Land Use department has engineered a crisis here in Niwot with the imposition of the moratorium. I understand clarifying new rules will help the Land Use Dept. avoid controversy. It also helps them avoid communication with the community.

The moratorium pitted 3rd Avenue residents against 2nd Avenue owners and creates a crisis that "forces" Land Use to generate new codes immediately. The department has responded to the rush with plans that 100% of the commercial property owners reject. They have no survey of what the greater Niwot community wants and needs in its little town of Niwot. Their proposals have been created without communicating with the greater Niwot community, appear to ignore commercial property owner input, and, it seems, without coordinating with others in their own Department.

Land Use over and over discusses the "rural" nature of the Niwot community. Niwot is not Disney Land. The businesses here deal with real competition, and it is hard to stay in business. As an example, the 1914 House needs to generate $30,000 of profit each year just to pay for property tax! We have lost at least 6 businesses here in the last 6 months. If businesses are going to shoulder the high cost of taxes, reasonable wages, and investment in infrastructure, they need foot traffic and space. I hope that the Council will direct the Land Use department to do some serious work to determine what makes small business in Niwot tick before accepting the Land Use suggestions to hamstring development.

Please ask the Land Use Department to describe what kind of business could exist within the envelopes they have proposed, and how they would generate enough income to survive. What is the Land Use's vision for Niwot? It clearly does not reflect the vision that the Niwot business community has described, and we don't know what the Niwot community as a whole wants. Surely, we should know those things before you approve new land use codes?

Thanks,
Dayna

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#142]
Date: Saturday, February 16, 2019 10:43:19 AM

Name (optional)	Susan Wilson
Email (optional)	susanwilson@susanwilsoncpa.com
Phone number (optional)	(303) 449-8435
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer

Please provide feedback on the proposed draft Niwot NRCD regulations. *

The concern of the business community for the safety of pedestrians is admirable but I have to question the motivation of the recently discovered alarm. The direction of more traffic through the alley would necessitate more cars exiting the alley onto Franklin unless the alley were one way going in the other direction. There are many pedestrians on Franklin and no sidewalk to alert drivers as to where to look for them. The visibility is horrible and will only get worse with the redevelopment of Colterra and possible the private resident on the other side of the alley which is on the market. Cars parked on the street are between the exiting cars and the pedestrians and make the visibility even worse. The visibility of pedestrians who are on the sidewalk with no obstruction whatever when cars are exiting the driveways on 2nd is much safer.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#143]
Date: Saturday, February 16, 2019 11:10:44 AM

Name (optional)	tracey snow
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer

Please provide feedback on the proposed draft Niwot NRCD regulations. *

So many words these past months on this issue. Yikes! I hope decent solutions can be found.
I have to comment on a few things again. 3rd ave folks being called "nasty & outspoken" is laughable. A desperate stab at us! We are far from 'nasty' and we have a right to be 'outspoken'. If 'outspoken' means standing up for our neighborhood and for Niwot , than you bet we are. The developers have been very loud in support of their vision but loud does not mean right.
Once again I need to mention the so called 'safety concerns 'voiced by the developers. Unbelievable hypocrisy! First of all , crossing over sidewalks into driveways is seen all over Boulder County and no one is dying from this. Secondly, Ann Postle blatantly created a huge crossover in front of 7 Wealth as well as giving herself 3 parking spots. Seems I read that parking spots are not allowed 7' in front of a structure. Mmmmm.....
The developers (Postel,VonEschen/Meisner) want what they want and I have heard no word of compromise from any of them.
Again, please do not let developers have unlimited use of the alley. It does not 'belong'' to them
Thanks again.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#144]
Date: Saturday, February 16, 2019 8:13:29 PM

Name (optional)	Brad Langdon
Email (optional)	bradlangdon@gmail.com
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer

Please provide feedback on the proposed draft Niwot NRCD regulations. *

I've just been skimming through some of the comments by business owners/developers on 2nd Avenue. A number of times there is mention about the dangerous conditions that exist for pedestrians who have to pass over curb cuts as they walk along the sidewalk on 2nd Ave. I'm for eliminating dangerous conditions, but is walking along 2nd Ave really dangerous? Convince me; present hard data rather than subjective opinions. Has there ever been a study about the "danger" or is the assertion anecdotal, or worse yet, manipulative?

Let's assume, though, that it really is a public danger for pedestrians walking along 2nd Ave. Is the solution to route all that traffic in and out of one place (the open end of the alley at Franklin)? Does that solve the problem or exacerbate danger? Does all that traffic then make that intersection treacherous rather than just dangerous? Am I to believe the business owners/developers want to create a mega-danger?

Of course not.

This is a transparent attempt to plant fear in the absence of facts. And repeating it regularly doesn't make it fact. This is simply a scare tactic.

Absent hard data, there is no reason to close off any of the curb cuts along 2nd Ave and direct any traffic to the alley.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#145]
Date: Saturday, February 16, 2019 8:17:39 PM

Name (optional)	Mark Beran
Email (optional)	medovina@gmail.om
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business owner

Please provide feedback on the proposed draft Niwot NRCD regulations. *

I am a resident of Old Town Niwot. I am willing to support any changes to the Land Use Code that would result a fair resolution of alley access for all stakeholders identified in the 1996 Niwot Alley Study. I have not seen any proposal that is fair to all parties.

I would like to comment on the recent concerns about pedestrian safety on 2nd ave. I cannot recall a single incident of pedestrian safety on 2nd ave in the 33 years that I have been a resident of Old Town Niwot. Also, it is curious that recent developments on 2nd have sacrificed street parking in favor of parking that requires vehicles to cross sidewalks. Further, the same parties that were responsible for such changes are now waving the flag of pedestrian safety. This begs the question of whether the safety issues are a trumped up fabrication of special interests with self- serving agendas. It would be difficult to say with certainty that moving traffic from a known roadway to an alley, potentially with kids at play, is in the better interest of public safety.

I trust the County will not be swayed by false data and their decisions will be based on facts only. I understand the difficult position that the County is in. Some will be unhappy regardless of the final outcome. Knowing that the promulgated solution was as close to fair as possible for all alley stakeholders is the best defense on any and all criticism that surely will follow.

The simple and fair solution to alley access would be an abandonment of the alley in which respective portions there of are deeded to the owners of adjacent parcels on 2nd and 3rd avenues. Clearly, this would not solve all issues at hand. With fairness in mind, perhaps this simple solution could be modified somewhat to serve current needs. However, we must keep in mind that the rights of the alley adjacent owners should not be arbitrarily subjugated to other unrelated interests.
In light of these considerations I propose is that:

1. The alley is vacated as was done in the 80's for Lincoln Street, which paralleled Franklin Street and passed from 2nd ave to 4th ave between the properties at 280 and 308 3rd ave. There is precedence for street vacation in Old Town Niwot.
2. If agreed to by the adjacent residents on 3nd ave, the current usage of the alley by delivery trucks, etc for the Colterra property would be grandfathered as allowable usage.
3. If agreed to by the adjacent residents on 3rd ave, access to the garages that face the alley on the South Paw property would also be allowed.
4. No new vehicular use of the alley would be allowed.

I recognize that the above proposal is not entirely fair and involves sacrifices to stakeholders on both sides of the alley. The above is a compromise, not equally fair to all stakeholders but such is the nature of compromise.

Respectfully,

Mark Beran

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#146]
Date: Sunday, February 17, 2019 2:39:33 PM

Where do you live? Niwot

Please provide feedback on the proposed draft Niwot NRCD regulations. *

February 17th 2019 – COMMENTS REGARDING NRCD REGULATIONS UPDATE:

We would like to give Boulder County a lot of credit for putting together a thorough Staff Report prior to the Planning Commission meeting on February 20th. It is plain that the input from the community was recognized and thoughtfully considered, and the rationale for updating the regulations was also well presented. Overall, we support the updated regulations and see them as necessary guardrails governing future development which will preserve the unique character of Niwot. This will simplify the planning process for developers and residents of Niwot will be able to relax a bit – instead of feeling eternally vigilant about developments that are "built to the max" and incompatible with the character of Niwot. Well done!

Although Boulder County is listening (as they should) to the pedestrian safety concerns on 2nd Ave. as voiced by the business community, these concerns are being used as a rationale for closing off as many as five of the curb cuts on 2nd Ave. and sending traffic down the alley between 2nd and 3rd as an alternative. (One business owner recently rather dramatically described the pedestrian safety issue as a "ticking time bomb" that must be defused immediately!)

In our opinion, this is a false narrative that is not based on facts. We live in Old Town and walk or drive down 2nd Ave. on any given day and at different times of day, and never see "throngs" of people walking down the sidewalk in block 5. Granted, the Trepedda's restaurant space is now in transition (rumor has it that a new restaurant renter is in the works) and Colterra is still in transition as well. There are only two retail businesses on block 5. The others are service businesses that do not encourage browsing by out-of-towners or residents on a regular basis. There is certainly an uptick in pedestrian traffic during downtown celebrations or the summer concern series, but this does not justify such a foolish and short-sighted response. If pedestrian such a pressing safety concern, make the alley an attractive bike and pedestrian bypass.

The only really dangerous curb cut is the one for the three parking spaces in front of 240B 2nd Ave., the Seven Wealth building. The enormous SUV's parked there back out of the space over the sidewalk, rather than driving forward where visibility is less curtailed. In addition to looking oddly out of place, this parking area is a zoning violation currently under review, and doesn't comply with either the past or present NRCD regulations. This curb cut should indeed be mitigated.

Curb cuts are a part of the urban landscape. Visit downtown Boulder or streets like Kimbark in Longmont with both commercial, residential and converted residential establishments. Curb cuts – everywhere! The only kernel of truth in this pedestrian safety issue, is that we live in the age of distraction. Pedestrians and drivers alike need to put their phones down! We encourage the County to conduct a study of pedestrian safety on 2nd Ave. Decisions should be based on facts, not anecdotes.

Also consider the safety ramifications of closing off five existing curb cuts on 2nd Ave. and accessing those businesses with a single alley access point. What if there was a gas leak at the Niwot

Inn? (Gas leaks are fairly common in Old Town due to old infrastructure.) A fire at a restaurant in the Slater Building causing the evacuation of upper residences and adjacent businesses? What if these types of emergencies required a quick evacuation AND a timely response by emergency vehicles? What kind of chaos would ensue with everyone trying to access the alley at the same time? How would that affect the effectiveness of emergency response teams? The input of professional fire and safety personnel is warranted before implementing such a drastic measure.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#147]
Date: Sunday, February 17, 2019 2:41:47 PM

Name (optional)	Victoria Keen
Please provide feedback on the proposed draft Niwot NRCD regulations. *	Please see attached file
Attach a file with comments (optional)	commenttwonrcdupdates.docx 506.88 KB · DOCX

February 17, 2019 - COMMENT REGARDING NRCD UPDATES

We applaud Boulder County Land Use's reasonable and well-thought-out updates to the NRCD regulations, particularly those pertaining to bulk, density, design and massing on a given parcel. We feel that the updates adequately address the deficiencies in the previous code, and will protect and preserve the character of this wonderful little town.

The future of the alley between 2nd and 3rd Ave. and the final configuration/traffic pattern is still nebulous, other than the County stating that all adjacent properties would gain access to the alley. Despite this current state of alley "limbo," alley issues will affect the course of future development and quality of life in many ways, and therefore deserves to be part of the regulation update discussion.

The alley is narrow, currently a dead-end, and about 3 times the length of the alley section to the west. Closing off curb cuts on 2nd Ave. and routing ALL 2nd Ave. traffic down the alley has also been discussed. Who better to address some of the serious problems with this scenario than residents who have lived on this dead-end alley for over 30 years.

As viewed from our backyard at 285 3rd Ave., this picture shows a tandem double-axle moving truck that was parked in the alley by the Southpaw Triplex residences for 4 ½ hours in December of 2018. At one point, the enormous moving van had to drive back out onto Franklin (severely blocking traffic there) to accommodate the Western Disposal trash truck. Due to the narrow constraints in the alley at this point, no other vehicles (small or large) were able to access the alley until the moving van was gone.



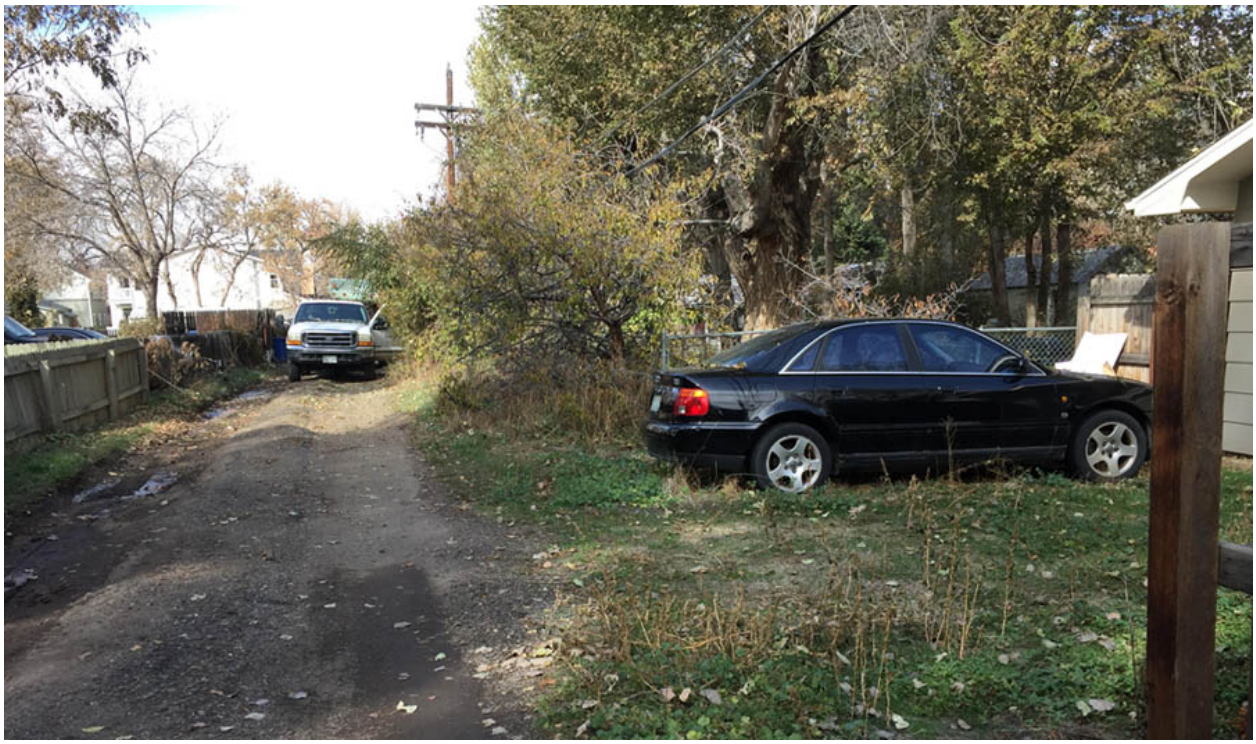
Page Two

The next photo shows a tree service that was parked in the alley **for 3 days solid (8 hours a day)** in February of 2019 to cut down a large cottonwood tree in the adjacent residential property on 3rd Ave. That is Niwot Inn's fence to the south and you can see a small part of Lefty's dumpster to the south in the foreground. Note that Niwot Inn would like to access their parking lot from the alley, (sealing off their curb cut on 2nd Ave.) and proposed residences in back of Lefty's are also proposing daily alley access. This picture demonstrates an obvious conflict with that. Note that the tree equipment truck could not move closer to the service area/residential fence on 3rd Ave. due to possible interference with utility/power lines. Also, as you can see, there is a line of trash receptacles on the south side of the alley. The 2nd Ave. businesses have alley trash pick-up.



Page Three

This photo shows a cable utility truck with a bucket extension in the alley. This was early Fall of 2018. There is a line of utility poles in the alley on the residential side. Note that the bucket truck cannot pull over closer to the residential fences to service the cable due to the power lines. This truck was in the alley for at least 4 hours blocking all alley traffic. This can occur several times a year.



The point is, this is a SERVICE ALLEY and has been so for decades. The residential side does not even use the alley for access other than the one home with a garage on the alley (shown in the picture.)

- There are trash trucks and Ecocycle trucks in the alley three times a week.
- Once Colterra Restaurant is up and running again, there will be delivery trucks several times a week blocking the entrance to the alley on Franklin. And…consider the up-coming demolition of the Colterra "barn", which will require dump trucks and demolition equipment parked in the alley for weeks. Then, of course, the reconstruction of Colterra – more trucks, construction material deliveries, utility work, backhoes, etc. The main sewer line, for example, runs down the center of the alley.
- During construction of Southpaw Commons at 240 2nd Ave., deliveries of construction materials were made in the alley. Just imagine the potential construction traffic with the build-out of the remaining lots on 2nd Ave.; and Niwot Inn and Slater Building want to block off their curb cuts and use the alley as the sole access point to their parking lots???

- Power outages due to wind or snow are a common thing in Old Town. The alley can be blocked for hours while power is restored.
- Xcel comes through the alley at least once a year to clear branches from power lines, blocking the alley for at least 4 hours.
- Residents have landscape materials delivered from the alley – flagstone, tons of garden soil, rock, plants, trees, etc. The alley is really the only way to efficiently access our back yards for these types of deliveries. Piles of stone or soil will be dumped outside our fence so it can be wheel barrowed through the gate and into the back yard.

These conflicts between a proposed increase in local traffic and service, construction and utility vehicles will be ongoing.

Granted, the alley needs some renovation and "beautification." Grading MUST be done with an adequate plan in mind for the whole alley – including drainage. Up to this point, it has been done on a whim (often without the proper permit from Boulder County) and now we can barely open our back gate due to build-up of the alley with road base or excess construction fill dirt through the years.

With "beautification" and proper grading/drainage, the alley would make a perfect pedestrian and bike bypass, if there is such grave concern for pedestrian safety on 2nd Ave. It could even be themed to make it both attractive and educational.

There is a lot of talk about "buffering" in the alley separating the commercial zone from the residential zone. As per the 1996 Alley Study, t**he alley IS the buffer, and has been for decades, serving as a Service Alley that benefits both commercial and 3rd Ave. residential interests.**

Effectively turning it into a roadway with 200+ trips at all hours day and night benefits the commercial interests only to the detriment of the quality of life of residents on 3rd Ave. As a compromise, and adhering to the alley's historic use, perhaps delivery trucks for 2nd Ave. could be permitted to make deliveries from the alley, but other employee, guest, and residential traffic would access as usual from 2nd Ave. Also allow delivery trucks to make deliveries from the alley in western alley section.

Thank you,

Victoria Keen and Mike Selak

285 3rd Ave. – residents for 35 years

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#148]
Date: Sunday, February 17, 2019 2:46:33 PM

Name (optional)	Olivia Snow
Email (optional)	livsnow21@gmail.com
Phone number (optional)	(303) 818-1954
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Please provide feedback on the proposed draft Niwot NRCD regulations. *	Small towns are hard to find, so many end up over developed. I know towns need growth and business, but there is a right way and Wrong way to go about it. Over developing, especially when it effects locals who contribute and support the town. Don't distroyed NIWOT. Let it be a small town. There are better ways than over developing and squeezing as much as people can in to a space. Please, listen to the locals who's lives are affected by all these proposed changes.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#149]
Date: Sunday, February 17, 2019 3:07:51 PM

Name (optional)	Adam Snow
Email (optional)	adamtsnow@gmail.com
Phone number (optional)	(303) 818-8697
Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business customer

Please provide feedback on the proposed draft Niwot NRCD regulations. *

I grew up on the South East side of 3rd Ave in Niwot, where my parents still live and I visit all the time. Whenever I tell someone about the street I grew up on I always begin with the people. They are a family. When I go back and pass one of them on the street they will wave or stop and say hello, they are honestly some of the nicest people I know. They care about one another and their community greatly. They constantly put the needs of others above themselves. They are what a neighborhood should be, and it wasn't until I moved away that I truly realized that 3rd Ave was special and not something you find very often.

I know development is a common thing. It's not always met with open arms from all sides, but it can be a good thing for the community as a whole. When the lot behind my parent's house was developed, at first I was disappointed, but quickly came to realize that it was a good thing for the community. They brought in business and elevated downtown Niwot. The buildings were set far enough away from our residential houses that they didn't tower over us. They brought additional traffic down the alley, but the increase was minimal since they used 2nd Ave as a primary point of entry.

I am gravely concerned with the proposed development of 2nd Ave today. It is not in the best interest of the community as a whole. It absolutely terrifies me to think that a year from now I could go sit in my parent's yard and no longer have privacy. That all of a sudden the yard that my dad has worked on continuously for 20 years so that it would feel private would suddenly become "the view" immediate outside someone's window. That the low-use ally just feet from the back fence would suddenly become a road with consistent daily traffic. All of a sudden our side of the street would go from a quiet and peaceful home to feeling like it's in the median and the need to close the curtains to maintain even a sense of privacy inside the house... the backyard, now a scenic overlook with no privacy whatsoever.

There needs to be standards set and lines that should not be crossed. Once they are breached it's easy to cross those lines just a bit more next time, and a bit more next time. It snowballs into something down the road that cannot be stopped. But we have a chance to stop it now. There needs to be height and density restrictions. Alleyways should be a secondary access point, not the primary access point. Curb cuts have never been a problem (I've walked the streets for years without even the slightest of close-calls) and shared building access is a good idea.

I grew up in Niwot. I worked downtown for over 12 years. I used to walk down that alleyway every single day. I know what high-traffic would do to it and to the daily lives of the residents. I know what

a two-story building backed up to the alley would do. One day, my sister or I might end up living in the house we grew up in on 3rd. It is, and will always be, "our home". The planned development for 2nd Ave would change what that home feels like in a drastic way. It would change what all the homes feel like. If I was developing a property I couldn't do that to another person and their home. It's simply not right.

It's like the Pixar movie UP. There once was a small adorable house in a lovely neighborhood and then suddenly there was no more neighborhood. There were just massive buildings towering around with an owner who feels trapped and the need to move away. Right now there is a chance to stand up and say no, that's not what we want for our community.

I'm sure there are compelling arguments from the other side. But these arguments come from people who don't have to live with the outcome of what is decided. They get to make some money and then go back to their own homes. Their homes that probably don't back up to the kind of building they're trying to put behind other people's homes. My parents, and all my family on 3rd Ave have to live with the outcome every day. They will have to live with their privacy being stripped away, with the added traffic, with the potential loss of house value. My sister and I will have to live with the outcome. I've always thought that people should have the right to build... if they're building in their own backyard. If they want to put up a towering apartment building that provides renters a view into their own home, then let them do it. But when you're building something that is going to affect other people then the thoughts and feeling of those people should matter. It should be of great value and weighed accordingly.

The people of 3rd Ave deserve better. I think it should show a lot that it's not only the people on the south side of the street that have voiced their concerns. It's also the people on the north side. And when people who put others first and care about their community speak up it's probably worth really listening to what they say together.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#150]
Date: Sunday, February 17, 2019 10:31:47 PM

Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer

Please provide feedback on the proposed draft Niwot NRCD regulations. *

The safety issue being trumpeted by the developers is interesting, and seems to have the goal of routing 2nd Ave traffic thru the alley.

Safety as a reason for opening the alley to all traffic is unsupported by actual evidence, and anecdotally, in the 25 years we've lived here, I've never seen or heard of any incidents along 2nd Ave.

There are several obviously staged dramatic photos among these comments, involving women with strollers in near fatal collision with a dark Honda which was exiting parking lot(s) recklessly, but these are just 'fake news'.

. A recently placed asphalt parking lot (which was specifically prohibited by Land Use) on the front of Southpaw requires vehicles to back out across the sidewalk caused no concern for safety when it was constructed. Why is that?

The sidewalk itself has a section near 290 2nd which poses a higher risk than do car/pedestrian conflicts. It has been raised and shifted by tree roots, and has been that way as long as I can remember. It doesnt seem to cause concern.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#151]
Date: Sunday, February 17, 2019 11:12:23 PM

Name (optional)	Dave Snow
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Please provide feedback on the proposed draft Niwot NRCD regulations. *	Attached
Attach a file with comments (optional)	fwd_dc180004_nrcd_regulations_update_217191.eml 10.78 KB · EML

From: 3dsnow
To: 3dsnow@gmail.com
Subject: Fwd: DC-18-0004 NRCD regulations update
Date: Sunday, February 17, 2019 11:03:02 PM

Sent from my Galaxy Tab® S2

-------- Original message --------
From: 3dsnow <3dsnow@gmail.com>
Date: 2/17/19 10:56 PM (GMT-07:00)
To: 3dsnow@gmail.com
Subject: DC-18-0004 NRCD regulations update

The building size issue **(Lot Coverage, FAR**) seems to have been fairly dealt with, leaving developers with the same options. Its over MY head. See Jim & Kim Kalinski's excellent letter (page 221 in public comments)

The **stepped back 30 foot building** is an improvement over Southpaw but not anywhere near the buffer resulting from adhering to 1996 Alley Study recommendations, with parking in the rear. This new version will still cast its shadow over the back 50 feet of our currently sunny yard.

Zero setback is way too little, and in addition to the view of the 15 foot wall, **it will cause a great deal of road noise to be reflected our way from the new 2.5 Ave.** Why less of a setback than Block 3?

Allowing a '**parking on the side**' option seems to be a way to legitimize the Southpaw parking lot, and **entirely misses the point** of having the parking in the rear. Had the Southpaw parking been along the **back** of the lot, its unfortunate impact upon its residential neighbors could well have been mitigated.
The fallout from allowing side lot parking is likely to be 280- 290 2nd Avenue construction can now be up against the alley on the rear of the lot with zero set back, using that Southpaw lot for its parking.

I am concerned about **lowering parking requirements** for new residences. There seems to be no provision for guests and just minimal amount of parking for residents. Niwot is primarily a bedroom community, and from my experience having a car is very important here. Generally two adults mean two cars, leaving no provision for guests, (with an allowance of about 1 1/2 cars per unit). There will be added pressure for parking in the residential areas.

The alley use issue is inextricably tied to the building code issues. Having to rehash an issue

we had thought was settled 20 plus years ago is difficult. We'd thought that a fair compromise was made, and have relied upon it. I question why the policy that allowed such projects as the Slater building and Niwot Inn to be built is being scrapped. It seems that the 1996 Alley Study was onto a solution that has been workable for decades for both residential and business properties.
I'm missing what problems the alley study wasn't addressing.

We are not against developement, but just want some consideration from the developers. Our homes are our investments, as well as our homes. Much as we knew we bought property adjoining commercially zoned lots, the 2nd Ave folks knew that they bought property adjoining residential. There is give and take. How we impact each other matters.

We overlook the few less-than-pleasent impacts from the commercial neighbors, and certainly do appreciate the good they bring. It has really been nice to have such a pleasent downtown within walking distance.

Thanks

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#152]
Date: Monday, February 18, 2019 10:55:25 AM

Name (optional)	Jerry Lumpe
Email (optional)	jdlumpe@gmail.com
Phone number (optional)	(720) 985-6108
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer

Please provide feedback on the proposed draft Niwot NRCD regulations. *

I want to express my concern, as both a resident of Old Town Niwot and regular customer of the Niwot business district, that the county carefully consider the rights of everyone who has a stake in the future of our town. We are all in favor of a vibrant and successful central commercial district. That is best accomplished by insuring that the unique character and charm of Niwot is not sacrificed in the process. It seems obvious to me, as a resident and homeowner watching this process unfold, that we are at risk of allowing a small handful of aggressive developers hijack the future of our town for their own short-term profit. That would be a real tragedy.

This process has already begun with the two recent developments (Southpaw and the SevenWealth building) that are both an eyesore and totally inconsistent with the look and feel of old town Niwot. These projects have the feel of being thrown up in the night while no one was looking, and we are all counting on the County to not let that happen again.

I have attended the public hearings and read the arguments being made by the developers to justify their arguments to overbuild on the lots at the east end of 2nd Avenue and route a huge amount of new traffic down the service alley in the back (i.e., in the residential district). The claims of a pedestrian safety "crisis" on 2nd avenue are an outrageous and transparent attempt to create a non-existent problem to justify their case. We walk up and down 2nd Avenue all the time and have never seen anything that looks like a safety problem for pedestrians.

Also, case in point – if this concern for the safety of pedestrians on the sidewalk were genuine, why did the developer of the SevenWealth building move 3 public parking spaces on 2nd Avenue from the street ACROSS SAID SIDEWALK onto private property? This requires any car using these spaces to cross the sidewalk unnecessarily, half the time in reverse! (Not to mention the fact that, from this citizen's perspective it looks for all the world like the County just allowed this developer to steal public property – street parking – and privatize it. When is this outrage going to be addressed and corrected?)

I have no problem with new development in downtown Niwot, which is clearly needed and inevitable. But there is plenty of opportunity for both developers and business owners to make a profit while maintaining guidelines that preserve the character and feel of Niwot. This is what brings customers to Niwot in the first place, and preserves the quality of life for local homeowners.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#153]
Date: Monday, February 18, 2019 11:08:33 AM

Name (optional)	James Kalinski
Email (optional)	lefthanddesign@1526spruce.com
Phone number (optional)	(303) 447-2926
Where do you live?	Niwot
Please provide feedback on the proposed draft Niwot NRCD regulations. *	Please see the attached letter. Thanks
Attach a file with comments (optional)	nrcd_zoning_regs.docx 8.08 MB · DOCX

Response to Boulder County Draft Proposal to Zoning regulations for NRCD:

Staff asserts that the recent South Paw Commons development has "provided some benefits in that it helps maintain the rural district by breaking up facades". As one can see from the picture below, we as residents of Third Avenue have a different perspective on these so-called "broken up facades". **A)** Alley side of South Paw



Apparently, staff's only concern, is how a development appears from Second Avenue. But, even there, the development has not provided significant "openings for landscaping". In the front, developers installed a three-car wide parking lot adjacent to the street, backed by a two-story box. And behind this box are 3 residential monolithic units flanked by a 50 foot+ wide parking lot extending from the street to the alley.



B) South Paw Commons from 2nd Avenue

C) South Paw Commons from 2nd Ave





South Paw Commons "opening for landscape" from East & contribution to "pedestrian friendly" 2nd Avenue

There is nothing semi-rural about this development. It's what you get when the county abandons the development guidelines of the Niwot Alley Study of 1996.

Alley access is a key component for the redevelopment of lots in Block 5 and yet the County has kicked that can down the road. We need a comprehensive plan that addresses all of the issues, not a piece-meal solution that excludes the alley. The County staff asserts that they will have to "grant additional access to the alley to meet the design guidelines"? So, they plan to throw out the Niwot Alley Study that was undertaken by County Staff, at the direction of the County Commissioners (after they came out and inspected the alley) back in 1996. The guidelines from this study were enforced in the Site Plan Reviews of the Niwot Inn and Slater Building, both of which are appreciated by the residents and business community, alike. These buildings give a commercial front to the business district, pleasantly landscaped pedestrian space adjacent the sidewalk and provide the homes on Third Ave some breathing room.

To satisfy the County Staff's new "design guidelines" (think -South Paw Commons), the staff proposes allowing regular commercial traffic down the 20-foot wide, dead end alley (its actual width is restricted in places by telephone poles and the encroachment of the Colterra's property to 18 foot or less). The county's own transportation guidelines require a 30-foot right-of-way. We have yet to hear from the County on how a 20-foot alley qualifies for Parcel Access, when their own regulations call for 30 feet?

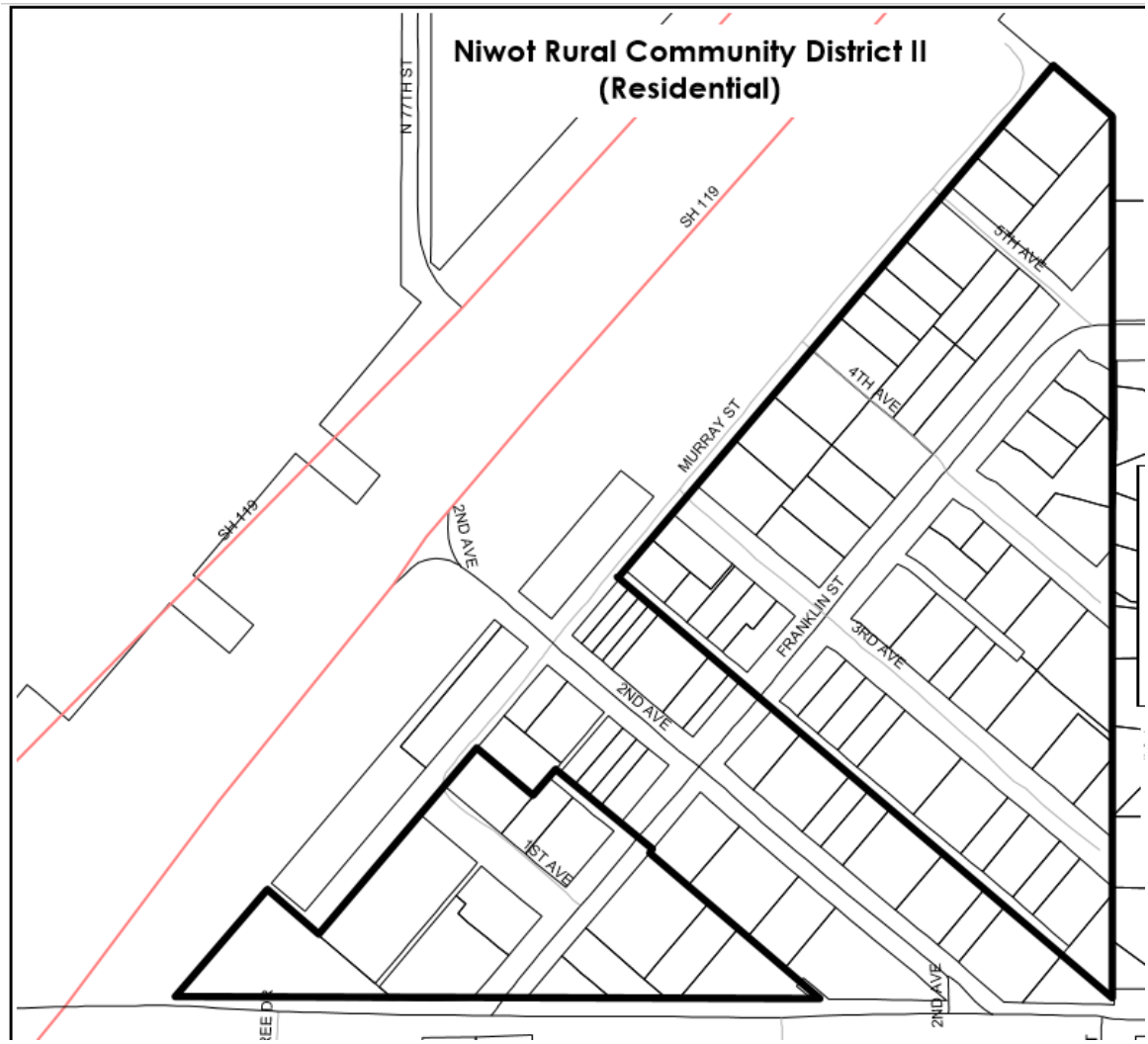
Boulder County Multimodal Transportation Standards

Table 5.5.1 Parcel Access Design Standards

	One-Lane Access		Two-Lane Access	
	Plains	Mountains	Plains	Mountains
# of units	1 - 5		6 - 15	
Travelway Width (8' turnouts 8'x 55' incl. tapers - required every 400')	10'	12'	18'	18'
Surface Course	Per geotechnical report[1]		Per geotechnical report	
ROW/Easement Width (min.)	20' 28' w/turnouts		30'	

Currently the alley is used for trash service and emergency vehicles (as necessary). This amounts to maybe 10 trips per week. Developers have been proposing traffic down the alley of 100 trips (minimum) per day based on their own calculations with more than that possible depending on County actions.

The staff also states: "providing access from the alley for the parcels on 2nd Avenue…will help promote the transition from intense commercial area to the residential areas behind." To the contrary, allowing commercial traffic to access the alley brings the "intense" commercial activity into our back yards. The County plans to convert what has served as a buffer between commercial and residential neighborhoods for the last 50 years into a commercial thoroughfare akin to 2nd Avenue itself. The negative effects of this are many: noise pollution, light pollution, exhaust pollution, ease of criminal access, danger to foot traffic, traffic conflicts. In addition, because the alley is currently not paved or maintained, the issues of who is responsible for developing and maintaining it come into play. The county's own zoning map demarcates the boundary between residential & commercial along the rear lot line of the commercial properties. Our residential neighborhood begins with and includes the alley. We do not want it flooded with commercial traffic.



D) Residential boundary includes alley

It is our opinion that commercial property development should pay its own way and be held accountable for minimizing impact on neighboring properties. In addition, it should be required to provide positive value to the whole community, not just the land developer. Commercial development reaps all of the benefits of their development, they should be held responsible for sustaining all of the negative impacts of that development, not the adjacent residential community. Disregarding the Niwot Alley Study provides no positive value to the community as a whole. Reduction of driveways cuts through shared access agreements would accomplish the same result without destroying the neighboring residential community.

Should it be allowed, there is the potential for the residents of Third Avenue being taxed to fund alley maintenance and access to the commercial properties. In essence, we would be funding commercial development which degrades our quality of life and devalues our property.

The county seems to be misrepresenting the nature of property access along 2nd Avenue. Along the north side of 2nd Ave. (Block 6), two of those properties use their entire frontage for property access (Niwot Rental & Feed and Gunbarrel Motors). On the south side, curb cuts currently exist for every property except Colterras. South Paw has two: (3-parking spaces across the sidewalk & a driveway into their parking lot); Niwot Inn: one; Leftys: one; Slater Building: one; Meisner property: one (off of Niwot Road); and the Osmosis properties have one. That adds up to seven current access points on the south side of the street (not 5 as the County contends). No additional driveways would be needed for the development of the remaining developable lots. Seems to be some curious spin by County staff? Staff further declares: "the implementation of older policies has resulted in unintended negative consequences" which include "the development of several separate access points off 2nd Ave.". Ironically, the two properties guided by the Niwot Alley Study have only one access point per property, while the new South Paw Commons development, which ignored the Alley Study, has two access points – one being around 30 feet wide (standard drive cuts are 18 feet). Also, ironic and obviously disingenuous is the developer of South Paw Commons current advocation for public safety. How can one install three parking spaces on their property that require cars to back over the public sidewalk and then suggest that existing driveways are too dangerous for the rest of the block? (See photo **B**)

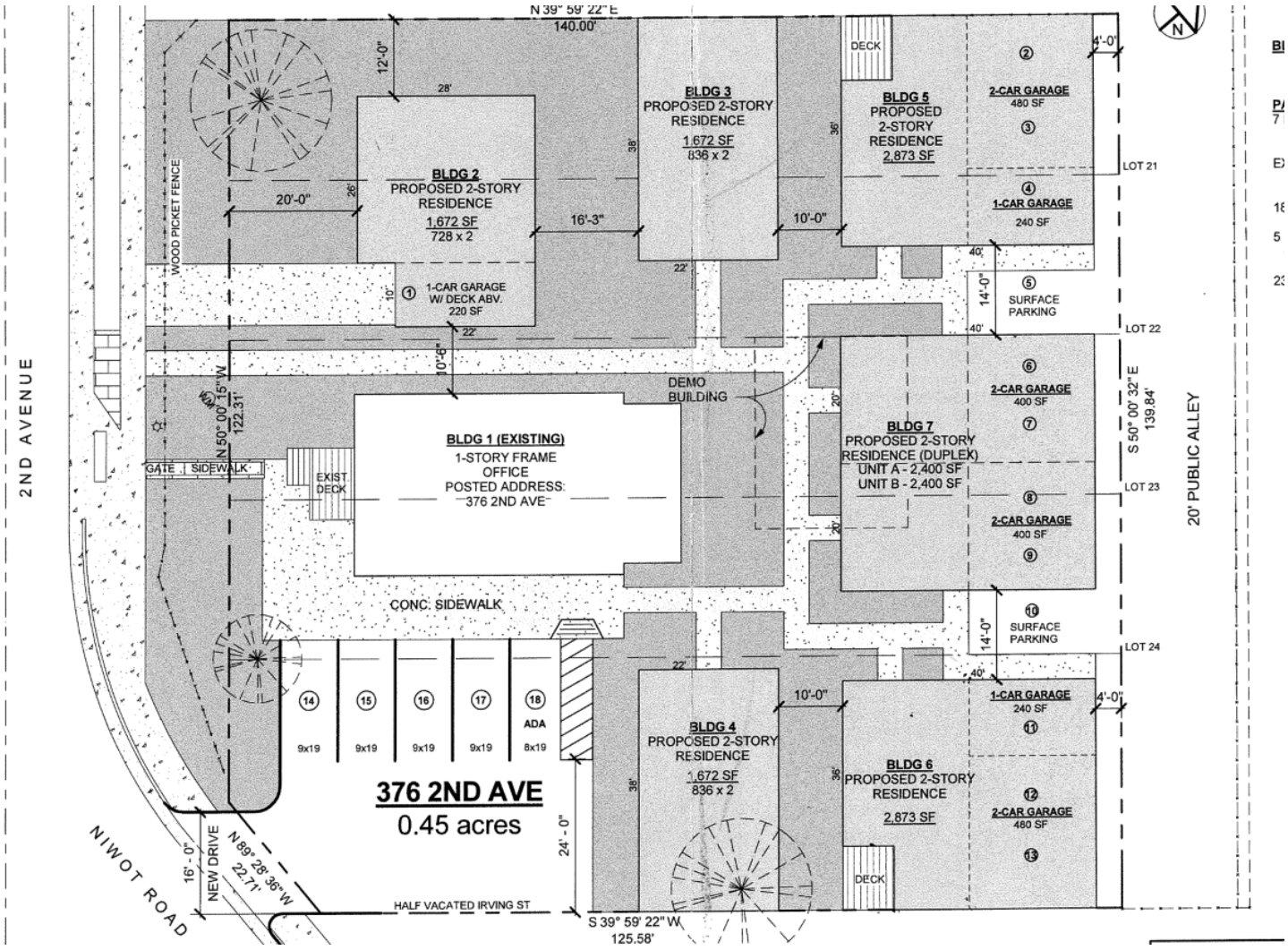
The current draft has no restrictions on the number of single-family homes on an individual parcel. Restrictions on the number of dwelling units are only being imposed on mixed use projects, essentially, encouraging developers to build single-family homes and avoid the restrictions that come with mixed use. This will not help businesses in the downtown business district or LID taxes, a real "unintended negative consequence".

We applaud the height limitation on the back 25 feet of 2nd avenue commercial property in block 5, however the precedent of the Niwot Inn's 35' setback seems more appropriate. The County's own illustration of solar shadows indicates that the shadow cast into our backyards with the 25-foot setback is 29 feet vs the 36 feet South Paw it currently casts. A 19-foot shadow with 35' setback seems more reasonable.

E) Niwot Inn from our kitchen window – 35' setback – still "looming"



Although the current draft proposal has some positive regulations with regard FAR, building coverage restrictions, and rear 2nd floor setback requirements, it is inadequate in not definitely addressing the crucial issue of alley access. The absurd assertion that commercial access to the alley would promote the transition from commercial to residential by County staff is ludicrous. And, suggesting that the South Paw Commons development is an improvement over the Niwot Inn and Slater Building is equally inexplicable. If the current draft proposal is approved as written, downtown Niwot will be overrun by high density residential developments shoehorned into the remaining downtown lots. The preliminary proposal for the Meisner property calls for five new single-family residences and a duplex, built around the existing dentist's office. The proposed FAR & building coverage restrictions would cause the floor area to be reduced by maybe 25%. The developer has already publicly stated that he would just remove the attached garages to meet the FAR requirement.



F) Proposed "subdivision" of Meisner property – but without actually subdividing?

So, actual increase in population density and traffic would not be appreciably affected. The new regulations do nothing to control this kind of development in the downtown (Beyond a slight reduction in size). And it appears that the County is bending over backwards to route traffic to this development down our service alley to facilitate the proposed density. This, in itself is fairly curious, because the property currently has direct access to Niwot Road, a seemly more appropriate & convenient way to enter the property with the proposed heavy traffic, rather than routing it circuitously thru an established single-family residential neighborhood. And, of course, the developer is requesting a new curb cut, which he has already claimed are an extreme danger to pedestrians. Apparently, not if the driveway serves his property. And, it should be noted that the new driveway would require the automobile to back across the public sidewalk when it is exiting the property!

If the county wants to guide the future growth of Niwot to reflect it's current and historic character, it would do well to impose a maximum limit on the number of homes per lot, whether attached or detached. In addition, mandating that new development should provide for their own parking infrastructure on their own property and not export it into our residential neighborhood. (i.e.: using the alley to meet parking backup requirements) would help to reduce density.

The net result is the conversion of the commercial, downtown business district into high density residential development. (Think Superior) (See following photo G)



G) Superior's high-density residential development run amuck

This is not what the business community needs and it does nothing to reinforce the historic character of the town or Niwot's designation as "semi-rural". Note that there are only a limited number of commercial lots in Niwot.

In summary, the County plans to abandon the directives of the Niwot Alley Study because of "unintended consequences". What are these consequences? 1) Commercial properties use their driveways to access 2nd Ave. and 2) Large buildings were built along the commercial street that help define and sustain the business district while providing some relief to the neighboring residential community.

And what are the new unintended (but obvious) consequences will we get from the new zoning regulations?

1) Downtown will be converted to cookie-cutter, high density residential units that neither support the existing business community nor reinforce the Niwot "brand".
2) "Dangerous" curb cuts. (See illustrations B & F) require cars to back over city sidewalk.
3) Commercial development within 4 feet of their rear property instead of the 35 feet or more with the Niwot Inn and Slater buildings. (See illustration F)
4) Commercial traffic down a dead-end service alley of over 100 trips a day vs 12 per week

And what is supposedly gained w/ the County's new zoning regulations?

H) Compelling landscape slots**?**



I) Attractive alley-scape, respectful to neighbors?



J) Pedestrian friendly business frontage?



K) Well proportioned & respectful to historic district?



Bader House (aka "Colterra's) vs South Paw Commons

And what (2) buildings were spawned by the Niwot Alley Study's "unintended consequences"?

L) Slater Building: providing commercial frontage with pedestrian friendly streetscape.



M) Niwot Inn: Pleasant façade, welcoming streetscape

N) Niwot Tribune building: seamless addition facing Franklin – size not preferred by county staff?



County staff seems to be trying to preserve a downtown Niwot that no longer exists. Besides the Niwot Inn and Slater Buildings on the east end of 2nd Avenue, there are several other relatively large buildings that work for the community while providing a pleasant, pedestrian friendly streetscape.





By instituting polices that promote high density residential development, they will be destroying downtown Niwot, not preserving it. The County's proposed regulations will irreparably damage the fabric of the downtown business district for the sake of some meager landscape slots (10 feet wide) and what appears to be no touted reduction in existing driveways, but instead, an actual increase, if developer's have their way. And, by opening the alley to commercial traffic to facilitate a high-density residential "subdivision", they will degrade the quality of life and property values of adjacent single-family residences. The existing Niwot Alley Study of 1996 directives have been effective in controlling development for the benefit of both the business and adjacent residential communities. (When the county enforced them). We encourage their continued use and enforcement as well as a rethinking of the current proposed changes to the zoning regulations. The new "unintended consequences" are readily apparent, but County staff seems hell bent on jamming them down our throat. Clearly they don't live here!

Sincerely:

Jim, Kim, Amy & Quinn Kalinski

343 3rd Avenue, Niwot

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#154]
Date: Monday, February 18, 2019 11:44:11 AM

Name (optional)	Linda Herring
Email (optional)	herring_linda@msn.com
Phone number (optional)	(303) 532-6292
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Please provide feedback on the proposed draft Niwot NRCD regulations. *	Please do not make Niwot a ghost town! We desperately want to have a vibrant downtown, with restaurants and shops. Our community is being put at great risk by these moratoriums. Our home values will be affected and then our schools. There is a ripple effect that is very costly to the future of our community.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#155]
Date: Monday, February 18, 2019 12:04:16 PM

Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Please provide feedback on the proposed draft Niwot NRCD regulations. *	As a resident of Niwot, I like to support local businesses and do not want to drive into Longmont or Boulder for going to restaurants or shopping. It is essential that we allow Colterra to continue with their restaurant plans and allow future development of downtown Niwot. It does not make sense from an environmental prospective to make people go elsewhere for all shopping and entertainment. Niwot has a charming downtown area with alot of potential. It does not make sense to change the zoning and not allow new development to this vital area of Niwot.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#156]
Date: Monday, February 18, 2019 12:58:10 PM

Name (optional)	Scott Firle
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Please provide feedback on the proposed draft Niwot NRCD regulations. *	Changing the zoning code to appease the few is not in Niwots best interest. Please allow the Niwot Moratorium to expire and keep the current zoning rules in affect. It is important that we have a vibrant old town Niwot and that we allow mixed use projects. like Colterra, to move forward within the current zoning regulations.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#157]
Date: Monday, February 18, 2019 2:15:26 PM

Are you a? (check all that apply)	• Niwot business customer
Please provide feedback on the proposed draft Niwot NRCD regulations. *	Kudos to the Land Use Department for the hard work. Niwot has always been one of my favorite small towns to visit, and preserving its quaint charm requires a common vision for development. A large part of Niwots appeal lies in its architecturally varied downtown, with both green and shaded spaces with scattered shops, and the old time attached business buildings. Hopefully these changes ensure that the town survives any future development with its soul intact!

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#158]
Date: Monday, February 18, 2019 2:55:44 PM

Name (optional)	Roseline Lee-Yow
Email (optional)	rleeyow@msn.com
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Please provide feedback on the proposed draft Niwot NRCD regulations. *	We need the restaurants to maintain a vibrant and lively downtown Niwot. This is why we moved here 11 years ago. We are now down to only two restaurant (1914 & Niwot tavern), with Colterra and Trepedas closed. Don't turn downtown Niwot into a ghost town.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#159]
Date: Monday, February 18, 2019 4:26:11 PM

Name (optional)	Carol Smith
Email (optional)	carolonlee@yahoo.com
Phone number (optional)	(303) 530-6990
Where do you live?	Outside of Niwot

Please provide feedback on the proposed draft Niwot NRCD regulations. *

As a 15 year resident of Gunbarrel, my husband and I STRONGLY support the need for more restaurants and business development in this very special village like community. We moved here from a similar community called Sewickley, Pa. and Niwot is the best hope for a small thriving business area that has the real feel of a village. Boulder just continues to grow with more traffic and parking problems and we enjoy the simplicity of using Niwot, especially for dining out. We miss Colterra terribly and have looked forward to its reopening. Please consider the importance of this small village as an alternative to the increasing congestion of Boulder and a place to walk, shop and eat without dealing with the awkwardness of accessing Boulder shopping district. Thank you. Carol Smith

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#160]
Date: Monday, February 18, 2019 5:45:59 PM

Name (optional)	Larry Domnitz
Email (optional)	LDomnitz@aol.com
Phone number (optional)	(303) 444-5667
Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business customer
Please provide feedback on the proposed draft Niwot NRCD regulations. *	To Whom It May Concern, My Wife and I frequent several downtown Niwot Businesses: Niwot Market, Left Hand Animal Hospital, 1914 House and Colterra when it was still operating. We had been Customers at Colterra for about 10 years and are very hopeful that we will have the opportunity to return as a Customer once they able to get back up and running. We hope the City will see its way to allow and to help this very fine Restaurant return to regular operations. Thank you for your time and consideration.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#161]
Date: Monday, February 18, 2019 6:10:54 PM

Name (optional)	Jenine Rubin
Email (optional)	jwr@innolution.com
Phone number (optional)	(303) 652-0557
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Please provide feedback on the proposed draft Niwot NRCD regulations. *	I have lived in Niwot since 1995 and have seen the downtown area change radically in that time. Running a retail business has plenty of challenges, the addition of the County altering the rules for density is an unnecessary burden. The rules for density should be applied consistently particularly since the downtown is only a couple of blocks long. Please reconsider how you are affecting the local businesses before making such substantial changes.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#162]
Date: Monday, February 18, 2019 6:34:52 PM

Name (optional)	Dave Snow
Email (optional)	3dsnow2@gmail.com
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer

Please provide feedback on the proposed draft Niwot NRCD regulations. *

I am glad to see the lot coverage and FAR in the proposed changes to the NRCD guidelines. It does keep those things in check a bit and seems to allow developers room to build viable projects.

While I appreciate the Second Story setback along the alley, having a zero set back for the lower story will result in noise and dust pollution being immediately reflected into the residential yards.This could be mitigated by (1) preferably returning to the parking along the rear of the lot as was the precident for years, or if that is not an option, (2) having a setback to allow room for shrubs to help muffle and settled dust; setting the 30-foot maximum building height back to 25 feet-plus-the-setback-for-the-bushes would be helpful. The solar exposure loss will be sorely felt as the resulting shadow will cover our four-season 'sunroom' during the winter.

There is quite a bit of talk about eliminating curb cuts along 2nd Avenue in the comments for this issue. Most of these comments make it sound as though walking down 2nd Avenue is treacherous. It is not. I've walked it several times a week for 25 plus years and have never been involved in or witnessed a dangerous encounter involving a pedestrian and a vehicle. I trust that the county will study this issue formally before taking drastic action. One way of eliminating curb cuts with the least damage and the greatest good for residents as well as businesses would be to work out shared curb cuts off of 2nd Avenue. This seems like a viable alternative for VonEschen as well. The proposed Voneschen project has two of its own curb cuts that have been used for years without any issues of which I am aware. Large FedX and UPS vehicles stop there multiple times in any given week, and current tenants vehicles seem unscathed.

Rerouting that traffic down a block and a half long alley would be most unpleasant for the residences on 3rd, effectively putting a street in our backyard, not to mention being a hassle for the tenants in the new complex.

The intent of an alley was for access to the rear of the lots and for service vehicles. It was not meant to be the primary access to an apartment complex. Besides the noise and dirt impacts, the safety issue seems as it should be a nail in the coffin for that idea. Any large vehicle in the alley such as trash or delivery trucks will make it impossible for a second vehicle to pass through. There are spots where telephone poles are 3 ft into the easement making it under 17 feet wide. While I am hopeful that the size and lot coverage guidelines will prompt Voneschen to rethink his design to allow for access via 2nd Avenue instead of through the alley.

Most of the business properties use the alley for secondary access already, the Meisner building, Lefty's, osmosis, and Southpaw all use the alley for access to their lots. Currently the Inn and the Slater buildings use the alley only for service vehicles for occasional service vehicles, as there is no vehicle gate.

The big hit for us comes if VonEschens development is allowed to use the alley as a driveway for its entire complex, and the other buildings then follow suit meaning access to the Southpaw parking lot and the Inn and the Slater building and osmosis. All of these businesses have viable options already, which have worked SAFELY for years, and leaving alley use as it is, is aconsiderate way of keeping their business traffic from having 'signifacant negative visual impact on the'...'neighborhood character of the surrounding area' (Land Use article 4: 4-806 10)

Thank you

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#163]
Date: Monday, February 18, 2019 6:39:25 PM

Name (optional)	Tracey Snow
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer

Please provide feedback on the proposed draft Niwot NRCD regulations. *

.....and one more thought.....this word 'treacherous ' being thrown around by VonEchen in regards to the curb cuts.....honestly that has to stop. There has been no study; there is no proof of any kind and those of us who have lived here in Niwot for many years know this allegation to be false. No one has been endangered as there is currently plenty of visual clearance at all curb cuts. (truly the only actually dangerous one is by the Storm Mountain brick structure on the other block of 2nd). This bogus safety issue is only a ploy to get alley access. Enough with this disingenuous rally cry.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#164]
Date: Monday, February 18, 2019 6:50:22 PM

Name (optional)	Kimberly Kalinski
Email (optional)	kim.kalinski@q.com
Phone number (optional)	(303) 667-6827
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Please provide feedback on the proposed draft Niwot NRCD regulations. *	see attached file
Attach a file with comments (optional)	response_to_boco_218.docx 15.12 KB • DOCX

Ever since Southpaw Commons was thrust onto the scene and our streetscape, we Third Avenue residents have been on the defensive to prevent additional high density, thoughtlessly designed monolithic monstrosities being built which violate the semi-rural charm of Niwot. Frankly, it's been an exhausting long-term process, raising the question "Why are we being forced to go through all this just to defend our quality of life?" In public comments of record, our actions are described as "vitriol coming from neighbors" (p242), and that Third Avenue residents who represent the minority view have started a "CIVIL WAR…expecting that they have the absolute right to demand changes to the code that take away the rights of the Commercial property owners" (p179). It is further suggested that Boulder County "give less consideration to view(s) of neighbors who only wanted nothing to change in their back yard even when they didn't (sic) own it," leading to "discussions unproductive when it became obvious that the residents simply want no development to occur"(p290-291).

Nothing could be further from the truth. **Unanimously, we are not against development and improvement for the benefit of Niwot**, as we have stated time and time again. Certainly, we all want to see our businesses and business neighbors thrive, and intelligent, cooperative planning for the future can ensure this.

We just want to maintain and preserve our quality of life in our little neighborhood, a value every citizen has a right to pursue. Ours is a diverse and cohesive neighborhood, members ranging from retired couples having raised families and lived here for 30-40 years, to our newest arrival due to be born February 28, 2019. We don't have attorneys to draw up the issues we raise, and we don't submit our concerns on land developer letterhead. We hold meetings in each others' living rooms and talk about our concerns: the overdevelopment and density that threaten the charm of Niwot, unsightly building and landscape designs, commercial properties and alley traffic encroaching on our property lines, and what the "future Niwot" will look like after developers who have no stake in our town have built their projects and left.

On a larger scale, we are hearing a lot lately in the national news about how a "manufactured crisis" unsubstantiated with hard facts and reliable data can be attempted to whip up public sentiment to generate support for individuals for the

purpose of carrying out their personal gains and agendas. Well folks, looks like that's just what we have right here in Niwot: claims of "treacherous sidewalks" and "near misses" between cars and pedestrians, baby carriages and teenagers on skateboards creating an emergency situation justifying future development agendas. **Where** are the actual studies and hard data about pedestrian peril which are being used to justify opening the Third Avenue alley to 100+ trips per day and diverting commercial and residential traffic from 2nd Avenue? Guaranteed, when alley traffic increases more than 10-fold, as is being proposed, pedestrian peril and traffic headaches will indeed inevitably follow, and then we will see the self-fulfilling prophecy of this "manufactured crisis".

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#165]
Date: Monday, February 18, 2019 7:41:04 PM

Name (optional)	Nick Dunbar
Email (optional)	Nick@dunbarhomestead.com
Phone number (optional)	(303) 562-5808
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business owner

Please provide feedback on the proposed draft Niwot NRCD regulations. *

I own 165 2nd avenue in Boulder. There is no need to amend the current land use. Niwot is literally dying and this will kill it. The people that are doing these projects our local people that are invested in the community. It is very difficult to make a business work in Niwot and the new ammendments would make it even more difficult. I have sympathy for the neighboring residential but they knew they were living by commercial and that this could potentially happen. Myself as well as other property owners bought these properties knowing we could operate under the current land use. The residential should have done their dilligence like we all did. Trying to put a cap on the commmercial is silly in our historic commercial part of the town. Please make the right choice. The town has some committed people who are reviving it and things are slowly heading in the right direction. Again these are local people invested in our community. But the new regulations will sink us. Thanks for your consideration.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#166]
Date: Monday, February 18, 2019 7:44:02 PM

Name (optional)	carol olden
Email (optional)	carolmolden@gmail.com
Phone number (optional)	(303) 301-4187
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer

Please provide feedback on the proposed draft Niwot NRCD regulations. *

County Commissioner,
As a resident of Niwot and someone who has invested my families life savings in this town, I'm very concerned about the direction Boulder County is taking in regards to growth in Niwot. We need more vibrant businesses to attract people to shop and dine in Niwot, not less.
Having Colterra as a dining option, was one of the reasons we decided to move to this town in the first place. It feels sad and empty now that so many businesses have closed in recent months. Please reconsider the moratorium on smart growth in this town. What a shame it would be to see Niwot turn into a run down ghost town.

Thank you,
Carol and Eric Olden
8425 Firethorn Ct.
Niwot

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#167]
Date: Monday, February 18, 2019 9:58:11 PM

Name (optional)	Karen Lumpe
Email (optional)	jklumpe@comcast.net
Phone number (optional)	(720) 234-5851
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer

Please provide feedback on the proposed draft Niwot NRCD regulations. *

I have lived in Niwot 3 years – moved from GunBarrell Green since 2004 – I thought Niwot was a charming place – I envisioned walking and going to the local market (I have yet to go back to king soopers) and find community – to make use of part of my home to teach students young and old to make clay like the native Americans did and to teach mediation and yoga – to open my home to my community in ways that support them in this life creatively and spiritually – I thought that this effort would also help my community as I would direct them to the charming downtown during workshops and before and after classes – maybe I naively thought we were going to be a little Santa Fe vibe community with emphasis on the arts– culture.....is all of Niwot life simply eating at Colterras? Treppedas? even Howard Treppeda worked tirelessly to bring us Jazz on 2nd – the artists and visionaries are the actual lifeblood of any town – Colterras Bradford Heap is passionate about what we eat and teaches others – the art of farm to table –.....why is he still complaining loudly ?? I though t he was exempt from restrictions that would keep him from rebuilding? – will Ann Postle not rent spaces to him as she indicated so that she has a way to hold him over the fire to bind him to her agenda???
.....will we have more owners of properties who raise the rents so high that all the really cool people leave – what our store fronts are resigned to are businesses that offer nothing to purchase – no affordable food – not open for lunch – etc..... I don't believe these developers can't make money– but its a question of how much – I watch as buildings that have amazing heavy carved wood doors are left to rot with peeling paint and then charge outrageous rents no small business can afford – I hear that a great little bakery was looking to expand but didn't trust Niwot to support it .....are 10 more people on 2nd ave going to make that difference??? boulder county I wouldn't want your job – but if your job is to help Niwot thrive , how can you not envision an arts and education center????? why do we zone only for residential and commercial as if that is the lifeblood of a town?? clearly many business owners make faulty decisions from what to sell to how much insurance to purchase. to how many business partners to team up with .....this is not the fault of my neighbors on 3rd ave but I guess I don't have to tell you that – and you can see the trumped up excuse of 2nd avenue being so dangerous these two developers simply must have their way ! I suspect "this is not your first rodeo " . boulder county .....ive talked to a lot of people these past months and 100% abhor the Southpaw development – it is so awkward as to be jarring – I long for the builder of the Niwot Inn and the spa building who had the sensibility that knew how great architecture was created – it begins in the heart of the artist who understands how to create the space that nourishes the soul – who understands that the surrounding landscape needs the landscape architect – this is what brings people in = we are drawn to the energetic qualities of art that emulates nature – is there any higher calling? Brian Bair was at our meeting advocating for business to do as they wished – someone of his caliber could be working for the future generations of this town if he could be persuaded to put his

weight behind a small cultural arts center .....why was our town not aware of the Colorado creative industries ??This initiative from the state of Colorado stimulates community and economic development in rural, small town and mountain communities by providing long-term affordable and financially sustainable workforce housing and working spaces for creative sector employment.? our town is named for chief Niwot - a representative of a people whose guiding principles considered every major decision based on the effect of the next 7 generations- without a cultural center Niwot will be just another louisville (which is cool) , but they already have one - can we be a beacon for even boulder?? longmont ? the word RURAL is not only hard to pronounce but it has a nuanced meaning- it describes not only an area with cows and crops but it describes an ideal .....what does a rural ideal look like ??? this is the artists job - the poets - the spiritual leaders - a place that at its center is the community where we gather and share and grow.....we prosper not only from the crop yield or the anchor store of Colterra but form the growth of the arts that are made possible from the fruits of those labors - the community has labored hard and can find time to eat - drink - dance = paint- enjoy the culture they they collectively create - we here in Niwot sit at the tipping point of a new direction - how can the county and the state support the best we can give?

good luck dear leaders - im tired too - our papers are full of reports of the new generations struggles with anxiety in a world where they seem to have no voice - can we say we have asked them what they want in this town?? another skate park ? is this all we have taught them to wish for??? more pools??? yes I guess after all , this is Niwot - few kids are even spotted in town.....what do we have to offer them?? 20 and 30 somethings drive to louisville because we suffer from a lack of vision and maybe a lack of help pointing us to a way of life that is in danger of not knowing how to actually live inspired .....that is the role of the artist - the musicians and poets - gentrification always follows them - pay attention - listen when they speak - they bring the people to town even when nothings open.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#168]
Date: Monday, February 18, 2019 11:42:23 PM

Name (optional)	Danielle Mason
Email (optional)	dmason@naropa.edu
Phone number (optional)	(720) 257-2994
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer

Please provide feedback on the proposed draft Niwot NRCD regulations. *

To Whom it May Concern:

My family and I have lived in Old Town Niwot for 11 years, and visited regularly for two years prior to that, looking for a home, while we waited for our condo in Boulder to sell. We found our perfect home and we have never looked back. We love living in this small town and we love how it has grown and flourished over the last decade. When we moved here there wasn't a whole lot going on and we did all of our shopping and dining outside of Niwot. There were years when it felt like a ghost town, which was very disheartening. However, that all changed when quality businesses and restaurants like Colterra became known all over Boulder County. The unbelievable popularity of musical events like Rhythm on the Rails, and the 2nd Ave. Jazz Festival, brought thousands of people to our special town each summer. Our town was thriving, store fronts were filled and with First Fridays, downtown Niwot became a place we wanted to be at night and on weekends, a place we would invite friends and out of town guests to visit - my mom, a New Yorker, bought a condo here because she loved the vibrant place it had become. Even older businesses like The Niwot Market and Treppeda's upped their game and became much-improved versions of themselves.

That is beginning to change, and it feels awful to see key storefronts staying empty, Colterra not being re-built, Treppeda's closing overnight - why are you creating conditions that will turn us into a ghost town again? How can you allow one short street of residents decide the fate of our thriving downtown? What about the thousands of other residents of Niwot? Why don't we get a say in what our town will be, and why don't the thousands who disagree with the restrictions you are imposing, have more weight than the few who live on Third Ave.? I'm all for those residents having their grievances addressed, but there has to be a way for that to happen without our town going down in the process.

Please don't ruin our beautiful, creative, classy town, and force many of us to leave Niwot to bring our business elsewhere.

Sincerely,
Danielle Mason

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#169]
Date: Monday, February 18, 2019 11:46:01 PM

Name (optional)	Cynthia Gonzales
Email (optional)	cstar_gonzales@yahoo.com
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business employee • Niwot business customer
Please provide feedback on the proposed draft Niwot NRCD regulations. *	100% for Colterra re-opening... as well as Lefty's being ok'd to revamp

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#170]
Date: Tuesday, February 19, 2019 7:58:05 AM

Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer
Please provide feedback on the proposed draft Niwot NRCD regulations. *	Against these changes being made and moratoriums on building.. we want Niwot to continue to be a place where we can access restaurants and shopping as well as it being a Destiination for others to come to. Keep Niwot and vibrant !

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#171]
Date: Tuesday, February 19, 2019 8:34:20 AM

Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business customer
Please provide feedback on the proposed draft Niwot NRCD regulations. *	Downtown Niwot needs all the help it can get!! Colterra is a gem.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#171]
Date: Tuesday, February 19, 2019 8:34:23 AM

Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business customer
Please provide feedback on the proposed draft Niwot NRCD regulations. *	Downtown Niwot needs all the help it can get!! Colterra is a gem.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#172]
Date: Tuesday, February 19, 2019 12:03:33 PM

Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer

Please provide feedback on the proposed draft Niwot NRCD regulations. *

I own and live at my residence on Franklin just a block or so from 2nd Ave and our lovely Niwot downtown. I love the "feel" of the west side of Franklin with little to no setbacks in the front and short-term parking along 2nd Ave. It is inviting, walkable, and the patio in front of Old Oak is lovely. I would love to see something similar on the east side of Franklin - keep short-term parking in the front along 2nd Ave, decrease set-backs in the front along 2nd and focus on commercial development with residential allowed ONLY above commercial and only 2-story maximum for new development - and buildings should remain front-facing towards 2nd Ave. Keep larger set-backs for buildings from the alley - no more condos being built right on and facing the alley - that does not keep with the feel of Niwot. Do allow for employee/resident parking in the back - similar to west of Franklin where it goes right up to the alley - this also acts as a buffer between the businesses and residents on opposite sides of the alley.

I have heard that parking for downtown is being considered between Murray and the railroad tracks - could this alleviate short-term parking concerns along 2nd Ave? Could parking requirements for businesses be reduced if there is nearby overflow parking? I don't understand why a traffic study hasn't been completed for 2nd Ave and the alley? This seems a big sticking point on both sides and some actual data could potentially help this discussion.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#173]
Date: Tuesday, February 19, 2019 4:21:14 PM

Name (optional)	Robert H
Where do you live?	Niwot

Please provide feedback on the proposed draft Niwot NRCD regulations. *

I'm a Niwot resident. I saw this comment site link posted by "Catherine McHale" of "McHale Marketing" on Facebook under the heading: "Did You Know Boulder County is trying to change downtown Niwot?" HA!! I started laughing because it's a bald faced lie. The people trying to change Niwot's character are some of the existing property and business owners, as well as some of the new property and business owners on 2nd. Avenue and at the"Garden Center". Several of the property owners on 2nd. somehow previously obtained building permits and constructed multiple ugly two story apartments in the alley between 2nd. Ave and 3rd. Ave. More two story apartments were constructed further South in the same alley. This should NEVER have been allowed by Boulder County. The alley is now a mud hole in the winter, or after any significant rain. The renters are unhappy and the owners are trying to turn the alley into a paved street that comes out on 2nd. Avenue (or somewhere). It is an outrage. I'd hope that Boulder County orders the apartments to be torn down and the Niwot Business Association to be fined one million dollars. It would serve all of the greedy sanctimonious NBA liars right. They have already destroyed Niwot's character and they don't care. They only see $$$$. In fact, per the dishonest posting on Facebook, I hope they are not only prevented from further bastardizing beautiful sleepy Niwot, I, and many other Niwot resident's, hope the "NBA" ceases to exist and the developers "Get the hell outta Dodge".

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#174]
Date: Tuesday, February 19, 2019 10:53:11 PM

Name (optional)	Joel Thomas
Email (optional)	joelongmont@hotmail.com
Phone number (optional)	(303) 651-3863
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business owner
Please provide feedback on the proposed draft Niwot NRCD regulations. *	Keep your brown shirt goons in Boulder.

From: Wufoo
To: joelongmont@hotmail.com
Subject: Niwot NRCD comment form
Date: Tuesday, February 19, 2019 10:53:14 PM

Thanks for your comments. We value your input, and hope to see you at upcoming public meetings.

Questions? Please contact Jose Ruano at jruano@bouldercounty.org or 303-441-3922.

Sign-up for notices of public meetings at:
http://bit.ly/BCLandUseCodeUpdates

Niwot NRCD comment form

Name (optional)	Joel Thomas
Email (optional)	joelongmont@hotmail.com
Phone number (optional)	(303) 651-3863
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business owner
Please provide feedback on the proposed draft Niwot NRCD regulations. *	Keep your brown shirt goons in Boulder.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#175]
Date: Wednesday, February 20, 2019 11:04:59 AM

Name (optional)	Suzanne Drinkard
Where do you live?	Niwot
Please provide feedback on the proposed draft Niwot NRCD regulations. *	I love the charm of Niwot. That is why we moved here. Please do not take the possibility of losing it with the proposed new land use code. If passed, it would be a travesty!

From: Wufoo
To: chb@mmeplus.com
Subject: Niwot NRCD comment form
Date: Wednesday, February 20, 2019 12:25:19 PM

Thanks for your comments. We value your input, and hope to see you at upcoming public meetings.

Questions? Please contact Jose Ruano at jruano@bouldercounty.org or 303-441-3922.

Sign-up for notices of public meetings at:
http://bit.ly/BCLandUseCodeUpdates

Niwot NRCD comment form

Name (optional)	Catherine Brown
Email (optional)	chb@mmeplus.com
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer

Please provide feedback on the proposed draft Niwot NRCD regulations. *

Dear County Commissioners,

My family and I moved to Erin Court in Niwot last year exactly because of the vibrant small town community feel we sensed when we toured it. People told us how great the small downtown was. When we saw 2nd Avenue, we fell in love and knew it was exactly where we wanted to raise our children. It was during our lunch at Trapedda's that we decided to make an offer on our now home. Since then, however, we have seen the small downtown area become vacant and depressed. The zoning restrictions are preventing prior businesses from refurbishing and new businesses from developing --devastating our small, neighborly community which had been a gem in Boulder County.

We need restaurants and shops and business services in downtown Niwot along the once charming Second Avenue to support a desirable neighborhood life. I have read the information about what is being proposed and it feels very appropriate - indeed an asset and attraction for the area. My family loves to ride our bikes downtown and want to patronize the local businesses but it is becoming frankly, depressing to be there. We have seen a significant decline in people out and about in the months we have lived here. The boarded up restaurants and shops feel, as my six year old described, "spooky." This is a significant decline in our quality of life as a community. We are concerned that property values will soon decline too.

I am unable to attend today's meeting because I have two young children who come home from school at 3 pm but I urge you to release the moratorium on development for the 2nd Avenue

corridor and Cottonwood Square. You have the opportunity to revitalize the Niwot community and make it once again a small town gem in Boulder County.

Sincerely,

Catherine H. Brown

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#176]
Date: Wednesday, February 20, 2019 12:25:20 PM

Name (optional)	Catherine Brown
Email (optional)	chb@mmeplus.com
Where do you live?	Niwot
Are you a? (check all that apply)	• Niwot business customer

Please provide feedback on the proposed draft Niwot NRCD regulations. *

Dear County Commissioners,

My family and I moved to Erin Court in Niwot last year exactly because of the vibrant small town community feel we sensed when we toured it. People told us how great the small downtown was. When we saw 2nd Avenue, we fell in love and knew it was exactly where we wanted to raise our children. It was during our lunch at Trapedda's that we decided to make an offer on our now home. Since then, however, we have seen the small downtown area become vacant and depressed. The zoning restrictions are preventing prior businesses from refurbishing and new businesses from developing --devastating our small, neighborly community which had been a gem in Boulder County.

We need restaurants and shops and business services in downtown Niwot along the once charming Second Avenue to support a desirable neighborhood life. I have read the information about what is being proposed and it feels very appropriate - indeed an asset and attraction for the area. My family loves to ride our bikes downtown and want to patronize the local businesses but it is becoming frankly, depressing to be there. We have seen a significant decline in people out and about in the months we have lived here. The boarded up restaurants and shops feel, as my six year old described, "spooky." This is a significant decline in our quality of life as a community. We are concerned that property values will soon decline too.

I am unable to attend today's meeting because I have two young children who come home from school at 3 pm but I urge you to release the moratorium on development for the 2nd Avenue corridor and Cottonwood Square. You have the opportunity to revitalize the Niwot community and make it once again a small town gem in Boulder County.

Sincerely,

Catherine H. Brown

From: Wufoo
To: glenn.krum@comcast.net
Subject: Niwot NRCD comment form
Date: Tuesday, February 26, 2019 3:06:54 PM

Thanks for your comments. We value your input, and hope to see you at upcoming public meetings.

Questions? Please contact Jose Ruano at jruano@bouldercounty.org or 303-441-3922.

Sign-up for notices of public meetings at:
http://bit.ly/BCLandUseCodeUpdates

Niwot NRCD comment form

Name (optional)	Glenn Krum
Email (optional)	glenn.krum@comcast.net
Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business customer
Please provide feedback on the proposed draft Niwot NRCD regulations. *	Please allow restaurants to rebuild ad re-establish in the district otherwise it may die out.

From: Wufoo
To: Ruano, Jose; Hackett, Richard; Case, Dale; Wobus, Nicole; Grimm, Denise
Subject: Niwot NRCD comment form [#177]
Date: Tuesday, February 26, 2019 3:06:56 PM

Name (optional)	Glenn Krum
Email (optional)	glenn.krum@comcast.net
Where do you live?	Outside of Niwot
Are you a? (check all that apply)	• Niwot business customer
Please provide feedback on the proposed draft Niwot NRCD regulations. *	Please allow restaurants to rebuild ad re-establish in the district otherwise it may die out.

Emailed Comments

osmosis
art and architecture

September 25, 2018
Boulder County Commissioners
Dale Case, Land Use Department Director
Denise Grimm, Senior Planner

Dear Boulder County Commissioners, Dale Case and Denise Grimm.

I was blindsided and very disappointed in your very secretive and ill-informed decision to impose a moratorium on development projects in the NRCD. Clearly, transparency in your government is not a goal. There were many opportunities to get feedback from the commercial property owners who are affected by your moratorium. Instead, you bulldozed it through with no prior notice and no consideration of the projects that are currently in process.

As commercial property owners within the NRCD, we have a clear understanding of the rules of the zone. The setbacks, height limits, allowed uses, and parking requirements, along with the other requirements listed in the NRCD design guidelines handbook, all paint a very clear picture of what is allowed. Combined with a knowledge of how the code has been interpreted for the last 25 years, we have felt very safe moving forward with design for two of our properties. The neighbors across the alley are very vocal opponents to any new development. They consider the alley between their properties and the commercial properties to be theirs alone, best served when full of 12-18" deep muddy potholes and ruts. Land Use and Transportation staff have supported them in making our alley their private open space. The notion that Niwot should have two different alley standards within a 2-block stretch is ludicrous, but supported by your staff.

The only reasons that I did not submit my project months ago were:

1. My husband's health has been declining and we have had many challenges with determining proper care and treatment, and
2. I have designed three different options for my properties, each moving a bit closer to what I think will appease the neighbors. This extended and expensive design time has drastically slowed my process. I was on schedule to meet with the adjacent neighbors to share my final design in November (a promise I made months ago) and submit for SPR in December…until hit with your moratorium.

Our properties at 280 and 290 2nd Avenue have existing historic buildings that while not landmarked, have value to us and to the community, and we choose to preserve them. The location of the existing buildings forces us to put any additional buildings on our site at the rear of the property. Design #1 had two different 2-unit residential buildings on each site. The units were 1200-1400 s.f. with one car garages. We did not access the alley. The buildings were much smaller than our townhome building at 240 2nd Avenue.

With the vitriol coming from the neighbors in mind, Design #2 reduced all units to approx. 1,200 s.f., with most windows not facing the alley to maintain the neighbors' privacy. The roofs were all hipped to lower the massing.
The latest argument to come from the neighbors is that they don't want residential uses. I have always felt that residential uses along the alley work as a good buffer to the more intense commercial uses along 2nd Avenue, but I was willing to look at a commercial option.

Design #3 has only commercial uses and no alley access. The leasable square footage is the same as Design #2, but since we don't have garages, the building is smaller. All designs rely on a 5' rear yard setback, where 0' is required.

The ugly reality of this argument, is that the only reason that the neighbors don't want residential is because they think they could lose the fight to prevent residential access to the alley. They have a better chance

290 Second Ave. I PO Box 1024 I Niwot, CO 80544-1024
P 303.652.2668 I F 303.652.2717
osmosisarchitecture.com

preventing commercial access to the alley. Sadly, your staff has been unwilling to support the property owners' rights to use the public alleys, which have been platted since 1875. From a letter to the NBA from the County Attorney in 1997 we understand that 'each adjacent property owner is equally vested in the right to use, maintain and improve the alleys in a manner which would not interfere with the use of the alley by the other adjacent property owners.' I would love to have a conversation with you about the advantage of alleys keeping automobiles from crossing the pedestrian sidewalk, and pulling the cars away from the pedestrians…a good planning practice that works very well throughout the country…AND in the NRCD block west of Franklin but is not allowed in our block...ridiculous!

Not many of the property owners in the NRCD can provide their own architecture, so few could spend the time and resources necessary to create 3 different design options, just to attempt to appease neighbors who will fight everything we propose. But we live in Niwot, work in Niwot, own a business in Niwot, own rental property in Niwot, and volunteer in Niwot. WE LOVE NIWOT. Our commercial district has so much potential and opportunity, but we are handcuffed by County Commissioners and Land Use Staff that only want to freeze Niwot in time.

Now you want a 'PAUSE'. Pause is such a benign word. It doesn't show the underlying evil intent to strip your commercial property owners of their property rights and give them to a few very vocal neighbors. It doesn't show the loss of thousands and thousands of dollars invested in architectural drawings that you have made worthless. It doesn't show the opportunity cost in a delay of 6 arbitrary months while you figure out exactly how to strip away your commercial property owners' rights.

The NRCD has long struggled. I own a retail business so I have a very clear understanding of the difficulty in keeping a retail business viable. Now you want to take the same NRCD code that allowed the jewel that is the first block, and revise it to ensure that something so wonderful could never be created again.

Where is your VISION? When did you decide that saying NO has more value than doing something GOOD! Are you proud of your underhanded and secretive strategy, where Land Use Staff simply stopped answering questions about new projects since they were working on this secret moratorium? Is this the integrity and transparency in our elected officials that we should expect? We deserve better. It is beyond my comprehension that you could think this is an acceptable way to govern a County.

I hope you have second thoughts. I hope you think that zoning matters, and that the rules in a zone should not be revised to steal property rights from commercial property owners. I hope you care about your Comprehensive Plan and your Sustainability Goals, and don't just cave in to the most NIMBY voice. This Moratorium should end immediately. It is wrong. Any 'clarifications' written to the NRCD section of the Land Use Code should reinforce the current rules, and clarify that the way that the code has been interpreted for the last 25 years will be your standard moving forward. Anything else is stealing from your commercial property owners.

Until we meet,

Anne Postle, AIA
Osmosis Art and Architecture
A.E. Olson, LLC
Postle Properties IV, V and VI

Jim Postle
Postle Properties IV, V and VI

290 Second Ave. I PO Box 1024 I Niwot, CO 80544-1024
P 303.625.2668 I F 303.652.2717
osmosisarchitecture.com

September 27, 2018
Boulder County Commissioners
Dale Case, Land Use Department Director
Denise Grimm, Senior Planner

Dear Commissioners, Dale and Denise,

I want to strongly protest the NRCD moratorium on development and demand that it be immediately rescinded. I own a mixed-use property in the NRCD which I am renovating and developing. I submitted a Site Plan five months ago, which should have been a standard review but has been repeatedly, intentionally delayed by the Land Use and Transportation departments.

I have accommodated a multitude of unnecessary and time-consuming requests from Land Use and Transportation. When I submitted the final, definitive TSIR (traffic study) for this property on September 11, *before* the moratorium was issued, I was expecting a timely turnaround of the SPR. Instead, I was ambushed days later with yet another massive delay in the form of a six-month moratorium while Land Use and Transportation attempt to reinvent the wheel concerning previously well-established rules and regulations for development in Niwot.

The alleged issue with the SPR is the use of the alley but there should be no confusion on this topic:

- The alley is a public right of way. It is NOT the personal property of the residents to the north.
- There are unambiguous state and local practices for alley use. My use is being arbitrarily restricted under the guise of NRCD "policies" which are actually just observations from a 22-year old non-binding study.
- In 1997 the County Attorney's Office issued a statement which clarified, "…the primary historic use of these alleys has been access to the adjacent properties by the owners or their designees, and *each adjacent property owner is equally vested in the right to use, maintain and improve the alleys in a manner which would not interfere with the use of the alley by the other adjacent property owners*."
- I was told on August 7th by Mike Thomas that the alley cannot accommodate the added residential traffic. However, when pressed for an amount of residential traffic that the alley *would* be able to accommodate, he replied that he "*didn't know and therefore wouldn't allow any*."
- A third-party traffic study engineer determined that other municipalities along the front range allow alleys to have an average daily traffic (ADT) of 200 vehicles per day. The total generated by our proposal, plus the current traffic, would be approximately 100 ADT – well under the established acceptable usage.

I request that our County government uphold the clear and straightforward rules regarding public rights of way. I believe Dale Case and Denise Grimm's personal agenda of zero growth in Niwot is harmful to Niwot and directly counter to the Boulder County Comprehensive Plan's statement that "Niwot is planned to be the only designated service area within the subregion and the geographic area wherein *the majority of future growth will be accommodated*."

The financial ramifications of a continued moratorium are extensive. My project alone will lose $18,000 in commercial rental income over the next six months in addition to the $35,000 we have invested in planning and traffic studies which are rendered useless by the moratorium. I am eager to make Lefty's a charming attraction for the community and instead it remains an eyesore. I bought the property over a year ago and I should have the entire project completed by now if standard guidelines had been followed.

As a Boulder County citizen and property owner, I ask that you rescind this moratorium immediately. All Niwot business owners, property owners, residents, LID and NBA members are being negatively affected by the moratorium.

The ability to vote on the fate of our businesses and community was taken from us in 2012 with the revisions to Article 4-116 of the Boulder County Land Use Code. Property owners at the time believed they were voting solely on amending parking regulations but were also inadvertently agreeing to a politically motivated removal of their own right to vote on future code amendments. Therefore, I also ask that the original Code's item A1, requiring "written consent of greater than 50% of the owners of building lots within the NRCD … be obtained prior to approval of any text amendments to the District Development Plan" be reinstated.

Thank you for your consideration.

Bob Von Eschen

Von's 7, LLC
3445 Penrose Pl. #230 Boulder, CO 80301
Cell: (303) 668-7620 email: bob@vonscolorado.com

September 27, 2018
Boulder County Commissioners
Dale Case, Land Use Department Director
Denise Grimm, Senior Planner

Dear Commissioners, Dale and Denise,

We were shocked by the sudden moratorium within the NRCD and we strongly demand that it be immediately rescinded. We own a mixed-use property in the NRCD which we are renovating and developing. We submitted a Site Plan five months ago, which should have been a standard review but we have been repeatedly, intentionally delayed by the Land Use and Transportation departments.

We have accommodated a multitude of unnecessary and time-consuming requests from Land Use and Transportation. We submitted our final, definitive TSIR (traffic study) for this property on September 11, *before* the moratorium was issued, and we were expecting a timely turnaround of our SPR. Instead, we were ambushed days later with yet another massive delay in the form of a six-month moratorium while Land Use and Transportation attempt to sort through the previously well-established rules and regulations concerning development in Niwot.

The alleged issue with our SPR is the use of the alley but there should be no confusion on this topic:

- The alley is a public right of way. It is NOT the personal property of the residents to the north.
- There are unambiguous state and local practices for alley use. Our use is being arbitrarily restricted under the guise of NRCD "policies" which are actually just observations from a 22-year old non-binding study.
- In 1997 the County Attorney's Office issued a statement which clarified, "…the primary historic use of these alleys has been access to the adjacent properties by the owners or their designees, and *each adjacent property owner is equally vested in the right to use, maintain and improve the alleys in a manner which would not interfere with the use of the alley by the other adjacent property owners*."
- We were told on August 7th by Mike Thomas that the alley cannot accommodate the added residential traffic. However, when pressed for an amount of residential traffic that the alley *would* be able to accommodate, he replied that he "*didn't know and therefore wouldn't allow any*."
- A third-party traffic study engineer determined that other municipalities along the front range allow alleys to have an average daily traffic (ADT) of 200 vehicles per day. The total generated by our proposal, plus the current traffic, would be approximately 100 ADT – well under the established acceptable usage.

We request that our County government uphold the clear and straightforward rules regarding public rights of way. We believe Dale Case and Denise Grimm are kowtowing to a small minority of residents because those residents' goals match their own publicly-stated, personal agenda of zero growth in Niwot. Their no-growth objective is harmful to Niwot and directly counter to the Boulder County Comprehensive Plan's statement that "Niwot is planned to be the only designated service area within the subregion and the geographic area wherein *the majority of future growth will be accommodated*."

The financial ramifications of a continued moratorium are extensive. Our business alone will lose $18,000 in commercial rental income over the next six months in addition to the $35,000 we have invested in planning and traffic studies which are rendered useless by the moratorium. We are eager to make Lefty's a charming

attraction for the community and instead it remains an eyesore. We bought the property over a year ago and we should have the entire project completed by now if standard guidelines had been followed.

As Boulder County citizens and property owners, we ask that you rescind this moratorium immediately. All Niwot business owners, property owners, residents, LID and NBA members are being negatively affected by the moratorium.

The ability to vote on the fate of our businesses and community was taken from us in 2012 with the revisions to Article 4-116 of the Boulder County Land Use Code. Property owners at the time believed they were voting solely on amending parking regulations but were also inadvertently agreeing to a politically motivated removal of their own right to vote on future code amendments. Therefore, we also ask that the original Code's item A1, requiring "written consent of greater than 50% of the owners of building lots within the NRCD … be obtained prior to approval of any text amendments to the District Development Plan" be reinstated.

Thank you for your consideration.

Bob Von Eschen
Scott Von Eschen

Von's 7, LLC
3445 Penrose Pl. #230 Boulder, CO 80301
Cell: (303) 668-7620 email: bob@vonscolorado.com

September 27, 2018
Boulder County Commissioners
Dale Case, Land Use Department Director
Denise Grimm, Senior Planner

Dear Commissioners,

As residents of North Boulder, we have long enjoyed shopping and dining in Niwot. The summer "Rock 'n Rails" concerts and dinners at Colterra are favorite leisure activities and we have sorely missed Colterra during its closure due to fire damage. We recently learned that their reopening has been delayed by another six months because of a development moratorium in Niwot. We strongly request that this moratorium be rescinded immediately and the business in Niwot be allowed to progress.

We vividly remember the Niwot of less than a decade ago – a desolate strip of vacant buildings with little to no commerce and actual tumbleweeds rolling down the main street. The handful of existing shops (remember the Berry Patch?) were in a constant struggle to keep their doors open in what was essentially a ghost town. Over the years, as Niwot growth and development were encouraged, the community and its businesses have prospered but the local economy remains vulnerable because of its small size.

Local merchants agree that the absence of Colterra and the lunchtime foot traffic it brought into downtown on a daily basis has hugely impacted their sales. As a community, we need to help Colterra reopen sooner, not later. We need to help the other businesses who are trying to invest in Niwot's development be allowed to do so. None of us in the area want to see a repeat of Niwot in 2010 when over a third of the commercial spaces were vacant. We want to keep Niwot a charming, engaging little town that offers an abundance of shopping, dining and recreational activities for everyone. The only way to do that is to rescind the moratorium and allow Niwot to continue to develop and thrive.

Thank you for your consideration,

Xan Rubey
303-808-5554
xanaru@icloud.com

Adam Rubey
303-506-8945
adamrubey@gmail.com

September 27, 2018
Boulder County Commissioners

Dear Commissioners,

I work in North Boulder, near Niwot and for years I have enjoyed lunch time there. I have pizza at Lefty's and then stroll around town taking in the quaint shops. I have been looking forward to Lefty's being remodeled into the kind of restaurant that I can take my family to as well but now I hear that it has been delayed by a moratorium on building in Niwot.

I'd like to ask the Commission to reconsider this moratorium. The last few times I have been to Niwot for lunch, I was almost the only person there! It's such a cute little town, I'd hate to see it fade away. I know the moratorium is not permanent, it's only six months, but six months can definitely make or break a business. Especially if the business was already struggling for the last year while waiting for permission to renovate.

Let's not let any more Niwot businesses suffer from a halt on building and growth. Please lift the moratorium!

Thank you,

Wanda Langenback
wanda.langenback@hotmail.com
720) 402-1935

WCM

www.niwotlaw.com

Bruce W. "Biff" Warren
Attorney at Law
bwarren@niwotlaw.com

September 27, 2018

Boulder County Commissioners
Dale Case
Denise Grimm
Via email only

Re: Moratorium on NRCD Applications

Dear Cindy, Elise, Deb, Dale and Denise,

I have worked with each of you for many years on land use matters and issues of concern to Niwot, and to Boulder County. I have to say I am personally disappointed, actually appalled, that you would take the action you did to impose a moratorium on development applications in the Niwot Rural Community District.

What you did is not only unnecessary and harmful, but contrary to the principles under which I always want to believe Boulder County operates. Furthermore, it hurts the Niwot community, about which I care deeply.

In a legal sense, what you did is issue an injunction without notice or an opportunity to be heard from those most affected. Boulder County should be better than that. While a legal challenge to the moratorium would likely be ineffective, the moratorium violates principles of due process of law that this country holds dear.

I will have much more to say later, but I want to add my voice, not as an NRCD property or business owner, but as a Niwot and Boulder County citizen, to those who oppose the moratorium, and ask you to immediately rescind it as improvidently granted.

Sincerely,
Warren, Carlson & Moore, LLP

By: Bruce W. Warren

6964 N. 79th Street
P. O. Box 610
Niwot, Colorado 80544-0610

WARREN, CARLSON & MOORE, L.L.P.

(303) 652-2433
(303) 652-2449 FAX

From: Tony Santelli
To: Boulder County Board of Commissioners; Case, Dale; Grimm, Denise
Cc: Bair, Brian; Wobus, Nicole; Ruano, Jose; Conarro, Tim; Coonce, Mary; Coonce, Tim; Ditzel, Jim; Edwards, David; Bradford Heap; McHale, Catherine; Meisner, David; Anne Postle; Postle, James; Santelli, Tony; VCC, Admin; Von, Bob; biff warren
Subject: NRCD Moratorium: NBA Letter.
Date: Thursday, September 27, 2018 7:59:00 PM

Dear Boulder County Commissioners, Dale Case, Denise Grimm

Moratoriums are often enforced in times of financial hardships. Precipitous drop in the stock market triggers a moratorium on trading to give investors breathing time to make rational decisions.
Business bankruptcies trigger a moratorium on paying creditors to enable failing business time to structure a transformation plan, are two examples.

The purpose is to help businesses navigate difficult times. A joint decision that is accepted by both business and government.

The Niwot business community has been generating positive momentum over past years. Momentum is critical to business vitality.

Arbitrary business moratorium is effectively hitting the brakes on the engine of future growth and dynamism.

Investments are the fuel to sustainable dynamic business activity. Delaying investments is counter strategic and risks reversing positive momentum. And sucking the “animal spirits” out of the business economy.

This potentially risks creating irreparable damage that will reverse the gains Niwot businesses have achieved, as reflected by the increasing Sales taxes since 2010.

The Ghost town environment of the pre 2010 period with more than 30% vacant retail and office space, is a memory that energizes the Niwot business community.

One of the critical success factors helping drive this business transformation was the cooperative partnership between the BCC and the business community through the LID. The annual BCC ,LID, NBA meeting is a crucial pro business vehicle for discussion of key business issues to insure we are always on same page.

This moratorium, out of the blue, with no prior warning, is totally outside the spirit of cooperation that has been fundamental to a thriving business environment, over these past years.

Businesses require a predictable environment to succeed over time. The trust established over these years will be lost and the spirit of cooperation will be badly damaged unless this

moratorium is lifted quickly.

We strongly recommend lifting this moratorium immediately to allow the natural flows of the business cycle to proceed uninhibited.

Tony Santelli
NBA President

From:	Anne Postle
To:	Case, Dale; Grimm, Denise; Boulder County Board of Commissioners
Cc:	Tony Santelli; Bruce W. Warren; Tim and Mary Coonce
Subject:	Letter from Commercial Property Owners Concerning Moratorium
Date:	Friday, October 5, 2018 4:03:51 PM
Attachments:	doc201[redacted]10.pdf

Dear County Commissioners Dale Case and Denise Grimm,

Attached is a letter from more then 2/3rds of the property owners in the NRCD. Prior to 2012, this would have been enough to ensure that no moratorium could be imposed, and no changes to the code that affects our properties could be enacted.

Since we no longer have the right to keep the County from changing the rules without our permission and input, we wanted to make it very clear that you are acting against our wishes.

Anne Postle, AIA
Osmosis Art and Architecture
290 2nd Avenue
PO Box 1024
Niwot, CO 80544-1024
(303) 652-2668

------ Forwarded Message --------
From: scans@osmosisarchitecture.com <scans@osmosisarchitecture.com>
Date: 10/5/2018 3:55:40 PM
Subject: Scan From Osmosis Architecture
To: apostle@osmosisarchitecture.com

This is a scan from the copier at Osmosis Architecture

TASKalfa 300ci
[00:c0:ee:4b:62:67]

Boulder County Commissioners
Dale Case, Land Use Department Director
Denise Grimm, Senior Planner

September 28, 2018

Dear Boulder County Commissioners, Dale Case and Denise Grimm,

As commercial property owners within the NRCD, we strenuously object to the recently established moratorium on processing development applications. The moratorium has a tremendous negative effect on our businesses and our commercial neighbors, and it is unreasonable that this was enacted without any prior notice or discussion with those affected.

We are all concerned that the end result of this moratorium will be a change to the current NRCD code that takes away our property rights. Any change that increases our setback requirements, limits our allowed uses, or changes the way that the code has been historically interpreted takes value and potential away from our properties. We are especially concerned that this 're-write' to the code provisions has already begun, without any input from property or business owners, and we fear that the public meetings are only a PR step prior to your enactment of these changes. The secrecy exhibited prior to the moratorium and the lack of any spirit of cooperation shown to date leaves us very fearful.

As stated in Boulder County Comprehensive Plan NIW 1.03: 'New business, commercial, and industrial uses shall be situated within "Community Service Areas" in order to be within a close proximity to the shopping public and respective labor forces, as well as to move toward the goals of reducing energy consumption and attendant commuter time.'

'Niwot is planned to be the only designated service area within the Subregion and the geographic area wherein the majority of future growth will be accommodated. It is, therefore, the intent of the following policies (NIW 2.01-NIW 2.14) to acknowledge Niwot as a "Limited Community Service Area".' Your actions prevent the NRCD from meeting the goals of the Comprehensive Plan. Any NRCD code revisions that limit the development potential of our commercial properties beyond the long-established current limits goes against the Comprehensive Plan and your Sustainability goals.

The Components of Niwot's "Semi-Rural" Character include: Business uses that are primarily oriented to the local community or otherwise compliment the "Semi-Rural" character of the community. For over 25 years, the NRCD regulations have effectively guided development in the NRCD, and representations that they "are not adequate to provide the necessary direction in reviewing development projects", or that there is a sudden emergency justifying a moratorium are simply false.

The NRCD is a very unique zone in Boulder County. We are challenged with providing the commercial uses that support the residents within our Community Service Area. This moratorium puts a halt on our property owners' ability to improve their properties to meet the needs of our local community.

By immediately ending this unnecessary moratorium, and directing your Land Use Staff that the intent to any code revisions should not be to steal property rights from your commercial property owners, you would show that we can trust our elected officials to follow the law, follow the goals of the Comprehensive Plan and honor and respect our property rights.

Sincerely,
Commercial Property Owners in the Niwot Rural Community District

Name	Signature	NRCD property address
Anne Postle		290 2nd Avenue
Jim & Anne Postle		280, 240 & 104 2nd Ave.
Kay Rollman		291 2nd ave.
Steve Rollman		291 2nd ave.
Jon Jelosek		283 2nd Ave
Cotton Burden		136 & 263 2nd Ave.
Mary Cooper		102 2nd Ave Niwot CO
Deb VonEschen		364 2nd Ave Niwot.
BRADFORD FRAYFICAR		137 2ND AVE. NIWOT, CO
Caroline Wise		190 2nd Ave Niwot Co
	Related Investment	201 Mercy Street Niwot, Co
DAINA ROANE		149 2nd Ave Niwot CO
Cornelia Saville		342 2nd Ave, Niwot CO
Dr. Janine Malcolm		165 2nd Ave, Niwot CO
Gil and Bernadette Reed		300 2nd Ave Niwot CO
Santelli for Brad and Heap		210 Franklin Street, Niwot
Michelle Kenzel for David Meisner		376 2nd Ave, Niwot

From:	timconarro@gmail.com
To:	"Xan Rubey"; "Kelli Bairin"; "Brian"; Wobus, Nicole; Ruano, Jose; "Mary"; "Tim"; "Jim"; "Cheryl Edwards"; "David"; "Bradford Heap"; "Catherine"; "David Meisner"; "David"; "Anne Postle"; "James"; "Tony"; "VCC"; "Admin"; "Bob Von Eschen"; "Bob"; "biff warren"
Subject:	NRCD Moratorium: Community Resident Letter
Date:	Friday, September 28, 2018 9:22:38 AM

Sept 28, 2018

Dear Boulder County Commissioners and County planning staff,

As a Niwot resident and the owner of a business located in downtown Niwot, I urge you to immediately lift your moratorium on new development applications in the NRCD. This decision on your part was unwise and it is dangerous to our community. From 2007 to 2010 we had a 30% vacant rate in the NRCD, and although we are doing better today the NRCD is a very fragile business district. Your actions are jeopardizing the continued success of our community.

Furthermore, your current land use codes provide clear guidance to all parties: you, your planning staff and to the public on how future developments should or should not occur. If they need to be updated we can all work together to make that happen.

Please lift this arbitrary and unnecessary moratorium. Also, the next the time you consider such an arbitrary decision, I urge you to talk to all stakeholders rather than just a vocal minority.

Sincerely,

Tim Conarro
Resident of 8032 Centrbridge Drive, Niwot
and
Business owner at 263 2nd Ave, Niwot

Tim Conarro, Broker/Owner
Summit Commercial Brokers
PO Box 9 Niwot CO 80544
Cell: 303-746-1490
Website: www.longmont-commercial-realestate.com
My Listings: https://research.catylist.com/agent/35996
Please note: my preferred email address is timconarro@gmail.com

-----Original Message-----
From: Xan Rubey <xanaru@icloud.com>
Sent: Friday, September 28, 2018 9:06 AM
To: Kelli Bairin <kelli@rockymountainspice.com>; Brian <brian@masseq.com>; Boulder County staff 1 <nwobus@bouldercounty.org>; Boulder County staff 2 <jruano@bouldercounty.org>; Tim <timconarro@gmail.com>; Mary <mcoonce@porchfronthomes.com>; Tim <tcoonce@porchfronthomes.com>; Jim <jim@summitcbr.com>; Cheryl Edwards <ctedwards27@gmail.com>; David <capeboatdave@hotmail.com>; Bradford Heap <brad@bradfordheap.com>; Catherine <mchale.c@icloud.com>; David Meisner <OSDSDrMeisner@aol.com>; David <osdsdrmeisner@aol.com>; Anne Postle <apostle@osmosisarchitecture.com>; James <jpostle2@gmail.com>; Tony <a.santelli@comcast.net>; VCC <admin@vonscolorado.com>; Admin <admin@vonscolorado.com>; Bob Von Eschen <bob@vonscolorado.com>; Bob <Bob@Vonscolorado.com>; biff warren <bwarren@niwotlaw.com>
Subject: NRCD Moratorium: Community Resident Letter

Dear Commissioners,

As residents of North Boulder, we have long enjoyed shopping and dining in Niwot. The summer “Rock ‘n Rails” concerts and dinners at Colterra are favorite leisure activities and we have sorely missed Colterra during its closure due to fire damage. We recently learned that their reopening has been delayed by another six months because of a development moratorium in Niwot. We strongly request that this moratorium be rescinded immediately and the business in Niwot be allowed to progress.

We vividly remember the Niwot of less than a decade ago – a desolate strip of vacant buildings with little to no commerce and actual tumbleweeds rolling down the main street. The handful of existing shops (remember the Berry Patch?) were in a constant struggle to keep their doors open in what was essentially a ghost town. Over the years, as Niwot growth and development were encouraged, the community and its businesses have prospered but the local economy remains vulnerable because of its small size.

Local merchants agree that the absence of Colterra and the lunchtime foot traffic it brought into downtown on a daily basis has hugely impacted their sales. As a community, we need to help Colterra reopen sooner, not later. We need to help the other businesses who are trying to invest in Niwot’s development be allowed to do so. None of us in the area want to see a repeat of Niwot in 2010 when over a third of the commercial spaces were vacant. We want to keep Niwot a charming, engaging little town that offers an abundance of shopping, dining and recreational activities for everyone. The only way to do that is to rescind the moratorium and allow Niwot to continue to develop and thrive.

Thank you for your consideration,

Xan Rubey
303-808-5554
xanaru@icloud.com

Adam Rubey
303-506-8945
adamrubey@gmail.com

From:	Mary Coonce
To:	Tony Santelli; Boulder County Board of Commissioners; Case, Dale; Grimm, Denise
Cc:	Bair, Brian; Wobus, Nicole; Ruano, Jose; Conarro, Tim; Tim Coonce; Ditzel, Jim; Edwards, David; Bradford Heap; McHale, Catherine; Meisner, David; Anne Postle; Postle, James; VCC, Admin; Von, Bob; biff warren
Subject:	RE: NRCD Moratorium: Property Owner Letter.
Date:	Friday, September 28, 2018 9:37:16 AM
Attachments:	[redacted].vcf

Dear Boulder County Commissioners:

We are a bit confused by this recent moratorium. Porchfront has been building in Boulder County and the City of Boulder for decades. At a time when New Urbanism has been a focal point of planning throughout the nation and specifically Boulder County, it is a surprise that a moratorium would be placed on a community that so clearly exemplifies that spirit.

By definition, New Urbanism promotes a diversity of office space, retail, restaurants and residential properties within a community or neighborhood. Walkability and diversity is key. In addition, connectivity by way of streets, pedestrian walkways and alleys is emphasized. Niwot epitomizes this type of community and has plans to continue on this path.

It is concerning that we have been working with Denise Grimm on an addition to our building at 102 2nd Avenue and suddenly without any warning there is a moratorium. We have been trying to submit for Site Review for some time. We presented our final plan to the Niwot Historic Preservation Advisory Board June 11 and our project was unanimously approved. At that time Denise Grimm was going to put our project in the cue for Site Review. We have not received any communication from Denise since the June 11 meeting. This is unacceptable and smacks of slow walking our project while a moratorium was being considered behind closed doors.

We live, work and volunteer in Niwot. It is our community. We are members of the business community association and have never experienced a more collaborative group. The business leaders here want to see their community thrive while still maintaining the essence of Niwot. The current NRCD zoning is imperative to the sustainability of the community. As you know, it isn't only the business owners that suffer when growth is halted, but the residents in the community that surround them.

Please reconsider this moratorium and remove it immediately,

Best regards,

Tim and Mary Coonce

Porchfront Homes/CDC Development Company

Mary Coonce
Porchfront Homes

(303) 601-8068 Mobile
mcoonce@porchfronthomes.com

102 2nd Avenue
P.O. Box 294
Niwot, CO 80544-0294

From:	Bradford Heap
To:	Wobus, Nicole; Ruano, Jose; Tim; Mary; Tim; Jim; David; Bradford Heap; Catherine; David; Anne Postle; James; Tony; Admin; Bob; biff warren; Brian Bair
Subject:	NRCD Moratorium
Date:	Friday, September 28, 2018 9:42:39 AM

Dear
My family and l invested our life savings in the property at 210 franklin 12 years ago to buy the former Le Chantecler in 2006. We spent years looking for a restaurant to purchase where we could buy the land as well to fund a retirement for my wife and l. Together our family chose Niwot and have poured our heart and soul into Colterra Food and Wine. With the support of the Niwot community, NBA and the LID we created a institution that has been sorely missed by many many residents of Niwot and Boulder County.

The moratorium you're are imposing in the NRCD will be very detrimental to my families ability to reopen Colterra Food and Wine after the fire on October 18, 2017.
We have been through an 11 month process with my insurance company and the county doing everything l can to to be able to reopen. My business interruption insurance is 18 months from 10/18/2017 - 3/18/19. The clock is ticking for me and l have a large monthly mortgage and expenses.

This is not fair to the property owners in the NRCD who purchased properties that have rights and zoning that were considered when making these investments.

In 2006 the NRCD was a ghost town with many vacancies in the retail shopping district. In short Niwot was struggling. I can tell you that l have worked very hard to be a chef/owner of this property. I am proud to run a successful business and have added a wonderful amenity to not only Niwot but to Boulder county and beyond.
With investments from people like myself the downtown area over the last 12 years has become vibrant, alive and a great place to come visit and spend money.

A 6 MONTH MORATORIUM ADDS SIGNIFICANT RISK TO MY ABILITY TO REOPEN COLTERRA.

--

Bradford Heap | Chef Owner | 303.579.9476
Carol Vilate **Owner**

saltthebistro.com | facebook | twitter
colterra.com | facebook | twitter
wildstandard.com

From:	Catherine McHale
To:	Boulder County Board of Commissioners; Case, Dale; Grimm, Denise
Cc:	Bair, Brian; Wobus, Nicole; Ruano, Jose; Conarro, Tim; mcoonce@porchfronthomes.com; Coonce, Tim; Ditzel, Jim; Edwards, David; Bradford Heap; Meisner, David; Anne Postle; Postle, James; VCC, Admin; Von, Bob; Biff Warren; Tony Santelli
Subject:	NRCD Moratorium
Date:	Friday, September 28, 2018 12:27:32 PM
Attachments:	[redacted]; NEW.png

Dear Boulder County Commissioners, Dale Case, Denise Grimm,

I am writing to express my severe concern about the moratorium issued in the NRCD.

As Economic Development Director for Niwot for this past year, it has been my pleasure to have numerous conversations with potential businesses looking to come to our town either as commercial property owners or prospective commercial tenants. When encouraging them to choose to make their commercial investments in our community I often talk about how the Niwot commercial area is really on the cusp of something special. It has survived very tough times, but has shown steady growth thanks to investment, strategy, development and the sterling efforts of the business community as a whole.

This moratorium flies in the face of everything I hope for for Niwot - I believe that we are all wanting a place where businesses can survive, thrive and make a robust and vibrant community of businesses and residents.
How can business continue to grow under these circumstances? How can I talk to prospective investors about Niwot being a place where their business will grow, where we will see more and more people walking through our downtown area and engaging with our businesses. In short … I cannot.

Additionally, in my role as a local business owner who does marketing consulting for local companies, I am similarly dismayed about the impact that this moratorium will have for the businesses who I am happy to count as clients. And as a Niwot resident, I do not want to see our unique downtown area lost to history because it cannot move with the times.

I urge you to take away this moratorium which is so damaging to our business community.

Regards,
Catherine McHale

Economic Development Director - Niwot
Marketing Director - Niwot Business Association
Owner - Catherine McHale Marketing LLC

Catherine McHale
STRATEGIC MARKETING
P: 720.378.3792
E: mchale.c@icloud.com

From:	Case, Dale
To:	Wobus, Nicole; Ruano, Jose
Subject:	FW: Niwot Moratorium
Date:	Friday, September 28, 2018 12:48:32 PM

From: David Meisner [mailto:osdsdrmeisner@aol.com]
Sent: Friday, September 28, 2018 10:15 AM
To: Boulder County Board of Commissioners; Case, Dale; Grimm, Denise
Subject: Niwot Moratorium

September 27, 2018

Dear Boulder County Commissioners, Dale Case and Denise Grimm,

My name is David Meisner. I am a dental surgeon and I have lived and worked in Boulder County for the past 40 years. In 1987 I purchased the property located at 376 2nd ave in Niwot. I opened my dental practice there shortly afterwards and it has been an active dental office until 2016.

I have contracted with Bob Von Eschen, a general contractor/developer to build a stand alone private residence for myself. Von Eschen plans to not only build me a stand alone private residence but also plans to develop several other residential and commercial spaces on the property. We intend to leave the existing building as commercial property.

As I understand it, there are rules and regulations for developing in the Niwot Rural Community District. These rules pertain to setbacks, building heights, square footage, parking, and we intend to follow them.

Downtown Niwot, or 2nd avenue, has existed for about 150 years. When the individuals purchased property on 3rd avenue they knew they were sharing the alley with the commercial properties on 2nd avenue. The alley has always been utilized by both the residences and commercial properties. In a 1996 transportation department memo by John Hamilton, he determined the alley was a “public access”. In a 1996 “Niwot Alley Study Final Report” it stated that “vehicular parking typically takes place at the rear of a site”. It went on to say “parking at the rear of a lot is an historical precedent in Niwot that is still appropriate today” and “the county will generally support rear lot parking for new businesses”. In a memo dated October 29, 1997, from Leslie Wright Lacy, the assistant county attorney, she wrote “it is our opinion that the use, maintenance, and improvements to the alleys must be such as will not interfere with the historic use of the alleys. It is likely that the primary historic use of these alleys has been access to the adjacent properties by the owners or their designees and each adjacent property owner is equally vested in the right to use, maintain and improve the alleys in manner which would not interfere with the use of the alley by the other adjacent property owners”. This clearly states that the alley is for public use. I do not see any ambiguity.

I recall that the Boulder County Comprehensive Plan did not want urban sprawl. The County wanted development to be in the downtown areas.

The Niwot businesses are fragile. I have witnessed over the past thirty years many Niwot businesses fail. As a business owner, when downtown Niwot had vacancies, my dental practice had a decrease in production.

I would ask the County Commissioners to immediately rescind the moratorium on building

permits in order to keep Niwot a thriving community with appropriate growth and expansion.

Sincerely,
David Meisner, DDS

From:	Case, Dale
To:	Wobus, Nicole; Ruano, Jose
Subject:	FW: NRCD Moratorium: NBA Letter.
Date:	Friday, September 28, 2018 12:48:44 PM

From: Cotton Burden [mailto:cotton@burdeninc.com]
Sent: Friday, September 28, 2018 11:47 AM
To: Boulder County Board of Commissioners; Case, Dale; Grimm, Denise
Cc: Tony Santelli
Subject: Fwd: NRCD Moratorium: NBA Letter.

Please consider this as the unconditional support of RLET Properties Niwot, LLC and Burden Incorporated of the communication set out below.

Thank you,

W. Cotton Burden
Chairman
cotton@burdeninc.com
Phone: 303.652.8868 | Fax: 303.652.8864
PO Box 490 | 263 2nd Avenue, Suite 101, Niwot, CO 80544

---------- Forwarded message ---------
From: **Anthony Santelli** <a.santelli@comcast.net>
Date: Fri, Sep 28, 2018 at 2:03 AM
Subject: Fwd: NRCD Moratorium: NBA Letter.
To: Laura Skaggs <lauralskaggs@aol.com>, Tim Wise <WiseInNiwot@yahoo.com>, Cotton Burden <cotton@burdeninc.com>, Harris F <faberman@aol.com>
Cc: Anne Postle <apostle@osmosisarchitecture.com>

Dear Boulder County Commissioners, Dale Case, Denise Grimm

Moratoriums are often enforced in times of financial hardships. Precipitous drop in the stock market triggers a moratorium on trading to give investors breathing time to make rational decisions. Business bankruptcies trigger a moratorium on paying creditors to enable failing business time to structure a transformation plan, are two examples.

The purpose is to help businesses navigate difficult times. A joint decision that is accepted by both business and government.

The Niwot business community has been generating positive

momentum over past years. Momentum is critical to business vitality.

Arbitrary business moratorium is effectively hitting the brakes on the engine of future growth and dynamism.

Investments are the fuel to sustainable dynamic business activity. Delaying investments is counter strategic and risks reversing positive momentum. And sucking the “animal spirits” out of the business economy.

This potentially risks creating irreparable damage that will reverse the gains Niwot businesses have achieved, as reflected by the increasing Sales taxes since 2010.

The Ghost town environment of the pre 2010 period with more than 30% vacant retail and office space, is a memory that energizes the Niwot business community.

One of the critical success factors helping drive this business transformation was the cooperative partnership between the BCC and the business community through the LID. The annual BCC ,LID, NBA meeting is a crucial pro business vehicle for discussion of key business issues to insure we are always on same page.

This moratorium, out of the blue, with no prior warning, is totally outside the spirit of cooperation that has been fundamental to a thriving business environment, over these past years.

Businesses require a predictable environment to succeed over time. The trust established over these years will be lost and the spirit of cooperation will be badly damaged unless this moratorium is lifted quickly.

We strongly recommend lifting this moratorium immediately to allow the natural flows of the business cycle to proceed uninhibited.

Tony Santelli
NBA President

From:	Jim Ditzel
To:	Anne Postle; Boulder County Board of Commissioners; Case, Dale; Grimm, Denise
Cc:	Brian Bair; Wobus, Nicole; Ruano, Jose; Tim Conarro; Tim and Mary Coonce; Tim Coonce; David Edwards; Bradford Heap; Catherine McHale; osdsdrmeisner@aol.com; James Postle; Tony Santelli; Admin VCC; Von, Bob; Bruce W. Warren
Subject:	RE: NRCD Moratorium
Date:	Sunday, September 30, 2018 9:36:10 AM
Attachments:	image001.png

BCC, Dale & Denise

Please lift the Niwot moratorium. Lives depend on you doing that.

Jim Ditzel | 303 931 7341

SUMMIT COMMERCIAL BROKERS

James Jon Ditzel, *CCIM* | Managing Partner
263 2nd Avenue, Suite 106 | PO Box 9, Niwot CO 80544 0009

From: Anne Postle <apostle@osmosisarchitecture.com>
Sent: Friday, September 28, 2018 9:50 AM
To: Boulder County Board of Commissioners <commissioners@bouldercounty.org>; Dale Case <dcase@bouldercounty.org>; Denise Grimm <dgrimm@bouldercounty.org>
Cc: Brian Bair <brian@masseq.com>; nwobus@bouldercounty.org; jruano@bouldercounty.org; Tim Conarro <TimConarro@gmail.com>; Tim and Mary Coonce <mcoonce@porchfronthomes.com>; Tim Coonce <tcoonce@porchfronthomes.com>; Jim Ditzel <jim@summitcbr.com>; David Edwards <capeboatdave@hotmail.com>; Bradford Heap <brad@bradfordheap.com>; Catherine McHale <mchale.c@icloud.com>; osdsdrmeisner@aol.com; Anne Postle <apostle@osmosisarchitecture.com>; James Postle <jpostle2@gmail.com>; Tony Santelli <a.santelli@comcast.net>; Admin VCC <admin@vonscolorado.com>; Von, Bob <bob@vonscolorado.com>; Bruce W. Warren <bwarren@niwotlaw.com>
Subject: NRCD Moratorium

Dear Boulder County Commissioners, Dale Case and Denise Grimm.
I was blindsided and very disappointed in your very secretive and ill-informed decision to impose a moratorium on development projects in the NRCD. Clearly, transparency in your government is not a goal. There were many opportunities to get feedback from the commercial property owners who are affected by your moratorium. Instead, you bulldozed it through with no prior notice and no consideration of the projects that are currently in process.

As commercial property owners within the NRCD, we have a clear understanding of the rules of the zone. The setbacks, height limits, allowed uses, and parking requirements, along with the other requirements listed in the NRCD design guidelines handbook, all paint a very clear picture of what is allowed. Combined with a knowledge of how the code has been interpreted for the last 25 years, we have felt very safe moving forward with design for two of our properties. The neighbors across the alley are very vocal opponents to any new development. They consider the alley between their properties and the commercial properties to be theirs alone, best served when full of 12-18" deep muddy potholes and ruts. Land Use and Transportation staff have supported them in making our alley their private open space. The notion that Niwot should have two different alley standards within a 2-block stretch is ludicrous, but supported by your staff.

The only reasons that I did not submit my project months ago were:

1. My husband's health has been declining and we have had many challenges with determining proper care and treatment, and
2. I have designed three different options for my properties, each moving a bit closer to what I think will appease the neighbors. This extended and expensive design time has drastically slowed my process. I was on schedule to meet with the adjacent neighbors to share my final design in November (a promise I made months ago) and submit for SPR in December…until hit with your moratorium.

Our properties at 280 and 290 2nd Avenue have existing historic buildings that while not landmarked, have value to us and to the community, and we choose to preserve them. The location of the existing buildings forces us to put any additional buildings on our site at the rear of the property. Design #1 had two different 2-unit residential buildings on each site. The units were 1200-1400 s.f. with one car garages. We did not access the alley. The buildings were much smaller than our townhome building at 240 2nd Avenue.

With the vitriol coming from the neighbors in mind, Design #2 reduced all units to approx. 1,200 s.f., with most windows not facing the alley to maintain the neighbors' privacy. The roofs were all hipped to lower the massing.

The latest argument to come from the neighbors is that they don't want residential uses. I have always felt that residential uses along the alley work as a good buffer to the more intense commercial uses along 2nd Avenue, but I was willing to look at a commercial option.

Design #3 has only commercial uses and no alley access. The leasable square footage is the same as Design #2, but since we don't have garages, the building is smaller. All designs rely on a 5' rear yard setback, where 0' is required.

The ugly reality of this argument, is that the only reason that the neighbors don't want residential is because they think they could lose the fight to prevent residential access to the alley. They have a better chance preventing commercial access to the alley. Sadly, your staff has been unwilling to support the property owners' rights to use the public alleys, which have been platted since 1875. From a letter to the NBA from the County Attorney in 1997 we understand that 'each adjacent property owner is equally vested in the right to use, maintain and improve the alleys in a manner which would not interfere with the use of the alley by the other adjacent property owners.' I would love to have a conversation with you about the advantage of alleys keeping automobiles from crossing the pedestrian sidewalk, and pulling the cars away from the pedestrians…a good planning practice that works very well throughout the country…AND in the NRCD block west of Franklin but is not allowed in our block...ridiculous!

Not many of the property owners in the NRCD can provide their own architecture, so few

could spend the time and resources necessary to create 3 different design options, just to attempt to appease neighbors who will fight everything we propose. But we live in Niwot, work in Niwot, own a business in Niwot, own rental property in Niwot, and volunteer in Niwot. WE LOVE NIWOT. Our commercial district has so much potential and opportunity, but we are handcuffed by County Commissioners and Land Use Staff that only want to freeze Niwot in time.

Now you want a 'PAUSE'. Pause is such a benign word. It doesn't show the underlying evil intent to strip your commercial property owners of their property rights and give them to a few very vocal neighbors. It doesn't show the loss of thousands and thousands of dollars invested in architectural drawings that you have made worthless. It doesn't show the opportunity cost in a delay of 6 arbitrary months while you figure out exactly how to strip away your commercial property owners' rights.

The NRCD has long struggled. I own a retail business so I have a very clear understanding of the difficulty in keeping a retail business viable. Now you want to take the same NRCD code that allowed the jewel that is the first block, and revise it to ensure that something so wonderful could never be created again.

Where is your VISION? When did you decide that saying NO has more value than doing something GOOD! Are you proud of your underhanded and secretive strategy, where Land Use Staff simply stopped answering questions about new projects since they were working on this secret moratorium? Is this the integrity and transparency in our elected officials that we should expect? We deserve better. It is beyond my comprehension that you could think this is an acceptable way to govern a County.

I hope you have second thoughts. I hope you think that zoning matters, and that the rules in a zone should not be revised to steal property rights from commercial property owners. I hope you care about your Comprehensive Plan and your Sustainability Goals, and don't just cave in to the most NIMBY voice. This Moratorium should end immediately. It is wrong. Any 'clarifications' written to the NRCD section of the Land Use Code should reinforce the current rules, and clarify that the way that the code has been interpreted for the last 25 years will be your standard moving forward. Anything else is stealing from your commercial property owners.

Until we meet,

Anne Postle, AIA and Jim Postle

Postle Properties IV, V and VI and AE Olson, LLC

4 Oct 2018

Boulder County Commissioners
Boulder County Land Use: Dale Case, Denise Grimm, Mike Thomas

Dear Mr. Case,

A sincere thank you from concerned property owners of Niwot for imposing the six-month moratorium on new development within our Rural Community District. We are encouraged and gratified that you recognize the accelerated pace and overwhelming scope of development in downtown Niwot and its impact on surrounding established neighborhoods and the community as a whole. We appreciate the logical decision made by your organizations to take the time to review the Land Use Code regulations so they better reflect the character and future vision for the community, ensuring that no detrimental building plans are prematurely approved and constructed.

The existing code regulations are a quarter century old; the community of Niwot has certainly grown and changed during this time. A six-month building moratorium for the purpose of reassessing these regulations makes perfect sense. It gives all of us time to meet and confer, giving all parties the opportunity to work together for a long-range plan for Niwot which is beneficial to all of us.

Sincerely,

Concerned Niwotians

RECEIVED
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Land U

From: Elaine C. Erb
To: Boulder County Board of Commissioners
Subject: Niwot Moratorium
Date: Friday, October 5, 2018 11:13:46 AM

Dear Commissioners:

As a thirty plus year resident of Niwot, I am writing to comment on the building moratorium in downtown Niwot.

In particular, I am concerned about the future of Colterra restaurant.

We love having a quality restaurant in walking distance. Colterra has been our favorite restaurant for special occasions and is even where my husband and I got engaged.

To hear that the moratorium will slow down the process that has already gone for 10 months is of great concern to me. How does a restaurant, which already faces so many challenges, expect to be able to continue the process and make their reconstruction financially viable? Halting their redevelopment for six months would likely cost us the presence of this fine restaurant and community member.

While I agree that it can be worth a slow down to look at what the overall character of our town will look like, I don't agree that we should hold up a property which is trying in good faith to restore what they had. Boulder County already has a reputation for being expensive and slow for development. The sad consequence of this is that the cost of new development grows and adds to the already high expenses of our region.

I understand that a meeting will be held on October 30. It's my hope that Niwot residents and business owners alike will be invited and able to attend. However, meetings held at 3:3o in the afternoon are not conducive for many residents to participate. I hope that moving forward from this, we can allow properties with no substantial changes, or which comply with master plan principles, will be able to proceed.

thank you
,

Elaine C. Erb
ecerb@indra.com

From: Wufoo
To: #LandUsePlanner
Subject: Ask a Planner - Web inquiry from Kimberly Kalinski - ZON-18-0136
Date: Friday, October 19, 2018 3:59:29 PM

Boulder County Property Address : 240 B Second Avenue Niwot CO
If your comments are regarding a specific docket, please enter the docket number: ZON-18-0136
Name: Kimberly Kalinski
Email Address: kim.kalinski@q.com
Phone Number: (303) 667-6827
Please enter your question or comment: This is in protest to the three seemingly illegal parking spaces in front of the 7 Wealth Building in Niwot. The owner has "commandeered" these public spaces for their clients/private use, taking much-needed street parking away from Second Avenue. The customers at Niwot's popular restaurant Colterra's, as well as customers to adjacent shops and merchants, relied on these spaces before they became appropriated. The 7 Wealth owners have not only created a community inconvenience and serious eyesore by breaking up our quaint streetscape with ugly asphalt devoid of landscaping, but have deprived Niwotians and guests to our town of adequate parking. It is reassuring to know that the transportation department is investigating this violation, it appears to have been "sneaked in" on us, and it needs to be removed.

Attach a photo or document (optional): https://bouldercounty.wufoo.com/cabinet/d1c912eb-d390-42fc-8ad9-a585501daf2e - 38.84 kB

Public record acknowledgement:
I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: Wufoo
To: #LandUsePlanner
Subject: Ask a Planner - Web inquiry from Catherine McCall - ZON-18-0136
Date: Monday, October 22, 2018 10:54:18 AM

Boulder County Property Address : 240 2nd Avenue , Niwot
If your comments are regarding a specific docket, please enter the docket number: ZON-18-0136
Name: Catherine McCall
Email Address: mccallca@comcast.net
Phone Number: (303) 564-2542
Please enter your question or comment: I would like to object to the parking arrangement in front of the new Southpaw building. 3 spaces have essentially been moved (appropriated?) from the street parking on 2nd avenue and onto the building lot footprint. Not only does this take away public parking in a town already short of it, but also, vehicles parked on the new spaces will have to either back in or back out, over the pedestrian sidewalk, thus introducing an avoidable new hazard to the walkability of Niwot old town. Given the developer's publicly professed concern with pedestrian safety on 2nd avenue, I am surprised that this parking arrangement was ever contemplated. It also makes it more difficult to replace the original large tree that used to screen that lot from view, not a trivial concern given the aesthetic shortcomings of the Southpaw building.
Public record acknowledgement:
I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From:	Case, Dale
To:	Wobus, Nicole; Ruano, Jose
Cc:	Grimm, Denise; Hackett, Richard
Subject:	FW: Niwot Moratorium
Date:	Monday, October 22, 2018 11:31:22 AM

From: Kathy Koehler [mailto:kathyboco@gmail.com]
Sent: Monday, October 22, 2018 11:13 AM
To: Case, Dale <dcase@bouldercounty.org>
Subject: Niwot Moratorium

Dale,

Thank you for the community meeting.

I think, in light of the proposed building activity in the Old Town business district, that brakes were a necessary evil.

I would like to put my vote in the ring to have **the Boulder County Commissioners lift the moratorium and place the responsibility for community planning in the hands of the Niwot community** now. The recommendations will come to Planning and you will have the ultimate approval. The threat of 'no build' weighs heavy on the Niwot Business Association so they need to communicate and listen, this message is loud and clear. Residential property owners have the same responsibility to communicate, listen and move forward.

The topic is now on the table and I think with the Niwot Community Association serving as a mediator it

will help with progressing with communications. There has not been dialogue between business property owners and residential property owners and they BOTH have to meet in the middle. Businesses say that the investment is their retirement plan and the residents' personal property is a form of their retirement plan, too.

The alley .... all property owners have responsibilities with alley and street and utility right-of-ways. This needs to be appreciated, respected and an awareness of the responsibility by everyone.

Thank you and your staff for coming to Niwot.
I would presume we will see you again soon, especially if the build moratorium is lifted.
I hope you and Bradford were able to talk ... communication is so helpful in all processes.

Thank you.
Kathy Koehler

RESOLUTION in Opposition to the NRCD Moratorium

Whereas, the Niwot Local Improvement District funds public improvements for the benefit of the Niwot Local Improvement District; and,

Whereas, a retail sales tax of 1% is collected from the customers of the businesses located within the Niwot Local Improvement District; and,

Whereas all 2nd Avenue properties in Niwot are included in the Niwot Rural Community District (NRCD) which is zoned for business uses; and,

Whereas, several NRCD properties are currently vacant or underused, some of which are in the process of being redeveloped/sold, including Colterra restaurant (damaged by fire), the former Powder Keg Brewery property (now vacant), and the former Niwot Dental Property; and,

Whereas, on September 20, 2018, the Boulder County Commissioners imposed a 6-month moratorium on development applications in the NRCD, which includes all of the above properties, with no prior notice or opportunity to be heard provided to the general public, or to affected property and business owners in the NRCD; and,

Whereas, a 6-month delay in development within the NRCD will severely and adversely affect the collection of sales tax revenues for the LID, now and beyond the 6-month moratorium; and,

Whereas, development in the NRCD has occurred during the past 25 years pursuant to the current NRCD regulations in a responsible manner consistent with past development patterns; and,

Whereas, the Niwot LID Advisory Committee deems the moratorium ill-advised, unwarranted, without justification, and extremely harmful to the businesses and property owners in the Local Improvement District;

NOW THEREFORE,

The Niwot Local Improvement District Advisory Committee urges the Board of County Commissioners to immediately rescind the moratorium imposed on development applications in the NRCD.

From:	Anne Postle
To:	Case, Dale; Grimm, Denise; Wobus, Nicole; Ruano, Jose
Cc:	Bradford Heap; bob@vonscolorado.com; Tim and Mary Coonce; Tim Coonce; Xan Rubey; Brian Bair; Tony Santelli; Bruce W. Warren; Laura Skaggs; Boulder County Board of Commissioners
Subject:	Revised background letter including Bradford Heap, and new letter regarding necessary NRCD clarrifications
Date:	Wednesday, October 24, 2018 11:08:37 AM
Attachments:	[redacted].pdf [redacted].pdf

Dear Dale, Denise, Nicole and Jose,
Please see attached revised letter regarding background to the moratorium which now includes Bradford Heap. Everything else in the letter remains the same.
The other attached letter is from the NRCD property owners regarding clarifications to the NRCD code. We are in support of these clarifications, but also know that these clarifications could and should be handled without a moratorium.

Anne Postle, AIA
Osmosis Art and Architecture
290 2nd Avenue
PO Box 1024
Niwot, CO 80544-1024
(303) 652-2668

Dear Boulder County Commissioners,

Zoning matters. The zoning in the Niwot Rural Community District (NRCD) is in place for a reason. The current zoning allows the NRCD to function and change in conformance to the Boulder County Comprehensive Plan. We want our commercial district to be vibrant, to thrive, to be walkable and sustainable. The current zoning codes are very clear. They are easy to understand. We have been using them successfully for 25 years.

We felt it would be valuable for all of you to understand the history of development along 2nd Avenue that led up to the moratorium.

New projects in the first block of 2nd Avenue, west of Franklin, have gone forward without opposition. The new projects at 102 (2014) and 104 (2015) 2nd Avenue use the alley behind to access parking, as do all of the existing commercial buildings on the block. 104 2nd Avenue is a mixed-use project with 2 residential units above commercial. The residential unit that is adjacent to the alley has windows and a balcony that can look into the rear yards of the adjacent residential properties. No negative comments were received from the neighbors, either before or after construction. The buildings have been fully occupied since construction. All commercial tenants live and work in Niwot. All residential tenants love Niwot's walkability. One tenant works from home. The other tenant works in Boulder but is actively looking to move his business to Niwot and is looking forward to walking to work.

In 2016, Southpaw Commons at 240 2nd Avenue was proposed. With the understanding that limiting alley access was important to the residential neighbors, Southpaw did not increase the access to the alley. The existing 6 parking spaces that had been leased to Colterra Restaurant (next door) were replaced with 6 residential garage spaces. All other parking on the site is accessed from 2nd Avenue. Colterra's existing building is built on the alley property line with a 0' setback as allowed in the zone. The residential building at Southpaw was built with a 9' setback on the first floor and 12-14' setback on the second floor, although 0' is allowed.

The residential neighbors across the alley from Southpaw Commons say that they were not notified about the Site Plan Review process by Bolder County Land Use. It is possible that they did not receive post card notification in the mail, but a sign was posted on the site, and articles were written in the Left Hand Valley Courier both before and after the project was in Site Plan Review. The neighbors were very unhappy with the garage access to the alley, and a two-story building built across the alley from them with windows that can look across the alley and into their back yards. Some of the neighbors have lived there for 30 years, and have enjoyed living next to a relatively quiet commercial zone, at least for the last 15 years.

In the last 25 years, the Niwot Inn (342 2nd Ave.) and the Slater Building (300 2nd Ave.) were built. Both owners tore down any existing buildings on the site, which allowed them to put a new, larger building on the front setback line. The property owners were required to place their parking on the rear of the site, but could only access this parking from 2nd Avenue. This forced the creation of an 'alley' next to an existing alley, with all the additional paving that this requires, as a means to appease the adjacent residential neighbors. It also created the unintended consequence that all cars and delivery trucks accessing the properties have to cross the sidewalk. Howard Treppeda of Treppeda's Ristorante in the Slater Building says that 'near misses' are a common occurrence as cars are forced to cross the sidewalk that is shared by pedestrians, strollers, skateboards and bikes.

In 2004, Osmosis Architecture moved into 290 2nd Avenue. The first SPR submittal requested that the alley be used to access employee parking. This was not allowed by the Land Use Department, and the final approved plan required tearing out an additional 20' of landscape and sprinkler system to create an 'alley' next to the existing alley that was off limits.

Last year, Osmosis sought to further develop the property and received a determination letter from the Land Use Department stating that only one residential unit could be built on the site at 290 2nd Avenue because of a limit to residential density in a commercial zone to 9du/acre. It was clear that this was a change to the way that the code had been interpreted over the past 25 years so Osmosis appealed on January 2, 2018. Prior to the appeal hearing before the Board of Adjustment, the Land Use Director asked Osmosis to withdraw the appeal and work together to modify the code. Osmosis declined to withdraw the appeal. A week prior to the hearing, the Land Use Director withdrew his determination letter, and issued a new letter allowing 2 residential units on the site. It is reasonable to assume that the consistent manner in which the Land Use Code has been interpreted and enforced over the last 25 years will be the way the code is interpreted and enforced going forward.

The properties at 102, 280, 290, 364 and 376 2nd Avenue and 210 Franklin (Colterra) all have existing historic buildings on the site. While not all of these buildings are landmarked, they all have value to the property owners and the community and are worth saving. Their various locations on the sites requires creativity in design for any future development of the site. In most cases, any new construction is forced to the rear of the sites. This should not be an issue since all sites have a 0' rear yard setback under the NRCD. This setback has been in place since the beginning of NRCD zoning for these properties.

As commercial property owners, we understand the rules and we follow the rules. Since many of us both live and work here, we care about what our neighbors think, and don't want to create something that they don't want. That said, the 3rd Avenue neighbors' desire for us to do nothing and keep the alley unused is not reason enough to keep us from improving our properties.

Porchfront Homes, Bradford Heap, Bob Von Eschen and Osmosis (owners of the properties listed above) have all been working on our projects for over a year. We all had pre-application conferences with Land Use many months ago. We have all proceeded with architecture, engineering, traffic studies, meetings with the Niwot Design Review Committee, and HPAB. We have spent thousands of dollars proceeding with our designs under the current rules for over a year. Your Land Use staff knew that we were working away on these projects. When Tim Coonce of Porchfront Homes told planner Denise Grimm that he wanted to schedule the appointment to submit for SPR on June 11, 2018 now that he had unanimous approval from HPAB and the Design Review Committee, Denise simply stopped responding. Bob Von Eschen (developer of 364 and 376 2nd Avenue) has submitted everything the County requested for his submittal for 364 2nd Avenue by September 11, 2018. His project should not be under the moratorium because he submitted everything before the moratorium was put into place. It went into place the day he provided the last piece of information for his 376 2nd Avenue application. Both applications included information from a third party traffic engineer stating that the proposed average daily trips for the alley would be far below the number allowed by other Front Range municipalities and therefore, alley access for residential traffic should be allowed in order to reduce pedestrian safety risks.

Our fear is that the purpose of the moratorium, at least on the part of Land Use, is to down-zone our commercial properties. The means proposed by the Land Use Department staff include:

- To increase the setback for commercial properties on the alley, taking away the potential of our commercial properties. On the public meeting on October 17th, Land Use staff asked the neighbors to decide if they would prefer a 0' setback or a 40' setback!
- To add and enforce a new bulk plane, further stealing the potential from the commercial properties.
- To codify that alley access from 2nd Avenue is not allowed…against all current laws, common sense and good planning.
- To restrict building size in the 2nd block of 2nd Avenue below what is currently allowed. They asked the neighbors, "How big do you want buildings to be?"

If you want to see what GOOD PLANNING looks like, look at the first block:

- Sidewalks are separated from cars. Sidewalks are safe. The density is high, but so is the charm.
- Alleys function as alleys for both the residents and commercial property owners. They are kept in good shape.

If you want to see what BAD PLANNING looks like, look at the 2nd block:

- Every car has to cross the pedestrian's path. Pedestrians, bikes, big wheels and skate boards have to cross paths with cars and delivery trucks. If the alley continues to be off limits for the commercial property owners, and new projects add more cars, our sidewalks become even more treacherous.
- We have an alley (a public right of way) that we can't use, and are forced to build a paved alley next to an existing alley that we can't use, ripping out landscape and installing more paving, just so the neighbors can use the existing alley as open space…interrupted only by the weekly trash and commercial delivery trucks.

Land Use Staff's actions appear to be directed at allowing residential neighbors in one zone to dictate new restrictions in the adjacent zone that are to their advantage alone, stealing away property rights and development potential from their commercial neighbors.

Prior to the moratorium, Osmosis had committed to the residential neighbors that they would share their plans before submitting for SPR. Communication was ongoing. Bob Von Eschen has met with the neighbors and made some drastic changes to his design based on their input. This moratorium has not opened up communication, it has done just the opposite. The Communication was already in place. The Moratorium has started a CIVIL WAR, with neighbors (at the encouragement of Land Use) expecting that they have the absolute right to demand changes to the code that take away the rights of the Commercial property owners.

Some clarifications to the Land Use Code are necessary but certainly do not require a moratorium. As an example, Biff Warren has drafted and submitted to Land Use a proposed code revision that solves the "subdivision" issue. It was never intended that mixed-use properties in the NRCD go through a lengthy and expensive subdivision process just to state the obvious…no subdivision required or desired. The suggested NRCD code modification is to add a subsection F:

Exemption from Subdivision Requirements:
Any development which does not result in division of land into separate parcels or condominiums is exempt from the definition of "subdivision" or "subdivided land" under C.R.S. 30-28-101 (10), and does not require a Subdivision Exemption or an Exemption Plat under the Land Use Code.

We support the goals and intentions of the Comprehensive Plan and ask the Commissioners to do the same. Please end the moratorium and allow the NRCD to go back to functioning. Don't steal from one property owner just to benefit another. Be fair. The zoning is clear. Zoning matters.

Sincerely,

Anne and Jim Postle- Osmosis Architecture and Postle Properties VI, LLC (280 and 290 2nd Avenue)

Tim and Mary Coonce- Porchfront Homes (102 2nd Avenue)

Bob Von Eschen- (364 and 376 2nd Avenue)

Bradford Heap- Colterra Food and Wine (210 Franklin)

October 23, 2018

Boulder County Commissioners
Dale Case, Land Use Director
Denise Grimm, Planner

RE: NRCD Code Clarifications

Dear Commissioners, Dale and Denise,

As the County looks to revise the NRCD regulations of the Land Use Code we want to make you aware of our concerns.

1. The moratorium is not necessary or even helpful in this process. It should be lifted immediately.

2. Some clarifications to the Land Use Code are necessary but certainly do not require a moratorium. As an example, Biff Warren has drafted and submitted to Land Use a proposed code revision that solves the "subdivision" issue. It was never intended that mixed-use properties in the NRCD go through a lengthy and expensive subdivision process just to state the obvious…no subdivision required or desired. The suggested NRCD code modification is to add a subsection F:

   Exemption from Subdivision Requirements:
   Any development which does not result in division of land into separate parcels or condominiums is exempt from the definition of "subdivision" or "subdivided land" under C.R.S. 30-28-101 (10), and does not require a Subdivision Exemption or an Exemption Plat under the Land Use Code.

3. Any clarification should not take away our property rights. Any increase in setback, addition of Bulk Plane requirement, or limit to use is a 'down-zoning' to our property and a taking of our property rights.
4. Minimum side yard setback in the NRCD is currently 0' or 12'. The definition of setback is 'the required minimum distance between the building and the related front, side or rear lot line". Existing buildings in the NRCD zone are placed in a wide variety of locations on the lot with side yard separations from the property line ranging from 0' to 50'. The 12' setback listing should be removed since it contradicts the 0' setback which has been used regularly throughout the zone.
5. The 0' setback is a <u>setback</u> and not a 'build-to' line. This is both the historic application of the code and the intent. See definition of setback above.
6. The NRCD Development Standards list as permitted uses 'Residential provided it is part of a mixed-use development (i.e. an apartment above a store)". This has historically been interpreted to allow multiple residential units on a site that also has a commercial component. The Slater Building, 104 2nd Avenue and Southpaw Commons are all examples of this. Mixed use projects with both residential and commercial components should continue to be allowed as they have been for the last 25 years.
7. The NRCD Zoning Requirements should be clarified to allow the uses as historically permitted. Although the Commercial (C) District does not allow multi-family, the NRCD has always allowed multiple residential units as part of a mixed-use development. Although a residential

subdivision in a Commercial zone is not allowed to be over 9 du per acre, this was never meant to apply to the residential component of a mixed-use development within the NRCD, and would make at least three existing projects that were completed over the last 25 years non-conforming. This could easily be clarified, and should be clarified.

8. We are in total support of the letter dated October 23, 2018 from Biff Warren regarding alley access and use. The alley is a public right of way and the Land Use and Transportation Departments need to immediately authorize adjacent property owners to remove encroachments of weeds and shrubs which interfere with its use. The Land Use Department needs to stop attempting to restrict alley access by property developers along 2nd Avenue.

We support the goals and intentions of the Boulder County Comprehensive Plan and ask the Commissioners to do the same. Please end the moratorium and allow the NRCD to go back to functioning. Don't steal from one property owner just to benefit another. Be fair. The zoning is clear. Zoning matters.

Sincerely,

Anne and Jim Postle

Brian Bair

Tim and Mary Coonce

Bradford Heap

Bob Von Eschen

From: Kathy Koehler
To: Case, Dale
Cc: Ruano, Jose
Subject: Niwot Moratorium - input
Date: Monday, October 29, 2018 11:48:43 AM

Boulder County:

This has been tough for me to write because I love and respect all the parties involved.
I would like to believe that within our Niwot we can work with each other, but I believe this alley / business build has a communication and consideration of neighbors problem.

- I would vote to have the Moratorium lifted.
- No additional regulations are necessary, just awareness of the current regulations and abiding with those in place.

In order to do that, I believe there needs action on the following issues:
-- The home property owners and business property owners need to know about the 10 foot responsibility for the alley. All property owners have the responsibility for that 10 feet in the back of their property for access by utility workers or whatever else is required. Obviously, the home owners are not aware of this and/or are not honoring it. They have that responsibility just as I do on my property. (Not all of my neighbors realize and/or respect this responsibility either.)
-- Respect and appreciation and communication with your neighbors is paramount. Put yourself in their shoes, both ways.
- Retaining the character of the 200 block of Second Avenue by not requesting to level older buildings is appreciated. Those buildings are part of the friendliness and character of Niwot. Their character speaks of our history and the reason folks come to our community..
- Building a cluster of rental apartments on a half acre lot is not necessarily adding character and welcoming. This depends on how they are done and the Niwot Committee can offer some guidelines to the builders and BoCo Land Use and Planning.
- A two story brick office building at the SE corner of 79th and Niwot Road was constructed where a farmhouse once stood and has been the topic of conversation and a hurdle for 'connectivity' between the two areas of Niwot businesses (Cottonwood Square and Old Town.).

As attractive as the architecture of the proposed two story brick building is and considerate of few office windows on the north/alley side, is it considerate to construct two stories of brick for a neighbor's view?

- Since the proposed build in the 100 block of Second Avenue has changed since the original plans that did not include some retail space, has there been communications with neighbors next door and across the alley?

Two of these business owners have contributed and given to the Niwot community with much generosity and I hope they continue sharing their talents and resources because it is appreciated.

Many of the property neighbors on Third Avenue are active in our Niwot community and bring much diversity in interests and ages (from retired/working/first child just born) and are very close-knit which is relatively unique in society today. The south side owners in the 200 block of Third Avenue do have to learn, recognize and be responsible for their 10 feet of alley access, too.

~ The Curse of Niwot ~

Historically speaking, just like Chief Niwot stated over 100 years ago, Niwot is an attractive place and draws people to its location which can be a curse. We all want Niwot to thrive and continue its growth, vitality and character in a respectful way.

Thank you.
Kathy Koehler
8884 Morton Road
Niwot, Colorado
- Niwot resident since 1972
- Boulder County heritage since 1869

From: Anne Postle
To: Ruano, Jose
Subject: Fw: Scan From Osmosis Architecture
Date: Monday, October 29, 2018 4:24:51 PM
Attachments: doc2018[redacted]102902.pdf

Hi Jose,
Here is a list of a few property owners against the moratorium to add to the County Commissioners information.
Thank you,
Anne

Anne Postle, AIA
Osmosis Art and Architecture
290 2nd Avenue
PO Box 1024
Niwot, CO 80544-1024
(303) 652-2668

------ Forwarded Message --------
From: scans@osmosisarchitecture.com <scans@osmosisarchitecture.com>
Date: 10/29/2018 4:20:57 PM
Subject: Scan From Osmosis Architecture
To: apostle@osmosisarchitecture.com

This is a scan from the copier at Osmosis Architecture

TASKalfa 300ci
[00:c0:ee:4b:62:67]

Boulder County Commissioners
Dale Case, Land Use Department Director
Denise Grimm, Senior Planner

Dear Boulder County Commissioners, Dale Case and Denise Grimm,

Niwot is a very special place. We have a walkable and bike-able community, with shopping, a grocery store, fantastic dining options, a beautiful Inn, great events, festivals and parks.

As residents of Niwot, we want to express our disappointment in the recently imposed moratorium on processing development applications for all business properties on 2nd Avenue in Old Town.

We support the property owners and businesses in Old Town, and appreciate what they bring to our community.

Our community has already taken a huge hit with the loss of Colterra due to a fire, and the moratorium further delays its return. Colterra has been an anchor to our business district and the loss has adversely affected all Niwot businesses. Powder Keg Brewery recently closed and remains vacant. We do not support any actions that cause further harm to our Niwot businesses.

We oppose this moratorium because it causes harm to our local businesses, and because it was imposed without notice or an opportunity for Niwot businesses and property owners to be heard, contrary to our Constitutional guarantees that property rights will not be taken without due process of law. We are against any changes to the Land Use Code that take away property rights from the businesses that make Niwot such a special place.

Respectfully,

Name	Address
Adam Robinson	240 E 2nd Avenue Niwot, Co 80503
Michelle Henzel	6833 Camelia Ct Niwot, Co 80503
KRISTIN ALGER (Kristi Alg)	8180 DRY CREEK C.R. NIWOT, CO 80503
[illegible] Postle	8392 Niwot Meadow Farm Rd Niwot CO 8050
[illegible]	475 Franklin Ave Niwot Co 80544
[illegible] W Warren	7321 Dry Creek Rd Niwot, Co 80503
Alyson Bell	7210 Timothy Place Niwot Co 80503
[illegible]	83[illegible] Greenwood Dr. Niwot 8050
[illegible] Vin Postle	8392 Niwot Meadow Farm Rd. Niwot 80503
[illegible]	6680 PAIUTE CT. NIWOT 80503
[illegible]	1060 Niwot Rd 80503
[illegible]	[illegible] 80503
[illegible] Hegel	6833 Camelia Ct Niwot 80503

From:	Bruce (Biff) W. Warren
To:	Gardner, Deb; Domenico, Cindy; Jones, Elise
Cc:	bolderbob54@gmail.com; Laura Skaggs; Tim and Mary Coonce; Tim Coonce; Bradford Heap; Burden, Cotton; Anthony Santelli; Anne Postle; Grimm, Denise; Wobus, Nicole; Ruano, Jose; Ruzzin, Mark; Trevor Owens; Boulder County Board of Commissioners; Case, Dale; "Brian Bair"
Subject:	RE: Niwot NRCD Moratorium
Date:	Wednesday, November 7, 2018 5:59:11 PM
Attachments:	[redacted]

See Letter Attached

WCM

www.niwotlaw.com

Bruce W. "Biff" Warren
Attorney at Law
bwarren@niwotlaw.com

November 7, 2018

Boulder County Commissioners
P.O. Box

Dear Cindy, Deb and Elise,

I was disappointed, not only in the result of the Oct. 30th hearing on the Niwot Moratorium, but also in the lack of serious examination of the statements made by the Land Use Department, both at the hearing and in the staff report. I realize that you have a lot of issues to deal with as county commissioners, and that you would like to be able to rely on your staff to fully present issues to you. Unfortunately, that reliance is misplaced, and by keeping the Moratorium in place, you have inflicted serious harm on the Niwot Community. Although you apologized for the way in which the Moratorium was imposed, that apology rang hollow when you kept it in place for the non-historic block. And you said nothing in the way of explanation about the flawed process by which it was imposed.

I've listened to the tape of the "walk-on" BOCC meeting when the Moratorium was imposed and it is obvious that you had off-the-record discussions, as you must have, with Land Use staff prior to the Moratorium decision. Sadly, the Land Use staff did not give you the full picture, and your comments after the hearing to various business owners reflect a continued lack of understanding of the issues, and how things actually work in the Land Use Department.
A few facts:

- Prior to 2012, it would have taken a vote of 51% of the property owners and residents in the NRCD to enact a moratorium. That change was inserted into a ballot that the NRCD voters approved which was aimed at updating parking regulations following a lengthy and expensive parking study in which I participated. If that rule were still in place, not only would we not have a Moratorium, but the commercial property owners would not be facing a potential down-zoning of their property against their will. Though it is no longer required, **I would urge you to honor the spirit of the prior rule, and insist that Land Use obtain approval of a majority of NRCD property owners for any changes to the NRCD regulations.**
- Citizen confidence in elected officials and government bureaucrats continues to decline. Your handling of this matter contributes to that lack of confidence, and leads to ballot issues such as Amendment 74, which would compensate land owners when regulation changes devalue their property. Though we all agree that Amendment 74 was a really bad proposal (which thankfully failed), your actions

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WARREN, CARLSON & MOORE, L.L.P.

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have added to the number of voters who would support such a proposal. And as we saw years ago with TABOR, that can eventually lead to very undesirable results.

- You need to effectively question your Land Use staff, which you did not do at the hearing. Dale Case's response to my comments that there are no mass or density limits which affect the Historic Block in the current regulations was something to the effect that "we have tools to deal with that" is simply, flat out wrong. I challenge you to find one provision in the Historic Block regulations which addresses the mass of building projects. There are none, and the only "tools" that Dale was referring to are the many regulations governing historic structures, which DO NOT limit the mass or density of buildings. Thus there was really no reason to treat the Non-Historic Block any differently than the Historic Block, except for the Colterra factor.
- What you did at the hearing was to give the appearance that you were lifting the Moratorium on Colterra, which everyone loves. Because of the owner's plans to redevelop the site, he will now be able to apply for Site Plan Review under the current rules, if he can actually get his application in before regulations are changed. You and I both know that can't happen, because the Land Use Department won't even accept applications without a 3-month delay. And he needs parking, which is only available on land in the Non-Historic Block, which is....oh yes, subject to the Moratorium.
- You need to question your Land Use staff about the treatment of Porchfront Homes' Tim and Mary Coonce, before the Moratorium, and even after it was lifted on their project. They advise that Denise Grimm deliberately delayed, since at least June 11, 2018, when they received HPAB approval, giving them a submittal appointment, or even responding to their numerous inquiries until just before the Moratorium. Dale Case has been advised of that problem by the Coonces on more than one occasion when I have been present, and the only response has been, "We'll look into it." Nothing happens. In fact, once the Moratorium was lifted, they Coonces immediately began trying to get a submittal date from Land Use, and were finally given a date of Feb. 4th, three months down the road! When they complained and reminded Land Use of Elise's directive that those affected by the Moratorium should be moved up in the queue, their submittal date was finally moved up – to January 2nd, 2019, still two months down the road. Furthermore, they were told that they could not have more than one residence on the site, without going through a Subdivision process. This, in spite of the fact that Land Use has consistently approved multiple residences on a parcel in the NRCD over the past 25 years, under the allowed "mixed-use" category, without a Subdivision process! Most recently, the Land Use staff made that same threat of disapproval to Anne Postle with regard to her proposed development, until she appealed to the Board of Adjustment. Only at that point did Land Use withdraw its disapproval because they wanted to avoid the embarrassment of having the Board of Adjustment hear evidence that Land Use has ignored the "Subdivision" issue for years, and has approved multiple dwelling units on single parcels without requiring a Subdivision process. My last letter to you proposed an easy solution to that problem, but now we are told that the

County Attorney's office cannot get to it until January! These actions of the Land Use Department reflect poorly on them, and on you, and further erode the public's confidence in government.

- The experience of Tim and Mary Coonce is not unique when dealing with the Land Use Department. In the past week alone, I have had three different and completely unrelated issues arise with the Land Use or Building Department staff that needlessly take time and energy to resolve, and lead to further erosion of public confidence in government. As I write, only one of those matters has been resolved satisfactorily, and the others continue to await a response.

As I look back on how this Moratorium came about, and how it remains in place for the Non-Historic Block, two things are obvious:

1. The voices you ignored when imposing and continuing a Moratorium on Niwot businesses were, first and foremost, those of the business community, including those you actually appointed:
    - Niwot Local Improvement District Advisory Committee
    - Niwot Business Association
    - Niwot Future League (formerly Revitalization Committee)
    - Over two-thirds of the property owners in the NRCD
    - The property owners in the NRCD who have been working on development applications
    - What I believe is a majority of the residents in the Niwot Community Service Area
2. The voices you listened to were:
    - Residential neighbors on one block of one street adjacent to the Non-Historic commercial block, who, to their credit, were well-organized and vocal.
    - Land Use staff, who are responsible for creating this mess by (1) enforcing two different sets of rules for the Historic Block and the Non-Historic Block with respect to use of a public alley over the years; (2) changing the rules about how the NRCD regulations are applied, without actually changing the rules, then backing down only when their arbitrary and capricious interpretations are challenged.

When we met at the Grange, Cindy mentioned that you had heard from a lot of people who objected to development in the Non-Historic Block. If you look at where those voices are coming from, it's apparent that you have heard only from those folks who live right behind the Non-Historic Block on Third Avenue. While it is understandable that these neighbors do not want any change next to them, that is not a reason to impose a Moratorium, or to change the existing regulations.

When I served on Planning Commission for seven years, we considered many contentious development proposals, that always brought out the neighbors. Those neighbors should have a voice, but not the only voice. I always looked for the broader community perspective as well. And I gave less consideration to the views of neighbors who only wanted nothing to change in their back yard, even when they didn't own it.

The Niwot Community Association is the designated referral organization for Boulder County affairs affecting Niwot. Yet the NCA has not taken up the cause of this small group of residents. The NCA's only role so far has been to provide a mediator for a discussion between residents and business property owners, which was largely unproductive when it became obvious that the residents simply want no development to occur.

In closing, I urge you to question Land Use staff, that you demand answers to the questions that will give you a better understanding of the issues, and that you respect the property rights of people who have made Niwot the place we all love.

Sincerely,

Bruce "Biff" Warren

From: Cornelia Sawle
To: Boulder County Board of Commissioners; Case, Dale; Grimm, Denise; Ruano, Jose; Anne Postle
Date: Wednesday, November 7, 2018 7:25:16 PM

My name is Cornelia Sawle. I own the Niwot Inn, so I am bordered by two controversial issues in Niwot at this time. One is the development of the property next door to the south and the other is the alley directly behind my property. I am writing this letter to the county because, as a business and commercial property owner, I understand the challenges the people face that are trying to develop, improve, and invigorate downtown Niwot. I am not seeking anything from the county and my business is unique in that I don't rely heavily on locals since my customers come from out of town, so I feel my opinions are nonbiased, merely observations from working in town. I do highly promote the local businesses to my guests.

It is difficult to profitably run a small business in Niwot. It is a small town with a limited amount of customers. All real estate prices and rents, including the commercial real estate, have gone up significantly. So have the property taxes of which the commercial properties pay a hefty amount, making it more difficult for business owners to make ends meet. One way is to increase the downtown residences. If they live right in town, they are more likely to frequent the local stores. Therefore, I support the new residences that are being proposed.

I hear people saying "we don't want to become a Boulder!" Well, that's not going to happen. Even if ten more residences are added, downtown Niwot is only about four blocks long and there are no buildings over two stories. It is not going to expand into a Boulder. What we shouldn't have are vacant buildings and buildings that aren't being taken care of.

The property next door to the Niwot Inn, 364 2nd Ave, has a dead tree clearly in sight from the street. The building has a hole in the eave of its roof, a section of shingles missing, and siding that is falling off. Both that property and the property adjacent to it to the south, have fences begging for paint and 376 2nd Ave has a broken gate just hanging there, making the property look abandoned. Is this what Niwot should look like? Is this what we want to hang on to? The properties are in urgent need of work. I know the present owner is trying to get plans approved to do so, but his hands are now tied due to the moratorium.

Being right next door, I often observe the back yard of the 364 2nd Ave property. It does not have any landscaping other than a plain lawn that gets drier and drier during the summer months. It is not used for any purpose. In my opinion, it's wasted space that no one uses or enjoys even though it's a large area right in town. People walking or driving by can't even see it. It would be an improvement to have a couple of small residences developed on that empty area that are landscaped and would bring in more people to use the downtown area. People who live in town are going to use the local stores often and will most likely walk to them, therefore, won't add much to the street traffic.

This brings up the other issue, the alley. The east side of 2nd Avenue has more pedestrian traffic than any other sidewalk in Niwot. People are constantly walking by; adults, people walking dogs, families, people pushing strollers, children, teenagers, and lots of kids on bikes. On days when there are events such as Rock n Rails or First Friday Art Walk, the volume increases significantly. Niwot is a town where people walk. All the stores are within walking distance. That's one of the wonderful things about this town.

I don't understand why the county insists on routing all the traffic across the pedestrian sidewalk to get to the parking lots behind the buildings when an alley already exists that the cars can use. The current traffic pattern is dangerous and certainly could be considered negligent by the county should someone get hurt.

I could easily open my parking lot to have cars enter and exit from the alley as could the building next door and on down the alley. If I was given permission to do so, I would eliminate my driveway, replace it with a lawn, thereby creating more green space. I'm not going to fight to have this

allowed, but I just want to point out it would be much safer and nicer to look at.

The alley behind 2nd Ave is the ugliest section of town. It is full of ruts, pot holes, untrimmed trees, and weeds that become quite tall and thick because they are not cut during the summer by the residences on the alley. I do cut down the weeds on my side of the alley as does the commercial property next door. As I do so, I worry about the fire hazard produced by the tall dry weeds on the other side of the alley during the hot summer months. Any spark would set them off. We are fortunate that the fire at Colterra didn't spread to the alley because the consequence would have been terrible. That alley is a tinder box during the dry months.

Instead of having the alley so unkempt, I believe we should embrace the alley and make it quaint, as Longmont and Ft Collins have. Take a look at theirs. They have bricked them, which is good for drainage and keeps car speed slow, and have added soft lighting and flowers. If the county isn't willing to move the commercial car access from 2nd Avenue, then move much of the pedestrian traffic to the alley. I have seen Bob Von Eschen's proposed development drawings of the property next door. He has landscaped walkways from where Niwot Road curves into 2nd Avenue through the back area of his property to the alley. I would be willing to enhance my section of the alley and I've heard other commercial real estate owners on the alley say the same. Why not make the alley just as charming as the rest of Niwot?

I am aware that many of the 3rd Ave residents whose property back up to the alley are against improvement of the alley. They seem to want to keep it unusable to create a barrier between their homes and town. Many of them have lived there a long time. Even if they bought their home 30 years ago, the alley existed then and they must have been aware that they were purchasing property that bordered commercial property. It is not rural property!

If Niwot is going to continue to thrive and prosper, we need to take the unused, rundown areas and improve them by making those areas more attractive and available to all the people who live in or come to Niwot.

From:	Anne Postle
To:	Gardner, Deb; Domenico, Cindy; Jones, Elise
Cc:	Bob Von Eschen; Laura Skaggs; Tim and Mary Coonce; Tim Coonce; Bradford Heap; Cotton Burden; Tony Santelli; Grimm, Denise; Wobus, Nicole; Ruano, Jose; Ruzzin, Mark; trevor@masseq.com; Boulder County Board of Commissioners; Case, Dale; Brian Bair; Bruce W. Warren
Subject:	Niwot NRCD Moratorium
Date:	Thursday, November 8, 2018 11:02:53 AM

Dear Deb, Elise and Cindy,
Yesterday I received a call from Bob Discipio, owner of Skyland Analytics who offices above Lucky Pie in the Link Building. His business is growing and he is looking for additional space. He knows that we plan a new building and wanted to be able to work with us to design a space for him. He will also talk to Bob Von Eschen. He is not leaving his current space, just adding new. He lives in Niwot. I had to tell him that my hands are tied during the moratorium.
Later that day, I had a visit from a residential tenant at 104 2nd Avenue. Both he and his business partner live in Niwot, and they want to be able to walk to work, so would like to move their business. He is also interested in our new building, but will have to make a decision on renewing their Boulder lease soon. The moratorium puts all of this on hold. Six months is an eternity for a small business.

Isn't this what you want? Walk-able communities. People living and working in the same area. Less time spent in a car. Less people commuting.
Businesses calling to expand their business in Niwot isn't something that happens every day, but it is happening now...at least it would be happening now if we didn't have a moratorium and a Land Use staff intent on down-zoning our commercial properties. Now they are planning to bring in an 'expert' in urban design and planning for a charette process where the expert, at the direction of your Land Use staff, will increase the rear yard setback that has been established for over 30 years, strip away our property rights and our ability to meet the needs of our citizens.
I wish you could see the great harm you are doing to Niwot. I hope you will direct your staff that the goal is not to make the business community in Niwot less viable. The goal should not be to limit our ability to meet the needs of our citizens.

Anne Postle, AIA
Osmosis Art and Architecture
290 2nd Avenue
PO Box 1024
Niwot, CO 80544-1024
(303) 652-2668

> On 11/7/2018 5:58:33 PM, Bruce (Biff) W. Warren <bwarren@niwotlaw.com> wrote:
>
> See Letter Attached

From:	Mary Coonce
To:	Gardner, Deb; Domenico, Cindy; Jones, Elise
Cc:	Bob Von Eschen; Laura Skaggs; Tim Coonce; Bradford Heap; Cotton Burden; Tony Santelli; Grimm, Denise; Wobus, Nicole; Ruano, Jose; Ruzzin, Mark; trevor@masseg.com; Boulder County Board of Commissioners; Case, Dale; Brian Bair; Bruce W. Warren; Anne Postle; Tim Coonce
Subject:	RE: Niwot NRCD Moratorium
Date:	Thursday, November 8, 2018 5:08:31 PM
Attachments:	[redacted]: 1997.pdf [redacted]10 TC.pdf

Dear Deb, Cindy and Elise,

Please see my attached letters for your review.

Best regards,

Tim Coonce
Porchfront Homes

Boulder County

Office of the County Attorney

Post Office Box 471 • Boulder, Colorado 80306
Phone: (303) 441-3190 • Fax: (303) 441-4794 • E-Mail: ca@boco.co.gov

RECEIVED
OCT 31 1997
LAND USE DEPT.

October 29, 1997

Ms. Anne Dyni, Secretary
Niwot Business Association
PO Box 92
Niwot, Colorado 80544

RE: MAINTENANCE OF THE ALLEYS IN THE NIWOT TOWNSITE PLAT

Dear Ms. Dyne:

The County Transportation Department has asked our office to respond to your questions about the maintenance and improvement of the alleys in Old Town Niwot.

When the original Niwot Townsite plat was filed with the County Clerk and Recorder in 1875, the streets and alleys were dedicated to the public. Over the years, the streets in the Niwot Townsite were developed and eventually accepted for maintenance by the County. The street rights of way are public in nature as a result of continuous public use for more than twenty years and the County's maintenance of the dedicated streets.

The County reaffirmed the public character of Niwot's streets by including them on the County Road Map beginning in 1953. The County Road Map was used to establish the County's apportionment of the newly created state tax on gasoline though the Highway Users Tax Fund (HUTF). Each year thereafter, the County has been required to submit an annual report to the State Highway Department in order to determine the County's share of the HUTF, which has continuously included the county-maintained streets in Niwot.

The alleys by contrast are public but not County rights-of-way. This is because the alleys were dedicated to and used by the public but never accepted by the County as "county rights-of-way" either formally through resolution or impliedly through maintenance. In addition, the alleys in Niwot were never considered to be a part of the County's road system and have never been included in the annual road mileage report to the state.

It is our opinion that the use, maintenance, and improvements to the alleys must be such as will not interfere with the historic use of the alleys. It is likely that the primary historic use of these alleys has been access to the adjacent properties by the owners or their designees, and each adjacent property owner is equally vested in the right to use, maintain and improve the alleys in a manner which would not interfere with the use of the alley by the other adjacent property owners. Aside from this, we are not aware of any quality standards which would apply to the proposed re-grading or maintenance of the alleys.

Jana L. Mendez
County Commissioner

Ronald K. Stewart
County Commissioner

Paul Danish
County Commissioner

If you have any questions or concerns related to this issue, please contact me or Clark Misner of the County Transportation Department.

Sincerely,

Leslie Wright Lacy
Assistant County Attorney

copy: Ron Stewart, Commissioner
Camilla Laughlin, Land Use
Clark Misner, Transportation

Boulder County Commissioners November 8, 2018

Dear Elise, Deb and Cindy

The Land Use staff have placed the residential and commercial neighbors who share the alley into a Win-Lose situation. Rather than enforcing the zoning and the law, they have ENCOURAGED the residents by declaring that their desires are paramount, and by granting residents' sole access and control of the shared alley which has become the demilitarized zone in a civil war. As opposed to a DMZ, the alley should be cleaned up, maintained and used for access. It is after all – **A PUBLIC RIGHT-OF-WAY**.

Dale Case told you, on October 30, 2018 during the commissioners meeting, that in 1996 the county transportation department conducted an alley use study and determined that no access would be available to any of the adjoining property owners and it was to be used strictly for service vehicles. If this study indeed exists, (and to my knowledge, it has not been produced,) what was the compelling reason for the denial of use of the alley? The answer is that a select few neighbors on the other side of the alley had louder voices and worked in concert with Land Use to bend the law.

What Dale failed to mention is that one year later, in 1997, the County attorney wrote a letter which found that the alley is indeed a public right of way and could be used by the property owners and their designees and shall be maintained by the property owners. It is not surprising that Dale omitted the mention of this timeline, as it does not support the desire of Land Use to cater to a few residential neighbors and consequently limit development in Niwot. As if the blind-sided lack of transparency were not enough, making sure the commissioners were aware of the chronology of events would further erode his argument for the imposition and continuation of the moratorium. You have not been receiving all of the information from staff put into its proper context.

I would hope that you are as outraged by this calculated lack of factual clarity as most of the rest of Niwot is (with the exception of, according to Dale, six or so residents adjacent to the alley). Those are the residents that met with staff and unwittingly (we are told) helped to usher in the moratorium. Two of the residents present at that meeting between the residents and staff have told me independently that when the word moratorium was bandied about they were assured that that was not really under consideration. That is until, at the end of the meeting, it was decided that staff would recommend a moratorium to the commissioners. This was in the absence of anyone that had an opposing view being included in the discussion about the "crisis". Land Use and those residents are imposing their will on the rest of Niwot and attempting to take property rights from their neighbors. I can assure you that our community outreach indicates that the majority of Niwotians want to see a vibrant business district and support the business owners in their efforts to see that this occurs.

Over the years, in spite of the County Attorneys' finding, Land Use continued to not allow access to the alley. The property owners with development proposals in front of the County were simply told that access was not possible and cited the 1996 alley study while not mentioning or adhering to the County Attorneys' letter. Several commercial property owners ultimately gave up and as a result, their

properties were developed with no alley access and are unsafely accessed from 2Nd avenue. When the Land Use Department ignores the law, chaos is created. Residents and property owners choose sides and dig in. What the residents desire, "**NO ALLEY ACCESS**", trumps the law, with the unintended consequence of forcing alley traffic onto 2nd Avenue, crossing the sidewalks, making our sidewalks less safe and interrupting pedestrian traffic which is vital to the success of the Niwot Business District and to visitors enjoyment and impression of the Town. **ON WHAT PLANET DOES COMPROMISING THE SAFETY OF OUR CITIZENS REPRESENT GOOD POLICY?**

After 25 years of this capricious and unfair practice, the commercial property owners are forced to address this injustice yet again and will demand that the rule of law be enforced to protect their property rights. This time we will not give up or give in.

The community meeting on October 17th, orchestrated by the Land Use Department was an exercise in 'moratorium justification'. While using the "assumed close" tactic, wherein they asked loaded questions that addressed a fictitious problem of too much development happening too quickly (on a grand total of three properties adjacent to the alley) such as "What setback would you like to see on your neighbors' property?, What uses should be allowed on your neighbors' property?, How tall should your neighbors' building be?" In one of staffs' moments of true transparency, they asked these questions hoping that if answers were forthcoming, the mere fact that answers were given would obviate the commercial property owners acceptance of the need for change and acquiescence relative to downzoning proposals when presented. In short they attempted to get us to negotiate against ourselves but we saw through the ploy and were not going to be dooped.

On no less than six occasions, the moderator attempted to steer the meeting back to these questions. Even though this ruse and the post-it note game was overwhelmingly ignored, Land Use incorrectly told the County Commissioners that it was a success. It was not. Land Use is attempting to employ a strategy that confiscates the property rights from the Niwot commercial property owners to satisfy the wishes and desires of the adjacent residential neighbors. So these questions pit one group of property owners who want to preserve their property rights against another group who feel that their quality of life desires are paramount. We are still outraged by this clear and biased attempt to take the commercial property owner's rights in favor of neighboring residents.

The answers to all of the questions posed at the October 17th meeting are already clearly defined within current zoning regulations. They have been applied for years with great success as evidenced by the support of the neighboring residential property owners' affirmation that they thought previous projects were in keeping with the character of Niwot and those that spoke said they liked them, with the exception of Southpaw Commons.

It is not surprising that Southpaw drew their ire as it did allow for alley access since the six enclosed garage spaces built with Southpaw replaced six existing uncovered spaces that had been historically accepted with full use of the alley. So it is really not about alley access after all, it is about stopping all development across the alley. From where do they derive the "right" to stop all development on any property other than the properties they own? Enter their willing accomplices….Land Use. That's where. And now the residential neighbors have handed Land Use the cudgel to limit development in Niwot for which they have been looking.

The actions undertaken by Land Use as they relate to the moratorium are only understandable if what I was once told by a senior Land Use planner is true. While researching the potential of a community parking lot on what is now the children's park, I was informed that "The County does not want to see Niwot develop" and therefore a public parking lot was not an option there or in any location. This is in stark contrast to what the Commissioners approved when they agreed to be part of the acquisition and development of the new parking lot bought with LID funds from Burlington Northern. Land Use has long sought a way to thwart potential development in our town and the alley issue is simply a convenient way to get what they have long sought. Is this the official County position on Niwot? Does the County not want to see it develop to its full potential? Or is Land Use acting outside their authority without the advice and consent of the Commission?

Land use chose sides years ago and is now using the alley use issue, by pitting neighboring property owners against one another, as a justification to diminish development. This divide and conquer strategy will not work. The commercial property owners will not be cowed and will fight to maintain our rights.

Commercial property owners invested in their properties with a clear understanding of its potential. In the past this potential has been unlawfully stripped away.

In closing, I urge you to get to the root cause of the problem by digging for all of the information staff has not been putting in the correct context so as to determine if there is a real need for any action other than rescinding the moratorium entirely.

Sincerely,

Tim Coonce

Porchfront Homes

From:	Brian Bair
To:	Gardner, Deb; Domenico, Cindy; Jones, Elise
Cc:	Bob Von Eschen; Laura Skaggs; Bradford Heap; Cotton Burden; Tony Santelli; Grimm, Denise; Wobus, Nicole; Ruano, Jose; Ruzzin, Mark; Trevor Owens; Boulder County Board of Commissioners; Case, Dale; Bruce W. Warren; Anne Postle; Tim Coonce; "Mary Coonce"
Subject:	RE: Niwot NRCD Moratorium
Date:	Monday, November 12, 2018 8:52:29 PM
Attachments:	~~Letter to BCC [redacted] Ave Niwot.pdf~~

Dear Deb, Elise and Cindy:

Please see my attached letter for your consideration.

Regards,

Brian

****

Brian W. Bair, Principal
Mass Equities, Inc.
(415) 269-2448

Boulder County Commissioners November 11, 2018

RE: Pedestrian safety in the 2nd block of the NRCD IS COMPROMISED BY RESTRICTING ALLEY ACCESS

Dear Elise, Deb and Cindy,

I am writing to you as a business owner in downtown Niwot and a resident of Niwot for the past 12 years. My wife and I have three young boys and we enjoy meeting friends and exploring downtown. We regularly spend time in downtown supporting the shops, restaurants and businesses. We often ride bikes and the kids ride scooters to downtown and we worry about (and have heard of) close calls between cars exiting parking lots and pedestrians/bikes traveling along 2nd Ave. This is an important issue that warrants attention if you truly care about a walkable and safe downtown.

Requiring property owners to construct access from 2nd Ave. to parking lots behind the buildings to limit alley access is not safe and not good planning. Alleys were invented for a reason, and they have worked just fine for over 100 years in Niwot. They were designed to redirect vehicles off "Main Street" to the rear of buildings to create a safer pedestrian experience. This is very common and effective - just ask any historic town in Colorado.

To that point, it is worth a look at what the Comprehensive Plan says about Niwot's sidewalks along 2nd Ave:

NIW 2.08 says, "The county shall encourage the development of a network of pedestrian and bicycle pathways that are **protected from vehicular encroachment** and that serve the resident's needs to **safely** and efficiently move between activity areas and living areas within the Niwot Community Area". The current Land Use policy that forces every car that accesses a property in the 2nd Block of the NRCD to cross paths with pedestrians, bikes, and strollers on our sidewalks is **clearly** against the intent of the Comprehensive Plan. Especially when the obvious solution already exists and works on the west block of 2nd Ave (the Historic section).

Under the Historic Review Process/Historical Precedent/Intent/Guidelines states in Bullet #7- "**Alleys should be retained to provide access in the rear of the buildings** and to provide a service area to the building that is not highly visible from Second Avenue".

Alley access as specified by the letter from the Assistant County Attorney, Leslie Wright Lacy in 1997 **should be allowed and encouraged to keep our pedestrians safe**.

We have been told that "Boulder County Land Use staff is analyzing whether the existing NRCD regulations are sufficient" **to protect and promote the public health, safety, and welfare**," by appropriately balancing changes in development and growth with the present and future needs of the Niwot community." We agree that the recent requirements for east block are not appropriate and now is the time to change this policy and reinforce "full alley access" to make it consistent with the west block. By exempting the west block from the Moratorium, we can only assume you agree that the configuration and use of that section is appropriate and safe for pedestrians.

The safety of our children and pedestrians should not be compromised to satisfy a handful of adjacent residents who have frontage on 3rd Avenue and rarely, if ever, use the alley. Residents and business owners demand the alley be returned to "full access" as contemplated in the Comprehensive Plan and to promote safety for all.

Sincerely,

Brian W. Bair
Mass Equities, Inc.
263 2nd Ave, Suite 105
Downtown Business Owner and Niwot Resident

From:	Catherine McHale
To:	Boulder County Board of Commissioners
Cc:	Case, Dale; Grimm, Denise; Ruano, Jose; Cornelia Sawle; Brian Bair; Biff Warren; Anne Postle; Bradford Heap; Mary Coonce; Tim Coonce; Tony Santelli; Bob Von Eschen; Xan Rubey
Subject:	How Niwot businesses contribute to the success of Niwot as a whole
Date:	Wednesday, November 14, 2018 11:11:27 AM
Attachments:	[redacted]

Dear Boulder County Commissioners,

As Economic Development Director for Niwot, I would like to share my perspective on the impact our business community has on the overall vibrancy of Niwot.

Niwot is known for its unique charm and character. This has evolved because of its great events, community projects and activities. However, this current state has not occurred through luck or wishful thinking - it has been engendered and continued by Niwot's thriving and proactive business community.

To get a vivid understanding of the impact a vibrant business community has on the unique charm and character of Niwot, we can look back on the "ghost town" period pre-2010, when there was 30% vacant retail and office space. The differences were stark. Niwot had one major event, Nostalgia Day, once per year, and a few parades.

So what makes this link between our vibrant and thriving business community, and the success of our town as a whole?

When we want things to happen for the community of Niwot, we rely on volunteers. Most are residents or business owners. And while many great people throughout the town of Niwot give their time and skills, it is the business community which forms the heart of the organization of events, activities, projects and town improvements. The financial contributions of the business community, through sponsorships or LID support funding (made possible by sales taxes collected) make these activities possible.

The businesses come forth with ideas to make our downtown vibrant almost every single month of the year. We champion projects that make Niwot a better place to live and visit. We work tirelessly to ensure our downtown area has life and can support the residents of Niwot for many years to come, and give a sense of pride to this great town.

We champion art, history, activities for families, safe and pleasant townscaping, music, food - everything and anything that makes the town a great place to live for its residents. We create and maintain community webpages, communications and marketing programs to promote the town of Niwot as a whole.

Overall we work with an overarching sense of pride in our "vintage Colorado" town, We want to give it as much life and vibrancy as possible and celebrate its uniqueness, while allowing its commercial heart to survive and thrive. Without this commercial heart our quaint town would go back to having a "ghost town" for its downtown, and we are very conscious of this - Niwot's downtown area is still a fragile economy and we are not complacent.

This moratorium hurts us all.

I would like to draw your attention to the incredible range of events and projects that are spearheaded by Niwot businesses. I would ask you to imagine what life in Niwot would be like if these projects did not take place:

Rock & Rails Summer concert series
Jazz on 2nd Avenue

Monthly First Friday Art Walks
Let's Wine about Winter in Niwot
Niwot's Great Pumpkin Party
Why Not Niwot Juried Art Show
Enchanted Evening
Niwot's Annual Holiday Parade
Tree planting and outdoor 'parklet' on first block of 2nd Avenue
Niwot monument sign on the diagonal
Summer Flowers
Banners
Christmas tree decorations
Community Corner at Sculpture Park
Left Hand Chair project
Niwot.com
Niwot's marketing programs

Many of our business community members are also Niwot residents. We are small businesses and local residents - not faceless corporations with no ties to the area.

We work, live and breathe Niwot life and we are passionate about its success!

The business community of Niwot is arguably one which does more for the overall community than any I have ever known. We know that if we want good things to happen for Niwot, we need to roll up our sleeves and give our time and expertise for the greater good of our town. And we are happy to do so.

This moratorium threatens all that we are striving for in our community as a whole.

Sincerely,

Catherine McHale
Economic Development Director, Niwot

720 3783792
mchale.c@icloud.com
info@niwot.com

niwot.com
facebook.com/niwot
@niwotcolorado



From:	Tony Santelli
To:	Boulder County Board of Commissioners
Cc:	Bair, Brian; Wobus, Nicole; Ruano, Jose; Cotton Burden; Conarro, Tim; Coonce, Mary; Coonce, Tim; Ditzel, Jim; Gould, Liz; Bradford Heap; Malcolm, Janine; McHale, Catherine; Meisner, David; Anne Postle; Postle, James; Rollman, Steve and Kay; Santelli, Tony; Sawle, Cornelia; Laura Skaggs; VCC, Admin; Von, Bob; biff warren; Tim and Carrie & Wise; Case, Dale; Grimm, Denise; Dayna Roane; Linda Klueber; Deborah Fowler; Faberman Harris; Chuck Klueber
Subject:	Impact of Moratorium on the small businesses in Niwot
Date:	Wednesday, November 14, 2018 5:59:11 PM

Dear Boulder County Commissioners,

I will briefly summarize what you have already heard concerning how the moratorium will negatively impact Niwot's business district.

1. Colterra closing, impacting sales tax collections by almost 15%, shows that Niwot is still fragile, with so much depending on one business.

2. Colterra closing, has caused dramatic decrease in retail traffic on other Niwot businesses.

3. Vacant retail space is growing with the closing of Powder Keg, the Tribune building, and the Niwot Dental building. Businesses continue to fail.

4. Potential new tenants will be discouraged because of the uncertainties of a moratorium, that could be extended.

5. Any code changes resulting in downzoning, will impose building cost increases, which will translate to increasing rents, making Niwot less competitive.

6. Restricting alley access, will require vehicles to cross the sidewalk on 2nd Avenue, compromising the safety of our citizens. This is bad policy and not consistent with the precepts of the Comprehensive Plan.

I will share with you, the lessons I've learned, owning the Niwot Tavern 14 years;

being a member of the LID 10 years;

and President of the NBA 11 years.

1. The Niwot business community is an Eco System. We benefit when we are all healthy and feel the pain when some of us are not. Colterra is a case in point. I fear Colterra will not reopen because of this moratorium.

2. As small businesses, we feed off each other. As an example; Niwot has become a dining destination because of our successful restaurants. People come to Niwot to dine, sometimes the 1914 House, or Treppeda's Italian, or Lucky Pie or Raza Fresa Mexician, etc. The Tavern sales have continued to grow with the increase in the number of restaurants.

3. The Connectivity project has increased the "critical mass" of Niwot by better connecting Old Town with Cottonwood Square, enabling both to feed off each other. We win or lose together, as ONE entity.

4. Our 10 year Vision committee is addressing the question; How can Niwot business community become more vibrant and economically sustainable, while maintaining Niwot's unique charm and character. Report due at year end, that will be an addendum to the Niwot Strategic Plan. We care about our future.

5. Given the above, how does a moratorium separating Old Town into two separate blocks, make any business sense? Consider this: the US Congress imposes a 6 month moratorium on the businesses in half the country, while it takes time to write a new law. Short of a World War, I can't think of a more cataclysmic event. And the US is an enormous strong economy. Not fragile Niwot.

In my opinion, you have been poorly advised by your staff. I have not doubt, that they have the best intentions. But they seem to lack the small business experience, like I did 14 years ago, to understand the negative consequences their recommendations have on Niwot.

Let those of us who live, breathe and bleed Niwot blood, decide what's best for Niwot. And lift this moratorium immediately.

Thank you for your consideration,

Tony Santelli

From:	Deborah Fowler
To:	Boulder County Board of Commissioners; Case, Dale; Grimm, Denise; Ruano, Jose; Wobus, Nicole
Subject:	Resident Signatures and Requesting to end the moratorium in NIwot - Resident Signatures attached
Date:	Thursday, November 15, 2018 10:41:37 AM
Attachments:	moratorium letter fowler.pdf

November 15, 2018

Dear County Commissioners,

I am a Niwot resident and business owner on 2nd Avenue and I am happy to share the attached letter with you.

Niwot is a town of over 5000 residents. Our residents take great pride in our business district. It is one of the jewels of our community.

When the moratorium was announced, the Niwot Business Association leadership received many calls. “How can we help?” “What can we do to support you?” We put out a letter for signatures and with very little effort, quickly had 87.

These signatures represent a broader cross section of Niwot residents, not just the small minority who have supported the moratorium.

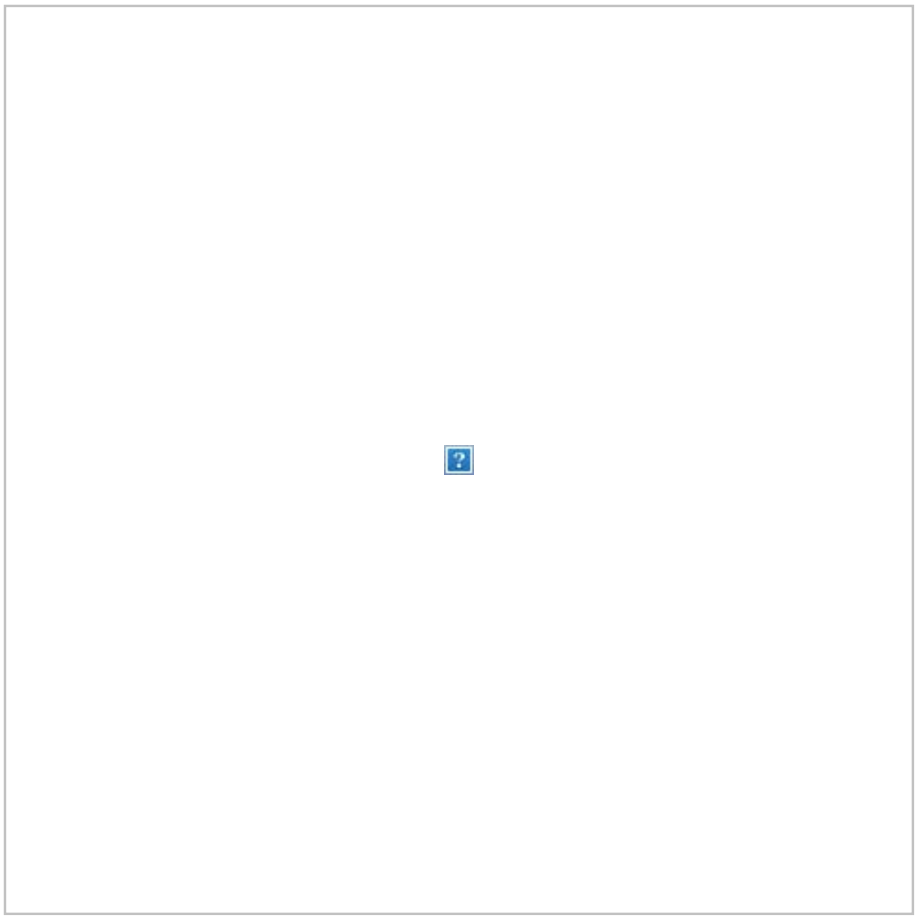
Most Niwot residents want their business district to be vibrant and to thrive. This is good for all of us! A viable business community improves our life style enabling us to enjoy shopping and dining in our town and supports higher property values for all of us.

Please hear the voices of all of the residents and end the moratorium.

Sincerely,

Deborah Read Fowler
DRF Real Estate Team
Niwot Business Association Vice President

Deborah Fowler, GRI, CLHMS, CRS
Realtor
720.378.1217 | Deborah@ColoradoLandmark.com
View My Testimonials
DRF Real Estate LLC, Colorado Landmark
PO Box 814, Niwot, CO 80544



November 13, 2018

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Please hear the voices of all of the residents and end the moratorium.

Sincerely,

Deborah Read Fowler
DRF Real Estate Team
Niwot Business Association Vice President

Boulder County Commissioners
Dale Case, Land Use Department Director
Denise Grimm, Senior Planner

Dear Boulder County Commissioners, Dale Case and Denise Grimm,

Niwot is a very special place. We have a walkable and bike-able community, with shopping, a grocery store, fantastic dining options, a beautiful Inn, great events, festivals and parks.

As residents of Niwot, we want to express our disappointment in the recently imposed moratorium on processing development applications for all business properties on 2nd Avenue in Old Town.

We support the property owners and businesses in Old Town, and appreciate what they bring to our community.

Our community has already taken a huge hit with the loss of Colterra due to a fire, and the moratorium further delays its return. Colterra has been an anchor to our business district and the loss has adversely affected all Niwot businesses. Powder Keg Brewery recently closed and remains vacant. We do not support any actions that cause further harm to our Niwot businesses.

We oppose this moratorium because it causes harm to our local businesses, and because it was imposed without notice or an opportunity for Niwot businesses and property owners to be heard, contrary to our Constitutional guarantees that property rights will not be taken without due process of law. We are against any changes to the Land Use Code that take away property rights from the businesses that make Niwot such a special place.

Respectfully,

Name	Address
Amanda Johnson	8651 Skyland Dr.
Dillon Johnson	8651 Skyland Drive

Name	Address
Neal Bartoletta	8566 SKYLAND DR NIWOT CO 80503
LUANNE BARTOLETTA	720-934-1129
Lisandra Lindro 561-703-6349	8566 Skyland Dr Niwot, CO 80503

Name	Address
(David Janowicz)	8668 SKYLAND DRIVE NIWOT CO
Tony Santelli & Felicia Santelli	8622 SKYLAND DRIVE, NIWOT. CO

Boulder County Commissioners
Dale Case, Land Use Department Director
Denise Grimm, Senior Planner

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Respectfully,

Name	Address
Adam Robinson	2405 2nd Avenue Niwot, CO 80503
Michelle Lenzel	6833 Camellia Ct Niwot, CO 80503
KRISTIN ALGER (Kristi Alg)	8180 DRY CREEK CIR. NIWOT, CO 80503
Jim Postle	8392 Niwot Meadow Farm Rd Niwot CO 80503
[illegible]	475 Franklin Ave Niwot CO 80544
[illegible] Warren	7321 Dry Creek Rd Niwot, CO 80503
Alyson Bell	7210 Timothy Place Niwot Co 80503
[illegible]	533 Greenwood Dr. Niwot 8050
Jim Postle	8392 Niwot Meadow Farm Rd. Niwot 80503
[illegible]	6680 PAIUTE CT. NIWOT 80503
[illegible]	10co niwot rd. 80503
[illegible]	Gold Walnut Rd 80503
[illegible]	6833 Camellia Ct Niwot 80503

Name	Address
Kyle Klein	8675 Skyland Dr Niwot CO 80503
Jennifer Klein	8675 Skyland Dr Niwot, Co. 80503

Boulder County Commissioners
Dale Case, Land Use Department Director
Denise Grimm, Senior Planner

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Respectfully,

Name	Address
Susan Drake	6638 Legend Ridge Trail, Niwot, CO
Scott Drake	" " " " " "
Carissa Brandes	342 2nd Ave, Niwot, CO 80503
Carissa Brandes	
KATHY HEIMANN	8470 Strawberry Ln., NIWOT CO 80503
JoMarie Dancik	6545 Primrose Lane Niwot
George Dancik	6545 Primrose Lane Niwot
[illegible]	6519 Primrose Lane, Niwot
[illegible]	" " " "
MARC ARNOLD	8243 Cattail Dr, NIWOT

Boulder County Commissioners
Dale Case, Land Use Department Director
Denise Grimm, Senior Planner

Dear Boulder County Commissioners, Dale Case and Denise Grimm,

Niwot is a very special place. We have a walkable and bike-able community, with shopping, a grocery store, fantastic dining options, a beautiful Inn, great events, festivals and parks.

As residents of Niwot, we want to express our disappointment in the recently imposed moratorium on processing development applications for all business properties on 2nd Avenue in Old Town.

We support the property owners and businesses in Old Town, and appreciate what they bring to our community.

Our community has already taken a huge hit with the loss of Colterra due to a fire, and the moratorium further delays its return. Colterra has been an anchor to our business district and the loss has adversely affected all Niwot businesses. Powder Keg Brewery recently closed and remains vacant. We do not support any actions that cause further harm to our Niwot businesses.

We oppose this moratorium because it causes harm to our local businesses, and because it was imposed without notice or an opportunity for Niwot businesses and property owners to be heard, contrary to our Constitutional guarantees that property rights will not be taken without due process of law. We are against any changes to the Land Use Code that take away property rights from the businesses that make Niwot such a special place.

Respectfully,

Name	Address
Tammy Shrumann	8580 Strawberry Lane 80503
[illegible]	8580 Strawberry Lane 80503

Name	Address
[illegible]	8510 Niwot Meadow Farm Rd
Karen Fukuma	8510 Niwot Meadow Farm Rd
[illegible]	7332 Erin Court
Carolyn Richards	7216 Lacey Ct, Niwot
[illegible]	7232 Lacey Ct
Katherine Pulowski	8359 Niwot Meadow Farm Rd.
Ben Russell	7364 Erin Ct Niwot
Rodell Rudolph	8540 Niwot Meadow Farm Road Niwot

Name	Address
Charles Kluber	8206 Sawtooth Lane Niwot Co 80503
[illegible]	9276 Niwot Hills Dr Niwot Co 80503
Paula Sieben	8689 Monte Vista Ave Niwot 80503
Claire Walker	8980 Springhill Drive Niwot 80503
Monet Stoneman	7122 Elm St. Niwot 80503
Jill Whitener	7757 Country Crk. Dr. Niwot, 80503
[illegible]	7224 Dry Creek Rd Niwot 80503
[illegible]	7757 Country Creek Dr Niwot 80503
Kamala [illegible]	8449 Firethorn Ct Niwot 80503

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Respectfully,

Name		Address
Deborah Read Fowler	[signature]	7181 Longview Dr. Niwot CO 80503
Anna Wallington	[signature]	9743 Niwot Rd CO 80504.
Erin Barklow	[signature]	8550 Monte Vista ave, Niwot 80503
[illegible]	[signature]	7968 Pebble Road Niwot Co 80503
Chester Palmer	CP	7968 Pebble Road Niwot CO 80503
Andrew Fowler	ANDREW FOWLER	7181 Longview Dr Niwot Co 80503
CATHERINE McHALE	C.M McHale	7151 DRY CREEK CT. NIWOT CO 80503
Darrill Edwards	[signature]	8414 Firethorn Ct. 80503
Carol Riggs	[signature]	8414 Firethorn Ct 80503
Kal Stumpf	[signature]	6939 Pawnee Way 80503
Tim Stumpf	[signature]	6939 Pawnee Way Niwot 80503
Susan Rona	[signature]	8338 Pawnee Lane, Niwot 80503
Jeffrey Rona	[signature]	8338 Pawnee Lane, Niwot 80503
[illegible]	[signature]	6511 Primrose lane Niwot Co 80503
[illegible]	[signature]	7273 Spring Creek Cir. Niwot CO 80503
Daniel Alleman, DDS	[signature]	7273 Spring Creek cir Niwot CO 80503
[illegible]	KRISTIN ALIGER	8180 DRY CREEK CIR NIWOT 80503
Gillian Bozanic	[signature]	#6990 Niwot Square, Niwot 80503
Carole Stern	Carole Stern	9260 Shooting Star Ct. Niwot 805

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Respectfully,

Name		Address
Caroline K Wise	Caroline K Wise	7370 Pebble Ct Niwot Co 8050
TIMOTHY L WISE	Timothy L Wise	7370 PEBBLE CT NIWOT CO 80503
Michael T. Bell	Michael T Bell	7235 Longview Drive Niwot CO 80503
VIRGINIA K. HOLTZMAN-BELL		7235 Longview Drive, Niwot CO 80503
LYNN FISCHER		7247 Longview Dr Niwot CO 80503
[illegible]		7247 Longview Dr Niwot CO 80503
Paul Ragland		16621 Pauite Ct Niwot CO 80503
Karen Ragland		16621 Pauite Ct Niwot CO 80503
CHRIS DODGE		6640 Paiute Ct Niwot CO 80503
Dana Dodge		6640 Paiute Ct Niwot CO 80503
Linda Herring		6715 Niwot Hills Dr Niwot CO 80503
SUSAN CLOSE		7257 Spring Creek Cir., Niwot CO 805
JILL L GOSSETT		8903 WALKER RD NIWOT 8050
Kathryn L. Bath		8973 Walker Rd Niwot 80503
Sarah Sutherland	Sarah Sutherland	7187 Longview Dr. Niwot 80503

From: Bradford Heap
To: Wobus, Nicole; Ruano, Jose; Unknown; Tim; Mary Coonce; Tim Coonce; Jim Ditzel; Liz Gould; Bradford Heap; drjaninemalcolm@gmail.com; Catherine McHale; David; Anne Postle; James Postle; Tim Rollman; Tony Santelli; Niwot Inn; lauralskaggs@aol.com; Admin; Bob; Biff Warren; Wise; Case, Dale; Grimm, Denise; Dayna Roane; Designing Interiors; deborah@coloradolandmark.com; Harris Faberman; Chuck Klueber; Boulder County Board of Commissioners
Subject: Property rights
Date: Thursday, November 29, 2018 9:42:49 AM
Attachments: [redacted].docx

Commissioners and Boulder County land use staff,

Please see my attached letter on Property rights.

--
Kindest regards,

Bradford Heap | Chef Owner | 303.579.9476

saltthebistro.com | facebook | twitter
colterra.com | facebook | twitter
wildstandard.com

11/28/18
County Commissioners & County Land Use Department,

I believe in property rights for all stakeholder in Niwot. Property owners in the NRCD who purchased properties have specific rights and zoning that where considered when making an investment in Niwot. My family and I invested in the property at 210 Franklin 12 years ago to buy the former Le Chantecler in 2006. We chose Niwot for our investment, which serves as our means to put our twins through private school, college and god willing our retirement.
Way back in 2006 the NRCD was struggling with many vacancies in the retail-shopping district.
The current zoning allows the NRCD to function in step with the Boulder County Comprehensive Plan. Speaking on behalf of my fellow commercial property owners, we understand the rules and we follow the rules. We want our commercial district to be vibrant, to thrive, to be walk able and sustainable. The current zoning codes are very clear. Since many of us both live and work here, we care about what our neighbors think, and don't want to create something that they don't want. That said, the 3rd Avenue neighbors desire to maintain their 'quality of life' by denying alley access to their commercial neighbors is not acceptable. The alley as stated by the Boulder County transportation director Mike Thomas said and I paraphrase "the alley is owned by the county and according to a county appointed lawyer "it is for the use and enjoyment of ALL the adjacent property owners and their designees and no one can deny this property right from another property owner."
There is a very concerning belief among us that the purpose of the moratorium, at least on the part of Land Use, is to downzone our commercial properties. For some reason that is still incomprehensible, good planning doesn't matter and the only goal is to protect the quality of life status of the adjacent residents at the expense of the property rights of the Commercial property owners. As we see it, Land Use's goals are:

- to increase the setback for commercial properties on the alley, reducing the potential of our commercial properties. On the public meeting on the 17th, Land Use literally asked the neighbors to decide if they would prefer a 0' setback or a 40' setback! What do you think the neighbors are going to say?
- to add and enforce a new bulk plane, further reducing the potential for our property.
- to codify that alley access from 2nd Avenue is not allowed…against all current laws, common sense and good planning, and thereby forcing traffic to cross over 2nd Avenue sidewalks compromising the safety of our citizens.
- To restrict building size in the 2nd Avenue block below what is currently allowed. They asked the neighbors, "How big do you want buildings to be?"

We are very concerned with Land Use Staff's actions that appear to be directed at allowing residential neighbors in one zone to dictate new restrictions in the adjacent zone that are to their advantage alone, which in effect confiscates property rights and potential from their commercial neighbors. As commercial property owners in Niwot, many of us are also Niwot residents; we want this practice to stop.

There is no free lunch. Downzoning our commercial properties and restricting alley access reduces property value and creates an undesirable climate for me rebuild Colterra. Frankly I am seriously considering offers to move Colterra to Longmont (2 offers, Erie or Boulder 2 offers). Please consider all the unintended consequences of this moratorium.

Respectfully,
Bradford Heap

From: Michelle Henzel
To: Boulder County Board of Commissioners; Grimm, Denise; Case, Dale; Ruano, Jose; Wobus, Nicole
Subject: Niwot Community Meeting Monday 12/17/2018
Date: Wednesday, December 19, 2018 1:03:32 PM

Dear Commissioners,

I attended the Community meeting Monday night in Niwot. As my good friend said, "that is two hours that I will never get back". I am sad to report it was a horrible waste of time. The exercises presented had a predictable outcome. It was a replay of the Commissioners meeting on October 30th with an identical outcome.

The businesses are ignored and the 3rd Avenue neighbors have all the power. The residents on 3rd Avenue bought their homes with the knowledge that they live next to a commercial zone with the possibility of development in the future. The businesses on 2nd Avenue bought their properties with an understanding of the zoning and a clear knowledge of what they could do with their property as an investment. I don't understand why the County is allowing the 3rd Avenue neighbors to dictate new setbacks and restrictions to be applied to the commercial neighbors. Do the 3rd Ave residents have the education, knowledge and full understanding of the consequences to make zoning decisions?

Why does compromise mean the commercial property owners have to give up property rights and the 3rd Ave residents compromise nothing? Why should anyone give up their property rights? It is a funny thing that the 3rd Avenue neighbors think they own the alley. They refuse to use it the way an alley should be used to benefit the adjacent property owners. The 3rd Ave residents don't own the alley, and you, as the County, have allowed the neighbors to control this alley to the detriment of the entire town. We have given up safe sidewalks and logical planning just to appease **one block of residents**. Because of this whole alley situation, the commercial district is being stunted.

I have lived here for 35 years and the town has grown. We need to provide the services that are needed to support the growth of Niwot. By restricting downtown development we are forced to drive to Longmont or Boulder for services that could be provided right here in Niwot.

Please let our town function and grow to meet the needs of **ALL** the residents in Niwot!!

Michelle Henzel

6833 Camelia Ct

Niwot, CO 80503

From:	Anne Postle
To:	Boulder County Board of Commissioners; Case, Dale; Grimm, Denise; Ruano, Jose; Wobus, Nicole
Cc:	Brian Bair; Bradford Heap; Bruce W. Warren; Bob Von Eschen; Cotton Burden; Catherine McHale; Tim and Mary Coonce; Cornelia Sawle; Trec52
Subject:	Niwot Community Meeting
Date:	Wednesday, December 19, 2018 4:02:24 PM
Attachments:	[redacted]-small.pdf Community meeting [redacted] Letter to BOCCfinal.pdf

Please see attached letter and document.

Anne Postle, AIA
Osmosis Art and Architecture
290 2nd Avenue
PO Box 1024
Niwot, CO 80544-1024
(303) 652-2668

BC Comprehensive Plan, NIW 1.03:

New business, commercial and industrial uses shall be situated within "Community Service Areas" in order to be within a close proximity to the shopping public and respective labor forces, as well as to move toward the goals of reducing energy consumption and attendant commuter time. Niwot is planned to be the only designated service area within the Subregion and the geographic area wherein the majority of future growth will be accommodated.

BC Comp. Plan,
Niwot Sub-Area Plan
Article 4-116:
Alleys should be retained to provide access to the rear of buildings and to provide a service area for the building that is not highly visible from 2nd Avenue.

Boulder County Comp. Plan,

NIW 2.08:

The County shall encourage the development of a network of pedestrian and bicycle pathways that are **protected from vehicular encroachment** and that serve the residents needs to **safely** and efficiently move between activity areas and living areas within the Niwot Community Area.

Boulder County Comprehensive Plan, Niwot Sub-Area Plan. Article 4-116:

The appearance of a continuous walkway may be achieved through **zero lot line** setbacks of the buildings themselves, or the placing of a low open style of fence, planters, or some other decorative element at the edge of the walkway.

SAMPLE rendering of possible alley improvement

current alley

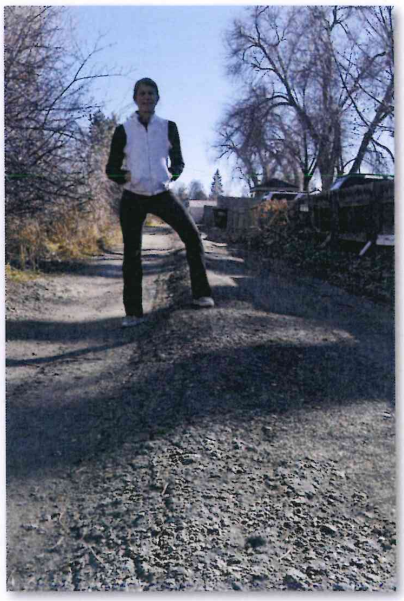


sample improvement



Artist rendering is for illustration purposes only.







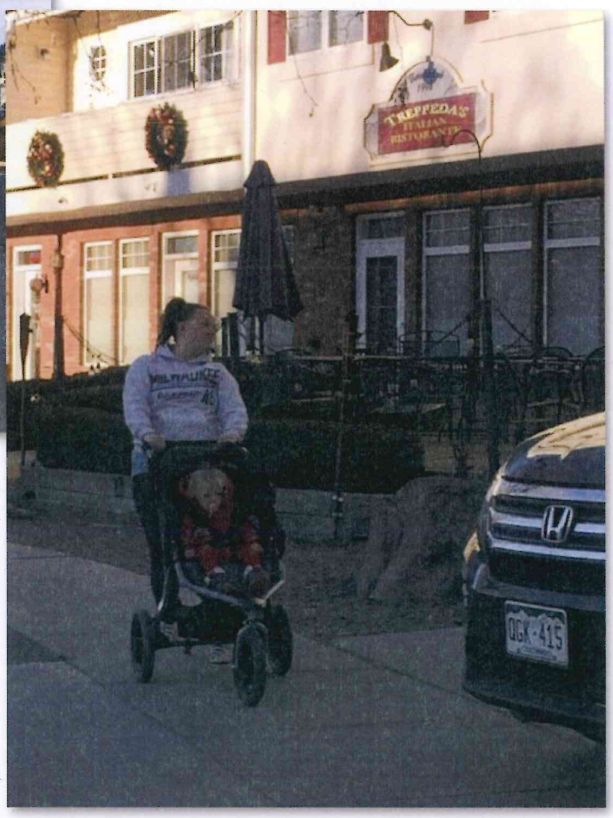
POTHOLES, RUTS, WEEDS, DRY OVER-GROWTH, FIRE DANGER AND TRASH



CURRENT ALLEY CONDITION BETWEEN 2ND AND 3RD AVENUES, EAST OF FRANKLIN

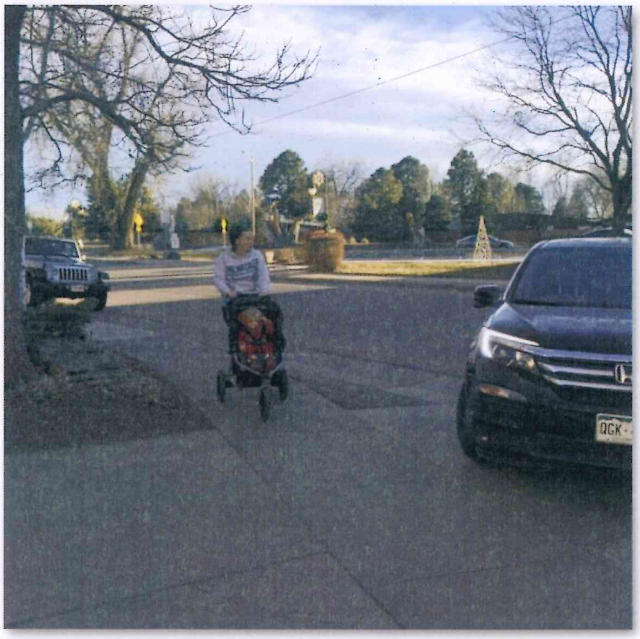








PEDESTRIAN SAFETY



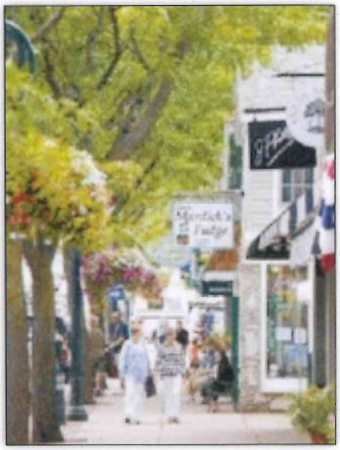
ALONG 2ND AVENUE EAST OF FRANKLIN, PEDESTRIANS, STROLLERS AND BIKES COMPETE WITH CARS AND DELIVERY TRUCKS CROSSING THE SIDEWALK.

2ND AVENUE 2028 VISION IMAGERY









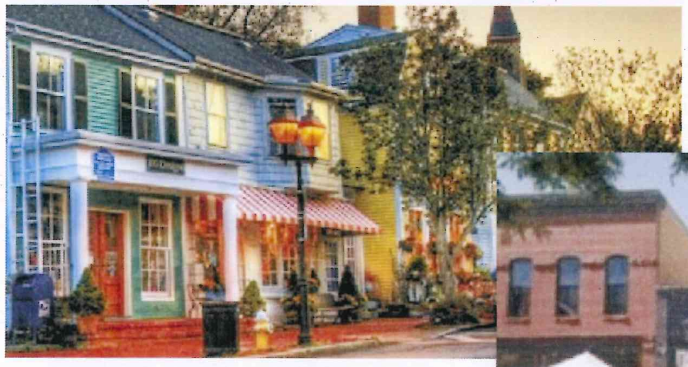










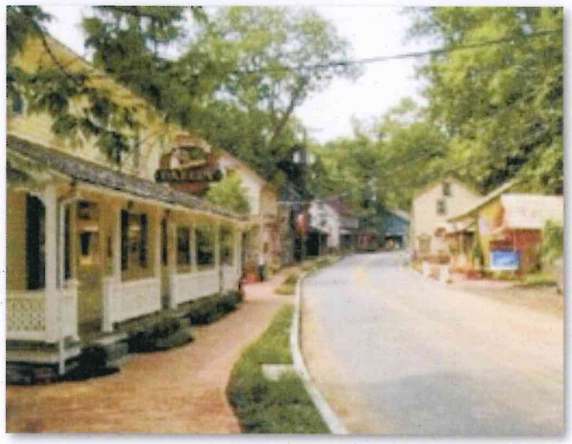




2ND AVENUE 2028 VISION IMAGERY



2ND AVENUE 2028 VISION IMAGERY







Dear Commissioners,

It has become painfully apparent that the advice you have been receiving from Land Use Staff is biased. This letter is another attempt to give you the perspective from your citizens who are being impacted by years of biased enforcement. This bias has compromised the safety of our pedestrians for 25 years.

Unfortunately, the Community Meeting on Monday night was not productive, and it soon became clear that the focus was an exercise designed to steal property rights from the commercial property owners subject to the moratorium. The Land Use Staff orchestrated the night to address only the predetermined topics that Land Use has identified as necessary to limit the rights of commercial property owners on 2nd Avenue. **Not surprisingly, no consensus was achieved.** Land Use Staff and an outside consultant proposed many different options to downzone the commercial property, with no explanation of the costs to the commercial property owners or impact to the town. The fragile nature of doing business in Niwot was brought home by the announcement that Treppeda's Restaurant had closed over the weekend. No mention was made of the fact that this downzoning is in opposition to the sustainability and economic goals of the Comprehensive Plan.

We asked that **Pedestrian Safety** be an exercise on its own, but our request was denied and Safety was largely ignored by staff. It was only addressed in small groups by business property owners.

Exercise 1- Lot Access and Alley Treatment: Two of the three options proposed by Land Use suggested one-way traffic. THIS IS A DEAD-END ALLEY! It is a standard platted two-way public alley right of way! The only way to get one-way traffic to work is to condemn a portion of a commercial property owner's property to continue the alley to Niwot Road or 2nd Avenue. The condemned portion would be a minimum of 2,800 s.f., and the County would be required to compensate the property owner, a ridiculous waste of tax dollars. In one of the groups, when staff was asked why they were proposing a one-way alley when this alley is a dead end, participants were told that the purpose of this exercise was not to solve the problem, only to see what the attendees 'preferred'. We have a perfectly adequate zero cost solution staring us in the face, use the alley as it was intended! The only option offered by Staff that allows commercial property owners full access to the existing platted alley right of way also requires a down-zoning of the property increasing the rear yard setback.

The **safety issues** that currently exist with 2nd Avenue cars crossing paths with pedestrians, which would be exacerbated by continuing to limit use of the alleys, were not addressed by Land Use Staff.

Exercise 2- Rear Lot Conditions: Four options were presented. Option 1 was to leave conditions as they are currently zoned. No explanation was given to state that this was the same zoning as the first block. No statement was made that the same rear yard setback has been in place for over 50 years. Land Use failed to explain that any increase in setback is a limit to the development potential of the commercial property and takes away existing property rights from the commercial property owners. The diagrams presented showed absolutely absurd and impossible building massing on the properties, frightening neighbors and sending the message that action must be taken to limit development. Option 2 showed a 'small-size' stealing of property rights. Option 3 showed a 'medium-size' stealing of property rights. Option 4 showed a 'super-size' stealing of property rights. All votes are equal. The neighbors are given the right to participate in this theft at the encouragement of Land Use.

Exercise 3-Front Lot Condition and Land Use Mix: Many groups suggested that any increase in rear yard setback should be paired with an identical decrease in front yard setback. This exercise attempted to determine a numerical limit to the amount of residential use allowed in a mixed-use development. **No consensus was achieved.** The reality is that every site is different, and the existence of an historic commercial building on a site places constraints on any suggested percentages. This exercise attempts to solve a problem that does not exist.

Near the end of the meeting, we all heard about Treppeda's closing over the weekend. The oxygen left the room. This is a huge loss for a commercial district that is already reeling from the impact of the moratorium. The NRCD is currently dealing with Colterra closed, Treppeda's closed, Powderkeg closed and the space vacant, the Tribune building empty, **vacancies in many locations and a moratorium that continues to cast a cloud over our town.** As commercial property owners who have a very clear understanding of the bias of Boulder County Land Use Staff, we are discussing our options to protect our property rights.

Bradford Heap spoke to make sure that the Land Use Staff understood that his Colterra project is on hold due to the moratorium and parking constraints. **The parking area that has already been purchased with LID funds should be allowed to go forward immediately.** Niwot businesses have been begging for additional parking for years, but our needs are ignored by Land Use Staff. At a recent meeting between Land Use Staff and the business property owners, Dale told us that he would not help to move the parking area forward since Boulder County doesn't like parking.

The Business property owners brought in materials (attached) with quotes taken out of the Comprehensive Plan. **Land Use staff made an announcement that the quotes were from the Land Use Code which is about to be changed, not the Comprehensive Plan.** They sent the message that our quotes were not accurate and to be ignored. **This is not correct and another example of bias.** The quotes were from the Comprehensive Plan and the Comprehensive Plan sometimes quotes sections of the Land Use Code. It is a sad state of affairs when citizens have to defend the Comprehensive Plan against the actions of the Land Use Staff.

Respectfully,

Cotton Burden, RLET Properties Niwot and Burden Incorporated
Tim and Mary Coonce, Porchfront Homes
Tony Santelli, NBA President and Niwot Tavern owner
Cornelia Sawle, owner Niwot Inn
Bob Von Eschen, Vons Colorado
Bernadette Reed, owner Slater Building
Anne Postle, Osmosis Art and Architecture, owner 240, 280 and 290 2nd Avenue.
Brian Bair, Mass Equities
Bradford Heap, Colterra Food and Wine
Catherine McHale, Niwot Economic Development Director

From: Elaine C. Erb
To: Ruano, Jose
Subject: Comments on Redevelopment opportunities in Niwot
Date: Wednesday, January 2, 2019 2:04:42 PM

To: Boulder County Land Use
Re: Niwot 2nd Ave Redevelopment
Date: January 2 2019

As a thirty plus year resident of Niwot, I am intrigued to see the potential redevelopment along 2nd Avenue. I feel that we can redevelop and improve the properties at 364 2nd Avenue and 376 2nd Avenue while maintaining the unique character of Niwot. Having a continuing moratorium hurts the property owners at these locations, costing them money and not letting them use the property as they see fit and building more attractive buildings, using the space more effectively, and potentially offering much needed housing options to our county.

Alleys can serve an important role in a community. Allowing more utilitarian uses to occur in an alley allows more life at the front of a property. Accessing parking from alleys can also reduce curb cuts along the sidewalk which will enhance the town's safety and walkability. To this end, I believe that alleys are a good means to access parking, provide deliveries, and have trash pickup. I understand that the developers hope to allow a turnaround at the end which can ease usage of the alley and prevent the need for a new and costly access to the alley off of 2nd Avenue.

While 3rd Street residents have voiced concern about the uses of an alley, many of their concerns can be mitigated.

1. Without necessarily increasing the rear setback, buildings should be limited in height at the rear as buildings approach the alley. Rear construction could be limited to one story or a garage if there is no setback or with a greater setback more height could be allowed. Bulk plane approaches should be allowed at the rear.
2. Creating flexibility for developers in approaching building mass. Potentially allow zero setback in the front for greater setback in the rear. This could be especially effective if we have a variety of setbacks allowing active and participatory spaces in the front.
3. Allowing flexibility for developers in mixing commercial and residential. While there is appeal to first story commercial(like the Slater building), the case can be made for a commercial building in front with residential in the rear allowing a smaller multi-story unit to be built. Preferences and allowances should be made for a developer willing to build smaller and more affordable units that help to diversify the housing mix.
4. With access to sidewalks, regional trails, and transit, development along 2nd Avenue should be subject to parking maximums instead of parking minimums. With the forthcoming BRT along Highway 119 and the walkability to the transit stop (which could potentially move to the end of 2nd Avenue at Highway 119), residents in this area could easily opt for a car light lifestyle. The only times I witness a lack of parking are during events like on Thursday concert evenings. We need to apply shared parking principles and encourage more open mindedness on parking in the zone. (I'm shocked to hear that one of the slowdowns for the rebuilding of Colterra is a request for more parking! Please work with your own transportation planners on assisting offsets and reducing the parking requirements!)
5. Keeping walkability in mind, we should improve the sidewalk conditions in Niwot as properties redevelop. Boulder County points to CDOT standards which call for 5' widths of sidewalks which are adjacent to roads. In the current condition of our sidewalks, my partner and I are not able to walk from 79th street, along the north sidewalk on 2nd Ave to Murray Street and continuously hold hands, a route we walk almost every day. Sidewalks slope at numerous curb cuts, have humps at tree roots, and have too many artifacts on our route to allow for continuous side by side walking.

I have heard various discussions about changes in the general area. I am very much in favor of paving or at the very least grading the alley to improve conditions. While I like the idea of beautifying the alley, the concept of a butterfly walkway is not practical -- Residents will wind up complaining about excessive dog waste, cyclists will not use it as it does not lead to any specific destinations, and walkers would find it a detour from a route to downtown. As this is a dead-end alley, I have only traversed the alley once since I have lived here.

Other discussions have stressed the potential consolidation of shared access. This is a good idea if it can be made practical and worthwhile to existing businesses. However I understand the Niwot Inn will not consider this if they needed to accommodate all the traffic to a one-way alley. And would the residents consider allowing such access on their side? Progress needs to be made to reduce the number of curb cuts on 2nd Avenue while preserving business access.

Lastly, I would love to see added to the discussion a move toward limiting the allowance of idling vehicles both in the alley and throughout Niwot. Commercial delivery trucks were restricted from idling while making deliveries at the grocery store when the grocery store was initially approved. While not all trucks heed that, it has helped ease living in close proximity to a grocery store. If we spread no idling ordinances through the community, it would help to normalize the behavior and reduce the disturbances caused by vehicles in the alley.

Sincerely,

Elaine C. Erb, MURP
Niwot, CO

Elaine C. Erb
ecerb@indra.com

1/4/18

Boulder County Land Use Department

To Whom It May Concern:

After attending all previous County sponsored meetings regarding future development of properties along Second Ave., we, the residents of Third Avenue, are still adamant regarding the enforcement of the guidelines of the County's own Niwot Alley Study of 1996.

To facilitate this, we would like to suggest vacating the alley as the most equitable solution.

The current proposals on the table:

1) "Open the alley to 2-way commercial traffic" - for all intents and purposes, this option cedes all 20 feet of the alley to the commercial zone, as residential properties only use the alley sporadically.

2) "Allowing commercial access to a one-way alley" - this option cedes 13 feet to the commercial zone, while apportioning just seven feet to the residential land owners.

Only vacating provides 10 feet equally to both the residential and commercial sides of the alley. Alley vacation has already been done successfully between 2nd and 1st Avenues. In this process, easements to allow for utilities, service vehicles, emergency vehicles, periodic misc. maintenance, as well as limiting future full access exclusively to current garage owners, could be imposed on the land. This would preserve the current access rights of all property owners. An added benefit is the removal of the County from alley disputes and any associated liabilities.

It has been suggested that the regulations regarding development require updating. Based on the South Paw Commons, something does appear amiss. This is because the Niwot Alley Study was ignored in the evaluation of that project. In 1996, when the County Commissioners toured the alley and then commissioned the alley study, it was concluded that the alley should serve as a buffer between the commercial and residential zones, while providing access for service vehicles and emergency access, as necessary. These guidelines were then used by the County to evaluate and control the Site Reviews of the Slater Building and Niwot Inn. We have heard nothing in recent presentations that would justify rescinding these developmental guidelines.

Developers have manufactured a feigned concern for pedestrian safety as the rationale for overturning the Niwot Alley Study. (See the 3 parking spaces in front of the South Paw Commons) They have not provided any concrete evidence to support this sudden outbreak of pedestrian danger. To be sure, pedestrian/vehicle interaction requires good design regulations. And, the concept of requiring shared access agreements between commercial property owners to minimize curb cuts is a positive concept. In reality, the properties slated for redevelopment have curb cuts/driveways that access Second Avenue and always have. The driveway serving the Meisner property has previously served a dentist's office and antique store for over 10 years without incident. Additionally, most every property in the county has a curb cut for vehicle access. Driveways crossing sidewalks have been part of modern life since vehicles were invented.

Allowing daily commercial traffic down the alley would, in effect, extend the commercial district to our backyards. The negative effects of this are many: noise pollution, light pollution, exhaust pollution, ease of criminal access, danger to foot traffic, traffic conflicts. In addition, because the alley is currently not paved or maintained, the issues of who is responsible for developing and maintaining it come into play.

Should it be allowed, there is the potential for the residents of Third Avenue being taxed to fund alley access to the commercial properties. In essence, we would be funding commercial development which degrades our quality of life and devalues our property without any benefit to us.

It is our opinion that commercial property development should pay its own way and be held accountable for minimizing impact on neighboring properties. In addition, it should be required to provide positive value to the whole community, not just the land developer. Disregarding the Niwot Alley Study provides no positive value to the community as a whole. Reduction of driveways cuts through shared access agreements would accomplish the same result without destroying the neighboring residential community.

Commercial land owners appear to feel that their property rights trump everyone else's property rights, including the property rights of the County and the County's right to regulate access to County property, as well as the County's right to regulate development. (per Cotton Burden's group summation during the Community Workshop on Dec. 17th.) It is clear that the developers would like to reap all the benefits of high-density development while shifting all of the negative impacts onto the adjacent residential community. Commercial development and its collateral impacts should be restricted to and absorbed by the commercial district. We encourage the County to uphold all property owners' rights and the precedents established in the Niwot Alley Study.

Sincerely

Tom & Stephanie Taylor
Victoria Keen & Mike Selak
Dave & Tracey Snow
Satir DeMarco
Alexandra & David Dango
Jim & Kim Kalinski
Frank Goodnight
Liam & Melissa Breslin
Cathy McCall
Mark & Kellie Beran
Jane & Brad Langdon
Sue Wilson & Chuck Peterson
Karen & Jerry Lumpe
Jim Thomas (4th Ave.)

From: Lois Dolan
To: Ruano, Jose; Case, Dale
Subject: NRCD
Date: Friday, January 18, 2019 7:39:17 AM

This is a follow up the our phone conversation a few weeks ago.
1. The alley is private and should stay the way it is. The people living next to the alley should not have their way of life destroyed of a few business/ property owner. The plans at the meeting were for public. Is the county now planning on turning it into public use and maintaining it? If a property owner only has access from 2nd Ave that is the way has been for over 65 years and they have known it for the beginning in 1993 when the NBA asked for the district to be made.
2. NO more adding residents to any property on 2nd Ave. the property at 240/240B should never have been approved by the county . The NRCD states only one level on the second floor. The property at 364 and 395 are commercial no mixed use or residential. No more mixed use. Niwot is fully built out. We wra a ***RURAL TOWN*** NOT A CITY!!! the business/property owners are trying to make Niowt into a city. NO.
I have know Niwot may whole life and now live in my grandparents home that was built in1913 and purchased in 1924. I have seen lots of change over the years. However, the NBA Most of them have been here since 1993, in my opinion, does not want to live by the rule that are in place. Please keep own town and the historical district as it is now. Thanks for all your hard work.
When is the next meeting?
Sincerely,
Lois Dolan

From:	Case, Dale
To:	Ruano, Jose; Wobus, Nicole
Subject:	FW: NRCD meeting on Thursday 1/24 - reactions and comments
Date:	Monday, January 28, 2019 10:14:31 AM

From: Victoria Keen <vek80544@gmail.com>
Sent: Saturday, January 26, 2019 4:11 PM
To: Case, Dale <dcase@bouldercounty.org>; Thomas, Mike <mthomas@bouldercounty.org>; Grimm, Denise <dgrimm@bouldercounty.org>
Subject: RE: NRCD meeting on Thursday 1/24 - reactions and comments

Dear Boulder County Land Use,

We are concerned about the lack of transparency in the meeting on Thursday regarding the use of the alley transition zone between 2nd and 3rd Ave. The new regulations call for ***full access to the alley for all adjacent properties.*** Only AFTER the meeting in discussions with County personnel, did we learn that this includes "undoing" the access from 2nd Ave. to The Niwot Inn and Slater Building and allowing these properties to access the alley as well. The current arrangement with fences along the alley adjacent to the parking areas at Niwot Inn and Slater building were great compromises based on The Niwot Alley Study. These properties accessed from 2nd Ave. and that has worked just fine for the past 20 years. It was also mentioned that Niwot Inn might give up their curb cut so ALL access would be through the alley. This idea alone defies common sense. In case of fire or emergency, will there only be a single emergency vehicle access/evacuation point through the alley? Why "blow up" an arrangement that has worked so well for so many years? Is the Niwot Alley study now defunct and immaterial to future plans? Please explain.

If Von Eschen is allowed to access the alley we have 80 trips per day. Southpaw is 20 trips. Will Anne Postle abandon her previous plan and have her new construction at 280 and 290 2nd access from the alley? Is that another 20 to 40 trips? How many trips are entailed with Niwot Inn delivery trucks, guests and employees and Slater building delivery trucks, customers and employees? Are we up to 200 - 300 trips per day or more? Then you add in trash trucks four times a week, Ecocycle, deliveries to the new Colterra, Left Hand Water trucks, Cable service and utility trucks, tree service vehicles - and let's not forget that double-axle moving van that was parked in the alley for 4 1/2 hours in December! There will also be construction vehicles, dump trucks, etc. in the alley as construction commences for Colterra, 280/290, and the Meisner/Lefty's property.

Just as BOCO requires developers to do traffic studies, the same needs to be done for the alley. This effectively turns the alley into a roadway with more traffic than our street, 3rd Ave.

With such alley "improvements," does that includes streetlights? Goodbye privacy, hello insomnia. Talk about being in a fish bowl. And asphalt paving? We hope not. An impermeable surface is not "semi-rural Niwot" and creates more drainage issues. An asphalt surface also absorbs and radiates heat

changing the temperature and micro-climate in the alley during increasingly hot summers.

Second point: The alley sounds like a large and complicated project (drainage, grading, compensating for the variation in height of the grade (due to Southpaw) between 2nd and 3rd, turn-arounds, pull-outs, landscape buffers, etc.) "Funding" was alluded to as an issue. Does this mean that 3rd Ave. residents would be required to kick in money for these improvements although we derive absolutely no benefit? What would be the long term yearly cost for upkeep/maintenance? We are the side of the alley without deep pockets; retired folks on a fixed income, young families trying to make ends meet, etc.

Third point: Property owners on 2nd Ave. seem to be very concerned about pedestrian safety on 2nd Ave. Perhaps the County should conduct a study so there are actual facts rather than anecdotal alarmist stories. To my knowledge, there have never been any pedestrian accidents on 2nd Ave. due to cars and trucks accessing the parking areas at the rear of the properties. In addition, to my knowledge, there have never been any accidents, vehicular and otherwise, at the curb cut by the former Dentist office, Niwot Real Estate, and the Gift Basket business. If pedestrian safety is the main rational for routing traffic down the alley, then an actual pedestrian safety study is essential. Just as a long-time resident observer, I see no problem here...but let's find out.

And of course, it's different for the 3rd Ave. alley corridor residents. **WE LIVE HERE.** Property owners on 2nd collect rent or put in a day's work and go home. **WE ARE HOME.** The effects of a significant increase in traffic, lack of privacy, light, noise, air and dust pollution are with us 24/7. For many of us, we worked hard, the house is paid for, we are newly retired and ready to finally enjoy being HOME. Our neighbors and neighborhoods are like family. In our "golden years," will our homes still be our sanctuaries or ????

Improvements to make the alley more bike and pedestrian friendly is one thing (and can be a good thing) - blowing up what works is another thing entirely. As a compromise, even opening up the alley to just delivery, service trucks and local traffic only is preferable to opening up the alley for ALL vehicular use. We encourage Boulder County to be more transparent and forthcoming about their vision for the alley.

Sincerely,

Victoria Keen & Mike Selak
285 3rd Ave. Niwot

DIETZE AND DAVIS, P.C.
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January 28, 2019

Dale Case, Director
Boulder County Land Use Department
2045 13th Street
Boulder, CO 80302

SENT VIA EMAIL ONLY

Re: DC-18-0004 NRCD

Dear Dale:

I am currently working with a number of the owners of commercial property located in the Niwot Rural Community District (the "NRCD"). These owners are active in the Niwot community and serve on the various boards and associations which allow Niwot to function like a small town. We would like to thank you for the opportunity to respond to the draft Code language provided in anticipation of and discussed at the meeting held last Thursday, January 24, 2019.

As you heard at the meeting last week, the owners of commercial property in the NRCD were taken aback by the totality of the proposed Code changes, including the unprecedented imposition of Floor Area Ratios and Building Lot Coverage Maximums on the properties located in what Land Use has defined as Blocks 1, 2, 5, and 6. These proposed changes are especially onerous when coupled with the revised setbacks included in the draft changes. Moreover, and as reflected in the comments made at that meeting and the communications provided with this letter, the proposed changes, as currently written, will almost certainly produce a result that will both adversely affect the character of Niwot, and be antithetical to the Boulder Valley Comp Plan and the specific purposes for which the NRCD was established in that Plan, i.e., the establishment and expansion of a vibrant commercial district in the "old town" part of Niwot. See, e.g., EC 1.06 and NIW 1.03.

In addition, and equally troubling, the proposed changes violate two of the principles which were to guide any Code changes, to wit:

> Drawing on examples of existing conditions that have been described by the community members as enhancing the character of the District; and
>
> Limit[ing] the creation of non-conforming structures and uses following the Code update.

As to the first principle, the Niwot Inn, located in Block 5, has been praised in numerous public comments as just the type of commercial development that should be encouraged in the NRCD; in fact, it has been roundly praised as a "jewel". Community members have also cited Blocks 3 and 4 as representing the type of development that should occur within the NRCD. But the proposed Code changes would operate as a bar to this type of development in Blocks 1, 2, 5, and 6.

In addition, the proposed Code changes would significantly increase, not limit, the number of non-conforming structures and uses in the District. As some owners of commercial property in the District have pointed out, when all of the proposed changes are taken together 45% of the 29 properties in the District will be rendered non-conforming.

Also, the proposed Code changes, by significantly limiting the square footage which can be developed in Blocks 5 and 6, run counter to the County's stated goal of increasing a diversity of housing stock, especially affordable housing.

Of further note, an issue that appeared to be driving the Code changes was the use of the alleys, especially in Block 5. The proposed Code changes do not address the alleys in any substantive manner and the comments made at last week's meeting relating to use of the alleys created confusion, as it was implied that although such use that might be allowed as a result of Land Use approvals, access might not actually be available unless and until the alleys are improved in some as yet undetermined manner. The alley situation should be clarified by the proposed Code changes, not pushed off to some later date.

My clients and the other owners of commercial properties in the NRDC are not opposed across the board to any and all changes to LUC Article 4-116, and in fact have offered their own suggested modifications which are noted on the last two attached pages. But they do want to insure that the goals of maintaining and expanding a vibrant commercial center in Niwot, as reflected in the Comp Plan and existing land use practices, are not effectively barred by any changes that are ultimately adopted. They also believe that the review processes sought to be imposed by the proposed Code changes will do a far better job of furthering the goals of the Comp Plan than unprecedented rigid limitations on developable square footage.

Finally, I would ask that you and/or Jacey Cerda, who has also been copied on this letter, provide copies of this letter and the attachments to the members of the Planning Commission and Board of County Commissioners.

Very truly yours,

DIETZE AND DAVIS, P.C.

Robyn W. Kube

RWK/hs
Attachments
c: Clients (w/attachments, via email only)
Jacey Cerda, Esquire (w/attachments, via email only)

As I listened to Dale and Denise from the Boulder County Land Use Department and reviewed their proposals, I found myself baffled as to what they are trying to accomplish with all their desired restrictions to the NRCD. Do they not see that as a business district, we are really struggling? Do they not want to acknowledge that 4 businesses have closed in the last 2 years? Treppeda's was actually 3 store fronts and the Misner building is vacant, so that is a total of 7 vacancies in 2 blocks and I've hear from many sources that Lefty's may soon be another!

If I were looking for a store space to start a business and saw that many vacancies in 2 blocks, I would wonder what was wrong in the area to cause such a high percentages of vacancies. I would look elsewhere. Well, there is problem. There is something wrong. Land Use should be helping the business area grow and develop, not restrict and encumber. We are lucky to have people that are willing spend their money in high risk investments to improve and add vitality to our small town of Niwot. It is very expensive to develop commercial property. We should be jumping for joy that they are willing to do so.

As owner of the Niwot Inn, I get a lot of feedback from my guests. I have had so many comments about how shocking the building next door, Lefty's, is that I finally put up lower curtains so guest couldn't see it. Half of a layer of shingles are missing, there's a large hole in the eave of the building, siding is falling off, and there has been a full dead tree in view from 2nd Ave for years. I was so excited when I heard someone was finally going fix up the building and what happens, the county slaps a moratorium on the town and stops all progress. Then, to make matters worse, they want to restrict and reduce what can be done to the commercial property on the block!

I can't tell you how many guests I have had in the last 2 years who book a room at the Inn so they can go to dinner at Colterra because of the wonderful dining experience they had the last time they were in town. I see their disappointment over and over. I just had a guest this January who booked a room for two nights, she had planned to go to Colterra one night and Treppeda's the next. These guests can't believe what is happening to Niwot. There used to be 3 fine dining restaurants on 2nd Ave, now we only have one. On Monday night, there are none.

The week 1914 was closed for their vacation, a guest asked me for a restaurant suggestion. I recommended the Niwot Tavern. They told me they had eaten there the night before and again for lunch.

I went to Gunbarrel last Monday night for dinner. I had not been there for a while. When I drove up, I was surprised at the amount of cars in the lot where all the restaurants are, at least 60. After a quick dinner, I drove back to Niwot. It was about 7:30PM. I was shocked. There was not a single car parked on 2nd Ave. It looked like a ghost town. I even took pictures because it was so disturbing. Five miles away, the commercial area was flourishing. Meanwhile, we are dying on the vine! Can the county not see that?

I'm not suggesting that we put up buildings like the ones in Gunbarrel. Niwot is much more charming, but we need to look at what Gunbarrel and other thriving communities are doing. One is to add residences to the downtown area. Let it be denser. Two, give the commercial real estate owners/developers more freedom to create their buildings. They don't want to build a box, but if you keep restricting the size allowed, that's what will be built because that's the best way to get the most square footage when it is so limited.

Niwot does come alive in the summer and is much busier, but businesses cannot survive on 3 or 4 busy months. We need more vitality in the commercial area all year for businesses to endure. Let more people live in town. Let developers build on the few empty lots and areas available. Let buildings be renovated or replaced instead of having them sit vacant. Work with us to help accomplish development plans for Niwot instead of blocking them!

Cornelia Sawle

HARRINGTON STANKO CONSTRUCTION
7101 La Vista Pl., #100
Niwot, CO 80503
(303) 441-9155

RE: Excel Building

To: County Commissioners, Planning Commission and Land Use Staff

My partner, Tom Stanko and I are under contract to buy the Excel Building at 201 Murray. Tom is also under contract to buy a home in Niwot. We would move our office to the Excel Building, so we are very invested and concerned about the Niwot community. Our plans for the Excel Building include removing the chain link fenced area on the east side and turning that area into an outdoor patio, updating the 2nd avenue porch and making the building more appealing. We would like to have a mix of office space, retail, and a restaurant with a rooftop deck to take advantage of the beautiful views of our mountains and open space. The feedback we have received from the Niwot community, including restaurant owners, has all been very positive and everyone thinks this use would be a great asset to our town. Under the current proposed code revisions, adding a rooftop deck would not be feasible and we would have to rethink the uses for this building. The Excel Building can be a great asset to the Niwot community if we are allowed to do it right. Please give Niwot the chance to have a vibrant business district without the severe constraints currently proposed by your Land Use Department.

Tim Harrington

County Commissioners, Planning Commission and Land Use Staff,

Historically, nearly 100% of properties located in what Staff has identified as Blocks 5 & 6 were single family residential uses; the only exceptions being a small church in a residential style structure (later used as a residence) at 290 2nd Avenue and a commercial structure at the intersection of Niwot Rd. and 2nd Avenue. Over several decades 100% of those properties have been converted to commercial use or mixed-use (commercial + multi-family). This conversion has been supported and encouraged by Boulder County with the creation of the Niwot Rural Community District (now known as NRCD I), which eliminated any single-family residential use in Blocks 5 & 6. As this conversion of use has taken place, there have been several community-supported complete redevelopments of parcels from single-family to commercial and mixed-use structures, including the Gunbarrel Import Motors building, Niwot Square office building, Niwot Inn, and the Slater Building and Southpaw Commons mixed-use developments

The Staff is now proposing regulations on the few parcels remaining with single-family structures that would make impossible the continuation of use conversion in a manner that is consistent and complimentary with what has already occurred. The development density previously supported is now proposed to be dramatically reduced on these few remaining parcels without any justification for the change in treatment. These parcels are intermixed among those already redeveloped. They do not provide an opportunity for a transition to another use. These parcels are already bounded by existing commercial and mixed-use developments.

The proposed restrictions would also apply to those parcels in Blocks 5 & 6 already redeveloped. When asked of staff during the January 24 community meeting if the intention of these sweeping changes is to provide a transitional zone between the density of Blocks 3 & 4 and some other less intensive use beyond Blocks 5 & 6, there was no explanation. In fact, there is no other less intensive use in which to transition as the east end of Blocks 5 & 6 is Niwot Rd. And, the next physically closest use is the Link Building parcel which is occupied by a multi-story structure of restaurant and office uses.

The proposed reduction in development density for Blocks 5 & 6 also serves to frustrate a long-standing goal of Niwot's Local Improvement District, to provide better linkage between Niwot's principal commercial districts, 2nd Avenue and Cottonwood Square. If Staff was interested in supporting this community effort, they would be proposing even less density restrictions for Blocks 5 & 6 than currently exist. One need only look at the objectives for commercial districts in other well-planned small communities to observe that the goal is to bring the commercial offerings closer to the pedestrian. This principal in fact guides Longmont's Downtown Development Authority, through its requirement that new developments build to the front lot line. The original planners of Niwot also understood this concept as is evident by the development of Blocks 3 & 4. The objective is not to push the commercial away from the pedestrians with front yard setbacks of 20 feet, but to bring it closer so that pedestrians can interact with the commercial offerings.

Niwot's "Old Town" commercial district (NRCD I) is only two blocks long. For it to be a vibrant commercial area it needs greater critical mass, not less. The recent path for converting Blocks 5 & 6 to commercial viability has produced outstanding developments under existing land use regulations. These developments have seen the enjoyment of the Old Town experience for Niwot residents and visitors take incredible strides over the past several years. Staff should be encouraged to stay on the path that they have previously supported. There is no reason to veer in another direction. To change course in the manner proposed by Staff will only serve to negatively impact the progress made to bring sustainable life to the Niwot shopping, dining, working, and living experience.

Cotton Burden

Niwot Resident: 34 Years; Niwot Business Owner: 24 Years

Niwot Property Owner: Emporium Building 136 2nd Avenue; Niwot Square, 236 2nd Avenue

Dear Commissioners, Planning Commission and Land Use Staff,

I was out of town for the January 24 community meeting, therefore, I am writing to convey my concerns about the proposed revisions to the Land Use Code regulating the NRCD. FAR, Lot Coverage, and percentage of Landscape requirements should not be added to the regulations for Blocks 1, 2, 5 and 6 in the NRCD. The Historic District (Blocks 3 and 4) is proposed to be exempted from these requirements because their rigorous review process is adequate to insure that Niwot's goals for these properties will be met. Since the review process for properties outside the Historic District is virtually identical to the process within the Historic District, their rigorous review should also be adequate. All properties with development potential in the NRCD have an existing building that is over 50 years of age, so HPAB review will be required. This is the only potential difference in review processes between the blocks.

Please allow the review process to work as intended. The Niwot Design Review Committee exists for a reason. Allow it to function as intended.

The proposed FAR and Lot Coverage requirements in Blocks 1,2, 5 and 6 are onerous. FAR proposed by Land Use limits and reduces the amount of retail and commercial space on 2nd Avenue and creates additional vacancy, resulting in increased rents, increased food and beverage costs, and an increase in the general cost of goods and services sold in Niwot.

In addition, potential commercial and residential square footage is reduced by 70% east of Franklin, forcing Niwot residents to drive to Boulder or Longmont for needed goods and services. The potential for a diverse and walkable community, with a diverse housing stock, is eliminated by the proposed FAR and Lot coverage restrictions.

Respectfully, as the saying goes "the road to hell is paved with good intentions". At the Commissioners meeting where the moratorium was extended, your intentions were good, but Niwot has suffered. One of the commissioners mentioned that commercial property determinations were outside of the Commissioner's expertise. Several members of the Niwot business community shared that a moratorium would harm our fragile business community. That is exactly what occurred. We have the experience, expertise and financial investment in the community. This time, please consider our recommendations.

Thank you for your time and consideration,

Mary Coonce
Porchfront Homes owner and Niwot Resident

1/27/2019

County Commissioners & County Land Use Department,

I believe in property rights for all stakeholder in Niwot. Property owners in the NRCD who purchased properties have specific rights and zoning that where considered when making an investment in Niwot.
My family and I invested in the property at 210 Franklin 12 years ago to buy the former Le Chantecler in 2006. We chose Niwot for our investment, which serves as our means to put our twins through private school, college and god willing our retirement.
Way back in 2006 the NRCD was struggling with many vacancies in the retail-shopping district. The current zoning allows the NRCD to function in step with the Boulder County Comprehensive Plan.
Speaking on behalf of my fellow commercial property owners, we understand the rules and we follow the rules. We want our commercial district to be vibrant, to thrive, to be walk able and sustainable. The current zoning codes are very clear. Since many of us both live and work here, we care about what our neighbors think, and don't want to create something that they don't want. That said, the 3rd Avenue neighbors desire to maintain their 'quality of life' by denying alley access to their commercial neighbors is not acceptable. The alley as stated by the Boulder County transportation director Mike Thomas said and I paraphrase "the alley is owned by the county and according to a county appointed lawyer "it is for the use and enjoyment of ALL the adjacent property owners and their designees and no one can deny this property right from another property owner."
There is a very concerning belief among us that the purpose of the moratorium, at least on the part of Land Use, is to downzone our commercial properties. For some reason that is still incomprehensible, good planning doesn't matter and the only goal is to protect the quality of life status of the adjacent residents at the expense of the property rights of the Commercial property owners.

We are very concerned with Land Use Staff's actions that appear to be directed at allowing residential neighbors in one zone to dictate new restrictions in the adjacent zone that are to their advantage alone, which in effect confiscates property rights and potential from their commercial neighbors. As commercial property owners in Niwot, many of us are also Niwot residents; we want this practice to stop.

Respectfully,
Bradford Heap & Carol Vilate
Colterra Food and Wine

To: Boulder County Planning Commission, Land Use & Transportation
RE: Comments on Code Changes for Niwot Rural Community District

Proposed Density Changes (FAR, Lot Coverage, Height Restrictions, Setbacks)

FAR and Lot Coverage

Proposed FAR and lot coverage restrictions would produce far less density on blocks 5 & 6 than blocks 3 & 4 - without any justification for the difference in treatment. The persistent distinction between "historic" and "non-historic" is without merit because the buildings on the remaining to-be-developed lots in block 5 & 6 are more than 50 years old and therefore subject to HPAB review – just like the ones in blocks 3 & 4.

The massing and bulk of future developments are already being regulated by lot coverage and height restrictions. Having an additional FAR restriction is redundant and unnecessary and seems designed simply to limit development to single-story buildings. Historically, Niwot has always had a mix of one and two-story buildings. Land Use has stated that they want to prevent people from building "boxes" however, their restrictions are forcing developers to do exactly that – with no room for creativity, charm or architectural interest.

The proposed density changes strip away the potential for improvement of ONE block, stifles that block's business growth, destroys its ability to compete and forces higher rents than their neighboring block's.

The current proposed changes would set property and business owners up to fail. Neither of the Von Eschen projects would be possible as they were designed (with the help of Planners at Pre App). The modifications that we would have to make in order to be compliant would cause the projects to be financially unfeasible. Any future developers would find the same calculations to be true.

Under the proposed new FAR rules, the Niwot Inn is 33% too large for its site and could not be built today. Instead of 14 rooms, only 9 would be allowed. Those 9 rooms would have to charge at least 33% more per night to be viable. In the future, if there is any reason why the Niwot Inn would need more space (add a hot tub, add an elevator), this would be denied. No changes will be allowed that increase the degree of 'non-conformity'.

Setbacks

At community meetings one of the few things that was agreed upon by almost everyone was that if the rear setback were increased to 20' then the front setback could be decreased by 10'. The proposed 25' rear setback is more than everyone agreed on and does not allow for decreasing the front setback to compensate.

Proposed Code Changes to Alley Access

The initial issue driving the moratorium and the supposed "need" to rewrite the Code was the use of the alley (a public right of way) between the commercial buildings on 2nd Ave and the residents along 3rd Ave. The proposed Code changes do NOT address the alley at all. Land Use said they would review the alley issue later, *after* the Code changes have been made! Waiting until the regulations are written is not acceptable. A survey of the alley should be done now. Any property owners who have fences or structures that encroach in the right of way should be notified and instructed to rectify the situation within two months. Commercial property owners should be allowed to fill potholes and remove weeds once this survey is complete.

Proposed Code Changes to Parking Requirements
There should be one parking space required per residential unit. This would support the County's stated goal of reducing cars on the road.

Proposed Changes to Number of Residential Units
The number of dwelling units should be related to the amount of parking that the property could provide. In other words, if a parcel has room for 3 residential units and the required 3 parking spaces, then 3 units are acceptable. If a parcel could only provide 2 spaces, then only 2 units should be allowed. Why limit residential housing in a community that already has a housing shortage?

More residential units in town means fewer people having to drive to get to Niwot's downtown. Again, Boulder County has stated a goal of less dependence on cars and this would support that.

General:
The proposed Code changes are not supported by even ONE property owner. Prior to 2012, no change in the rules would be allowed without a vote of 50% of the NRCD property owners. Property owners inadvertently gave away those voting rights during the Great Parking Controversy of 2012 because they were verbally assured that nothing would ever be done without their input and consent. These proposed changes have not received either.

Niwot's "Old Town" commercial district (NRCD I) is only two blocks long. For it to be a vibrant commercial area (as stipulated in the Boulder County Comp Plan) it needs greater critical mass, not less. Without a viable commercial district, Niwot residents will be forced to drive to Boulder or Longmont to get the goods and services that they need.

Thank you,

Bob Von Eschen
Owner 364 2nd Avenue
Under Contract to purchase 376 2nd Avenue

County Commissioners, Planning Commission and Land Use Staff,

A few thoughts about the proposed NRCD code revisions:

- Do the affected property owners have any voice at all? Business Property owners within NRCD are subject to a change to the rules that affect their property against their will. Their concerns are ignored. I challenge anyone to find even ONE property owner within the NRCD Commercial district who is in favor of the proposed new rules. **There are 29 properties in the NRCD and not one property owner will voice their support.** Prior to 2012, no change in the rules would be allowed without a vote of 50% of the NRCD property owners. Today we are dealing with a Land Use Staff that is trying to force a change that is not supported by even ONE property owner. I doubt even most 3rd Avenue Residents would support limits this extreme.

- Niwot Inn: Niwot Inn is a jewel in our town. It was used as an example of desirable project at every community meeting, by both residents and business owners. **Under the proposed new rules, the Niwot Inn is 33% too large for its site and could not be built today**. Instead of 14 rooms, only 9 would be allowed. Those 9 rooms would have to charge at least 33% more per night to be viable. In the future, if there is any reason why the Niwot Inn would need more space, (increase the number of handicap accessible rooms, add a hot tub to support its spa, add an elevator for handicap access to public rooms in the basement or upstairs) even just a very small addition, this would be denied. No changes will be allowed that increase the degree of 'non-conformity' and the Inn is already considered too large by the Boulder County Land Use Department.

- The Excel Electric Building: A new building for Excel Electric is planned in Longmont, and the building at 201 Murray is under contract. The potential new owners have a vision for a mix of office/retail and restaurant uses. They would love to have a restaurant with a rooftop deck and panoramic mountain views. Unfortunately, per the proposed new rules, this building is already too large on the first floor (Lot coverage allowed would be 50%, while this property's existing lot coverage is 54%). A minimal amount of square footage could be added upstairs per the new FAR rules, but not near enough for a roof-top deck. All potential to add square footage to this property has been stripped away. **Even projects that are desired by all but a very few residents will be made impossible if the new rules are adopted.**

- Little Bird: Liz Gould and Bruce Rabeler have worked very hard to create a beautiful shop that is a destination in Niwot. During a time when retail is VERY CHALLENGING, Little Bird is a huge asset to our town. Liz and Bruce were able to purchase their building a few years ago, with the understanding that they could improve it at some time in the future, providing part of their retirement income. **If these regulations are adopted, the Little Bird building as it exists is over the allowed Building Lot Coverage.** Their first floor has too much square footage. Any improvement that 'increases the degree of non-conformity' will not be allowed. **Other properties that have too much square footage on the first floor include the Excel Electric Building, and Free Skier Magazine Building.** Buildings which are at the maximum first floor square footage include Wise Buys and the former Antique Auction building at 263 2nd Avenue.

- Floor Area Ratio requirement: A limit to Floor Area Ratio is not proposed for the Historic District. The explanation from Land Use is that since the Historic District is already subject to HPAB Review, Site Plan Review, Niwot Design Review Committee review, setbacks and Lot

Coverage, no additional FAR is necessary. Under both existing and proposed rules, properties outside the Historic District are subject to an identical review process (HPAB review if they have a building on the property over 50 years old which is the case with most properties), with the addition of a newly required community meeting. Even with this extensive review process, an FAR of .55 is proposed for properties outside the Historic District. **This drastic reduction in square footage allowed on properties outside the Historic District, even though an equally rigorous review process is required, makes no sense.**

- Difference between Historic District and remaining NRCD property: The Lockwood Building was recently described by a 3rd Avenue resident as a jewel. This resident suggested that the size, details, interest in the façade, mix of materials and location of the building close to the street should be the model for properties outside the Historic District. The Lockwood Building has a current FAR of 1.82, although it is not limited to this number. Outside the Historic District, an FAR of .55 is being proposed. **If this regulation is passed, properties outside the Historic district will be limited in size to 1/3 of that allowed in the Historic District**. Currently the property values in both blocks are similar. This exercise to strip away the potential for improvement of one block stifles that block's business growth, destroys its ability to compete and forces higher rents.

- Floor Area Ratio (FAR): **Force Away Restaurants**, Force Away Retail, Force Astronomical Rents. We have already lost Treppedas, Colterra is vacant, Powder Keg is vacant, Lefty's is on its way out, vacancies exist all over town. Most of this has occurred since the Moratorium.

- Niwot as a ghost town: a vibrant commercial district is critical to a healthy town. A thriving business district seeks investment, seeks customers, seeks tenants, **seeks sales tax revenue**. If these regulations pass, Niwot's business district is constrained. Even though our population has grown every year for decades, the potential for growth in our commercial district will be stripped away. Niwot residents will be forced to drive to Boulder or Longmont to get the goods and services that they need. Our current business district does not have the critical mass to thrive. These regulations will guarantee that we will continue for decades in a struggle to survive. **Anyone wishing to open a new business will not choose Niwot...we don't have the foot traffic to support retail, don't have the critical mass to make the town a destination for a day of shopping, dining and exploring, and the proposed regulations will guarantee that we will be gasping for air for years to come.**

- Land Use listed that one of their guiding principles is to 'limit the creation of non-conforming structures and uses following the code update'. **If these code revisions are adopted, almost 45% of the 29 existing properties in the NRCD will be non-conforming!** This is outrageous! At least 4 others that are in conformance with the new rules are just under their max lot coverage or FAR.

I hope you will see clearly that the proposed Land Use Code revisions hurt Niwot, are not desired by Niwot's citizens and business owners, and should not be allowed to go forward.

Sincerely,
Anne and Jim Postle
Niwot Residents
Owners of 4 properties and a retail business in the NRCD

Boulder County Comprehensive Plan:

BC Comprehensive Plan, NIW 1.03: New business, commercial and industrial uses shall be situated within "Community Service Areas" in order to be within a close proximity to the shopping public and respective labor forces, as well as to move toward the goals of reducing energy consumption and attendant commuter time.

BC Comprehensive Plan, NIW 1.06: Niwot is planned to be the only designated service area within the Sub-region and the geographic area wherein the majority of future growth will be accommodated.

How the Comprehensive Plan is enforced in Niwot:

Contrary to the Comp Plan, Niwot has been placed under a development moratorium that:

- attempts to down-zone the already limited commercial district, forcing Niwot residents to travel to Boulder or Longmont to obtain needed services and products
- stops any new commercial or mixed-use projects within half of the NRCD (historic district was exempted from the Moratorium)
- prevents Colterra from rebuilding making the project financially not viable
- prevents existing Niwot businesses from expanding to meet the needs of Niwot residents
- puts NRCD businesses under a dark 'anti-business' cloud and ushers in a significant reduction in sales tax revenue
- will add to the costs of development, causing increased rents, making Niwot less competitive

Boulder County Comprehensive Plan:

BC Comprehensive Plan, NIW 2.08: The county shall encourage the development of a network of pedestrian and bicycle pathways that are protected from vehicular encroachment and that serve the resident's needs to safely and efficiently move between activity areas and living areas within the Niwot Community Area.

How the Comprehensive Plan is enforced in Niwot:

Contrary to the Comp Plan, the Boulder County Land Use Code and the Boulder County Attorney's office advice, Niwot businesses on 2nd Avenue southwest of Franklin are denied access to the public alley right of way that is adjacent to their properties, forcing all cars that access these businesses to cross paths with pedestrians, bikes, strollers and scooters, and

creating a safety hazard. Only a block away, all businesses access the same alley, the sidewalk is clear of cars and pedestrians are safe.

Boulder County Comprehensive Plan:

BC Comprehensive Plan, EC 1.06: In its economic development efforts, including support or assistance to municipalities, the county shall recognize the importance of retaining and expanding existing businesses and industries, the significance of small firms and both the benefits and potential drawbacks of attracting new support businesses and industries.

How the Comprehensive Plan is enforced in Niwot:

Contrary to the Comp Plan, the dark cloud of the moratorium hurts an already fragile business community. Rather than recognizing the importance of retaining and expanding existing businesses, rather than supporting small businesses, the moratorium is a constraining factor, especially considering the current business situation:

- Colterra is closed due to a fire, and now delayed, possibly permanently, from returning
- Powder Keg has closed and the space is vacant
- Treppeda's is closed and the space is vacant
- the Tribune building is vacant
- additional retail and office vacancies exist throughout the town

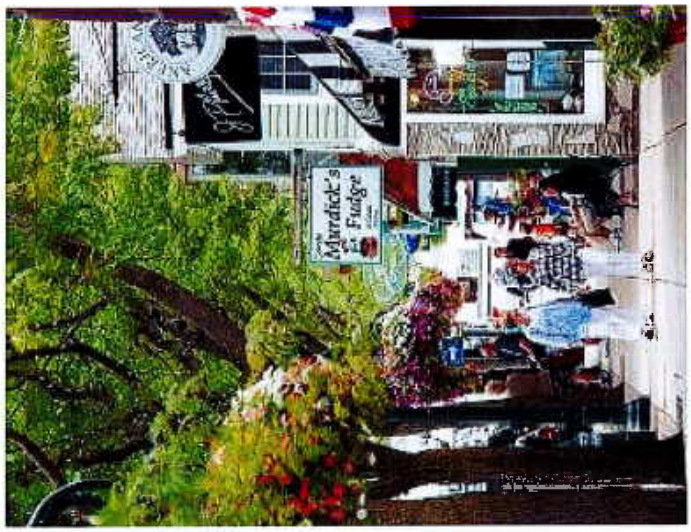
Boulder County Land Use Code:

Boulder County Land Use Code, Niwot Sub-Area Plan Article 4-116: **Alleys should be retained** to provide access to the rear of buildings and to provide a service area for the building that is not highly visible from 2nd Avenue.

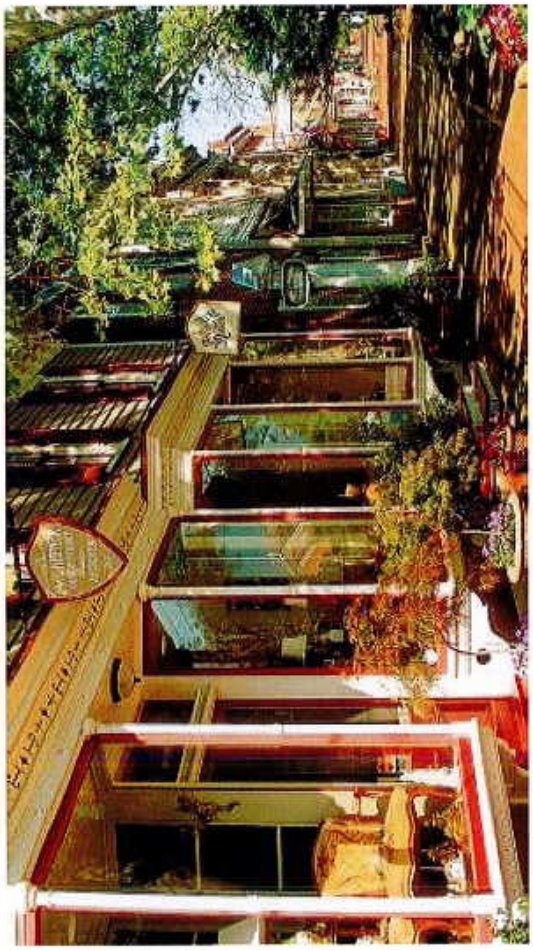
How the Land Use Code is enforced in Niwot:

Contrary to the Comp Plan, the Boulder County Land Use Code and the Boulder County Attorney's office advice, Niwot businesses on 2nd Avenue southeast of Franklin are denied access to the public alley right of way that is adjacent to their properties, forcing all cars that access these businesses to cross paths with pedestrians, bikes, strollers and scooters, and creating a hazard that continues to compromise pedestrian safety. Howard Treppeda reports that 'near misses' occur regularly over the years.

BUSINESS PROPERTY OWNER'S STRIVE TO MAINTAIN NIWOT'S POTENTIAL FOR A VIBRANT DOWNTOWN









NIWOT (NRCD) PROPOSED CODE CHANGES DESIRED BY COMMERCIAL PROPERTY OWNERS

	Current Requirement	Proposed by Land Use	Changes acceptable to business property owners	Reasons for changes proposed by business property owners
Front Setback- 2nd Ave	20' east of Franklin 0' west of Franklin	same	In blocks 1, 2, 5 and 6, 20' standard; if rear height is limited to 15' for 20'distance from alley, then front setback reduces to 10'	• It has been explained that the Historic District does not need FAR, Lot Coverage and % of Landscape requirements because of its rigorous review process. All properties outside the Historic District have a nearly identical review process (Niwot Design Review Committee, Community meeting, SPR, HPAB). All properties with potential for development have an existing building over 50 years old, so HPAB review is required for all properties. • Rather than approving code revisions that make many existing properties non-conforming, use an incentive to gain a desired height limit along the alley, while allowing a reduced front setback that had tremendous community support. • FAR proposed by Land Use limits and reduces the amount of retail and commercial space on 2nd Avenue and creates additional vacancy, resulting in increased rents, increased food and beverage costs, and an increase in the general cost of goods and services sold in Niwot. • In addition, potential commercial and residential square footage is reduced by 70% east of Franklin, forcing Niwot residents to drive to Boulder or Longmont for needed goods and services. • Increase in residences allowed, helps to meet demand for diverse housing in the County. Decrease in residential parking required promotes reduced dependence on cars.
Rear Setback- Alley	0'	0' first level 25' upper level	0' allowed. If property owner limits first 20' to 15' height, front setback can be reduced to 10'	
Height Limit	30 Feet (2-stories)	15' along alley 30' beginning 25' from alley	30' allowed. If property owner limits first 20' to 15' height, front setback can be reduced to 10'	
Lot Coverage	Determined by review process	Historic District:.90 on corner lots, .75 on other Blocks 1,2, 5, 6: .50	Determined by review process	
Alley Access & Use	Commercial access is limited east of Franklin	Unclear	Full access allowed for all adjacent properties	
Parking	One space/ 500 s.f. 2 spaces per residence with grandfathering of older uses. Residential: 2 spaces per unit	Unclear	One space/ 500 s.f. commercial; Residential: 1 space per unit	
Residential	No limit with commercial component	<10,000 lot: 2 units, 10,000-15,000: 4 units >15,000: 5 units (With 1 additional unit <500 s.f.)	<8,000 lot: 2 units 8,000-15,000: 5 units <15,000: 6+ units (With 1 additional unit <500 s.f.)	
Floor Area Ratio	Determined by review process	None for Historic District, .55 for all other properties	Determined by review process	

January 28, 2019

Dear County Commissioners, Land Use Dept., and Planning Dept.:

I am pleased to confirm that with unrestricted alley access, the property owners have agreed to eliminate 5 curb cuts, which are currently used by vehicles to cross the sidewalk on 2nd Avenue, compromising the safety of our Pedestrians.

To facilitate this, it is crucial that the County Land Use Department, Transportation Department and the affected property owners, act urgently to do the work necessary to correct the current alley deficiencies. To be specific:

1. Any property owners who have fences or structures that encroach in the right of way, should be notified and informed to rectify the situation within 60 days.

2. Commercial property owners should be notified that they should fill potholes and remove weeds that are encroaching on the right of way within 60 days.

3. The elimination of curb cuts along Second Avenue will be staggered. Some locations can be eliminated immediately. Others will be dependent on alley improvements. As a result of this, our sidewalks will be safer.

These actions will meet the current goals of the Comprehensive Plan, which specifies "The county shall encourage the development of a network of pedestrian and bicycle pathways that are protected from vehicular encroachment and that serve the residents needs to safely and efficiently move between activity areas and living areas with the Niwot Community Area".

Yours truly,

Tony Santelli

President of the Niwot Business Association

WCM

www.niwotlaw.com

Bruce W. "Biff" Warren
Attorney at Law
bwarren@niwotlaw.com

January 28, 2019

RE: NRCD I proposed regulations

To the Boulder County Commissioners:

I am writing as a 43-year resident and business owner of Niwot. I previously served as a member of the Boulder County Planning Commission from 1993-2000. I do not now own property in the Niwot Rural Community District, and I am not representing anyone else's interests. The views expressed are my own.

Two things to consider:

1. Current NRCD regs were put in place after a long process, involving approval by vote of the property owners of the NRCD. In 2012, as part of a change to parking regs following a community-based study, the Land Use Department inserted a provision in the ballot submitted to and approved by NRCD owners which removed a requirement that property owners had to approve ANY changes to the NRCD regs. I have attached the staff memo submitted to the BOCC at that time, which includes the deleted section, which provided:

"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."

Very little is said about this change in the memo, and no explanation is given for it. Fast forward to 2018-2019, and we have a Land Use initiative, fueled not by property owners of the NRCD, but by nearby residential property owners, who complained about the approval of the development of one parcel, long after the fact, long after approval was granted within the existing NRCD regulations. **Even though no longer required by the Code, Boulder County should give great deference to property owners of the NRCD who are most affected by the proposed changes.** A mail-in ballot, similar to the one used to change the parking regulations, should be submitted to the NRCD property owners for an advisory vote prior to this coming before the BOCC.

2. The proposed regulations seek to impose a Floor Area Ratio (FAR) on the NRCD. No one to my knowledge has asked for this, and the proposed FAR would severely limit what was

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Niwot, Colorado 80544-0610

WARREN, CARLSON & MOORE, L.L.P.

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allowed under current regulations. Changing the regs which would make ANY existing property non-conforming flies in the face of good planning, and should be rejected out of hand. If a FAR is to be imposed, the starting place should be the highest FAR of existing buildings in the NRCD.

Thank you for your consideration.

Sincerely,

Bruce W. (Biff) Warren

Boulder County

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
BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING

July 31, 2012 -- 11:00 a.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. The vote conducted this month approved of the amendment. (52% for, 12% against and 36% no response.)

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.

Cindy Domenico *County Commissioner* **Deb Gardner** *County Commissioner* **Will Toor** *County Commissioner*

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 listserve. The vote conducted showed owners of 15 out of 29 properties (or 13 out of 25 discreet owners) in favor, three out of 29 opposed and eleven out of 29 not responding.

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.
8. Randi Vogt – owner of 91 Franklin by phone - Supports code change but would like there to be some safeguards in place to prevent problems that might be created if a larger restaurant or bar opens in the district. She'd like measures to ensure noise mitigation from music, exhaust venting, or outdoor activity.

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. Additionally, the needed majority vote of the property owners was received.

The Planning Commission voted unanimously to approve the amendments at their June 20, 2012 meeting. STAFF RECOMMENDS THAT THE BOARD OF COUNTY COMMISSIONERS APPROVE Docket DC-12-0004: Text Amendments to Article 4-116 Niwot Rural Community District (NRCD).

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.
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.
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.
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.)~~

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

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*

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**

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)

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)

Several County departments have worked over the past year with the Niwot LID to study parking and transportation issues and to create the NIWOT TRANSPORTATION AND CONNECTIVITY PLAN. As a result of this process, we have identified potential Land Use Code amendments in order to implement the plan.

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.)
- Adopt one parking rate for all uses allowed in the district so that uses can come and go without there being a different requirement.
- Note-Existing parking to floor area configurations are grandfathered in and are not recalculated at the 1/500 rate.
- New on-site parking only required if adding building square footage.
- 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 demolishing 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.

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, Left Hand Grange

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

SUBSCRIPTION INFORMATION

You may unsubscribe from LUCODE at any time by visiting the Boulder County Web site at http://www.bouldercounty.org/gov/media/Pages/emaillisthelp.aspx or by sending an e-mail to LISTSERV@LISTSERV.BOULDERCOUNTY.ORG with "SIGNOFF LUCODE" in the body of the message.

This message was sent from an unattended mailbox. For help unsubscribing please e-mail listmaster@bouldercounty.org

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; jheastman@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>; "jheastman@msn.com" <jheastman@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 <ecerd@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 evey 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.)
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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; jheastman@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
Subject:	Re: Niwot parking amendments (Docket DC-12-0004)
Follow Up Flag:	Follow up
Flag Status:	Flagged

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To: "greenelally@juno.com" <greenelally@juno.com>; "jheastman@msn.com" <jheastman@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 <ecerd@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>
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Boulder County Land Use Dept.
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Boulder, CO 80306

(720) 564-2611
dgrimm@bouldercounty.org

Randi Vogt – owner of 91 Franklin by phone

Supports code change but would like there to be some safeguards in place to prevent problems that might be created if a larger restaurant or bar opens in the district. She'd like measures to ensure noise mitigation from music, exhaust venting, or outdoor activity.

Note-we might be able to accomplish this with SPRW for use changes or outdoor seating –adding conditions related to limit locations and hours?

Grimm, Denise

From:	Grimm, Denise
Sent:	Wednesday, May 23, 2012 5:58 PM
To:	'Matt Dumler'; Wise
Cc:	#LandUsePlanner; Gerstle, George; Swirhun, Lesley; Hackett, Richard; Andrews, Barbara; Salas, Peter; 'Andrew Fuhrer '; 'Anne Dyni'; 'Bruce Rabeler'; 'bwarren@niwotlaw.com'; 'Connie R (connie@TheHitchingPostNiwot.com)'; 'Cotton Burden'; 'Ed Spreder'; 'Elaine Erb'; 'Karlynn Spreder'; 'Kathy Koehler'; 'Kim Glasscock'; 'Laura Skaggs'; 'Lefty'; 'Marni Ratzel'; 'Nick Mastronardi'; 'Pat Murphy'; 'Randi vogt'; 'Will Hentschel '
Subject:	RE: Niwot parking amendments (Docket DC-12-0004)
Attachments:	nrcd amnd.pdf

Hi Matt, Carrie and others:

This round of code changes does not include expanding the district to allow a new parking lot.

Part of the reason for doing the study last year was to identify the need for a lot and to prioritize that effort with other measures to help the parking situation. Because the study found a current excess it was determined that creation of a lot wasn't a high priority in the short term. I've explained in the various community meetings that taking on that effort at this time would only slow down the code amendment process that we identified as a higher priority.

The parking lot issue would need to involve different processes such as rezoning and possibly amending the comprehensive plan. These aren't a high priority for staff at this time due to the study identifying it as a less urgent issue as well as other work load time constraints and priorities. I'm hoping to find time in June to create a timeline for the necessary processes for the creation of a lot so that the community can determine what to plan for, but I'm not sure that it will be something that the commissioners will want staff to put much time towards until there is a greater need. We can discuss this issue more later in the summer.

I'm out of the office until next Wed. but please feel free to send me further comments and I'll follow up next week. Hard copies are in the mail to everyone (see attached.)

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

(720) 564-2611
dgrimm@bouldercounty.org

From: Matt Dumler [mailto:matt.mdb@gmail.com]
Sent: Wednesday, May 23, 2012 4:45 PM
To: Wise
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I've copied her this email.

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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)

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From: Case, Dale
To: Grimm, Denise; Ruano, Jose; Wobus, Nicole
Subject: Fwd: DC-18-0004 NRCD
Date: Tuesday, January 29, 2019 5:11:28 PM
Attachments: [redacted]

Begin forwarded message:

From: Robyn Kube <RobKube@dietzedavis.com>
Date: January 29, 2019 at 1:58:35 PM MST
To: "Case, Dale" <dcase@bouldercounty.org>, "jcerda@bouldercounty.org" <jcerda@bouldercounty.org>
Subject: DC-18-0004 NRCD

Dale,

Please attached the attached communication to my letter from yesterday and cause it to be distributed along with that letter and the other attachments.

Thank you,

Robyn

Dear County Commissioners, Land Use Dept., and Planning Dept.:

I am writing to you as a 12 year resident of Niwot and downtown business owner. I, along with many local property and business owners, have been participating in the County process relating to the moratorium, process and code revisions and have a few comments. Many, if not all, of us are very concerned about the potential code changes and the impact they will have on our town. We are already seeing negative impacts from the Moratorium and the uncertainty the County has caused in Niwot. Powder Keg Brewing is closed, Trepeddas is now closed and there is uncertainty if Colterra will ever reopen. This is not the time to make it harder for growth and local businesses in Niwot. The local business climate is very fragile and we need critical mass to ensure downtown Niwot is vibrant and a great place for generations to come. I set my business up in downtown Niwot because of the hometown feel, restaurants, services and vibrancy. This is all now at risk.

Comments to the proposed Code Changes:

- There is NO Commercial Owner Support- It was clear from the Planning Session last week at Niwot High School that there is not ONE commercial property or business owner who supports the proposed code changes. How can the County consider and pass the proposed changes without the support of the commercial property and business owners?

- Non-Conforming Uses- Staff indicated one of their Guiding Principles was to avoid non-conforming properties. The proposed code changes will create MORE non-confirming properties. We have bene told all along by Staff and the residential neighbors that the Lockwood Building and the Niwot Inn were desirable buildings and a model for downtown. The proposed code changes would not allow these structures going forward - they will be non-conforming.

- Alley Height Limit- We understand the residential neighbors would like to see lower height limits along the Alley. Rather than making many existing properties non-conforming by requiring a 15' height limit adjacent to the alley, why not allow the property owner to choose and create an incentive. If they design a to a 15' height for the first 20' (not 25') along the Alley, then that property owner can reduce the front setback on 2nd Ave to 10'. This way 5 existing properties will remain conforming and the east and west block will be more consistent. A 25 foot setback on the 2nd level of the building is too egregious and will have a significant impact the overall density of the project.

- Setbacks on 2nd Ave & Franklin- A large majority of the groups in the December Charette supported a 10 foot setback along 2nd Ave. Why wasn't this taken into consideration?

- Setbacks on Corner Lots- Corner Lots have to adhere to the same setback on both 2nd Ave and Franklin (currently 20 feet). Like in many towns, there should only be one requirement that is either/or. The Lockwood Building does not have the same setback in the front as it does on Franklin, nor does the Grange. I suggest you consider only requiring a 10 foot setback on 2nd

Ave and Zero on Franklin. That will allow the transition from the west block to the east block to be more seamless.

- Parking- Staff indicated that one of its Guiding Principles was to "discourage the dependence on cars". If this is the case then why require such a high parking requirement of 2 spaces per residential unit? Staff also indicated there is excess parking in and around downtown. We propose reducing parking requirements to discourage cars and require 1 parking space per residential unit.

- Residential Uses- It has been stated several times by Staff and the County that we have a Housing Crisis in Boulder County. If this is true then why limit residential units in downtown Niwot? We should be building and encouraging more residential units, especially smaller more dense units in walkable areas. We propose allowing up to 5 units in lots less than 10,000 square feet.

With the projected growth in Boulder County, we are going to need commercial nodes to serve the residents and visitors. Niwot is the perfect place for that and already has significant infrastructure. If we don't provide the services here in Niwot, the neighboring towns (outside Boulder County) will. This results in loss of local and Countywide tax revue negatively impacting our town, our events and services provided. In addition, pushing the commercial uses out of the area will require local residents to get in their cars to seek these services, adding more traffic. This is all counter to the County and Staff's stated Guiding Principles.

Thank you for your consideration.

Regards,

Brian

BRIAN W. BAIR

PRINCIPAL

MEQ

263 2nd Avenue • Suite 105 • Niwot, CO 80544

C // 415.269.2448 • brian@masseq.com • masseq.com

From:	Anne Postle
To:	Boulder County Board of Commissioners; Laura Skaggs; "Margo Leach"; Wise; Patricia Murphy; Grimm, Denise; Case, Dale
Cc:	Ruano, Jose; Wobus, Nicole; "Robyn Kube"
Subject:	Observations from Niwot Design Review/HPAB/ Land Use work group regarding NRCD Land Use code revisions
Date:	Wednesday, January 30, 2019 3:03:49 PM
Attachments:	design review work group observations.pdf

Dear Commissioners, Niwot Design Review Committee, HPAB members, Dale and Denise,
Please see attached letter with observations from the Niwot Design Review/HPAB work group yesterday, with input as requested from the affected commercial property owners. Please forward to HPAB participants. Thank you for the opportunity to add this to the record.

Anne Postle, *Architect*

osmosis art and architecture
p: 303.652.2668
f: 303.652.2717
p: 290 Second Ave | PO Box 1024 | Niwot, CO 80544
p: osmosisarchitecture.com e: apostle@osmosisarchitecture.com

Dear Niwot Design Review Committee Members
Historic Preservation Advisory Board Members
Dale Case and Denise Grimm
Board of County Commissioners

As an observer during the joint working session with the Niwot Design Review Committee and HPAB, as they were asked for input to the NRCD code amendments, I welcome the opportunity to provide the requested information.

As Denise explained the amendments currently proposed by the Land Use Department to the group, she stated that the changes "**aren't that restrictive**", that the "**numbers we are approving are similar to what we have been approving**", that the numbers are "**pretty generous**", "**would easily allow**…", and will allow property owners to "**add quite a lot**".

Tim Wise asked if the business property owners considered the proposed numbers viable.

Here are some comments sent to the County Commissioners by NRCD Commercial property owners in response to the proposed changes:

- The proposed FAR and Lot Coverage requirements in Blocks 1,2, 5 and 6 are onerous. FAR proposed by Land Use limits and reduces the amount of retail and commercial space on 2nd Avenue and creates additional vacancy, resulting in increased rents, increased food and beverage costs, and an increase in the general cost of goods and services sold in Niwot.

- Do the affected property owners have any voice at all? Business Property owners within NRCD are subject to a change to the rules that affect their property against their will. Their concerns are ignored. I challenge anyone to find even ONE property owner within the NRCD Commercial district who is in favor of the proposed new rules**. There are 29 properties in the NRCD and not one property owner will voice their support.**

- Niwot Inn: Niwot Inn is a jewel in our town. It was used as an example of desirable project at every community meeting, by both residents and business owners. In the future, if there is any reason why the Niwot Inn would need more space, (increase the number of handicap accessible rooms, add a hot tub to support its spa, add an elevator for handicap access to public rooms in the basement or upstairs) even just a very small addition, this would be denied. No changes will be allowed that increase the degree of 'non-conformity' and the Inn is already considered too large by the Boulder County Land Use Department. (In the existing FAR document created by Land Use, the Niwot Inn is listed to have a .83 FAR. At the working group meeting, Denise revised this to .55 and said the original number included basement space. I am quite certain that the .55 number is not accurate. In a quick calculation done using the construction drawings for the Inn, I calculated at least .65. Even if this number is allowed, the Inn will have no ability for any future improvements. **In 1998, a Site Plan Review submittal was reviewed and conditionally approved for this site with a FAR of .837. This project never moved forward, but why was a FAR of .837 approved in 1998 if we are now to be limited to an FAR of .55**? -Anne Postle)

- The Excel Electric Building: A new building for Excel Electric is planned in Longmont, and the building at 201 Murray is under contract. The potential new owners have a vision for a mix of office/retail and restaurant uses. They would love to have a restaurant with a rooftop deck and

panoramic mountain views. Unfortunately, per the proposed new rules, this building is already too large on the first floor (Lot coverage allowed would be 50%, while this property's existing lot coverage is 54%). A minimal amount of square footage could be added upstairs per the new FAR rules, but not near enough for a roof-top deck. All potential to add square footage to this property has been stripped away. **Even projects that are desired by all but a very few residents will be made impossible if the new rules are adopted.**

- Little Bird: Liz Gould and Bruce Rabeler have worked very hard to create a beautiful shop that is a destination in Niwot. During a time when retail is VERY CHALLENGING, Little Bird is a huge asset to our town. Liz and Bruce were able to purchase their building a few years ago, with the understanding that they could improve it at some time in the future, providing part of their retirement income. **If these regulations are adopted, the Little Bird building as it exists is over the allowed Building Lot Coverage.** Their first floor has too much square footage. Any improvement that 'increases the degree of non-conformity' will not be allowed. **Other properties that have too much square footage on the first floor include the Excel Electric Building, and Free Skier Magazine Building.** Buildings which are at the maximum first floor square footage include Wise Buys and the former Antique Auction building at 263 2nd Avenue.

How can you explain the **massive disconnect?** Land Use says that their proposed numbers aren't that restrictive, instead they are **generous,** yet not one NRCD property owner will voice their support? Why are we drastically limiting the potential for growth in our Commercial district well below what was approved in 1998, when our population has grown consistently since that time?

As an observer during this meeting, I have some observations. Since the purpose of the meeting was to gather input from the Niwot Design Review Committee members and HPAB members, I will relate the input that I observed.

- Not one participant voiced any response in favor of the proposed FAR and Lot Coverage requirements
- Laura Skaggs and Margo Leach, Niwot Design Review Committee members, voiced strong opposition to the proposed restrictions. It was mentioned that the regulations were both extreme and unnecessary.
- The Niwot Design Review Committee, as well as Historic Preservation Advisory members, agreed that a Front Setback of 10' on blocks 5 and 6 was acceptable.
- It was also discussed, though without a call for agreement, that requiring a 25' second floor rear setback for the commercial property seems unfair when the residential properties can build a two-story building 15' from the alley.
- Pat suggested increasing the "small" residential option from 500 to 600-700 sq. ft. The County's proposed draft mentions that "units of less than 600 sq. ft may be granted a reduction in parking". So, "less than 600 sq. ft" should seem acceptable.

Thank you for the opportunity to share my observations and insights from the business property owners. I hope that this will be a step towards resolving this extreme disconnect. I would suggest a meeting with Dale, Denise, Laura, Brian Bair and Bob Von Eschen to try to resolve some of the gaps in understanding.

Anne Postle
Osmosis Art and Architecture

From: Grimm, Denise
To: Ruano, Jose
Subject: FW: REPONSE TO JANUARY 24TH COUNTY MEETING
Date: Wednesday, January 30, 2019 4:35:51 PM
Attachments: RESPONSE TO [redacted] MEETING.docx

From: Jim Kalinski [mailto:lefthanddesign@1526spruce.com]
Sent: Wednesday, January 30, 2019 4:31 PM
To: Case, Dale; Grimm, Denise; Thomas, Mike
Subject: REPONSE TO JANUARY 24TH COUNTY MEETING

County Staff:

Please find our attached response to the January 24th meeting. Thanks

Jim & Kim Kalinski

343 3rd Ave

Boulder County Land Use:

To Whom It May Concern:

New Proposed FAR and building coverage vs 1996 Niwot Alley Study and parking requirements.

The facts regarding the proposed FAR and Allowable building coverages were misrepresented by the developers in the County's most recent public meeting (January 24, 2019). If you take the (4) properties in Block 5 that are built-out, (Colterra's, South Paw, Slater Building and Niwot Inn), the average building coverage is .36 – the county is proposing .50 – an increase in allowable density. The average FAR for those built-out lots is .58. The County is proposing an FAR of .55, a 3/100's reduction. So, despite the indignation, in actuality, the proposed density limits are in line with or more generous than the previous build-outs. This begets the question, why is the County moving to new regulations if the existing restrictions on lot development mandated by the Niwot Alley Study and current parking requirements produced the same densities. Two of these developments (Niwot Inn & Slater Building) are appreciated by both residents and business owners alike. (one business proponent referring to the Niwot Inn as the "Gem of Niwot", during the meeting). Existing regulations produced two widely respected developments by both sides of the issue, what is the County trying to fix?

Gateway to Niwot:

The eastern entrance to Second Ave. was described by business proponents as the "Gateway to Niwot". What is currently being proposed for the Meisner property at this entrance to the downtown is a residential subdivision, consisting of five single family homes and two townhomes, along with the existing dentist's office building set in the middle. This is not a "Gateway" development, it adds nothing to the downtown business district, it does nothing to generate foot traffic or create any synergy for the existing business community, it doesn't add another architecturally distinctive "gem" to the downtown district. What it does do is extend Burgundy Park (on steroids) into the downtown, diluting the charm and distinctive nature of Niwot, turning it into another run-of the mill, profit driven, developer inspired subdivision. We are not sure the business community understands what they're supporting. The adjacent Lefty's property is slated for the same treatment: Save the existing non-descript (former house) and jamb two new houses behind it.

Subdivision Access:

When Burgundy Park was built, it was designed to be accessed from Niwot & Neva Roads, two major thoroughfares. There were no through-street connections to "Old Town". It was kept as an independent entity. The Meisner property development plan has all the characteristics of a subdivision. It is proposing multiple independent houses on a postage stamp lot. At least three of these homes are larger than what the County allows being built on a single-family lot on Third Avenue (approximately 2600 sf). It has an existing drive-cut on Niwot Road, providing easy access to the property without impacting neighboring residential properties or the business community. It appears the County staff is now doing backflips to try to divert traffic from the natural, historic access to the property and send it through Old Town, down a dead-end, service alley. All of this effort is in apparent support for one developer's demand for higher density. Impact on the neighboring residential properties be damned. We would encourage the County to review how Burgundy Park was designed to minimize impact on the existing community.

Profit Analysis:

One proponent of development exclaimed that "It is expensive to build", so more density is necessary to make it profitable. The current proposed development for the Meisner lot currently shows 17,812 square feet of new development. Assuming construction costs of @200/sf: cost to build is $3,562,400. Assuming the new construction is valued at $500/sf, the total value of the new construction is $8,906,000. If we assume the sale of the existing office building covers the cost of the land, and perhaps there's a million dollars in fees for permits and tap fees for utilities, the net profit is around $4,343,600. Yes, construction is expensive, but the profit margins are substantial. If the proposed

density restrictions are adopted by the county, the Meisner project would have to be reduced by 25% or so. End result, the developer would still realize a profit over 3 million dollars.

Niwot Brand:

The eastern end to the Niwot business district would benefit from an architecturally distinctive building on the corner of 2nd and Niwot Road. A building that speaks to its history and invites passersby into town and provides some retail on the ground floor. If the current land restrictions were retained, the land would be developed like the Slater building and the Niwot Inn, with a distinctive building at the front of the property and parking in the rear. In contrast, the current development proposals, call for preserving the unremarkable former dentist's office and Lefty's Pizza Joint (neither architectural "gems") and cramming in a bunch of residential units behind and around them. This is not the right direction for Niwot.

Boulder County Proposal:

We applaud the County's efforts to reduce density via floor area ratio, building coverage limitations, and height limitations on the rear 25 feet of Block 5. These restrictions will help to enforce the County's characterization of Niwot as "semi-rural". However, we are mystified by their reluctance to address the most controversial issue: access to and use of the existing service alley. It only became apparent after the formal part of the meeting that the County plans to abandon their own "Niwot Alley Study" of 1996 (commissioned by the County Commissioners and used to control the designs of the Slater Bldg. and Niwot Inn). This study established the alley as a "buffer" by limiting commercial access to the dead-end alley. We are adamantly opposed to directing commercial traffic into our residential neighborhood, as depicted on the County's own zoning map. This has the potential of introducing more "trips per day" down the dead-end alley then we see down Third Avenue proper. As previously stated: "It is clear, that the developers would like to reap all the benefits of high-density development while shifting all of the negative impacts onto the adjacent residential community. Commercial development and its collateral impacts should be restricted to and absorbed by the commercial district. We encourage the County to uphold all property owners' rights and the precedents established in the Niwot Alley Study."

The County needs to address all of the issues regarding development in the NRCD in a cohesive manner not piecemeal, as is currently the case.

Sincerely

Jim & Kim Kalinski

343 3rd Avenue

Niwot Co

From:	Case, Dale
To:	Wobus, Nicole; Grimm, Denise; Ruano, Jose
Subject:	FW: NRCD regs
Date:	Wednesday, January 30, 2019 1:43:24 PM

From: 3dsnow <3dsnow@gmail.com>
Sent: Wednesday, January 30, 2019 10:25 AM
To: Case, Dale <dcase@bouldercounty.org>
Subject: NRCD regs

I'd like to express my appreciation to Boulder County Land Use for taking on this project. I'm certain it isnt easy. Hopefully the result will be something we all can live with, and ensure predictability for a bit.

Just a few thoughts about the proposed changes to the NRCD code

Section B. Use
Is an all residential project an option?

Item 6 says a single family home is acceptable, but can multiple single family homes be put on a single parcel?

Mixed use is one thing, but all residential certainly wont help the business district flourish.

Section C Lot, Building, and Structure

3.3 Rear setback Is it possible to match the block 3-4 setbacks? It would give us a bit more breathing room, if the parking in the rear requirement is eliminated.

Section D. Parking

3. Allowing parking to be provided at another site sounds problematic. For instance, when the new lot is constructed along the RR tracks, businesses in block 5/6 may count that parking as 'theirs'. Customers, however, may want to use the closer residential streets instead. So, does that mean a residential permit system?

4. It worries me that residential streets will become an auxiliary parking area for downtown. While a listed criteria states that increasing demand upon residential neighborhoods isn't acceptable when a business trys for reduced parking, I cannot imagine how that would be policed.

Section E. **Design Requirements**

1. How is alley improvement payed for?

4. Please require outdoor lighting to be down lighting. Currently, one business has a string of 50 or so Edison type clear bulbs which burn all night and radiate directly into neighboring homes.

6.b How about breaking up facades on the rear of the buildings as well. That is the front side from our 3rd Ave perspective.

2. **Rear height restriction** is a help, but still will result in plunging the rear 40 feet of neighboring yards into shadow in the winter, and a loss of privacy. Parking in the **rear** (NOT on the side) requirement is a better solution because it adds a better buffer. That was its intent.

Section F

The **Community Engagement** addition is most welcome.

Alley Use

Why is this not part of the discussion? It has enormous bearing on what can and cannot be built. Perhaps The Moratorium should be extended so that a clear picture might be had by all.

Once again,a big 'Thank you' for tackling this project.

Dave Snow

PO Box 1012
Niwot, CO 80544

From:	Case, Dale
To:	Ruano, Jose; Hackett, Richard; Wobus, Nicole
Subject:	FW: Niwot and Moratorium - February 8, 2019
Date:	Monday, February 11, 2019 8:40:44 AM

From: Jill Whitener <niwot.jill@gmail.com>
Sent: Friday, February 08, 2019 5:09 PM
To: Case, Dale <dcase@bouldercounty.org>; Grimm, Denise <dgrimm@bouldercounty.org>; Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: Niwot and Moratorium - February 8, 2019

To: Planning Commission, County Commissioners, and Land Use Staff;

Is Niwot important to the lives of people that live here???
Yes, it is. The current atmosphere of Niwot is not being portrayed in a positive way since we have had the county involved. The majority of our residents enjoy participating in our community businesses and events. You are dealing with a very small population of residents that do not support our business community and are acting out and being very destructive. Please stop ignoring the majority of people that live here. Please understand that our community consists of many residents and not the few you are currently dealing with.

I have been a resident of Niwot for 31 years. I have volunteered and been a part of the Niwot community since we moved here. We know the importance of being involved and volunteering our services in the community in order to make a small community flourish in a healthy and constructive way. I have been extremely saddened by the way the county has not been open to the growth of Niwot and it's community. Putting a moratorium on Niwot and its growth is very detrimental to our community and the opportunity to thrive. We need to move forward and allow us to work toward a community that we have always had. Please unite with us and work with us so that are community can be able to not remain stagnant. It appears that you are not open or encouraging us to make our community a place for our residents and visitors to come and enjoy. We need your help and support with less restrictions and control to move forward. Please, please I plead work with us and realize the importance of our lives here in this community that we all have worked very hard to build.

Jill Whitener
Resident of Niwot

From:	Case, Dale
To:	Ruano, Jose; Hackett, Richard; Wobus, Nicole
Subject:	FW: NRCD Land Use Code revisions accepted by business property owners
Date:	Monday, February 11, 2019 8:41:33 AM
Attachments:	Commissioners NRCD property owners accepted code revisions .pdf

From: Anne Postle <apostle@osmosisarchitecture.com>
Sent: Friday, February 08, 2019 5:10 PM
To: Boulder County Board of Commissioners <commissioners@bouldercounty.org>; Case, Dale <dcase@bouldercounty.org>; Grimm, Denise <dgrimm@bouldercounty.org>
Cc: 'Brian Bair' <brian@masseq.com>; 'Bradford Heap' <brad@bradfordheap.com>; Carlson & Moore LLC Biff Warren Warren <biff@niwotlaw.com>; 'Bob' <bob@vonscolorado.com>; 'Xan Rubey' <xanaru@icloud.com>; Tim and Mary Coonce <mcoonce@porchfronthomes.com>; 'Tim Coonce' <tcoonce@porchfronthomes.com>; Tony Santelli <a.santelli@comcast.net>; 'Cornelia Sawle' <corneliaswl@gmail.com>; 'Margo Leach' <margo@margoleach.com>; Laura Skaggs <lauralskaggs@aol.com>; Wise <wiseinniwot@yahoo.com>; 'Cotton Burden' <cotton@burdeninc.com>; 'Robyn Kube' <RobKube@dietzedavis.com>
Subject: NRCD Land Use Code revisions accepted by business property owners

Dear Commissioners, Planning Commission and Land Use Staff,

The business property owners in the NRCD have compiled a package of Land Use Code revisions that :

- Support the goals of the Comprehensive Plan
- Have broad Community support
- Allow the NRCD to meet the needs of Niwot's residents for goods and services
- Increase the safety of our sidewalks
- Are approved by 100% of NRCD property owners

The Land Use Code revisions proposed by the Land Use Department:

- Are contrary to the goals of the Comprehensive Plan
- Have the support of one block of residents, ignoring the majority of Niwot's residents
- Prevent Niwot businesses from meeting the needs of Niwot's residents, forcing us to drive to Boulder or Longmont for goods and services.
- Ignore the safety of our sidewalks
- Are **not approved** by even one NRCD Property owner

The business property owners met with Dale Case this week in an attempt to get him to see that the revisions proposed by Land Use kill Niwot's future. They are extreme and unreasonable. No reasonable government would do this to its small businesses. We left the meeting without any hope that our concerns were heard. We hope you are listening. Please review the attached proposed revisions.

Anne Postle, *Architect*

osmosis art and architecture
p: 303.652.2668
f: 303.652.2717
p: 290 Second Ave | PO Box 1024 | Niwot, CO 80544
p: osmosisarchitecture.com e: apostle@osmosisarchitecture.com

REVISIONS TO NRCD LAND USE CODE APPROVED BY NRCD PROPERTY OWNERS

ENTIRE NRCD

- Height Limit: 30' allowed
- Residential units allowed:
  - <8,000 lot: 2 units
  - 8,000-15,000: 5 units
  - >15,000: 6+ units
  - One additional unit permitted if under 600 s.f in all lot sizes
  - Residential units allowed on the second floor adjacent to 2nd Avenue, or behind Commercial. First floor adjacent to 2nd Avenue must be Commercial.
- Parking:
  - One space/ 500 s.f. commercial; Residential: 1 space per unit.
  - Parking requirement for existing buildings will be the lesser of 1 space per 500 s.f. or existing parking provided.

- Zoning Categories: It is unnecessary and contrary to the NRCD goals to have 6 different blocks with different zoning in the NRCD. First Block and 2nd Block only.

FIRST BLOCK

- First block includes Bank of the West and the Excel Building
- First Block zoning and Land Use requirements should remain as they currently exist. There is no desire from Niwot citizens to put any additional limits on this block. The current review requirements are adequate to ensure that development is compatible with Niwot.

SECOND BLOCK

- Second Block is everything east of Franklin, including Colterra.
  - Second Block: FAR of 1.25, 2/3 of what is in existence in the First Block (the First Block has existing buildings with 1.8 FAR which are revered. Land Use proposes that buildings in the Second Block be limited to .6, 1/3 of what is already in existence in the First Block. This is arbitrary and capricious, and not supported by any property owner in the NRCD. As is shown clearly by the Lockwood Building (FAR 1.8) which is revered in Niwot, It is not the FAR that makes a building compatible with Niwot, it is the design.
  - No Lot Coverage limits. This is determined through the review process.
  - Landscape/hardscape requirement of 10%.
  - Rear setback 0' required. Front setback 20'. Front setback can be reduced by 1' for every foot increase in second floor setback on the rear (above 15' building height), up to 15'. A decrease in front setback was overwhelmingly accepted in all community meetings.

- Side setback 0' required. Current language with 0' and 12' setbacks listed is contrary to the definition of setback in the Land Use Code which states: 'Setback is the required minimum distance between the building and the related front, side, or rear lot line.' 12' should be removed.
- Setback on corner lots to Franklin: 0'.

PEDESTRIAN SAFETY AND ALLEY ACCESS:

- To improve the safety of 2nd Avenue sidewalks, full alley access for Commercial property owners is to be granted. Commercial property owners are willing to bear the costs of the surveying, repair of potholes and grading as a show of good faith.
- Maintaining the existing 20' two-way, unpaved, dead end alley in a form that matches the First Block is the best way to ensure that traffic is limited to adjacent properties only, the drainage is consistent with historic drainage patterns, and the curb cuts that cross Niwot's sidewalks can be removed. Future development can be required to have fences and a landscape buffer, but if this is required of existing properties (Niwot Inn and The Slater Building), the curb cuts will never be eliminated and our sidewalks will continue to be treacherous.
- Process:
    - Commercial property owners will immediately be allowed access to survey and stake the alley boundary.
    - Any property owner who has encroachments into the alley will be notified and given 60 days to remedy. If no remedy occurs, the County will take such action as necessary to remove the encroachment.
    - After the 60 days, Commercial property owners, at their expense, can fill potholes and grade the alley with the requirement that the historic drainage pattern of the alley is not to be substantially modified, identical to the alley maintenance that has occurred for decades in the First Block.
    - After alley grading, all adjacent properties have right to full alley access. Where feasible, curb cuts that cross 2nd Avenue sidewalks will be eliminated. The Commercial property owners understand the current dangerous condition and are happy to take steps needed to make our sidewalks safe.

From: Case, Dale
To: Ruano, Jose; Hackett, Richard; Wobus, Nicole
Subject: FW: Niwot Development
Date: Monday, February 11, 2019 8:45:50 AM

-----Original Message-----
From: Thomas Finan <tomfinan@yahoo.com>
Sent: Sunday, February 10, 2019 8:41 AM
To: Boulder County Board of Commissioners <commissioners@bouldercounty.org>; Case, Dale <dcase@bouldercounty.org>; Grimm, Denise <dgrimm@bouldercounty.org>
Cc: Karen Fukuma <karenfukuma@yahoo.com>
Subject: Niwot Development

(Please forward to the Planning Commission members. Thank you)

Dear Commissioners and staff of Boulder County,

We have been anxiously watching the recent actions coordinated by the county with respect to future business development in Niwot.

In a word, we are APPALLED by what appears to be extreme bias of the county staff against much needed commercial development in our community.

We love Niwot. For 18 years we have enjoyed a wonderful balance of semi-rural surroundings and the convenience of a thriving, local commercial environment. We applaud the many improvements in town, especially on Second Avenue, which occasionally draw our neighbors from Boulder, Longmont and other nearby locations. As Niwot residents, we enjoy walking to town to visit the shops and restaurants.

There are a number of local Niwot groups which do a wonderful job already in reviewing changes to our town. As residents, these group volunteers effectively manage the balance of historic preservation, commercial and residential priorities. We do not need, nor appreciate, the proposed code revisions which will restrict modernization of our businesses. Your moratorium has already hurt our town and will ensure that our small businesses will suffer for decades.

We do not know of a single neighbor nor business owner who supports the current or proposed County actions. Please think about who you are serving as our government. You work for us.

We ask that you work with our small businesses and approve the changes that will allow them to survive and thrive. The time to help Niwot is now. We have a crisis with the recent closures of three key businesses in town.

Respectfully,

Tom Finan and Karen Fukuma
8510 Niwot Meadow Farm
Niwot

From: Case, Dale
To: Ruano, Jose; Hackett, Richard; Wobus, Nicole
Subject: FW: Niwot
Date: Monday, February 11, 2019 8:49:42 AM

-----Original Message-----
From: ML <1michelelivingston@gmail.com>
Sent: Sunday, February 10, 2019 7:38 PM
To: Case, Dale <dcase@bouldercounty.org>; Grimm, Denise <dgrimm@bouldercounty.org>; Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: Niwot

February 11, 2019

To : Boulder County Commissioners and Planning Committee

Subject: Niwot Moratorium

Dear Commissioners, and Committee,

We are writing to request that Niwot be allowed to continue its growth as a charming small town. As residents, we are looking forward to more retail, restaurants, and everything a small town can provide to attract visitors with ample parking.

With the moratorium expiring on March 20, we are hoping that new and existing projects can move forward, attracting more businesses and visitors.

Thank you,

Michele and Rob Livingston
8615 Portico Lane
Niwot, Colorado

Sent from my iPad

From: Anne Postle
To: Boulder County Board of Commissioners; Case, Dale; Grimm, Denise; Ruano, Jose; Wobus, Nicole
Cc: Tony Santelli; "Brian Bair"; Carlson & Moore LLC Biff Warren Warren; "Bob"; "Bradford Heap"; Tim and Mary Coonce; "Tim Coonce"; "Bernadette Reed"; tim@harringtonstanko.com; tom@harringtonstanko.com; Laura Skaggs; "Robyn Kube"; "Cornelia Sawle"; "Cotton Burden"; Wise
Subject: Why is the Comprehensive Plan ignored in Niwot?
Date: Monday, February 11, 2019 12:24:20 PM

Dear Commissioners, Planning Commission and Land Use Staff,
(please forward to Planning Commission)
The disregard for the goals of the Comprehensive Plan as it relates to Niwot is very disappointing and concerning.

When the Comp Plan says: "Niwot is planned to be the only designated service area within the Sub-region and the geographic area wherein the majority of future growth will be accommodated.",

- Land Use proposes code revisions that limit future commercial development in the Second Block to 1/3 of what already exists in the First Block, stifling new commercial and mixed use projects.
- Land Use proposes code revisions that will add to the costs of development, forcing increased rents, higher prices for goods and services, and make Niwot less competitive.
- Land Use proposes a moratorium that reduces Niwot's sales tax revenue, which is the fuel for the events that are a huge part of Niwot's charm and character.

When the Comp Plan says: "The county shall encourage the development of a network of pedestrian and bicycle pathways that are protected from vehicular encroachment and that serve the resident's needs to safely and efficiently move between activity areas and living areas within the Niwot Community Area.",

- Land Use denies Niwot businesses access to the public alley right of way that is adjacent to their properties.
- Land Use forces all cars that access these businesses to cross paths with pedestrians, bikes, strollers and scooters. This is a tragedy waiting to happen.

When the Comp Plan says: "the county shall recognize the importance of retaining and expanding existing businesses",

- Land Use proposes code revisions that prevent existing Niwot businesses from expanding to survive and meet the needs of Niwot residents.
- Land Use proposes code revisions that force Niwot residents to travel to Boulder or Longmont to obtain needed services and products.
- Land Use proposes code revisions that prevent Colterra from rebuilding, by making the project financially not viable.

The Land Use Code revisions proposed by Boulder County Land Use staff are contrary to the goals of the Comprehensive Plan.

Land Use's proposed code revisions are not approved by even one of the 29 Commercial property owners in the NRCD. The NRCD property owners have submitted

revised code revisions to the Land Use Department that are accepted by 100% of the Commercial Property owners and align with the goals of the Comprehensive Plan. Please review our proposal.

Respectfully,

Anne Postle, *Architect*

osmosis art and architecture
p: 303.652.2668
f: 303.652.2717
p: 290 Second Ave | PO Box 1024 | Niwot, CO 80544
p: osmosisarchitecture.com e: apostle@osmosisarchitecture.com

From: Tim Harrington
To: Boulder County Board of Commissioners
Subject: Niwot Moratorium
Date: Monday, February 11, 2019 12:02:28 PM

Please forward to Planning Commission members

We are under contract to buy a building in the Niwot Rural Community District. We are excited about the potential for this building and have a vision for a mix of uses on our property to include office, bakery and a restaurant with a rooftop deck. This vision is overwhelmingly supported by the Niwot business owners and residents. The current moratorium on commercial development in Niwot has stopped our project in its tracks. The current code changes proposed by Boulder County Land Use Department are so restrictive to our community that we have been forced to re-evaluate our vision and our investment. **It is unreasonable and arbitrary for the Land Use Department to limit one block of Niwot's commercial district to building sizes that are less than 1/3 of what exists in the next commercial block.** These proposed code revisions are not supported by even one of the property owners in the district. The Second Avenue commercial district is a gem that deserves every opportunity to succeed. The proposed code revisions are designed to ensure that Niwot can never attain the foot traffic necessary for a viable business district. If they are approved, our vision will die. It should not be the goal of any code revisions to force Niwot residents into their cars to drive to Boulder or Longmont to get the goods and services that they need. We have been shocked and disappointed in Boulder County Land Use's blatant disregard for the future of Niwot's commercial district, our small businesses and residents.

Tim Harrington and Tom Stanko

Tim Harrington
7101 La Vista Place #100
Niwot, CO 80503
303-441-9155 (office)
303-589-1044 (mobile)
www.HarringtonStanko.com

From:	Case, Dale
To:	Hackett, Richard
Cc:	Ruano, Jose; Wobus, Nicole
Subject:	FW: re-zoning of Niwot?
Date:	Monday, February 18, 2019 4:34:32 PM

From: Rich Frankenheimer [rfrankenheimer@avlgrowth.com]
Sent: Monday, February 18, 2019 4:15 PM
To: Boulder County Board of Commissioners; Case, Dale; Grimm, Denise
Subject: re-zoning of Niwot?

Dear county commissioners,

I have lived in Boulder County for 41 years, including the past 18 years near 63rd and Niwot road (1 mile from downtown Niwot) and before that 13 years in Gunbarrel.

Niwot's charm is truly unique, special and valued by everyone that I know in this area - and I know many many individuals and families, having lived out here for so long.

We NEED a good restaurant (like Colterra) or we will have to spend our higher end restaurant dollars in Boulder or Longmont. We NEED Niwot Feed and Rental or we will spend our $2k/year for feed and supplies for our animals at Petsmart in Longmont. We NEED a fun and vibrant Niwot to walk around and window shop, have coffee, buy gifts, etc, etc - or we will have no use in going to Niwot at all for a night out with my spouse or for our family.

Niwot is one of the main reasons we moved out North from Boulder 30 years ago. The thought of the county changing the rules, the zoning and the future of Niwot all based on a select handful of residential homeowners who live adjacent to the commercial district seems unbelievable to me.

Making changes that will impact the character, tax base and even the viability of Niwot, CO without at the very least putting these changes to a vote to ALL of those impacted in the Niwot (and surrounding) area, would be irresponsible. Just hearing from some residences, and even just holding one open session (this week), will only get to a VERY small % of those who would gladly cast a vote on this issue if they were aware of it.

PLEASE do not make this change without hearing from more people.

Sincerely,

Rich Frankenheimer
6431 Redwing Place

303-868-7922

--



Rich Frankenheimer | Partner
m: 303.868.7922

e: rfrankenheimer@avlgrowth.com
w: http://avlgrowth.com
Skype: richfrank15
Click here to learn more about AVL Growth Partners, LLC

From:	Case, Dale
To:	Hackett, Richard
Cc:	Ruano, Jose; Wobus, Nicole; Grimm, Denise
Subject:	FW: Keeping Colterra
Date:	Monday, February 18, 2019 4:35:25 PM

From: Daniel Wilson [Events@bradfordheap.com]
Sent: Monday, February 18, 2019 4:03 PM
To: Boulder County Board of Commissioners; Case, Dale; Grimm, Denise
Subject: Keeping Colterra

Dear County,

Colterra has been a staple of Niwot for years.

Inviting family traditions, creating new friendships and rekindling old ones Colterra has always been a place to enjoy some of the finest dining Niwot has to offer

Please consider the emotional investment of Colterra and what it has given so many.

Thank you

--
Daniel Wilson
Director of Sales and Marketing
Bradford Heap Restaurants

Office: 303.652.0777
Personal: 517.899.3145

www.wildstandard.com
www.saltthebistro.com
www.colterra.com

From:	Case, Dale
To:	Hackett, Richard
Cc:	Ruano, Jose; Wobus, Nicole; Grimm, Denise
Subject:	FW: Niwot should thrive
Date:	Monday, February 18, 2019 4:35:51 PM

From: Michael Moss [michael@kiltfarm.com]
Sent: Monday, February 18, 2019 4:00 PM
To: Boulder County Board of Commissioners; Case, Dale; Grimm, Denise
Subject: Niwot should thrive

Dear Boulder County Commissioners,

I have been farming in Niwot since 2012 on various properties and the Town of Niwot has been an important aspect of my journey. During the season I spend much more time at my farm and in Niwot than I do at my house in Boulder or Boulder proper. Niwot has become a very special place for me. As my farm has grown, I have been able to support many of the businesses in Niwot.

Now I find myself very concerned for the health of the core business district of Niwot. This business area is no longer the vibrant core that I used to enjoy. There are more and more empty store fronts and my clients share their struggles with me of reduced activity and prospects. The very heart of a community needs to be supported by Land Use regulations and not stifled. I worry that the proposed changes in the land use code will choke off the vibrancy of the NRCD and truly diminish this gem in Boulder County.

Please support all of the businesses in the NRCD and insure that Downtown Niwot will always be able to provide services to local residents and not force additional traffic to Boulder and Longmont.

Respectfully,

Michael Moss
970-846-6233

Growing amazing soil, food and community.
www.kiltfarm.com

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Follow me on Twitter http://twitter.com/kiltfarm

"It is night after a long day. What has been done has been done; what has not been done has not been done; let it be." --A New Zealand Prayer Book

From:	Case, Dale
To:	Hackett, Richard
Cc:	Ruano, Jose; Wobus, Nicole; Grimm, Denise
Subject:	FW: Colterra
Date:	Monday, February 18, 2019 4:34:58 PM

From: jennifer bush [jenniferlbush33@yahoo.com]
Sent: Monday, February 18, 2019 4:23 PM
To: Boulder County Board of Commissioners; Case, Dale; Grimm, Denise
Subject: Colterra

To whom it may concern,

My name is Jennifer Bush. I am a native to Boulder as well as a long time friend of Bradford's, and a bakery owner. Throughout the years, Bradford has shown up in our community in a big way. He is at every event, donating his time and efforts to raise money for various organizations. He is a pillar of morale and a wonderful family man.

I have recently heard of the proposed land use code changing, that would greatly affect the business owers in Niwot. This would be a terrible thing to happen, as the town is growning leaps and bounds, and we need these business that are the bones of Niwot. Please allow the town to create it's own future and not be dictated to by Boulder County!

Thank you for your time-

Jennifer Bush
303 304-0442

From:	Case, Dale
To:	Hackett, Richard
Cc:	Wobus, Nicole; Grimm, Denise; Ruano, Jose
Subject:	FW: Downtown Niwot
Date:	Monday, February 18, 2019 4:36:46 PM

From: CLENCY LEE YOW [cleeyow@msn.com]
Sent: Monday, February 18, 2019 3:00 PM
To: Boulder County Board of Commissioners; Case, Dale; Grimm, Denise
Subject: Downtown Niwot

Not sure why the changes to land use code. Isn't the whole point of having a downtown is to have a lively place with restaurants where people meet and enjoy themselves? We have been residents of Niwot for 12 years and miss Colterra and Trepedas. We hope Coltera can open soon and another restaurant replace Trepedas.

I hope you reconsider changing the land use code.

Niwot Hills resident

From:	Case, Dale
To:	Hackett, Richard
Cc:	Wobus, Nicole; Grimm, Denise; Ruano, Jose
Subject:	FW: Niwot Building Moratorium
Date:	Monday, February 18, 2019 4:37:54 PM

From: Suzanne De Lucia [sdelucia@frontrangebusiness.com]
Sent: Monday, February 18, 2019 2:52 PM
To: Boulder County Board of Commissioners; Case, Dale; Grimm, Denise
Subject: Niwot Building Moratorium

Dear County Commissioners,
I am writing on behalf of Bradford Heap and asking you to please find a path for him to move forward in his re-opening of Colterra. The business is an absolute asset to the community. To have it sit vacant for so long seems to benefit no one.
As more and more businesses shutter, you get a domino effect and all businesses suffer. The town also suffers, as no tax revenues are being generated by viable businesses.
There is nothing more wonderful than alfresco dining in the Colterra garden on a summer evening. Please make it possible this summer.
Thank you for your consideration.
Sincerely,
Suzanne

--

Suzanne M. De Lucia, CBI
Fellow Of The IBBA
President
Front Range Business, Inc.
5353 Manhattan Circle, Suite 101
Boulder, CO 80303
Office: 303-499-6008
Fax: 1-888-521-8219
sdelucia@frontrangebusiness.com
www.frontrangebusiness.com

From:	Case, Dale
To:	Hackett, Richard
Cc:	Wobus, Nicole; Grimm, Denise; Ruano, Jose
Subject:	FW: Concerns about possible rezoning of Downtown Niwot
Date:	Monday, February 18, 2019 4:38:25 PM
Attachments:	Downtown Niwot.pdf

From: Kirsten Boyer [kirsten.boyer@comcast.net]
Sent: Monday, February 18, 2019 2:18 PM
To: Boulder County Board of Commissioners; Case, Dale; Grimm, Denise
Subject: Concerns about possible rezoning of Downtown Niwot

Dear Commissioners,
Please see my attached two page letter that addresses my serious concerns about rezoning downtown Niwot.
thank you,
Kirsten Boyer

Dear County Commissioners,
I have lived within a two-mile radius of Downtown Niwot for the past 25 years, and I place a huge value on being able to access services, shopping, and restaurants locally. It seems to me that Niwot has struggled for years to become the vibrant, charming, thriving commercial district that we want as a community and that was laid out by the Niwot Vision Committee and the Boulder County Comprehensive Plan.

Niwot has the potential of serving two very important roles. It can serve as a destination for visitors, and it can serve as one of those rare remaining small town havens of community for locals. I'm not a business owner in Niwot, but my guess is that both kinds of support are necessary to sustain those businesses that exist now and might come to Niwot.

My family does as much of our shopping in Niwot as possible, but the more that is available to us, the better! I believe downtown Niwot will do best if it has a blend of different types of businesses that can meet the everyday needs of locals as well as the less frequent needs of visitors.

I also have to put in a plug for two specific establishments that are near and dear to my heart. First, Niwot Rental and Feed that has been here since the day we moved here and downtown cross streets of Franklin and Second were dirt roads. Steve and Kay Rollman established Niwot Rental and Feed in 1981 and since then

they have provided key supplies and resources to the semi-rural outlying community of greater Niwot. It would be a crime for the county to in anyway lessen the resale value of the Niwot Rental and Feed. Steve and Kay could have sold out years ago, but I feel they have held out because they truly know they are filling a unique and valuable niche in Niwot and the greater area.

I also want to take a moment to highlight the efforts of Chef Bradford Heap, owner of Colterra restaurant. He has spent the past eleven years supporting local farms and farmers by making it a top priority to bring local produce and local meat to his restaurants. He is constantly innovating and making connections with local producers-- weaving a web of farm to table support that is a model for communities around the country.

These two businesses that should be great sources of pride for Boulder County.

I urge you to listen to the current business owners in Niwot, who have a vision and are willing to take on the associated risks, and to do all you can to support them so that Downtown Niwot can hold onto its past and create a bright future.

Sincerely,
Kirsten Boyer
6675 Bluebird Ave
Niwot, Co 80503

From:	Case, Dale
To:	Hackett, Richard
Cc:	Wobus, Nicole; Ruano, Jose; Grimm, Denise
Subject:	FW: Niwot 2nd Street is dying
Date:	Monday, February 18, 2019 4:39:21 PM

From: Tommi Wolfe [tommi@top6businesscoach.com]
Sent: Monday, February 18, 2019 1:22 PM
To: Boulder County Board of Commissioners; Case, Dale; Grimm, Denise
Subject: Niwot 2nd Street is dying

Dear commissioners

I know you are working on zoning and fixing issues around complaints with Franklin Street properties in Niwot.

I am a Niwot resident. I, and my neighbors, really want 2nd Street to thrive! It is not looking too good now. Colterra is closed, Treppida's is closed and so is the Powderkeg.

The Niwot demographic is getting OLD. We need all the help we can to keep this area vibrant. All of our property prices depend on a thriving little downtown area.

Please don't make it difficult for the commercial properties east of Franklin to survive. I don't have huge sympathy for the residential homes near this area - their home value has gone up exponentially. They won't lose out.

Thank you for all the work you do.

Tommi Wolfe
Founder and Chief Dreamer at Top 6 Business Coach
P 303-834-8630 **E** Tommi@Top6BusinessCoach.com
W www.Top6BusinessCoach.com
"Savvy Support for the World's Smartest Entrepreneurs"

From:	Case, Dale
To:	Hackett, Richard
Cc:	Wobus, Nicole; Ruano, Jose; Grimm, Denise
Subject:	FW: Lift Niwot Moratorium
Date:	Monday, February 18, 2019 4:40:18 PM

From: Scott Firle [Scott_Firle@msn.com]
Sent: Monday, February 18, 2019 12:54 PM
To: Boulder County Board of Commissioners; Case, Dale; Grimm, Denise
Subject: Lift Niwot Moratorium

County Staff and Elected Officials,

My name is Scott Firle and I am writing you today as a resident of Niwot. My family and I moved here almost 5 years ago and have fallen in love with this community.

I urge you to let the Moratorium expire with current zoning rules in Niwot and allow projects like Bradford Heap's Colterra to move forward with mixed use options. I see nothing wrong with commercial on the first floor and residential on the second in that area. These infill opportunities provide options for old town to become vibrant and inviting to residents and visitors.

It is unfortunate that the neighbors behind old town didn't fully realize that they were purchasing their properties near the commercial district. Now those neighbors want to change the commercial zoning, further exacerbating our current headwinds in old town.

Speaking as a surrounding area Niwot Resident I offer full support of projects like Bradford Heaps being allowed and the zoning to remain the same as West Old Town.

Sincerely,

Scott Firle

From:	Case, Dale
To:	Hackett, Richard
Cc:	Ruano, Jose; Wobus, Nicole; Grimm, Denise
Subject:	FW: Niwot downtown development
Date:	Monday, February 18, 2019 4:40:48 PM

From: Carole Stern [cjstern17@gmail.com]
Sent: Monday, February 18, 2019 12:15 PM
To: Boulder County Board of Commissioners; Case, Dale; Grimm, Denise
Subject: Niwot downtown development

As a Niwot resident since 2009, I urge you to allow the business owners to develop the downtown area without changing the zoning. Niwot has a charming downtown area with great ideas from local business owners for future development.
I prefer to support local businesses, and shop and dine in Niwot. It does not make sense from an environmental prospective to have Niwot residents drive all the way to Longmont or Boulder for shopping and dining. Niwot has a strong sense of community and wants to support local businesses.
Please do not move forward with the Land Use Code changes in downtown Niwot.

Carole Stern
9260 Shooting Star Ct.
Niwot

From:	Case, Dale
To:	Hackett, Richard
Cc:	Wobus, Nicole; Ruano, Jose; Grimm, Denise
Subject:	FW: Colterra
Date:	Monday, February 18, 2019 4:43:04 PM

From: Jessica Rose Johnson [jessrosedvm@gmail.com]
Sent: Sunday, February 17, 2019 9:29 PM
To: Boulder County Board of Commissioners; Case, Dale; Grimm, Denise
Subject: Colterra

Dear County Commissioners,
I am writing this email in FULL support of you allowing Colterra to make a quick and smooth transition to return to business in Niwot. I am a Niwot resident (7379 Pebble Court), as well an employee in Niwot (associate veterinarian at Left Hand Animal Hospital). Colterra is a huge draw for people to come to Niwot and my favorite dining establishment in this town. I cannot tell you how often I hear from clients at the vet clinic that they are so disappointed that Colterra is not open because that was their favorite place to go to lunch. I know there is a rift between the residents on 3rd street and the businesses in downtown Niwot. However, new rules should not suddenly be placed on Colterra. They are a vibrant and essential piece of Niwot's economy; and in my opinion, the best place to dine in the whole town.
Please consider my wishes as a resident/employee of this town.

Thank you,

Dr. Jessica Johnson

--
Jessica (Collier) Johnson, DVM
Certified veterinary medical acupuncturist (cVMA)

From:	Case, Dale
To:	Hackett, Richard
Cc:	Ruano, Jose; Grimm, Denise; Wobus, Nicole
Subject:	FW: Colterra downzone tragedy
Date:	Monday, February 18, 2019 4:44:08 PM

From: Rob R [robert596@gmail.com]
Sent: Sunday, February 17, 2019 8:08 PM
To: Boulder County Board of Commissioners; Case, Dale; Grimm, Denise
Subject: Colterra downzone tragedy

Dear commission,

What a serious mistake it would be to downzone Coltera restaurant amid it's rebuilding. As one of six friends that are business people in the community and talk about the Niwot business district, I hope you will do the smart thing for downtown Niwot and the residents of Niwot and re-examine this issue. Colterra and Bradford are one of the best employers and best restaurants we have!

Niwot is a ghost town now - and has been. Downzoning Colterra will only make your problems worse. I've had friends talk about running for the commission against you all because of this exact reason. Re-prioritize and do the smart thing for Niwot.

Best,
Rob Ryan

Think before you print, please. Save paper.
Conservation is the best way to be green.

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delete the original message.

From:	Case, Dale
To:	Hackett, Richard
Cc:	Ruano, Jose; Wobus, Nicole; Grimm, Denise
Subject:	FW: Keep Niwot Wonderful - support our amazing downtown
Date:	Monday, February 18, 2019 4:48:46 PM

From: Laura Bloom [laurafromboulder@aol.com]
Sent: Saturday, February 16, 2019 8:02 PM
To: Case, Dale; Grimm, Denise; Boulder County Board of Commissioners
Subject: Keep Niwot Wonderful - support our amazing downtown

Dear Commissioners,

I live in downtown Niwot…behind the Chief Niwot sculpture and across from the liquor store and Niwot Inn.

I moved here two years ago because I wanted to live in downtown Niwot. I wanted to walk to all the wonderful businesses: Colterra, the market, the two breweries, the Tavern, 1914 House and my cherished backyard "living room", Trepedda's. I'd been coming to Niwot for decades and always wanted to live downtown. My dream came true.

Now Boulder County wants to ruin my dream. Please make it easy for Colterra to reopen! Please don't downzone and make it more difficult for the wonderful businesses we have now to stay here and keep our town Niwot.

You must listen to more than just those living on 3rd Street. They are but one voice of Niwot and there are so many more of us with varying opinions on what our town should be….
If you buy near a pool, don't complain about pool noise. If you buy near an airport, don't complain about plane noise. And if you buy downtown, don't complain about commerce. I love the simple sounds and mild energy of this vibrant but quaint town. It's just perfect. Please don't ruin it.

Thank you,

Laura Bloom
6993 Miro Ct., Niwot, Co

— Until further notice, celebrate everything.

From:	Case, Dale
To:	Hackett, Richard
Cc:	Wobus, Nicole; Ruano, Jose; Grimm, Denise
Subject:	FW: Niwot
Date:	Monday, February 18, 2019 4:48:16 PM

From: Paul DiBona [paul.dibona@svn.com]
Sent: Sunday, February 17, 2019 8:59 AM
To: Case, Dale; Boulder County Board of Commissioners; Grimm, Denise
Subject: Niwot

Greetings all,

I'm writing in support of the Niwot business community as a resident of over 2 years with plans to stay far beyond that. If the proposed code changes stand as written, I'm not sure I want my family to grow in Niwot in the years to come. Not only do I reside within walking distance to the NRCD, I am a commercial broker who has transacted in the area and can tell you that this moratorium and the proposed code changes have had a real negative impact on the attractiveness and charm that you're seeking to preserve.

Allow me to offer some thoughts, opinions and pose some questions as an informed and engaged resident of Niwot. The proposed changes need to be reviewed further. While I support preserving the charm, and allure which Niwot provides, why so drastically restrict the ability for the properties owners within this district to build? Why downzone the area? Is this all due to the setback and alley conversation? Is this really going to achieve the preservation of character, etc. that we're all seeking? Or, will it perhaps destroy it? There are already cracks on the surface with the number of shuttered businesses within this district in just the past year alone - a 3% increase in vacancy since last quarter per CoStar. There is no coincidence that the vacancy has increased this much during the moratorium. Restricting investment within this very small community will only exasperate and prolong this effect.

I attended the County hosted meeting at Niwot High, and stand with the commercial property owners within the NRCD. I do value and understand the residents along 3rd with some of their concerns, and agree that updates to the code are needed. It can be argued that 240 2nd Ave was perhaps a poorly executed project and is not compatible with much of the district. It's setbacks and overall design are questionable - it physically and visually does not fit in with the rest of downtown. As a result of that project, I can honestly see the need to review and update parts of the code pertaining to the NRCD. But to introduce new concepts such as FAR into the code, and then substantially change the entire code with use of this new premise seems not only amateur, it has potential to create adverse, unintended results - let's start with the number the non-conforming properties it creates. These properties suffer from instant devaluation the moment this code goes into effect if accepted as currently written - and these are some of the most valuable and visible properties within the district!

Outside of the 10 or 20 or however many families along 3rd - this is not what Niwot residents want. We want the commercial district to be a vibrant downtown - BOTH sides of Franklin. Think downtown Louisville, but smaller. We want to be able to bike and walk there. We want several dining and entertainment options. We Love the convenience and character of downtown. We now have exactly one restaurant left in the commercial core of old town (that's right, just one). If a life-long Boulder County resident and well-respected entrepreneur/chef

(who helped to create the Niwot charm and character) can't make sense of these changes, then who are they really serving? Just the residents along 3rd?

I'm 35 with two children and I love what we had in Downtown Niwot not long ago. Multiple restaurant options, and a brewery all walking distance to my house. My generation enjoys these experiences - yes the millennials - we love Niwot too! We love to take our kids outside, and bike to the restaurant, etc. I already have fewer reasons to walk/bike downtown now than I did just a few short months back. I fear that this will only continue. I can only imagine what other retail and service establishments are feeling now with vacancy continually growing. I truly do think that this version of the code will detract and tarnish, if not wholly wipe out, any "charm" and character that's left in downtown Niwot. It may not happen immediately, but it will certainly be felt when more of the business and property owners within the district decide it's their time to move on.

With regards to the draft code, I would argue that Blocks 5 and 6 should be treated separately with setbacks and FAR - the rear side of these blocks just aren't the same. Even further I would suggest 210 Franklin be treated separately from the remainder of Block 5, simply because it's the only property on the block with the Historic designation - maybe it would more appropriately fall in line with the setbacks, etc. of the properties in Block 3. Perhaps the "gateway' properties, the prime corner lots with good exposure (376 2nd), or lots which have historical significance should be treated in a manner that helps maximize what development may take place while preserving the character - I'm just not convinced that applying this overreaching code change does anything you've set out to do, in fact I think it does the opposite.

We need to preserve the character in Niwot by allowing it to grow naturally - within reason. When the unfortunate event of a fire causes a beloved business to shutter, we must not then make it harder for that business to reestablish themselves and revitalize the very area which it helped blossom to begin with - this is not within reason. 210 Franklin, along with another gateway property of 2nd Ave (376 2nd) are in dire need to be redeveloped - there are others along that eastern side of Franklin (291, 283 2nd among others) which will likely require investment down the road as well. The Code should be re-written and reconsidered understanding that many of the structures and businesses in the NRCD will be turning over sooner rather than later, and we have a golden opportunity to create a more charming, more charismatic and unique experience for both residents (nearby and surrounding) and visitors alike. Let's maximize, not restrict, what these properties can become, while preserving character. Defining mixed use is nice. Limiting mixed use to the level which the proposed code does, is not nice. We appreciate that the County has heard some of our feedback, but you're still missing the mark with this current iteration of the code. Please, let's take a little more time with this and get it right.

Sincerely,

Paul DiBona | Advisor
SVN | Denver Commercial
414 14th Street, Denver, CO 80202
Direct: 720.477.3969 | Cell 857.526.3764
paul.dibona@svn.com | www.svn.com
www.svncolo.com



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From:	Cerda, Jacey
To:	Wobus, Nicole; Ruano, Jose; Weinstein, Laura; Grimm, Denise
Subject:	FW: DC-19-0004
Date:	Tuesday, February 19, 2019 10:43:08 AM
Attachments:	20190218 ltr to Planning Comn with attach corr 2235036.pdf

From: Robyn Kube <RobKube@dietzedavis.com>
Sent: Tuesday, February 19, 2019 10:42 AM
To: Cerda, Jacey <jcerda@bouldercounty.org>
Cc: Case, Dale <dcase@bouldercounty.org>
Subject: RE: DC-19-0004

Thanks Jacey. I had trouble scanning the letter yesterday; it appears that page 2 got eaten.

Here is the complete letter and attachments.

Robyn

DIETZE AND DAVIS, P.C.
ATTORNEYS AT LAW

Robyn W. Kube

Dietze and Davis, P.C.

2060 Broadway, Suite 400

Boulder, CO 80302

(303) 447-1375

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From: Cerda, Jacey [mailto:jcerda@bouldercounty.org]
Sent: Tuesday, February 19, 2019 10:34 AM
To: Robyn Kube
Cc: Case, Dale
Subject: RE: DC-19-0004

Ms. Kube,

The letter we received from you yesterday is missing page 2.

-Jacey

Jacey R. Cerda
Assistant County Attorney
BOULDER COUNTY ATTORNEY
Office: 303-441-3862 Fax: 303-441-4794
Mailing Address: P.O. Box 471, Boulder, CO 80306
Physical Address: 1325 Pearl St. Boulder, CO 80302
jcerda@bouldercounty.org
www.BoulderCounty.org

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From: Robyn Kube <RobKube@dietzedavis.com>
Sent: Monday, February 18, 2019 4:42 PM
To: Cerda, Jacey <jcerda@bouldercounty.org>
Cc: Case, Dale <dcase@bouldercounty.org>
Subject: DC-19-0004

Please see attached regarding the NRCD LUC Update



DIETZE AND DAVIS, P.C.
ATTORNEYS AT LAW

Robyn W. Kube

Dietze and Davis, P.C.

2060 Broadway, Suite 400

Boulder, CO 80302

(303) 447-1375

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Robyn W. Kube
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Glenn H. Lenzen*
William A. Rogers, III
Joshua E. Anderson

**Also admitted in California*

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Jennifer L. Lorenz
Nicholas G. Muller

Peter C. Dietze 1934-2019
Joel C. Davis 1936-2013

February 18, 2019

Boulder County Planning Commission
c/o Jacey Cerda, Assistant County Attorney
1325 Pearl Street, 5th Floor
Boulder, CO 80302

SENT VIA EMAIL ONLY

Re: DC-18-0004
Niwot Rural Community District (NRCD) Land Use Code Update

Dear Commissioners:

I am working with a number of the owners of commercial property located in the NRCD in connection with the proposed Land Use Code update. These owners have strong personal, professional and economic ties to Niwot – they live there, operate businesses there, and serve on the multiple boards and associations that allow Niwot to function as if it were really the small town it appears to be, not just the "Limited Community Service Area" designated in the Boulder County Comprehensive Plan. They are committed to preserving and expanding the economic vitality goals for Old Town Niwot outlined in the Comp Plan, but also recognize that updates to the Code may be appropriate and have been active participants in this Docket.

Unfortunately, the proposed Code changes are disconnected from the issues which precipitated the moratorium and caused the Docket to be initiated. The changes do not further the purposes for which the NRCD was established, are inconsistent with the Comp Plan and the Guiding Principles established for the Docket, and include unprecedented, arbitrary and severe density restrictions which will discourage the creative commercial development needed to keep Niwot economically viable. Significantly, the proposed changes do not address the alley between 2nd and 3rd Avenues, and the related safety issues on 2nd Avenue – one of the drivers of this process and an issue of specific concern to the County Commissioners.

Many commenters in this Docket aptly described Niwot as unique. Niwot has the appearance of a small, rural town, with the commercial area along 2nd Avenue serving as its downtown. These features led to its designation in the Comp Plan as the only Limited Community Service Area in unincorporated Boulder County; all other Community Service Areas were existing municipalities. Commercial properties along 2nd Avenue were eventually included in the NRCD, which was created to recognize and encourage a vibrant historic commercial area. Development in the NRCD is governed by Article 4-116 of the Code.

When the original NRCD became known as NRCD I, an affirmative vote of 50% of the owners of property therein was required before any changes to the Code provisions directly affecting that property could occur. In 2012, those owners were induced to give up this voting requirement in exchange for the ability to have a needed parking area and assurances that their positions would be taken into account when future Code changes were considered. But, there is still no parking area and their concerns are not being given due consideration in this Docket.

Complaints from residential property owners along 3rd Avenue,[1] whose properties abut the alley adjacent to the commercial properties on 2nd Avenue (identified as Block 5 in the proposed Code changes), led to last fall's moratorium and initially informed this Docket. As noted in the December 17, 2018 community meeting agenda (Exhibit 1 hereto), the key issues were:

- Alley Treatment and Lot Access
- Back Lot Conditions
- Front Lot Conditions

As work on the Docket proceeded, the key issue of Alley Treatment and Lot Access, which related to the alley adjacent to Block 5 and its use for access to properties located therein, receded so far into the background that, as admitted by Staff, the alley is not addressed in any substantive manner in the proposed Code changes.

The failure of the proposed Code changes to address the alley issues is without substantial justification. It also:

1. Perpetuates the misguided decisions by Land Use to require the properties in Block 5 to be accessed off of 2nd Avenue, rather than from the adjacent alley, thus denying the owners of these properties rights that were recognized by the County over 20 years ago. Those decisions, made in response to the 3rd Avenue residents, paradoxically rely on a "1995-1996 Alley Survey", rather than the October 1997 opinion of Assistant County Attorney Leslie Lacy (Exhibit 2 hereto), which states that the alleys are "public but not County rights-of-way", and

> . . . that the use, maintenance, and improvements to the alley must be such as will not interfere with the historic use of the alleys. It is likely that the primary historic use of the these alleys has been access to the adjacent properties by the owners or their designees, and <u>each adjacent property owner is equally vested in the right to use, maintain and improve the alleys in a manner that would not interfere with the use of the alley by the other adjacent property owners</u> (emphasis added);

2. Furthers the confusion the proposed Code changes are intended to address;

3. Disregards three of the Guiding Principles by failing to: "Provide regulations that support the safety of both traffic and pedestrians"; "Improve the 2nd Avenue pedestrian

[1] To date, few, if any, residents of the Niwot area, other than those residing on 3rd Avenue, have voiced a desire to impose significant restrictions on commercial development in the NRCD.

experience, including reducing or eliminating curb cuts"; and "Allow uses to access the alley and work toward developing requirements for alley improvements and screening"; and

4. Does not provide a way forward for either Land Use or the owners of the commercial properties in Block 5 to address the inherent dangers posed by the existing, and potentially future, curb cuts on 2nd Avenue.[2]

The following comments from the Staff Report epitomize the unjustified refusal to timely address the safety and other issues that will be exacerbated by ignoring the alley issue in reliance on some wholly unnecessary impediments:

> A comprehensive solution with design and upgrades is preferred but resource constraints may require the alley improvements to occur in stages as development proposals come forward to utilize the alley. Any development proposal will need to be approved for access to the alley and Transportation standards will need to be met for access and or mitigation measures necessary. While an individual applicant will be required to implement upgrades to the alley, it is the goal of county staff to work with the parties to develop a comprehensive approach that incorporates additional measures in design and fencing to ensure mitigation of some of the impacts of increased use and preserve the rural nature of the area.

As demonstrated by the Assistant County Attorney's October 1997 opinion, the purported impediments mentioned by Staff are not legally necessary, but are self-created. The County has no legal obligation to take on, and bear the cost of, any "designs or upgrades" to the alley; it certainly has refused to take on those obligations in connection with the public roads in subdivisions throughout the County, and is under no obligation to do so here.

In contrast to its hands-off approach regarding the alleys, Staff has chosen to address what started out as setback issues by proposing unnecessarily restrictive density restrictions, which combine height limitations, lot coverage provisions, setbacks, and landscape requirements with arbitrary, discriminatory and rigid Floor Area Ratios (FARs) on the properties in the two blocks of 2nd Avenue on either side of the Historic District (Blocks 1, 2, 5, and 6).[3] Staff portrays the use of the proposed FARs as a common, benign and clearly understandable approach to regulating the mass of buildings to be constructed on those blocks. But this characterization is

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[2] The Board of County Commissioners raised just this issue at its meeting on February 12, 2019 and specifically instructed the Land Use Director to address it in the proposed Code changes.

[3] These requirements are in addition to the numerous reviews to which any development in the NRCD is already subject, i.e., (i) Niwot Design Review Committee, (ii) property owners and residents within 1,500' of the proposed development, (iii) the Local Improvement District Advisory Board, (iv) Niwot Downtown Business Association, (v) Niwot Community Association, (vi) Niwot Historical Society, and (vii) Historic Preservation Advisory Board if in the Historic District or if the property has structures 50 years of age or greater.

misleading, especially when the FARs are combined with the other restrictions added in the proposed Code changes.

As noted in the Staff Report,

> An area of focus for this Code update was to identify and articulate the character that makes the NRCD I so special, as that is a key driver for the proposed Code language. Characteristics cited most often by community members include:
>
> - Mix of retail shops and restaurants
> - Walkable
> - Charming, small town feel
> - Lively, vibrant
> - Historic look and feel
> - Quirky, unique, architecturally distinctive

Consistent with those views, virtually all of the participants in the Docket proceedings praised the look and feel of the Historic District (Blocks 3 and 4), where Staff-calculated FARs as high as 1.85. But the FARs imposed by the proposed Code changes would wrongfully limit development on the 2nd Avenue commercial properties immediately adjacent to the Historic District to a FAR of .6, one-third of the density allowed in the Historic District which will not be subject to any FARs.[4]

As Staff notes, FARs have never before been imposed on any property in unincorporated Boulder County. Similarly, neither Larimer County nor the City and County of Broomfield impose FARs on any property within their jurisdictions. While there may be scattered jurisdictions around the State that do include FARs as a means of regulating density, the majority of the municipalities in Boulder County do not; those that do generally provide for some flexibility in applying FARs to commercial and/or multi-use properties. Significantly, the cities of Boulder and Louisville provide for "bonus" FARs in connection with the redevelopment of properties in their downtowns so that in downtown Boulder and Louisville there is the potential for increased floor area. The FARs proposed here do not provide any flexibility.

In addition, the proposed Code changes couple the FARs with other restrictions on density previously noted. These additional requirements make it difficult to assess the accuracy of Staff's representations concerning the FARs applicable in other jurisdictions and render the depictions contained in Figure 3 of the Staff Report misleading, since no consideration is given to those additional requirements in the depictions. Among other things, the zero lot lines shown will rarely be applicable in the NRCD and the building height cannot exceed two stories.[5]

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[4] The rebuilding of Colterra, which is located in the newly identified Block 5, will be governed by the limitations set forth in the proposed Code changes, which will likely make such rebuilding unviable.

[5] Similarly misleading, and unnecessarily provocative, are: the recent addition of Appendix 2; the repeated use of the word "looming" to describe two-story structures which are (and would continue to be)

Use of FARs will also not provide the clarity claimed because those calculations are not as precise and consistent as represented. For example, Staff now identifies the FAR for The Niwot Inn as .6, but my clients have been unable to replicate a number that low and Staff's original calculation was .85. These discrepancies result from a combination of factors, including the source of the information for the lot size, the source of the information for the improvements, and whether various architectural features, such as overhangs and balconies, are included in the calculation, and will both influence Staff's identification of the number of non-conforming properties if the proposed Code changes are adopted and inform future development decisions.[6]

The proposed FARs are not only unnecessary, unlawful and hostile to further development of Niwot's commercial core, but violate two of the guiding principles which were to govern the Docket, to wit:

> Drawing on examples of existing conditions that have been described by the community members as enhancing the character of the District; and
>
> Limit[ing] the creation of non-conforming structures and uses following the Code update.

Lastly, by significantly limiting the square footage which can be developed in Blocks 1, 2, 5, and 6, the proposed Code changes are contrary to, and will not further, the Comp Plan's stated goal of increasing a diversity of housing stock.

My clients and the other owners of commercial properties in the NRCD are not opposed to any and all changes to LUC Article 4-116. On multiple occasions they have suggested specific modifications to the changes proposed by Staff which more fully comport with the goals of the Comp Plan and Guiding Principles, and allow for a vibrant commercial area. Within the last two weeks, they met with the Land Use Director and offered a compromise proposal (Exhibit 3 hereto) which included (a) FARs more consistent with the development in the Historic District and (b) the grading of the alley between 2nd and 3rd Avenues and the removal of the offending curb cuts on 2nd Avenue, all at their own cost and expense to increase safety on 2nd Avenue. This proposal was provided on behalf of the 2nd Avenue property owners.

My clients and I recognize that much time has been spent on this Docket and the pressure to lift the moratorium is great. However, it seems that Staff's proposed Code changes have been driven by its concerns over process and protest, rather than by the Comp Plan's vision for Niwot as a viable Limited Community Service Area or even the Guiding Principles. Specifically, the imposition of rigid FARs will provide cover for Staff when residential neighbors complain about

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permitted in adjoining NRCD II residential areas and would not be subject to the same setback limitations as structures in NRCD I; and the depictions in Figure 4. Overlaying a three-dimensional rendering on a flat aerial photograph would make even a single-story building seem oversized or "looming".

[6] Based on calculations performed by my clients, a total of seven properties will be non-conforming if all of the proposed Code changes relating to density are adopted. When non-conformity arising from parking-related Code changes is considered a total of ten properties will be non-conforming, representing an increased non-conformity of approximately 34%.

proposed developments they may not like but nevertheless meet Code requirements, while efforts to improve the alleys and make 2nd Avenue safer are not addressed due to unjustified concerns about future designs and costs for which the County has no obligation. Niwot and its business community deserve better.

In the interest of allowing the moratorium to be lifted without further delay, my clients and I respectfully ask you to recommend that:

A. The Board of County Commissioners adopt the proposed Code changes, subject to amendments consistent with those proposed to the Land Use Director on February 6, 2019 (Exhibit 3), with the admonition that the FARs be (i) eliminated in their entirety from the proposed changes, (ii) modified as provided for in the February 6th proposal or (iii) made more flexible; and

B. Land Use be instructed to promptly draft for submission to the Board of County Commissioners prior to its meeting on March 12, 2019, additional proposed revisions to the Code consistent with the 1997 guidance provided by the Assistant County Attorney and the instructions provided to the Land Use Director at the February 12, 2019 meeting of the Board, which provide for simplified, low cost and straight-forward means to support, incentivize or otherwise encourage the owners of commercial properties in Block 5 to (a) provide access to their properties from the alley and (b) remove the curb cuts on 2nd Avenue.

While the owners of the commercial properties in the NRCD would prefer a cooperative resolution, if the above proposals are rejected, and a recommendation supporting the restrictive FARs set forth in the proposed Code changes is adopted, then they will be compelled to explore all of their legal alternatives, including litigation and the possible incorporation of Niwot as a statutory town.

Thank you for your attention and consideration.

Very truly yours,

DIETZE AND DAVIS, P.C.

Robyn W. Kube

RWK/hs
Attachments
c: Clients (w/attachments, via email only)
Dale Case, Land Use Director (w/attachments, via email only)

BACKGROUND

The code update process focuses on updates to Article 4-116 of the **Land Use Code** to provide greater guidance in the following areas:

- **Density and design** parameters.

- **Appropriate mix** of residential, retail, and office uses.

- **Interface, connections, and access** to and between commercial and residential areas.

- Tools to provide guidance in determining the **appropriate mix of uses and site layout** for properties in the NRCD.

- **Process Improvements.**

WORKSHOP PURPOSE

The primary focus of tonight's meeting is to gather community feedback and public comment **to inform the revisions to the land use regulations** for the NRCD and keep the process on track.

AGENDA FOR TONIGHT

6:00-6:15 Introductions and Background.

6:15-6:45 Exercise #1 –Alley Treatment and Lot Access.

6:50-7:20 Exercise #2 –Back Lot Conditions.

7:25-7:55 Exercise #3 –Front Lot Conditions.

8:00-8:10 Calibration and Preparation for Report Back.

8:10-8:30 Groups Report Back (select a reporter!).

STAY INFORMED

For more information, to submit comments, or sign-up for email updates, visit:

bit.ly/dc-18-0004

or call Jose Ruano at **303-441-3922.**

Exhibit 1

OVERARCHING GOALS FOR THE ALLEY

IMPROVE PEDESTRIAN SAFETY.

Limit number of access points on 2ndAvenue which cause conflicts between pedestrians and autos.

MITIGATE IMPACTS ON NEIGHBORS.

This includes: **noise, lights, shadow/visual impacts.**

ENHANCE COMMUNITY CHARACTER.

Retain existing structures that contribute to character and new development should be compatible.

ENSURE ADEQUATE PARKING.

Retain on-street spaces wherever feasible.

IMPROVE CIRCULATION.

Alley currently one-way in/out. How do trash/deliveries work?

Boulder County

Office of the County Attorney

Post Office Box 471 • Boulder, Colorado 80306
Phone: (303) 441-3190 • Fax: (303) 441-4794 • E-Mail: ca@boco.co.gov

RECEIVED
OCT 31 1997
LAND USE DEPT.

October 29, 1997

Ms. Anne Dyni, Secretary
Niwot Business Association
PO Box 92
Niwot, Colorado 80544

RE: MAINTENANCE OF THE ALLEYS IN THE NIWOT TOWNSITE PLAT

Dear Ms. Dyne:

The County Transportation Department has asked our office to respond to your questions about the maintenance and improvement of the alleys in Old Town Niwot.

When the original Niwot Townsite plat was filed with the County Clerk and Recorder in 1875, the streets and alleys were dedicated to the public. Over the years, the streets in the Niwot Townsite were developed and eventually accepted for maintenance by the County. The street rights of way are public in nature as a result of continuous public use for more than twenty years and the County's maintenance of the dedicated streets.

The County reaffirmed the public character of Niwot's streets by including them on the County Road Map beginning in 1953. The County Road Map was used to establish the County's apportionment of the newly created state tax on gasoline though the Highway Users Tax Fund (HUTF). Each year thereafter, the County has been required to submit an annual report to the State Highway Department in order to determine the County's share of the HUTF, which has continuously included the county-maintained streets in Niwot.

The alleys by contrast are public but not County rights-of-way. This is because the alleys were dedicated to and used by the public but never accepted by the County as "county rights-of-way" either formally through resolution or impliedly through maintenance. In addition, the alleys in Niwot were never considered to be a part of the County's road system and have never been included in the annual road mileage report to the state.

It is our opinion that the use, maintenance, and improvements to the alleys must be such as will not interfere with the historic use of the alleys. It is likely that the primary historic use of these alleys has been access to the adjacent properties by the owners or their designees, and each adjacent property owner is equally vested in the right to use, maintain and improve the alleys in a manner which would not interfere with the use of the alley by the other adjacent property owners. Aside from this, we are not aware of any quality standards which would apply to the proposed re-grading or maintenance of the alleys.

Jana L. Mendez
County Commissioner

Ronald K. Stewart
County Commissioner

Paul Danish
County Commissioner

Exhibit 2

If you have any questions or concerns related to this issue, please contact me or Clark Misner of the County Transportation Department.

Sincerely,

Leslie Wright Lacy
Assistant County Attorney

copy: Ron Stewart, Commissioner
Camilla Laughlin, Land Use
Clark Misner, Transportation

REVISIONS TO NRCD LAND USE CODE APPROVED BY NRCD PROPERTY OWNERS

ENTIRE NRCD

- Height Limit: 30' allowed
- Residential units allowed:
  - <8,000 lot: 2 units
  - 8,000-15,000: 5 units
  - >15,000: 6+ units
  - One additional unit permitted if under 600 s.f in all lot sizes
  - Residential units allowed on the second floor adjacent to 2nd Avenue, or behind Commercial. First floor adjacent to 2nd Avenue must be Commercial.
- Parking:
  - One space/ 500 s.f. commercial; Residential: 1 space per unit.
  - Parking requirement for existing buildings will be the lesser of 1 space per 500 s.f. or existing parking provided.

- Zoning Categories: It is unnecessary and contrary to the NRCD goals to have 6 different blocks with different zoning in the NRCD. First Block and 2nd Block only.

FIRST BLOCK

- First block includes Bank of the West and the Excel Building
- First Block zoning and Land Use requirements should remain as they currently exist. No FAR, No Lot Coverage, No Landscape requirement, no change to setbacks. The current review requirements are sufficient to ensure that development is compatible with Niwot.

SECOND BLOCK

- Second Block is everything east of Franklin, including Colterra.
  - Second Block: FAR of 1.25 (the first block has existing buildings with 1.8 FAR which are revered. It is not the FAR that makes a building compatible with Niwot, it is the design).
  - No Lot Coverage limits. This is determined through the review process.
  - Landscape/hardscape requirement of 10%.
  - Rear setback 0' required. Front setback 20'. Front setback can be reduced by 1' for every foot increase in second floor setback on the rear (above 15' building height), up to 15'.
  - Side setback 0' required. Current language with 0' and 12' setbacks listed is contrary to the definition of setback in the Land Use Code which states: 'Setback is the required minimum distance between the building and the related front, side, or rear lot line.' 12' should be removed.
  - Setback on corner lots to Franklin: 0'.

Exhibit 3

- Pedestrian Safety/Alley Access east of Franklin: To improve the safety of 2nd Avenue sidewalks, full alley access for Commercial property owners to be granted by May 15th. Commercial property owners are willing to bear the costs of the surveying, repair of potholes and grading as a show of good faith.
    - Commercial property owners will immediately be allowed access to survey and stake the alley boundary.
    - Any property owner who has encroachments into the alley will be notified and given 60 days to remedy. If no remedy occurs, the County will take such action as necessary to remove the encroachment.
    - After the 60 days, Commercial property owners, at their expense, can fill potholes and grade the alley with the requirement that the historic drainage pattern of the alley is not to be substantially modified.
    - After alley grading, all adjacent properties have right to full alley access. Where feasible, curb cuts that cross 2nd Avenue sidewalks will be eliminated.

From:	Case, Dale
To:	Hackett, Richard
Cc:	Grimm, Denise; Wobus, Nicole; Ruano, Jose
Subject:	FW: Please re-open Colterra in Niwot
Date:	Tuesday, February 19, 2019 12:04:39 PM

From: Lorna Kellogg <kellogglorna@gmail.com>
Sent: Tuesday, February 19, 2019 11:59 AM
To: Case, Dale <dcase@bouldercounty.org>
Subject: Please re-open Colterra in Niwot

Please re-open Colterra in Niwot

--

Lorna Kellogg, Educational Consultant, Coach and Parent Coach Trainer

www.parentingvillage.us

720-388-6386 Colorado Offices

From: Case, Dale
To: Hackett, Richard
Cc: Ruano, Jose; Grimm, Denise; Wobus, Nicole
Subject: FW: Down-Zoning of Niwot
Date: Tuesday, February 19, 2019 12:15:23 PM

From: Patty Petry <pattyjpetry@gmail.com>
Sent: Tuesday, February 19, 2019 10:43 AM
To: Boulder County Board of Commissioners <commissioners@bouldercounty.org>; Case, Dale <dcase@bouldercounty.org>; Grimm, Denise <dgrimm@bouldercounty.org>
Subject: Down-Zoning of Niwot

My husband and I are Boulder County residents and have major concerns regarding the proposed down-zoning in the commercial area of Niwot. We are against this down-zoning and believe Niwot needs and will flourish leaving the commercial zoning as is. We have been long term patrons of Colterra when it was up and running and have anticipated the rebuilding and reopening of this establishment for quite some time. We understand the implications of the new zoning will cause businesses including Colterra to go out of business. Is this what we really want for downtown Niwot? We don't believe so. We would like to see Colterra reopen along with other businesses who serve the whole of the Niwot community.

To summarize, we are against the down-zoning the County is proposing and the moratorium now in place.

Dary W. Smith
Patty J Petry

From:	Case, Dale
To:	Hackett, Richard
Cc:	Ruano, Jose; Grimm, Denise; Wobus, Nicole
Subject:	FW: Niwot and property rights
Date:	Tuesday, February 19, 2019 12:17:20 PM

From: Sarah Larrabee <sarahblarrabee@gmail.com>
Sent: Tuesday, February 19, 2019 7:59 AM
To: Boulder County Board of Commissioners <commissioners@bouldercounty.org>; Case, Dale <dcase@bouldercounty.org>; Grimm, Denise <dgrimm@bouldercounty.org>
Subject: Niwot and property rights

Let's not erode property rights in Boulder County. Doing so will financially devastate the current owners of the property and discourage other small businesses from even trying to get started in such a hostile climate. Small businesses are what give our communities character and closeness. Don't create/inflate issues around land use to the detriment of well intended citizens. Boulder County has a terrible reputation for stifling creativity. Very often it seems that the only benefit is that the staff is kept busy at the expense of the taxpayers and the detriment of citizens. Affected families have to waste their time and money and incur legal fees only to justify our HUGE county attorney office and other staff. All the while runaway big biz gets away with what they want with the mere threat of legal action. County is playing either David or Goliath depending on whether they are confronting corporations or families.

Niwot has a small town ambience and a big heart. Let it make its own decisions regarding land use and over all respect property rights and civil rights!

Sarah B. Larrabee, Realtor
Creating healthy, vibrant communities
through home ownership and land stewardship
303-579-2515

From:	Case, Dale
To:	Hackett, Richard
Cc:	Wobus, Nicole; Grimm, Denise; Ruano, Jose
Subject:	FW: Concerned about downtown Niwot rezoning
Date:	Tuesday, February 19, 2019 12:17:48 PM

From: Brad Feld <brad@foundrygroup.com>
Sent: Tuesday, February 19, 2019 7:50 AM
To: Boulder County Board of Commissioners <commissioners@bouldercounty.org>; Case, Dale <dcase@bouldercounty.org>; Grimm, Denise <dgrimm@bouldercounty.org>
Subject: Concerned about downtown Niwot rezoning

Dear Commissioners:

We are long-time residents of Boulder Country (23 years) and have spent many evenings at dinner in Niwot at various restaurants. We recently heard about the potential rezoning in downtown Niwot and are concerned that it will negatively impact a small but vibrant downtown.

Please considering carefully any zoning changes to land use, especially around downtown / Old Town. The health, and vibrancy of Boulder County is dependent on lots of small pockets of magic like downtown Niwot. Making changes to zoning that cause restaurants and businesses to move elsewhere, or go out of business, is a mistake in the long-term.

Brad Feld

From:	Case, Dale
To:	Hackett, Richard
Cc:	Wobus, Nicole; Ruano, Jose; Grimm, Denise
Subject:	FW: Niwot
Date:	Tuesday, February 19, 2019 12:18:32 PM

From: Howard LAST_NAME <bittmanh@comcast.net>
Sent: Tuesday, February 19, 2019 7:01 AM
To: Boulder County Board of Commissioners <commissioners@bouldercounty.org>; Case, Dale <dcase@bouldercounty.org>
Subject: Niwot

Commissioners:

I oppose any rezoning that would adversely impact the reconstruction of Colterra. Bradford Heap has provided a great service to the people of Niwot and Boulder County. Niwot would be a much less attractive locale for all Boulder county people without Colterra.

Howard Bittman

2582 Sumac

Boulder

From: Case, Dale
To: Hackett, Richard
Cc: Ruano, Jose; Grimm, Denise; Wobus, Nicole
Subject: FW: Niwot
Date: Monday, February 18, 2019 4:45:53 PM

From: Kathleen Stumpf [kalstumpf@comcast.net]
Sent: Sunday, February 17, 2019 7:06 PM
To: Boulder County Board of Commissioners; Case, Dale; Grimm, Denise
Subject: Niwot

We bought our home in Niwot as it had a vibrant downtown ..that we can walk to! Now the county is putting layers of bureaucracy in our NBA so as to have owners such as Colterra and others be kept from staying. This is WRONG. Folks who bought properties on 3rd street and other neighboring streets bought when the town was thriving and knew they abutted downtown Niwot.
The full community needs to be heard. We do not want to have Niwotians add to Boulder traffic….the traffic you are trying to control. If you remove the business community this will occur. No one did this to Mayberry! Let us walk…..

Overreach by the commissioners seems common. Listen to the larger community. Our community art garden, park, haven to cyclists were /are all successes. Let our businesses be successful too. Boulderites like to come to our town "in the country". Chief Niwot would mediate this and keep the town vibrant.

Listen to the people who invest in this community….the karma will be poor otherwise…
Best,
Kal Stumpf OTD, left handed Niwotian

From:	Case, Dale
To:	Hackett, Richard
Cc:	Wobus, Nicole; Ruano, Jose; Grimm, Denise
Subject:	FW: Niwot
Date:	Monday, February 18, 2019 4:48:16 PM

From: Paul DiBona [paul.dibona@svn.com]
Sent: Sunday, February 17, 2019 8:59 AM
To: Case, Dale; Boulder County Board of Commissioners; Grimm, Denise
Subject: Niwot

Greetings all,

I'm writing in support of the Niwot business community as a resident of over 2 years with plans to stay far beyond that. If the proposed code changes stand as written, I'm not sure I want my family to grow in Niwot in the years to come. Not only do I reside within walking distance to the NRCD, I am a commercial broker who has transacted in the area and can tell you that this moratorium and the proposed code changes have had a real negative impact on the attractiveness and charm that you're seeking to preserve.

Allow me to offer some thoughts, opinions and pose some questions as an informed and engaged resident of Niwot. The proposed changes need to be reviewed further. While I support preserving the charm, and allure which Niwot provides, why so drastically restrict the ability for the properties owners within this district to build? Why downzone the area? Is this all due to the setback and alley conversation? Is this really going to achieve the preservation of character, etc. that we're all seeking? Or, will it perhaps destroy it? There are already cracks on the surface with the number of shuttered businesses within this district in just the past year alone - a 3% increase in vacancy since last quarter per CoStar. There is no coincidence that the vacancy has increased this much during the moratorium. Restricting investment within this very small community will only exasperate and prolong this effect.

I attended the County hosted meeting at Niwot High, and stand with the commercial property owners within the NRCD. I do value and understand the residents along 3rd with some of their concerns, and agree that updates to the code are needed. It can be argued that 240 2nd Ave was perhaps a poorly executed project and is not compatible with much of the district. It's setbacks and overall design are questionable - it physically and visually does not fit in with the rest of downtown. As a result of that project, I can honestly see the need to review and update parts of the code pertaining to the NRCD. But to introduce new concepts such as FAR into the code, and then substantially change the entire code with use of this new premise seems not only amateur, it has potential to create adverse, unintended results - let's start with the number the non-conforming properties it creates. These properties suffer from instant devaluation the moment this code goes into effect if accepted as currently written - and these are some of the most valuable and visible properties within the district!

Outside of the 10 or 20 or however many families along 3rd - this is not what Niwot residents want. We want the commercial district to be a vibrant downtown - BOTH sides of Franklin. Think downtown Louisville, but smaller. We want to be able to bike and walk there. We want several dining and entertainment options. We Love the convenience and character of downtown. We now have exactly one restaurant left in the commercial core of old town (that's right, just one). If a life-long Boulder County resident and well-respected entrepreneur/chef

(who helped to create the Niwot charm and character) can't make sense of these changes, then who are they really serving? Just the residents along 3rd?

I'm 35 with two children and I love what we had in Downtown Niwot not long ago. Multiple restaurant options, and a brewery all walking distance to my house. My generation enjoys these experiences - yes the millennials - we love Niwot too! We love to take our kids outside, and bike to the restaurant, etc. I already have fewer reasons to walk/bike downtown now than I did just a few short months back. I fear that this will only continue. I can only imagine what other retail and service establishments are feeling now with vacancy continually growing. I truly do think that this version of the code will detract and tarnish, if not wholly wipe out, any "charm" and character that's left in downtown Niwot. It may not happen immediately, but it will certainly be felt when more of the business and property owners within the district decide it's their time to move on.

With regards to the draft code, I would argue that Blocks 5 and 6 should be treated separately with setbacks and FAR - the rear side of these blocks just aren't the same. Even further I would suggest 210 Franklin be treated separately from the remainder of Block 5, simply because it's the only property on the block with the Historic designation - maybe it would more appropriately fall in line with the setbacks, etc. of the properties in Block 3. Perhaps the "gateway' properties, the prime corner lots with good exposure (376 2nd), or lots which have historical significance should be treated in a manner that helps maximize what development may take place while preserving the character - I'm just not convinced that applying this overreaching code change does anything you've set out to do, in fact I think it does the opposite.

We need to preserve the character in Niwot by allowing it to grow naturally - within reason. When the unfortunate event of a fire causes a beloved business to shutter, we must not then make it harder for that business to reestablish themselves and revitalize the very area which it helped blossom to begin with - this is not within reason. 210 Franklin, along with another gateway property of 2nd Ave (376 2nd) are in dire need to be redeveloped - there are others along that eastern side of Franklin (291, 283 2nd among others) which will likely require investment down the road as well. The Code should be re-written and reconsidered understanding that many of the structures and businesses in the NRCD will be turning over sooner rather than later, and we have a golden opportunity to create a more charming, more charismatic and unique experience for both residents (nearby and surrounding) and visitors alike. Let's maximize, not restrict, what these properties can become, while preserving character. Defining mixed use is nice. Limiting mixed use to the level which the proposed code does, is not nice. We appreciate that the County has heard some of our feedback, but you're still missing the mark with this current iteration of the code. Please, let's take a little more time with this and get it right.

Sincerely,

Paul DiBona | Advisor
SVN | Denver Commercial
414 14th Street, Denver, CO 80202
Direct: 720.477.3969 | Cell 857.526.3764
paul.dibona@svn.com | www.svn.com
www.svncolo.com



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From:	Case, Dale
To:	Hackett, Richard
Cc:	Wobus, Nicole; Ruano, Jose; Grimm, Denise
Subject:	FW: Niwot
Date:	Tuesday, February 19, 2019 12:18:32 PM

From: Howard LAST_NAME <bittmanh@comcast.net>
Sent: Tuesday, February 19, 2019 7:01 AM
To: Boulder County Board of Commissioners <commissioners@bouldercounty.org>; Case, Dale <dcase@bouldercounty.org>
Subject: Niwot

Commissioners:

I oppose any rezoning that would adversely impact the reconstruction of Colterra. Bradford Heap has provided a great service to the people of Niwot and Boulder County. Niwot would be a much less attractive locale for all Boulder county people without Colterra.

Howard Bittman

2582 Sumac

Boulder

From:	Case, Dale
To:	Hackett, Richard
Cc:	Wobus, Nicole; Grimm, Denise; Ruano, Jose
Subject:	FW: Hearing on the Fate of Niwot"s Future
Date:	Tuesday, February 19, 2019 12:18:58 PM

From: Danielle Mason-Natanzi <natanzifamily@gmail.com>
Sent: Tuesday, February 19, 2019 12:11 AM
To: commisioners@bouldercounty.org; Case, Dale <dcase@bouldercounty.org>; Grimm, Denise <dgrimm@bouldercounty.org>
Subject: Hearing on the Fate of Niwot's Future

To Whom it May Concern:

Our family has lived in Old Town Niwot for 11 years, having moved from a condo in Boulder, and we have never looked back. We love living in this small town and we love how it has grown and flourished over the last decade. When we moved here there wasn't a whole lot going on and we did all of our shopping and dining outside of Niwot. There were years when it felt like a ghost town, which was very disheartening. However, that all changed when quality businesses and restaurants like Colterra became known all over Boulder County. The unbelievable popularity of musical events like Rhythm on the Rails, and the 2nd Ave. Jazz Festival, brought thousands of people to our special town each summer. Our town was thriving, store fronts were filled and with First Fridays, downtown Niwot became a place we wanted to be at night and on weekends, a place we would invite friends and out of town guests to visit - my mom, a New Yorker, bought a condo here because she loved the vibrant place it had become. Even older businesses like The Niwot Market and Treppeda's upped their game and became much-improved versions of themselves.

That is beginning to change, and it feels awful to see key storefronts staying empty, Colterra not being re-built, Treppeda's closing overnight - why are you creating conditions that will turn us into a ghost town again? How can you allow one short street of residents decide the fate of our thriving downtown? What about the thousands of other residents of Niwot? Why don't we get a say in what our town will be, and why don't the thousands who disagree with the restrictions you are imposing, have more weight than the few who live on Third Ave.? I'm all for those residents having their grievances addressed, but there has to be a way for that to happen without our town going down in the process.

Please don't ruin our beautiful, creative, classy town, and force many of us to leave Niwot to bring our business elsewhere.

Sincerely,
Majid & Danielle Natanzi

From:	Case, Dale
To:	Hackett, Richard
Cc:	Ruano, Jose; Grimm, Denise; Wobus, Nicole
Subject:	FW: Docket DC-18-0004: Amendments to Niwot Rural Community District (Article 4-116) and related Land Use Code provisions
Date:	Tuesday, February 19, 2019 12:19:21 PM

From: brad.kelemen@alumni.stanford.edu <brad.kelemen@alumni.stanford.edu>
Sent: Monday, February 18, 2019 10:17 PM
To: Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Cc: Case, Dale <dcase@bouldercounty.org>; Grimm, Denise <dgrimm@bouldercounty.org>
Subject: Docket DC-18-0004: Amendments to Niwot Rural Community District (Article 4-116) and related Land Use Code provisions

Dear Commissioners,

I have been a Niwot resident for over twenty years (since 1998). I am writing to express my objections to the proposed limitations to commercial development to the downtown Niwot district. Although I am sympathetic to the owners of the adjacent affected properties, I feel that the proposed limitations affect the entire Niwot community. A vibrant commercial area of Niwot has always been important to the character of Niwot and is important to its future. The commercial district provides character to the town, draws new residents to the area, and enhances the enjoyment of the area for the current residents. The proposed restrictions go too far in my opinion and put the economic viability of the commercial properties at risk. If you kill the businesses, the downtown will be a ghost town. Businesses in Niwot are already struggling as exemplified by the closing of Powder Keg and Trappedas. Over the last twenty years I have observed long vacancies of the commercial buildings. Putting new burdens on businesses could cause a collapse of the commercial district. Niwot residents not only enjoy the amenities of the downtown merchants but they and Boulder County benefit from the existence of local merchants leading to reduced traffic between Niwot and Longmont and Niwot and Boulder.

Please vote to reject the new restrictions so that the whole Niwot community can grow and flourish.

Thanks,

Bradley Kelemen

8801 Spring Creek Trail

Niwot, CO 80503

From:	Case, Dale
To:	Hackett, Richard
Cc:	Wobus, Nicole; Grimm, Denise; Ruano, Jose
Subject:	FW: Proposed Land Use Code Changes
Date:	Tuesday, February 19, 2019 12:19:47 PM

From: Curtis Leonard <drcurtisleonard@gmail.com>
Sent: Monday, February 18, 2019 9:07 PM
To: Case, Dale <dcase@bouldercounty.org>; Grimm, Denise <dgrimm@bouldercounty.org>; Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Subject: Proposed Land Use Code Changes

Re: 02-20-19 Proposed Land Use Code Changes Hearing.

Dear commissioners:

I am writing this note to strongly oppose proposed changes to the land use code.

It appears these changes would place new restrictions on restaurants, retail, office, housing and new development. Prevent Colterra from reopening. Prevent the redevelopment of the Excel Electric building to include a proposed rooftop restaurant, retail and office space. Niwot would lose the potential for a beautiful gateway to our town. Prevent renovation and enhancement of Lefty's Pizza. Force potential new businesses to go elsewhere where their investment is more stable. Force Niwot residents to drive to Boulder or other neighboring towns for restaurants, shopping and services. Restrict creative design options in Old Town reducing the potential charm of downtown Niwot. Force MORE businesses to close, turning downtown Niwot into a ghost town -- never achieving the vision of a vibrant, charming, thriving, commercial district laid out by Niwot Vision Committee and Boulder County Comprehensive Plan.

There is no problem at all with the current land use code, as far as Niwot Downtown is concerned. Therefore, no need to make changes. Especially changes that would harm Niwot Downtown.

Please listen to and honor Niwot resident wishes.

Thank you.

Curtis and Neda Leonard
6733 Niwot Hills Drive
Niwot CO 80503.

From: Case, Dale
To: Hackett, Richard
Cc: Ruano, Jose; Wobus, Nicole; Grimm, Denise
Subject: FW: Downtown Niwot
Date: Monday, February 18, 2019 4:41:26 PM

From: nancy arata [aratan721@icloud.com]
Sent: Monday, February 18, 2019 11:10 AM
To: Case, Dale
Subject: Downtown Niwot

All,

Please consider allowing Bradford Heap to rebuild Colterra restaurant without added restrictions. His establishment is missed and the rebuild has been on hold for too long. Downtown Niwot is suffering from a lack of destination restaurants. Three establishments have closed due to various reasons.

Hopefully, the rebuild will be fast tracked without parking or other restrictions. Please allow our town to once agin have a destination restaurant to help the entire community retain its small town feel with financial success.

Nancy
6923 Totara Place
Niwot CO 80503
303 519-5275

From: Case, Dale
To: Hackett, Richard
Cc: Ruano, Jose; Grimm, Denise; Wobus, Nicole
Subject: FW: Niwot
Date: Monday, February 18, 2019 4:45:53 PM

From: Kathleen Stumpf [kalstumpf@comcast.net]
Sent: Sunday, February 17, 2019 7:06 PM
To: Boulder County Board of Commissioners; Case, Dale; Grimm, Denise
Subject: Niwot

We bought our home in Niwot as it had a vibrant downtown ..that we can walk to! Now the county is putting layers of bureaucracy in our NBA so as to have owners such as Colterra and others be kept from staying. This is WRONG. Folks who bought properties on 3rd street and other neighboring streets bought when the town was thriving and knew they abutted downtown Niwot.
The full community needs to be heard. We do not want to have Niwotians add to Boulder traffic….the traffic you are trying to control. If you remove the business community this will occur. No one did this to Mayberry! Let us walk…..

Overreach by the commissioners seems common. Listen to the larger community. Our community art garden, park, haven to cyclists were /are all successes. Let our businesses be successful too. Boulderites like to come to our town "in the country". Chief Niwot would mediate this and keep the town vibrant.

Listen to the people who invest in this community….the karma will be poor otherwise…
Best,
Kal Stumpf OTD, left handed Niwotian

From:	Case, Dale
To:	Hackett, Richard
Cc:	Wobus, Nicole; Ruano, Jose; Grimm, Denise
Subject:	FW: Downtown Niwot
Date:	Tuesday, February 19, 2019 12:24:54 PM

From: Sybil Jacobson <Sybil.Jacobson@comcast.net>
Sent: Monday, February 18, 2019 7:52 PM
To: Boulder County Board of Commissioners <commissioners@bouldercounty.org>; Case, Dale <dcase@bouldercounty.org>; Grimm, Denise <dgrimm@bouldercounty.org>
Subject: Downtown Niwot

Dear County Commissioners,

My understanding is that changes the county wants to make in rezoning downtown Niwot will affect all business in Niwot. Specifically, it will prevent Colterra from reopening, prevent some redevelopment and renovation, and force new businesses to go elsewhere, and consequently cause current businesses to close down.

I would like to see Niwot maintain it's current spirit, tone, and feeling for all of the following reasons.

I enjoy shopping in Niwot because it is close to where I live in unincorporated Boulder County about 2 miles away. I shop in Niwot frequently, particularly at Niwot Market, a smaller high quality, supporter of local farmers, health minded, market. In the summer, this market has special out of doors tables and a buffet dinner available for a very reasonable price. I buy all of my animal and birding supplies at Niwot Feed and rent their yard machines such as aeration machines and post hole diggers. My neighbors buy their feed for their chickens and goats, and ducks there. The dry cleaning facility cares for my clothes. Lefty's is my favorite pizza place and the new Lucky Pie restaurant serves great food. I REALLY MISS Coltara and Trepeddas. They were important very fine restaurants where you could celebrate everyday events or holidays, or even be proud to bring out of town guests. I would very much like to see you encourage Coltara and Trepeddas to come back, to rebuild. The Old Oaks coffee shop is great. It now has live musicians on certain nights along with their spaghetti dinner.

Out of town guests: the town of Niwot fascinates them. You can find things there that you can't find anywhere else. I purchased a special jewelry gift at the jewelry store there. When I have out of town guests, I always recommend to them the Niwot Inn and Spa that is in Niwot.

Niwot has a history, a charm and an appeal that is found in very few places in this country. This is remarkable and everything possible should be done to support and maintain this history, charm and appeal. It is a town with businesses that serve the locals, call out to cities nearby, and even attracts out of state folks and foreigners.

The town of Niwot, has a great history and I would like to see Niwot have a great future. Niwot is the name of a great Arapahoe Indian chief who once lived in the area. There is a history in this city that is special and every effort should be made to maintain the flavor and the values of that history.

Sincerely,

Sybil Jacobson
6387 Robin Drive
Longmont, Co
80503

From:	Case, Dale
To:	Hackett, Richard
Cc:	Wobus, Nicole; Grimm, Denise; Ruano, Jose
Subject:	FW: Down zoning in Niwot
Date:	Tuesday, February 19, 2019 12:25:36 PM

From: Mick <mshopnitz@comcast.net>
Sent: Monday, February 18, 2019 7:04 PM
To: Case, Dale <dcase@bouldercounty.org>
Subject: Down zoning in Niwot

Hi. We live in the edge of northern Boulder so often go to Niwot. Very concerned as our two favorite restaurants (Colterra never reopened and Trappeda's closed) are no longer available. Please help keep these places open. It is what makes the town. Heaven help us if the brewing tasting rooms also go by the wayside. Mick and Steph Shopnitz.

Sent from Xfinity Connect App

From:	Case, Dale
To:	Hackett, Richard
Cc:	Wobus, Nicole; Grimm, Denise; Ruano, Jose
Subject:	FW: I"m a Niwot resident who desperately wants businesses in downtown Niwot!
Date:	Tuesday, February 19, 2019 12:26:38 PM

From: Kelle Walsh <kelleawalsh@yahoo.com>
Sent: Monday, February 18, 2019 6:37 PM
To: Boulder County Board of Commissioners <commissioners@bouldercounty.org>; Case, Dale <dcase@bouldercounty.org>; Grimm, Denise <dgrimm@bouldercounty.org>; editorial@lhvc.com
Subject: Re: I'm a Niwot resident who desperately wants businesses in downtown Niwot!

Hello,

I've been trying to follow the twists and turns of the issues going on with the downtown business district here in Niwot. It's complicated, and I honestly can't tell is there is some exaggeration on the part of the business owners about the impediment to their businesses having to do with the moratorium put in place last summer, or if it truly is as onerous as they say.

But ...

We moved to Niwot specifically because of the combination of rural feel yet with a small but (then still) vibrant downtown. We are thrilled to support the local businesses: the coffeehouses, the pizza joints, the clothing stores, the market, and most definitely the restaurants. But it has been heartbreaking to have all those restaurants and gathering places close, leaving fewer and fewer options. It's depressing to see all those empty storefronts, and Colterra just looking burnt and ghostly. And I feel so badly for the remaining businesses who depended upon some of the foot traffic going to those establishments.

Personally, I'm going to Boulder or Longmont instead.

I can understand residents who live along the 3rd avenue dirt road reluctant to have delivery trucks, parking, or even construction going on. But ... it's a business district! You have to accept the normal elements of business functioning when you move next to a designated business district, ***even if those needs or functions change with the times.*** If parking, mixed use, delivery options, or whatever, are the things required to keep businesses thriving today, then within reason, why wouldn't EVERYONE support of doing what's necessary to help them out? How can empty buildings possibly be a better alternative?

I hate to say this, but it feels like there's some small-town-itus going in. (I read one letter to the editor warning about Niwot becoming like New York City. Really!?!) I completely support zoning and other measures to keep, for example, some big chain restaurant from moving into downtown Niwot. But a delivery truck? Allowing a business owner to add a couple of living spaces to an already existing building? Seriously, how is this going to change the "character" of downtown Niwot? IT'S A SINGLE STREET WITH A GRANGE AND A FEEDSTORE IN A TOWN WITH ONLY A HALF-FULL GROCERY STORE.

What I fear, more than anything, is one of 3 scenarios:

a) these storefronts stay empty longer, slowly dragging down the rest of the businesses with them
b) short-term tenants come in, with soft ideas (i.e., pop-up stores) that aren't sustainable and that won't last
c) eventually the only businesses that are willing and able to come here are ones with **a lot** of money and don't rely on local customers, i.e, more realty, wealth management, or other businesses that don't actually offer any services to

the community.

None of these options make sense for helping Niwot keep the wonderful balance of vibrant local-minded businesses, providing needed and desired services to the people live here, or to attract others to come visit, because at it's best, Niwot is a wonderful place to come spend an afternoon or evening!

Please, county commissioners—who I know take your job very seriously and do it incredibly well (you are a big reason why I have come love Boulder County and intend to stay)—I implore you: Help Niwot be a place where great community-oriented businesses can *thrive.* And that we, as residents, have the opportunity use and enjoy and *support* what brought us here to begin with.

With respectful regard,

Kelle Walsh
Timothy Place
Niwot

From: Case, Dale
To: Hackett, Richard
Cc: Ruano, Jose; Grimm, Denise; Wobus, Nicole
Subject: FW: Please reconsider proposed zoning changes in downtown Niwot
Date: Tuesday, February 19, 2019 12:27:38 PM

From: Ulla Merz <ulla@ullamerz.com>
Sent: Monday, February 18, 2019 6:26 PM
To: Boulder County Board of Commissioners <commissioners@bouldercounty.org>; Case, Dale <dcase@bouldercounty.org>; Grimm, Denise <dgrimm@bouldercounty.org>
Subject: Please reconsider proposed zoning changes in downtown Niwot

Please do not restrict the uses of downtown Niwot properties and allow the continuation of existing businesses and new business to establish and thrive.
Without these businesses and their success Niwot will lose its character as a vibrant and charming community.
Thank you
Ulla Merz

From: Case, Dale
To: Hackett, Richard
Cc: Wobus, Nicole; Ruano, Jose; Grimm, Denise
Subject: FW: Niwot land use code
Date: Tuesday, February 19, 2019 12:28:06 PM

-----Original Message-----
From: Lisa Granat <granfam@gmail.com>
Sent: Monday, February 18, 2019 5:57 PM
To: Boulder County Board of Commissioners <commissioners@bouldercounty.org>; Case, Dale <dcase@bouldercounty.org>; Grimm, Denise <dgrimm@bouldercounty.org>
Subject: Niwot land use code

Dear Commissioners,

We are 15 year residents of Niwot and love living in this charming small town. One of the great joys of living here is being able to walk or bike to shopping, dining, and events planned to enrich the fabric of this community. We have lost a few of our best restaurants, including Colterra, which the entire town desperately wants to reopen for business. Please do not consider imposing a land use code change that inhibits new businesses or restaurants from opening in Niwot. Rents are high already, and strict codes would impact us greatly. No one wants crazy unchecked development, or to see vacant storefronts along our main street. Surely there is room to retain the historic character (not replica!) of Niwot and allow for thriving new opportunities. We don't live in a museum, and the retail landscape should be allowed to adapt with the community's needs and desires. Please, reconsider such prohibitive restrictions and protect the charm of this town by keeping a balanced approach between those who appreciate history and those who want to propel our town forward. We support thoughtful, tasteful, and historically compatible development.

Sincerely,

Elizabeth Granat
8847 Spring Creek Trl
Niwot CO 80503

From: Case, Dale
To: Hackett, Richard
Cc: Wobus, Nicole; Grimm, Denise; Ruano, Jose
Subject: FW: Land Use Code Changes
Date: Tuesday, February 19, 2019 12:29:25 PM

-----Original Message-----
From: Alyson Varvel Bell <alyson@toolstudios.com>
Sent: Monday, February 18, 2019 5:43 PM
To: Case, Dale <dcase@bouldercounty.org>; commisioners@bouldercounty.org
Subject: Land Use Code Changes

Please do NOT approve the Land Use Code Changes in Niwot!

Our thriving community cannot handle these changes. My husband and I have had our company downtown Niwot for 18 years. We love our community, are very active within our community and have 3 children we have and are raising here.

No
No
No
Not good for Niwot!

Alyson Bell

From: Case, Dale
To: Hackett, Richard
Cc: Grimm, Denise; Ruano, Jose; Wobus, Nicole
Subject: Fwd: Old Town Niwot Regs
Date: Tuesday, February 19, 2019 6:36:06 PM

Begin forwarded message:

From: Lois Dolan <lunchladybme@gmail.com>
Date: February 19, 2019 at 4:06:02 PM MST
To: <mjones@bouldercounty.org>, <dcase@bouldercounty.org>
Subject: Old Town Niwot Regs

I am NOT in favor of changing the parking regulations. This change will negatively effect my property value, increase traffic and my county style living. The county and NBA did not value the homes in my neighborhood when they purchased the railroad property last year for a parking lot. The deal was done without letting any of us know until it was a few weeks before closing. The changes will allow the parking lot to be built sooner. The connectivity plan has not been followed to date. There are no signs in old town with time limits. The railroad property was purchased to soon. the NBA does not want to work with CDOT and RTD to improve the parking in the center of 119.

The NBA has always known what the regulations are and have constantly tried to change them to fit what they want. Niwot is a SMALL semi-RURAL town. The current position of the buildings is perfect for the east part of 2nd Ave. They all line up nicely. If there is a problem with the sidewalk then the NBA needs to use LID funds to widen it.

We did NOT need more condo or apartments. The current amount is plenty. All of the north side of the street was residential until 1993 when the business district was made. All current plans for development need to be commercial. No more mix use.

Please try to keep our town more rural. I do not what to live in the city.

Lois Dolan

From: Case, Dale
To: Hackett, Richard
Cc: Wobus, Nicole; Ruano, Jose; Grimm, Denise
Subject: Fwd: Please help the Niwot business district be vibrant
Date: Tuesday, February 19, 2019 6:36:40 PM

Begin forwarded message:

From: Kelsi Singer <kelsi.singer@gmail.com>
Date: February 19, 2019 at 3:50:10 PM MST
To: <commissioners@bouldercounty.org>, <dcase@bouldercounty.org>, <dgrimm@bouldercounty.org>
Subject: Please help the Niwot business district be vibrant
Reply-To: <kelsi.singer@gmail.com>

Dear County Commissioners,

I am writing to put in my support for the Colterra restaurant and other businesses in downtown Niwot. It seems like there could be a better compromise between residents on 3rd street and businesses in the downtown area that doesn't make it impossible for Colterra to re-open and other businesses to thrive there as well.

Please reconsider down-zoning the downtown area west of Franklin to the point where businesses are untenable.

Thank you,
~Kelsi

~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~

Kelsi N. Singer
Senior Research Scientist, SwRI Boulder, CO
Niwot Resident
~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~

From: Case, Dale
To: Hackett, Richard
Cc: Wobus, Nicole; Grimm, Denise; Ruano, Jose
Subject: Fwd: Niwot
Date: Tuesday, February 19, 2019 6:37:23 PM

Begin forwarded message:

> **From:** Kathy Bath <klbath@comcast.net>
> **Date:** February 19, 2019 at 3:00:53 PM MST
> **To:** <commissioners@bouldercounty.org>, <dcase@bouldercounty.org>, <dgrimm@bouldercounty.org>
> **Subject: Niwot**
>
> To whom it may concern:
> As a 42 yr resident of Niwot, I strongly oppose the Proposed Land Use Code Changes.
>
> Kathryn L Bath
> 8923 Walker Road
>
> Sent from my iPhone

From:	Case, Dale
To:	Hackett, Richard
Cc:	Ruano, Jose; Grimm, Denise; Wobus, Nicole
Subject:	FW: Niwot Land Use Coe Changes
Date:	Wednesday, February 20, 2019 8:54:23 AM

From: Gail Matheson <glmthelane@gmail.com>
Sent: Wednesday, February 20, 2019 8:13 AM
To: Boulder County Board of Commissioners <commissioners@bouldercounty.org>; Case, Dale <dcase@bouldercounty.org>; Grimm, Denise <dgrimm@bouldercounty.org>
Subject: Niwot Land Use Coe Changes

I am adamately opposed to the Land Use Code Changes for downtown Niwot. Niwot is a wonderful destination with restaurants and shops. The changes proposed are arbitrary and do not recognize the vision of a vibranat, charming, thriving, commercial district laid out by Niwot Vision Committee and Boulder county Comprehensive Plan.

Gail Matheson

From:	Case, Dale
To:	Hackett, Richard
Cc:	Wobus, Nicole; Ruano, Jose; Grimm, Denise
Subject:	FW: Colterra
Date:	Wednesday, February 20, 2019 8:55:58 AM

From: scottj31 <scottj31@gmail.com>
Sent: Tuesday, February 19, 2019 8:04 PM
To: Boulder County Board of Commissioners <commissioners@bouldercounty.org>; Case, Dale <dcase@bouldercounty.org>; Grimm, Denise <dgrimm@bouldercounty.org>
Subject: Colterra

Dear County Commissioners,

I am writing you to ask that Colterra is allowed to return to business in Niwot. I am a Niwot resident within walking distance of downtown. We often walk down as a family to go out for dinner or lunch. And Colterra used to be our favorite restaurant to visit. While I am not aware of all of the details, I certainly don't think it is fair to implement new rules that would affect their building permit. They are a vibrant piece of Niwot's downtown and local economy and certainly hope they can return to business.

Thank you,

Scott Johnson

From:	Case, Dale
To:	Hackett, Richard
Cc:	Wobus, Nicole; Grimm, Denise; Ruano, Jose
Subject:	FW: Niwot Business District Moratorium
Date:	Wednesday, February 20, 2019 8:56:36 AM
Attachments:	Letter to County commissioners .pdf

From: Michael Bell <denflyfisher@gmail.com>
Sent: Tuesday, February 19, 2019 7:44 PM
To: Boulder County Board of Commissioners <commissioners@bouldercounty.org>
Cc: Case, Dale <dcase@bouldercounty.org>; Grimm, Denise <dgrimm@bouldercounty.org>
Subject: Niwot Business District Moratorium

Commissioners:

Today I write you in support of Chef Bradford Heap (see the attached letter from him) and the other business owners of Niwot to register my dismay and disapproval of the six-month moratorium that was imposed unfairly and in a heavy-handed manner upon Niwot's business district and business owners.

One of the main reasons my wife and I bought our home on Longview Drive in Niwot was the vibrant downtown district. The moratorium threatens that business district and has been counter-productive, actually achieving to date the opposite of the stated intention.

Point of fact, my wife and I made our decision to buy our home while dining in Colterra in the spring of 2010, we regularly walk to the downtown to shop and dine, and we love the small town feel that Niwot has.

The County's actions in my view are destroying that feel and vibrancy and deterring shoppers, diners, and likely home-buyers from our town (thus beginning to depress home values), and I am not alone in this view. I know this because as the past President of the Waterford Homeowners Association for seven of the last eight years, I have talked to many of my HOA neighbors, as well as others in the community.

Therefore, I urge you to put a stop to the current moratorium and process, and enable business owners like Bradford Heap who have already made significant investments of resources and time in Niwot to complete the projects they have worked with the County on. Colterra in particular is one such project that should proceed without further delay.

Sincerely,

Michael Bell

Michael T. Bell

7235 Longview Drive
Niwot, CO 80503

County Commissioners,

I am a business and property owner in Niwot and a lifelong Boulder County resident. I truly believe that the County Commissioners are making the very best decisions with the information available. It seems as though most of the information comes from the Land Use Department. Overall, I think that the Boulder County Land Use Department has done a good job in preserving the land and enhancing the quality of life for people, like me, a lifelong Boulder County resident. Unfortunately, it seems to me that the information is not coming to you in a way that is fully transparent or in a way that you can fully understand the plight of the local business and commercial property owners. It's clear to me that you understand the plight of the Third Street residents who bought their properties directly adjacent to the alley and commercial district, but there are many more residents in Niwot that should have a say and who will be negatively impacted by the proposed changes. The Boulder County Land Use states that NRCD should be there for the residences of Niwot and the surrounding areas to provide goods and services to those residents. Therefor, we should assume/believe that means "all" of the residents, not just those on 3rd Street.

It is unfortunate that our neighbors didn't fully realize that they were purchasing their properties near the commercial district. And now those neighbors want to now change the commercial zoning and devalue our properties. The moratorium that you imposed (with no notice) has had many unintended consequences. Personally, I'm caught between a rock and a hard place with the moratorium, which after my building permit has been approved is relying on additional parking places to be rented from my neighbor who will no longer rent them because of the uncertainty that the moratorium has created. The hard place is that my insurance company is unwilling to pay me the full amount to rebuild the business. Meanwhile, I'm trying to run my two other restaurants in Boulder while dealing with this untenable moratorium. I'd like to get Colterra back on the map, but the county is making it impossible, and is now adding more risk for the current business and property owners in Niwot.

One of the fundamental issues is, if the average floor area ratio (FAR) is approximately 1.4 in the block east of Franklin why is Boulder County Land Use recommending to make it .6 in the block west of Franklin? (see map it is easier to understand Colterra is located on the corner of 2nd and Franklin) That only reduces the amount of commercial in the core and for what reason are we transitioning? On the other side of the east Block is Niwot Road. Good planning would dictate you keep the same density unless you are transitioning to another use. Is that what Boulder County Land Use proposing? A transition to Niwot Road and a Pocket Park? This does not make sense and will have a largely negative impact on downtown Niwot.

As a businessman, I understand you can't have your cake and eat it too. If we want a vibrant downtown we need continued investment and businesses that are competitive throughout the Boulder County, especially in the designated commercial core, such as Niwot. If you drive the commercial business away, where will they go? The population is increasing rather than decreasing. The answer is… they will go to another town and force residents to get in their cars and/or move to a more business friendly environment. What Boulder County Land Use is proposing makes our town properties uncompetitive.

My dream is to bring Colterra back to Niwot and that is what the entire local community wants as well. Between my insurance company and the County it's looking more and more like a pipe dream. I don't think my family and I deserve this, especially after all we have given back

to Boulder and Niwot. Have you really thought through the long term impacts of the proposed changes? Do you really believe this is just and fair? Do you serve a greater audience than the Third Street residents? What about all the other people that are left with destroyed businesses and a ghost town? What about the retail and commercial businesses that are suffering now? Not one supports the proposed changes. So far the County has provided a lot of lip service, meaningless charrettes and a complete waste of our valuable time.

I urge you to listen to the commercial property owners and local businesses when considering any changes to the code for Niwot. I feel confident that we can come to an agreement which serves all parties.

Bradford Heap
Colterra Food and Wine
210 Franklin
Niwot, Colorado

From:	Susan
To:	Boulder County Board of Commissioners
Cc:	Grimm, Denise; Case, Dale; Ruano, Jose; Wobus, Nicole
Subject:	The Future of Niwot
Date:	Wednesday, February 20, 2019 10:28:04 AM

Dear Boulder County Commissioners,

I have been a resident of Niwot since 1979 and I love my town and neighbors. What a great place to raise a family and make friends. I feel that we need 2nd Avenue to be a thriving center of our town. It is so important to have local businesses and be able to walk to restaurants, shops and services and meet up with friends.

Please do not change our town by placing unreasonable limits on our commercial district. We need to replace, rebuild and add to the businesses that have closed recently, not turn Niwot into an unappealing place to visit with many shuttered businesses. The County has a gem in Niwot.
Please do not destroy it.

Sincerely,
Susan Adler
7662 Estate Circle
Niwot, CO 80503

Sent from XFINITY Connect Mobile App

From:	Grimm, Denise
To:	Ruano, Jose
Cc:	Case, Dale; Wobus, Nicole
Subject:	FW: NIWOT 1st ave/2nd ave alley resident in support of business growth
Date:	Wednesday, February 20, 2019 12:27:51 PM

From: cosima [mailto:cosimama@gmail.com]
Sent: Wednesday, February 20, 2019 12:02 PM
To: Boulder County Board of Commissioners; Case, Dale; Grimm, Denise
Subject: NIWOT 1st ave/2nd ave alley resident in support of business growth

Hello

My name is Cosima Lux. I purchased my home on 1st ave (alley in the 2nd ave commercial district) two years ago with the intent of becoming involved and supportive of my community, and with the hope that the town would continue to grow. I enjoyed about 6 months of Colterra, a year of Powder Keg, and a year and a half of Trepedda's. It seems that businesses have little incentive to come or stay here if we are not supportive of them as a community. 3rd avenue residents are a vocal minority here in Niwot. Most of us look forward to Niwot evolving and growing. I did not choose to be out on the land surrounded by acreage and wilderness - I chose to be at the very heart of a small town where I can exchange pleasantries with people on their way to the post office and a helping hand to my neighbors. I enjoy hearing the 1030 pm bottle dumping in the containers from 1914 nightly as a sign that our town is alive and thriving. As a medical professional who has fully invested in Niwot in multiple ways (I frequent almost every one of the businesses from clock repair, to acupuncture, tea, alterations, dentistry, yoga, and veterinary services) and believe that we should facilitate the existence of existing businesses as well as promote new businesses. I hope that you will also continue to support business owners - in particular Mr Heap in his proposal related to land use and code changes, that truly do not impact us locals negatively, so that Colterra may return and we may once again enjoy the business it offered. This is, after all, a neighborhood and we all chose to be a part of it.

Thank you kindly for your consideration.
Best, Cosima Lux
150 1st ave Niwot resident

From:	Grimm, Denise
To:	Ruano, Jose
Cc:	Case, Dale; Wobus, Nicole
Subject:	FW: NIWOT 1st ave/2nd ave alley resident in support of business growth
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Thank you kindly for your consideration.
Best, Cosima Lux
150 1st ave Niwot resident

Pop-Up Comments

Map Feedback Questions

1a. What is an appropriate mix of commercial & residential uses?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☑	All (C) Commercial	☑	All (C) Commercial
☐	All (R) Residential	☐	All (R) Residential
☐	Mix (more C)	☐	Mix (more C)
☐	Mix (more R)	☐	Mix (more R)
☐	Any	☐	Any

1b. What is an appropriate level of residential density for parcels in the NRCD I?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☑	None	☑	None
☐	At Least (1)	☐	At Least (1)
☐	(2) - (3)	☐	(2) - (3)
☐	(4) - (5)	☐	(4) - (5)
☐	Other: _____	☐	Other: _____

2a. What is an appropriate building lot coverage for parcels not fully built out?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	0 - 15%	☐	0 - 15%
☒	16% - 30%	☒	16% - 30%
☐	31% - 60%	☐	31% - 60%
☐	61% - 90%	☐	61% - 90%

2b. What is an appropriate number of structures on one parcel?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☒	(1)	☒	(1)
☐	(2)	☐	(2)
☐	(3)	☐	(3)
☐	Other: _____	☐	Other: _____

3a. What is an appropriate use for the alley in the NRCD I, east of Franklin Street?

The alley is a buffer between competing zonings The 1996 Alley Study took that into consideration and it has been a workable solution. Usage should remain as it is

3b. What is an appropriate location for parking?

West of Franklin Street (Check all that apply)		East of Franklin Street (Check all that apply)	
☒	Front	☒	Front
☐	Side	☐	Side
☒	Rear	☒	Rear

3c. Which of the following would improve walkability for 2nd Avenue?

West of Franklin Street (Check all that apply)		East of Franklin Street (Check all that apply)	
☐	Traffic calming	☐	Traffic calming
☐	Reducing curbcuts	☐	Reducing curbcuts
☐	Parking location	☐	Parking location
☒	Other: Unnecessary	☒	Other: Unnecessary

4a. What are appropriate setbacks (distance from property line) for the NRCD I? (Insert number)

Front yard - 0 (ft) West of Franklin
- 0 (ft) East of Franklin

Side yard - 0 (ft)

Rear yard - _____ (ft) without an alley
- 6.5 (ft) with an alley
- 100 (ft) 2nd story; with an alley

Please turn over to complete →

4b. What is an appropriate structure height for the NRCD I? (Insert number)

30' (ft) West of Franklin

30' (ft) East of Franklin

15' (ft) height at rear setback without an alley

15' (ft) height at rear setback with an alley

15' (ft) height of 2nd story at rear setback; with an alley

Additional Comments:

The guidelines in the 1996 Alley Study are still appropriate today. ~~The~~ It is not right to impact residential properties in such a thoughtless way (opening the alley to traffic for VonEschen) There are options for development without costing the residents their peace and privacy.

Map Feedback Questions

1a. What is an appropriate mix of commercial & residential uses?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☒	All (C) Commercial	☒	All (C) Commercial
☐	All (R) Residential	☐	All (R) Residential
☐	Mix (more C)	☐	Mix (more C)
☐	Mix (more R)	☐	Mix (more R)
☐	Any	☐	Any

1b. What is an appropriate level of residential density for parcels in the NRCD I?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☒	None	☒	None
☐	At Least (1)	☐	At Least (1)
☐	(2) - (3)	☐	(2) - (3)
☐	(4) - (5)	☐	(4) - (5)
☐	Other: _____	☐	Other: _____

2a. What is an appropriate building lot coverage for parcels not fully built out?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	0 - 15%	☐	0 - 15%
☒	16% - 30%	☒	16% - 30%
☐	31% - 60%	☐	31% - 60%
☐	61% - 90%	☐	61% - 90%

2b. What is an appropriate number of structures on one parcel?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☒	(1)	☐	(1)
☐	(2)	☒	(2)
☐	(3)	☐	(3)
☐	Other: _____	☐	Other: _____

3a. What is an appropriate use for the alley in the NRCD I, east of Franklin Street?

Services, and garage access.
Not a street for access to rental townhomes

3b. What is an appropriate location for parking?

West of Franklin Street (Check all that apply)		East of Franklin Street (Check all that apply)	
☑	Front	☑	Front
☒	Side	☒	Side
☒	Rear	☒	Rear

3c. Which of the following would improve walkability for 2nd Avenue?

West of Franklin Street (Check all that apply)		East of Franklin Street (Check all that apply)	
☐	Traffic calming	☐	Traffic calming
☐	Reducing curbcuts	☐	Reducing curbcuts
☐	Parking location	☐	Parking location
☒	Other: not a problem	☒	Other: not a problem

4a. What are appropriate setbacks (distance from property line) for the NRCD I? (Insert number)

Front yard - 0 (ft) West of Franklin
- 15 (ft) East of Franklin

Side yard - 0 (ft)
Rear yard - 15 (ft) without an alley
- 15 (ft) with an alley
- 80 (ft) 2nd story; with an alley

Please turn over to complete →

4b. What is an appropriate structure height for the NRCD I? (Insert number)

30' (ft) West of Franklin

30' (ft) East of Franklin

12' (ft) height at rear setback without an alley

12' (ft) height at rear setback with an alley

12' (ft) height of 2nd story at rear setback; with an alley

Additional Comments:

Map Feedback Questions

1a. What is an appropriate mix of commercial & residential uses?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☒	All (C) Commercial	☒	All (C) Commercial
☐	All (R) Residential	☐	All (R) Residential
☐	Mix (more C)	☐	Mix (more C)
☐	Mix (more R)	☐	Mix (more R)
☐	Any	☐	Any

1b. What is an appropriate level of residential density for parcels in the NRCD I?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☒	None	☒	None
☐	At Least (1)	☐	At Least (1)
☒	(2) - (3) already exist	☐	(2) - (3)
☐	(4) - (5)	☐	(4) - (5)
☐	Other: _____	☐	Other: _____

2a. What is an appropriate building lot coverage for parcels not fully built out?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	0 - 15%	☐	0 - 15%
☒	16% - 30%	☒	16% - 30%
☐	31% - 60%	☐	31% - 60%
☐	61% - 90%	☐	61% - 90%

2b. What is an appropriate number of structures on one parcel?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☒	(1)	☒	(1)
☐	(2)	☐	(2)
☐	(3)	☐	(3)
☐	Other: _____	☐	Other: _____

3a. What is an appropriate use for the alley in the NRCD I, east of Franklin Street?

① service vehicals
② pedestrian / bicycle passage
*landscaping + brick on pavement would finally connect old town w/ cottonwood! It could be really lovely. It could be a win/win for everyone.
"2nd Ave passage"
"lefthand walk-way"

3b. What is an appropriate location for parking?

West of Franklin Street (Check all that apply)		East of Franklin Street (Check all that apply)	
☒	Front	☒	Front
☐	Side	☐	Side
☒	Rear	☒	Rear

3c. Which of the following would improve walkability for 2nd Avenue?

West of Franklin Street (Check all that apply)		East of Franklin Street (Check all that apply)	
☐	Traffic calming ?	☐	Traffic calming ?
☐	Reducing curbcuts	☐	Reducing curbcuts
☐	Parking location	☐	Parking location
☒	Other: not needed	☒	Other: X

4a. What are appropriate setbacks (distance from property line) for the NRCD I? (Insert number)

Front yard - 0 (ft) West of Franklin
- 10 (ft) East of Franklin

Side yard - _____ (ft)
Rear yard - _____ (ft) without an alley
20" (ft) with an alley
one story only in rear (ft) 2nd story; with an alley

Please turn over to complete →

4b. What is an appropriate structure height for the NRCD I? (Insert number)

_____ (ft) West of Franklin

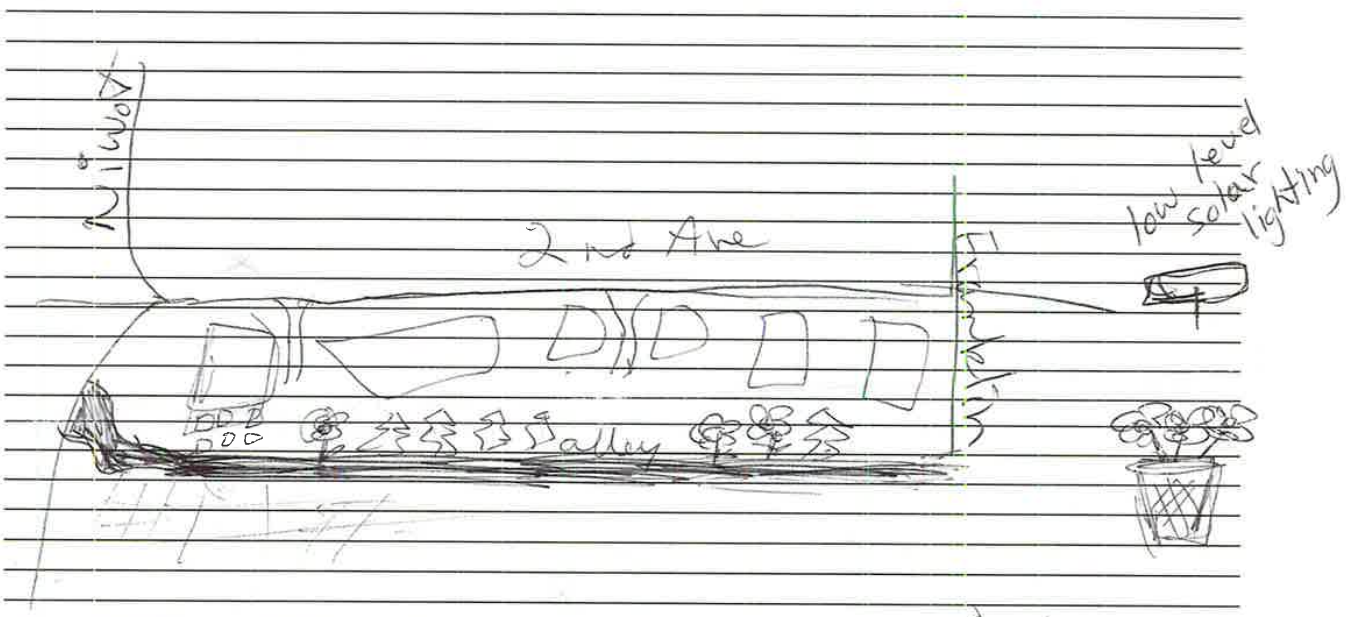
_____ (ft) East of Franklin

_____ (ft) height at rear setback without an alley

_____ (ft) height at rear setback with an alley

_____ (ft) height of 2nd story at rear setback; with an alley

Additional Comments:



* access only from 2nd Ave.

* remove that inappropriate parking area in front of "7 wealth". It's too dangerous to pedestrians.

* control density (minimize)

* alley set backs! 20" (available for parking)

* exsisting 3rd ave fence lines should be considered 'grandfathered in' — No issue about inches here or there

Map Feedback Questions

1a. What is an appropriate mix of commercial & residential uses?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☒	All (C) Commercial	☒	All (C) Commercial
☐	All (R) Residential	☐	All (R) Residential
☐	Mix (more C)	☐	Mix (more C)
☐	Mix (more R)	☐	Mix (more R)
☐	Any	☐	Any

1b. What is an appropriate level of residential density for parcels in the NRCD I?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☒	None	☒	None
☐	At Least (1)	☐	At Least (1)
☐	(2) - (3)	☐	(2) - (3)
☐	(4) - (5)	☐	(4) - (5)
☐	Other: _____	☐	Other: _____

2a. What is an appropriate building lot coverage for parcels not fully built out?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	0 - 15%	☐	0 - 15%
☐	16% - 30%	☐	16% - 30%
☒	31% - 60%	☒	31% - 60%
☐	61% - 90%	☐	61% - 90%

2b. What is an appropriate number of structures on one parcel?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☒	(1)	☒	(1)
☐	(2)	☐	(2)
☐	(3)	☐	(3)
☐	Other: _____	☐	Other: _____

3a. What is an appropriate use for the alley in the NRCD I, east of Franklin Street?

The alley should remain as it is now. It allows access but retains its rural feel.
The alley use issue agreed upon in the 1996 alley study allows the residents to retain their privacy and service access to business properties.
Current parking access off of 2nd preserved the residential feel of the 3rd Ave properties.
Safety issues due to backing out of parking.
Road cuts could be shared between businesses.

3b. What is an appropriate location for parking?

West of Franklin Street (Check all that apply)		East of Franklin Street (Check all that apply)	
☒	Front	☒	Front
☐	Side	☒	Side
☒	Rear	☒	Rear

3c. Which of the following would improve walkability for 2nd Avenue?

West of Franklin Street (Check all that apply)		East of Franklin Street (Check all that apply)	
☐	Traffic calming	☒	Traffic calming
☐	Reducing curbcuts	☐	Reducing curbcuts
☐	Parking location	☐	Parking location
☐	Other: _____	☐	Other: _____

4a. What are appropriate setbacks (distance from property line) for the NRCD I? (Insert number)

Front yard - NA (ft) West of Franklin
- 15' (ft) East of Franklin

Side yard - 0' (ft)

Rear yard - 15 (ft) without an alley
- 15 (ft) with an alley
- 60 (ft) 2nd story; with an alley

Please turn over to complete →

4b. What is an appropriate structure height for the NRCD I? (Insert number)

25 (ft) West of Franklin

25 (ft) East of Franklin

12 (ft) height at rear setback without an alley

12 (ft) height at rear setback with an alley

NA (ft) height of 2nd story at rear setback; with an alley

Additional Comments:

It seems that abandoning the workable 1996 Alley Study guidelines completly ignores the property "rights" of the residents. It is possible to develope without jamming the traffic into the backyards of the residents. It just isnt right.

Why can't Voneschen enter his developement at his (Meisners) current curb cut?

Opening the alley to VonEschens access makes a heavily traveled street in the residential back yards. It is clear that once that is done, ALL the businesses will begin to use the alley as access. There will be hundreds of trips in the alley which now sees 5-6 max trips/day (disregarding Southpaw). It will dramatically affect the residential properties in a most negative way. It is putting all of the burden of the traffic (commercially generated, mostly) upon the residents along the alley.

Opening the alley to more pedestrian/bike traffic would be much kinder and could provide an attractive corridor, as well as additional spots on the rear of buildings for ground level retail. One end of this alley is across from the someday-to-be parking lot along the RR tracks.

Why can 7-wealth back over such a dangerous sidewalk?

It certainly seems that economic interests of developers take a front seat to economic and emotional interests of the residents.

Map Feedback Questions

DEPENDS ON PARCEL SIZE

SAME

1a. What is an appropriate mix of commercial & residential uses?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☒	All (C) Commercial	☐	All (C) Commercial
☐	All (R) Residential	☐	All (R) Residential
☐	Mix (more C)	☒	Mix (more C)
☐	Mix (more R)	☐	Mix (more R)
☐	Any	☐	Any

1b. What is an appropriate level of residential density for parcels in the NRCD I?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☒	None	☐	None
☐	At Least (1)	☐	At Least (1)
☐	(2) - (3)	☒	(2) - (3)
☐	(4) - (5)	☐	(4) - (5)
☐	Other: _____	☐	Other: _____

2a. What is an appropriate building lot coverage for parcels not fully built out?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	0 - 15%	☐	0 - 15%
☐	16% - 30%	☐	16% - 30%
☒	31% - 60%	☒	31% - 60%
☐	61% - 90%	☐	61% - 90%

2b. What is an appropriate number of structures on one parcel?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	(1)	☐	(1)
☒	(2)	☒	(2)
☐	(3)	☐	(3)
☐	Other: _____	☐	Other: _____

3a. What is an appropriate use for the alley in the NRCD I, east of Franklin Street?

KEEP HISTORIC USE FOR SERVICE VEHICLES & LOCAL TRAFFIC ONLY

WOULD BE A GREAT PEDESTRIAN/BIKE BIWAY - ALLEY TRAFFIC IS ACTUALLY MINIMAL. DO A TRAFFIC STUDY TO QUANTIFY CURRENT USE.

ANY THRU-TRAFFIC PLANS WOULD ONLY INCREASE ALLEY TRAFFIC TO AN UNACCEPTABLE LEVEL

3b. What is an appropriate location for parking?

West of Franklin Street (Check all that apply)		East of Franklin Street (Check all that apply)	
☒	Front	☒	Front
☐	Side	☐	Side
☒	Rear	☒	Rear

3c. Which of the following would improve walkability for 2nd Avenue?

West of Franklin Street (Check all that apply)		East of Franklin Street (Check all that apply)	
☒	Traffic calming	☒	Traffic calming
☐	Reducing curbcuts	☐	Reducing curbcuts
☐	Parking location	☒	Parking location
☐	Other: _____	☐	Other: _____

4a. What are appropriate setbacks (distance from property line) for the NRCD I? (Insert number)

Front yard - 0-10 (ft) West of Franklin
- 20 (ft) East of Franklin

Side yard - 10-20 (ft)
Rear yard - 10-20 (ft) without an alley
- 20-60 (ft) with an alley
- 20 (ft) 2nd story; with an alley

Please turn over to complete

4b. What is an appropriate structure height for the NRCD I? (Insert number)

_____ (ft) West of Franklin

_____ (ft) East of Franklin

_____ (ft) height at rear setback without an alley

_____ (ft) height at rear setback with an alley

_____ (ft) height of 2nd story at rear setback; with an alley

Additional Comments:

SIDE SETBACK IN 200 BLOCK (EAST OF FRANKLIN):
DID YOU KNOW SOUTHPAW IS BUILT WITH A ONE-FOOT SIDE-SETBACK FROM COLTERRA? HOW ON EARTH CAN BUILDING MAINTENANCE BE DONE (PAINTING, ETC.) IF A HUMAN BEING CAN'T EVEN SQUEEZE BETWEEN THE BUILDINGS? POOR PLANNING! ALSO A FIRE HAZARD. DO YOU KNOW THAT SOUTHPAW FRAMING COULD HAVE GONE UP IN SMOKE DURING A COLTERRA KITCHEN FIRE? TOO CLOSE. -BUILT TO THE "MAX!"

CURB CUTS - THIS "DANGER" IS A FALSE NARRATIVE. IF YOU GO ANYWHERE IN DOWNTOWN BOULDER, SOUTH MAIN ST. & OLD TOWN BUSINESS DISTRICT IN LONGMONT, YOU WILL SEE MANY, MANY CURB CUTS. THERE IS ALSO MUCH MORE BIKE, PEDESTRIAN AND VEHICULAR TRAFFIC IN BOULDER AND DENVER THAN THERE IS IN NIWOT. THE ONLY REALLY DANGEROUS CURB CUT IN NIWOT IS THE ONE IN FRONT OF SOUTHPAW | SEVEN WEALTH. THIS PARKING AREA IS ALSO NON-CONFORMING AND CONTRARY TO CURRENT NRCD REGS.

STRUCTURES PER PARCEL QUESTION: THIS IS MEANINGLESS OUT OF CONTEXT. THE DENSITY OF SOUTHPAW WITH 3 BUILDINGS CRAMMED ONTO ONE LOT IS UNATTRACTIVE AND NOT "SEMI-RURAL" 3 BUILDINGS ON A LARGER LOT MIGHT BE ACCEPTABLE.

TWO-WAY OR ONE-WAY TRAFFIC IN THE ALLEY ONLY BENEFITS MR. VON ESHEN. AN OUTLET ON THE ALLEY TO NIWOT RD CREATES A NEW TRAFFIC HAZARD. MAKE ALLEY BIKE AND PEDESTRIAN FRIENDLY!

Map Feedback Questions

1a. What is an appropriate mix of commercial & residential uses?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☒	All (C) Commercial	☐	All (C) Commercial
☐	All (R) Residential	☐	All (R) Residential
☐	Mix (more C)	☒	Mix (more C)
☐	Mix (more R)	☐	Mix (more R)
☐	Any	☐	Any

1b. What is an appropriate level of residential density for parcels in the NRCD I?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☒	None	☐	None
☐	At Least (1)	☐	At Least (1)
☐	(2) - (3)	☒	(2) - (3)
☐	(4) - (5)	☐	(4) - (5)
☐	Other: _____	☐	Other: _____

depends on size of parcel

2a. What is an appropriate building lot coverage for parcels not fully built out?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	0 - 15%	☐	0 - 15%
☐	16% - 30%	☐	16% - 30%
☒	31% - 60%	☒	31% - 60%
☐	61% - 90%	☐	61% - 90%

2b. What is an appropriate number of structures on one parcel?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☒	(1)	☐	(1)
☐	(2)	☐	(2)
☐	(3)	☐	(3)
☐	Other: _____	☐	Other: _____

depends on the parcel

3a. What is an appropriate use for the alley in the NRCD I, east of Franklin Street?

It would be a good pedestrian/bike route. Keep the alley as historically used for utility vehicles only. (i.e- trash, etc.) Businesses should continue to access their parking via 2nd Ave.

One-way or Two-way traffic in the alley, will ~~not~~ allow vehicles to use it as a short-cut. It is not engineered for that kind of use.

3b. What is an appropriate location for parking?

West of Franklin Street (Check all that apply)		East of Franklin Street (Check all that apply)	
☒	Front	☒	Front
☐	Side	☒	Side
☒	Rear	☒	Rear

3c. Which of the following would improve walkability for 2nd Avenue?

West of Franklin Street (Check all that apply)		East of Franklin Street (Check all that apply)	
☒	Traffic calming ? (What is this?)	☒	Traffic calming ?
☐	Reducing curbcuts	☐	Reducing curbcuts
☒	Parking location	☒	Parking location
☒	Other: →	☒	Other: →

keep parking at rear of buildings

4a. What are appropriate setbacks (distance from property line) for the NRCD I? (Insert number)

Front yard - 0-10 (ft) West of Franklin
- 20 (ft) East of Franklin

Side yard - 20 (ft)

Rear yard - 10-20 (ft) without an alley
- 20-60 (ft) with an alley
- 20 (ft) 2nd story; with an alley

Please turn over to complete →

4b. What is an appropriate structure height for the NRCD I? (Insert number)

_____ (ft) West of Franklin same height as garage

20-30 (ft) East of Franklin

30 (ft) height at rear setback without an alley

20 (ft) height at rear setback with an alley

30 (ft) height of 2nd story at rear setback; with an alley

Additional Comments:

Walkability: Make the alley pedestrian and bike friendly as a way for people to avoid walking down 2nd Ave (if they are concerned about traffic) This obviously negates having 80-100 vehicular trips in the alley. This pedestrian/bike byway could be a community art project with murals - a learning exhibit about the importance of pollinators (~~bees~~ bees, butterflies, etc.) and the plants that encourage pollinators

Create a landscape feature/pollinator garden either around the Dental office or in the park across the street for context.

Or - plant pollinators along the alley. (There are already wild plums) These could be planted in the alley easements - lavender! Blue Mist Spirea - and many others.

Or - a corridor of tall Sunflowers for birds!

Or - a Native American theme tying in with Chief Niwot

Map Feedback Questions

1a. What is an appropriate mix of commercial & residential uses?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☒	All (C) Commercial	☐	All (C) Commercial
☐	All (R) Residential	☐	All (R) Residential
☐	Mix (more C)	☒	Mix (more C)
☐	Mix (more R)	☐	Mix (more R)
☐	Any	☐	Any

1b. What is an appropriate level of residential density for parcels in the NRCD I?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☒	None	☐	None
☐	At Least (1)	☐	At Least (1)
☐	(2) - (3)	☒	(2) - (3)
☐	(4) - (5)	☐	(4) - (5)
☐	Other: _____	☐	Other: _____

2a. What is an appropriate building lot coverage for parcels not fully built out?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	0 - 15%	☐	0 - 15%
☐	16% - 30%	☐	16% - 30%
☒	31% - 60%	☒	31% - 60%
☐	61% - 90%	☐	61% - 90%

2b. What is an appropriate number of structures on one parcel?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☒	(1)	☐	(1)
☐	(2)	☒	(2) → depends on size of lot.
☐	(3)	☐	(3)
☐	Other: _____	☐	Other: _____

3a. What is an appropriate use for the alley in the NRCD I, east of Franklin Street?

Pedestrian Corridor
Historical use as for Utilities and trash pick up. only.
Business & Residents on 2nd Ave. access parking from 2nd Ave.

3b. What is an appropriate location for parking?

West of Franklin Street (Check all that apply)		East of Franklin Street (Check all that apply)	
☒	Front	☒	Front
☐	Side	☒	Side
☒	Rear	☒	Rear

3c. Which of the following would improve walkability for 2nd Avenue?

West of Franklin Street (Check all that apply)		East of Franklin Street (Check all that apply)	
☐	Traffic calming	☐	Traffic calming
☐	Reducing curbcuts	☐	Reducing curbcuts
☐	Parking location	☐	Parking location
☐	Other: _____	☐	Other: _____

I have no problems walking around downtown as is, nor do I feel unsafe. 1 exception - southpaw's - 7 deadly sins building

4a. What are appropriate setbacks (distance from property line) for the NRCD I? (Insert number)

Front yard - 0-~~10~~ (ft) West of Franklin
- 20 (ft) East of Franklin

Side yard - 20 (ft)

Rear yard - 10-20 (ft) without an alley
- 20-30 (ft) with an alley
- 20-60 (ft) 2nd story; with an alley

Please turn over to complete →

4b. What is an appropriate structure height for the NRCD I? (Insert number)

15 (ft) West of Franklin ~~to~~ 30' on Southside of street.
15 (ft) East of Franklin

15 (ft) height at rear setback without an alley
20 (ft) height at rear setback with an alley
30 (ft) height of 2nd story at rear setback; with an alley

Additional Comments:

Map Feedback Questions

1a. What is an appropriate mix of commercial & residential uses?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	All (C) Commercial	☐	All (C) Commercial
☐	All (R) Residential	☐	All (R) Residential
■	Mix (more C)	☐	Mix (more C)
☐	Mix (more R)	☐	Mix (more R)
☐	Any	☐	Any

1b. What is an appropriate level of residential density for parcels in the NRCD I?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	None	☐	None
☐	At Least (1)	☐	At Least (1)
■	(2) - (3)	■	(2) - (3)
☐	(4) - (5)	☐	(4) - (5)
☐	Other: _____	☐	Other: _____

2a. What is an appropriate building lot coverage for parcels not fully built out?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	0 - 15%	☐	0 - 15%
☐	16% - 30%	☐	16% - 30%
■	31% - 60%	☐	31% - 60%
☐	61% - 90%	■	61% - 90%

2b. What is an appropriate number of structures on one parcel?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	(1)	☐	(1)
■	(2)	■	(2)
☐	(3)	☐	(3)
☐	Other: _____	☐	Other: _____

3a. What is an appropriate use for the alley in the NRCD I, east of Franklin Street?

Garden
mailboxes
accesibility to properties

3b. What is an appropriate location for parking?

West of Franklin Street (Check all that apply)		East of Franklin Street (Check all that apply)	
☐	Front	☐	Front
☐	Side	☐	Side
☑	Rear	☑	Rear

3c. Which of the following would improve walkability for 2nd Avenue?

West of Franklin Street (Check all that apply)		East of Franklin Street (Check all that apply)	
☐	Traffic calming	☐	Traffic calming
☐	Reducing curbcuts	☐	Reducing curbcuts
■	Parking location	■	Parking location
☐	Other: _____	☐	Other: _____

4a. What are appropriate setbacks (distance from property line) for the NRCD I? (Insert number)

Front yard - 0 (ft) West of Franklin
- 15 (ft) East of Franklin

Side yard - 5 (ft)
Rear yard - _____ (ft) without an alley
- 10-20 (ft) with an alley
- _____(ft) 2nd story; with an alley

Please turn over to complete →

4b. What is an appropriate structure height for the NRCD I? (Insert number)

20 (ft) West of Franklin

20 (ft) East of Franklin

_____ (ft) height at rear setback without an alley

10 (ft) height at rear setback with an alley

0 (ft) height of 2nd story at rear setback; with an alley

Additional Comments:

It's important to keep the design of the heart of Niwot sincere to it's original design, and to never make the planning hostile or detrimental to its current residents in favor of cheap expansion

Map Feedback Questions

1a. What is an appropriate mix of commercial & residential uses?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	All (C) Commercial	☐	All (C) Commercial
☐	All (R) Residential	☐	All (R) Residential
☒	Mix (more C)	☒	Mix (more C)
☐	Mix (more R)	☐	Mix (more R)
☐	Any	☐	Any

1b. What is an appropriate level of residential density for parcels in the NRCD I?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	None	☐	None
☒	~~At least (1)~~	☐	At Least (1)
☒	(2) - ~~(3)~~	☒	(2) - (3)
☐	(4) - (5)	☐	(4) - (5)
☐	Other: 1	☐	Other: _____

2a. What is an appropriate building lot coverage for parcels not fully built out?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	0 - 15%	☐	0 - 15%
☐	16% - 30%	☐	16% - 30%
☒	31% - ~~70%~~	☐	31% - 60%
☐	61% - 90%	☒	61% - ~~90%~~ 75%

2b. What is an appropriate number of structures on one parcel?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	(1)	☐	(1)
☒	(2)	☒	(2)
☐	(3)	☐	(3)
☐	Other: _____	☐	Other: _____

3a. What is an appropriate use for the alley in the NRCD I, east of Franklin Street?

DELIVERY
SAFE IN & OUT of PROPERTIES
TREES + GREENERY
WALKING
(NOT A THROUGH STREET)

3b. What is an appropriate location for parking?

West of Franklin Street (Check all that apply)		East of Franklin Street (Check all that apply)	
☐	Front	☐	Front
☐	Side	☐	Side
☒	Rear	☒	Rear

3c. Which of the following would improve walkability for 2nd Avenue?

West of Franklin Street (Check all that apply)		East of Franklin Street (Check all that apply)	
☐	Traffic calming	☐	Traffic calming
☐	Reducing curbcuts	☐	Reducing curbcuts
☒	Parking location	☒	Parking location
☐	Other: _____	☐	Other: _____

→ DEVELOP LONG LOT BY RAILWAYS. ADD TREES FOR BUFFERING HOUSES!!

4a. What are appropriate setbacks (distance from property line) for the NRCD I? (Insert number)

Front yard - AS IS (ft) West of Franklin
VARIABLE (ft) East of Franklin
↓
BUT KEEP THE GOOD TREES

Side yard - 5 (ft)
Rear yard - _____ (ft) ~~without an alley~~
- 10-20 (ft) with an alley
- _____ (ft) ~~2nd story; with an alley~~

Please turn over to complete →

4b. What is an appropriate structure height for the NRCD ? (insert number)

2 floor (ft) West of Franklin

2 floor (ft) East of Franklin

_____ (ft) ~~height at rear setback without an alley~~

1 Floor (ft) height at rear setback with an alley

_____ (ft) height of 2nd story at rear setback; with an alley

↳ begin at least 20 ft from edge of lot

Additional Comments:

Map Feedback Questions

1a. What is an appropriate mix of commercial & residential uses?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	All (C) Commercial	☐	All (C) Commercial
☐	All (R) Residential	☐	All (R) Residential
☑	Mix (more C)	☑	Mix (more C)
☐	Mix (more R)	☐	Mix (more R)
☐	Any	☐	Any

1b. What is an appropriate level of residential density for parcels in the NRCD I?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	None	☐	None
☐	At Least (1)	☐	At Least (1)
☑	(2) - (3)	☑	(2) - (3)
☐	(4) - (5)	☐	(4) - (5)
☐	Other: _____	☐	Other: _____

2a. What is an appropriate building lot coverage for parcels not fully built out?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	0 - 15%	☐	0 - 15%
☐	16% - 30%	☐	16% - 30%
☑	31% - [redacted] 80%	☐	31% - 60%
☐	61% - 90%	☑	61% - [redacted] 80%

2b. What is an appropriate number of structures on one parcel?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	(1)	☐	(1)
☑	(2)	☑	(2)
☐	(3)	☐	(3)
☐	Other: _____	☐	Other: _____

3a. What is an appropriate use for the alley in the NRCD I, east of Franklin Street?

- Safe entrances & exits of properties
- Deliveries
- pedestrian passageways
- Trees & gardens

3b. What is an appropriate location for parking?

West of Franklin Street (Check all that apply)		East of Franklin Street (Check all that apply)	
☑	Front	☐	Front
☐	Side	☑	Side
☑	Rear	☑	Rear

3c. Which of the following would improve walkability for 2nd Avenue?

West of Franklin Street (Check all that apply)		East of Franklin Street (Check all that apply)	
☐	Traffic calming	☐	Traffic calming
☐	Reducing curbcuts	☐	Reducing curbcuts
☑	Parking location	☑	Parking location
☐	Other: _____	☐	Other: _____

4a. What are appropriate setbacks (distance from property line) for the NRCD I? (Insert number)

Front yard - 0 (as is) (ft) West of Franklin

- [redacted] (ft) East of Franklin

0 – 15 ft (Keeping trees & natural Plants)

Side yard - 5 (ft)

Rear yard - 5 (ft) without an alley

10-20 [redacted] (ft) with an alley

- 20 (ft) 2nd story; with an alley

Please turn over to complete →

4b. What is an appropriate structure height for the NRCD ? (Insert number)

2 floors (ft) West of Franklin

2 floors (ft) East of Franklin

_____ (ft) height at rear setback without an alley

1 floor (ft) height at rear setback with an alley

Or (ft) height of 2nd story at rear setback; with an alley

Start 2nd story 20 ft from edge of lot

Additional Comments:

Although many people want to push Niwot forward in a more public direction the heart of Niwot is the traditional and country-side feeling we maintain in this small town.

I believe by working together we can update the structures, architecture, and culture of Niwot while keeping the integrity of a small-town with plenty of trees, open sky, and a welcoming community. Niwot is a beautiful place to live and visit, and it can be made interesting by updating without obliterating the warmth and simplicity of this countryside town.

Map Feedback Questions

1a. What is an appropriate mix of commercial & residential uses?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	All (C) Commercial	☐	All (C) Commercial
☐	All (R) Residential	☐	All (R) Residential
☒	Mix (more C)	☒	Mix (more C)
☐	Mix (more R)	☐	Mix (more R)
☐	Any	☐	Any

1b. What is an appropriate level of residential density for parcels in the NRCD I?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	None	☐	None
☒	At Least (1)	☒	At Least (1)
☐	(2) - (3)	☐	(2) - (3)
☐	(4) - (5)	☐	(4) - (5)
☐	Other: _____	☐	Other: _____

2a. What is an appropriate building lot coverage for parcels not fully built out?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	0 - 15%	☐	0 - 15%
☐	16% - 30%	☐	16% - 30%
☐	31% - 60%	☐	31% - 60%
☐	61% - 90%	☐	61% - 90%

2b. What is an appropriate number of structures on one parcel?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	(1)	☒	(1)
☐	(2)	☐	(2)
☐	(3)	☐	(3)
☐	Other: _____	☐	Other: _____

3a. What is an appropriate use for the alley in the NRCD I, east of Franklin Street?

- Service vehicals
- Von Esden wants full alley access for cars. Postal wants 0 setbacks
- Von Esden makes a big deal of so called 'safety' issues on 2nd crossing sidewalks to access parking, while Postal put in a very large private parking lot in front of 7 weath and to side of townhouses

3b. What is an appropriate location for parking?

West of Franklin Street (Check all that apply)		East of Franklin Street (Check all that apply)	
☒	Front	☒	Front
☐	Side	☐	Side
☒	Rear	☒	Rear

3c. Which of the following would improve walkability for 2nd Avenue?

West of Franklin Street (Check all that apply)		East of Franklin Street (Check all that apply)	
☐	Traffic calming	☐	Traffic calming
☐	Reducing curbcuts	☐	Reducing curbcuts
☐	Parking location	☐	Parking location
☐	Other: _____	☒	Other: combine curb cuts

4a. What are appropriate setbacks (distance from property line) for the NRCD I? (Insert number)

Front yard - _____ (ft) West of Franklin
- 15-20 (ft) East of Franklin

Side yard - _____ (ft)

Rear yard - _____ (ft) without an alley
min - 20' (ft) with an alley
2nd story on 2nd (ft) 2nd story; with an alley

Please turn over to complete →

4b. What is an appropriate structure height for the NRCD I? (Insert number)

_____ (ft) West of Franklin

_____ (ft) East of Franklin

_____ (ft) height at rear setback without an alley

_____ (ft) height at rear setback with an alley

_____ (ft) height of 2nd story at rear setback; with an alley

Additional Comments:

They are talking a two-sided story!

Postal obviously wants huge front, sidewalk cross-over parking so she can push the structures to the rear property line creating the offensive and frankly, ugly sight of more Southpaw type structures - thereby creating a wall of buildings along the alley, which would then look like an urban canyon.... offensive to neighbors.

Von Esden apparently wants to park in back, fine, but using the alley as the only way in creates excess use of a narrow alley; cars/ noise / lights / pollution / safety

I walk in the alley at times to go to 2nd, or over to cottonwood. With 3 Southpaw garages plus Von Eschens "traffic dream", I could just as easily be hit by a car as I could on the 2nd Ave. sidewalk. People aren't stupid and indeed must take some responsibility for sensible care + safety when out walking + biking.
His argument is meant only as a scare tactic to propagate a non-problem so as to get alley only access to benefit only himself.

If development occurs and the county implements regulations, where is the compromise from Von Esden + Postal ?? They "have rights" they cry. Neighbors; people who actually live in "old town" Niwot, have rights too.
We bought homes that have commercial behind us, they bought property that has residential behind it. Developers over-developing one little block and getting what they want is far from compromise.

Thank you all for listening. This can't be easy for you either.
As residents of 3rd Ave, we are heartsick to be confronted by such aggressive developers in this sweet town.
Please help us.

Map Feedback Questions

1a. What is an appropriate mix of commercial & residential uses?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	All (C) Commercial	☐	All (C) Commercial
☐	All (R) Residential	☐	All (R) Residential
☑	Mix (more C)	☑	Mix (more C)
☐	Mix (more R)	☐	Mix (more R)
☐	Any	☐	Any

1b. What is an appropriate level of residential density for parcels in the NRCD I?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	None	☐	None
☐	At Least (1)	☐	At Least (1)
☐	(2) - (3)	☐	(2) - (3)
☐	(4) - (5)	☐	(4) - (5)
☐	Other: _____	☐	Other: _____

2a. What is an appropriate building lot coverage for parcels not fully built out?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	0 - 15%	☐	0 - 15%
☐	16% - 30%	☐	16% - 30%
☑	31% - 60%	☑	31% - 60%
☐	61% - 90%	☐	61% - 90%

2b. What is an appropriate number of structures on one parcel?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☑	(1)	☐	(1)
☐	(2)	☐	(2)
☐	(3)	☐	(3)
☐	Other: _____	☑	Other: see back

3a. What is an appropriate use for the alley in the NRCD I, east of Franklin Street?

I am very much in favor of not allowing new development to have the alley as it's access. A plan for minimal delivery/trash and occasional residential use combined with a walking/bike path would add to the appeal of Niwot for visitors to the business/commercial district.

3b. What is an appropriate location for parking?

(Check all that apply)

West of Franklin Street		East of Franklin Street	
☐	Front	☐	Front
☐	Side	☐	Side
☑	Rear	☑	Rear

3c. Which of the following would improve walkability for 2nd Avenue?

(Check all that apply)

West of Franklin Street		East of Franklin Street	
☐	Traffic calming	☐	Traffic calming
☐	Reducing curbcuts	☐	Reducing curbcuts
☐	Parking location	☐	Parking location
☑	Other: see back	☑	Other: see back

4a. What are appropriate setbacks (distance from property line) for the NRCD I? (Insert number)

Front yard - ~~0~~ yards see back (ft) West of Franklin
- _____ (ft) East of Franklin

Side yard - 10 (ft)
Rear yard - 20 (ft) without an alley
- 20 (ft) with an alley
- 30 (ft) 2nd story; with an alley

Please turn over to complete →

4b. What is an appropriate structure height for the NRCD I? (Insert number)

20 (ft) West of Franklin

20 (ft) East of Franklin

20 (ft) height at rear setback without an alley

20 (ft) height at rear setback with an alley

30 (ft) height of 2nd story at rear setback; with an alley

see below

Additional Comments:

A new development's character and appeal depends more on total density of the structures' height, placement, architectural appeal etc than on the number of structures in the development.

A walking / bike path in the alley behind the east block of 2nd could give pedestrians a reason to enjoy the area without having to walk on 2nd at all except for paths to the businesses and could connect 2nd more effectively to the shopping center.

Any new development at the east end of 2nd should use the existing development.

Many of the buildings on the east end of 2nd have no front setback and it is like because they are architecturally appealing and appropriate. It is nice to have a variety of front setbacks.

I don't know what "without an alley" means since there is an alley.

Map Feedback Questions

1a. What is an appropriate mix of commercial & residential uses?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	All (C) Commercial	☐	All (C) Commercial
☐	All (R) Residential	☐	All (R) Residential
☒	Mix (more C)	☒	Mix (more C)
☐	Mix (more R)	☐	Mix (more R)
☐	Any	☐	Any

1b. What is an appropriate level of residential density for parcels in the NRCD I?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	None	☐	None
☐	At Least (1)	☐	At Least (1)
☒	(2) - (3)	☒	(2) - (3)
☐	(4) - (5)	☐	(4) - (5)
☐	Other: _____	☐	Other: _____

2a. What is an appropriate building lot coverage for parcels not fully built out?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	0 - 15%	☐	0 - 15%
☐	16% - 30%	☐	16% - 30%
☒	31% - 60%	☒	31% - 60%
☐	61% - 90%	☐	61% - 90%

2b. What is an appropriate number of structures on one parcel?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	(1)	☐	(1)
☒	(2)	☒	(2)
☐	(3)	☐	(3)
☐	Other: _____	☐	Other: _____

3a. What is an appropriate use for the alley in the NRCD I, east of Franklin Street?

I would like to see low traffic and the addition of trees and plants, a way to beautify it but still make it efficient in its use - I see a lot of dog walkers in the alley

3b. What is an appropriate location for parking?

West of Franklin Street (Check all that apply)		East of Franklin Street (Check all that apply)	
☐	Front	☐	Front
☐	Side	☐	Side
☒	Rear	☒	Rear

3c. Which of the following would improve walkability for 2nd Avenue?

West of Franklin Street (Check all that apply)		East of Franklin Street (Check all that apply)	
☐	Traffic calming	☒	Traffic calming
☐	Reducing curbcuts	☐	Reducing curbcuts
☒	Parking location	☒	Parking location
☐	Other: _____	☐	Other: _____

4a. What are appropriate setbacks (distance from property line) for the NRCD I? (Insert number)

Front yard - 10 (ft) West of Franklin
-10 to 5 (ft) East of Franklin

Side yard - 5 (ft)

Rear yard - ~~_____ (ft) without an alley~~
- 10-20 (ft) with an alley
- 20 (ft) 2nd story; with an alley

Please turn over to complete →

4b. What is an appropriate structure height for the NRCD I? (Insert number)

_____ (ft) West of Franklin

_____ (ft) East of Franklin

_____ (ft) height at rear setback without an alley

_____ (ft) height at rear setback with an alley

_____ (ft) height of 2nd story at rear setback; with an alley

No 2nd story buildings on back, only 1 floor on back -

Additional Comments:

I live on the alley, West of Franklin - My front door is on the alley. All of these resolutions will have an impact on my house - I would leave all existing structures as they are, but limit setbacks for new structures, and height on the back side of lots (on the alley) to no 2nd floors unless they are at least 20' ft away from setbacks - Also I think it is super important to keep the spirit of Miwot alive, being conscious of bringing beauty and life forward, keeping the charm and rural appeal of the town. At the same time, having a strong commercial presence on 2nd avenue is vital for the town - People have invested and this town has to be viable - So ~~while~~ developing *parking on the long lot by the railways will help increase walkability on 2nd Ave.

Overall, I want this to be a kind community with spaces between houses - I need the sun and privacy, so please no 2nd story buildings on back, and make a plan to have or green roofs or trees to buffer sound and spaces -

* with a line of trees on Murray st to ~~[illegible]~~ buffer sounds + views

Map Feedback Questions

1a. What is an appropriate mix of commercial & residential uses?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	All (C) Commercial	☐	All (C) Commercial
☐	All (R) Residential	☐	All (R) Residential
☒	Mix (more C)	☒	Mix (more C)
☐	Mix (more R)	☐	Mix (more R)
☐	Any	☐	Any

1b. What is an appropriate level of residential density for parcels in the NRCD I?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	None	☐	None
☒	At Least (1)	☐	At Least (1)
☐	(2) - (3)	☒	(2) - (3)
☐	(4) - (5)	☐	(4) - (5)
☐	Other: _____	☐	Other: _____

2a. What is an appropriate building lot coverage for parcels not fully built out?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	0 - 15%	☐	0 - 15%
☐	16% - 30%	☐	16% - 30%
☒	31% - 60%	☒	31% - 60%
☒	61% - 90%	? ☐	61% - 90%

2b. What is an appropriate number of structures on one parcel?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	(1)	☐	(1)
☐	(2)	☐	(2)
☐	(3)	☒	(3)
☒	Other: 1-2	☐	Other: _____

3a. What is an appropriate use for the alley in the NRCD I, east of Franklin Street?

Commercial uses like trash, deliveries, Residential access + parking

3b. What is an appropriate location for parking?

West of Franklin Street (Check all that apply)		East of Franklin Street (Check all that apply)	
☐	Front	☐	Front
☐	Side	☐	Side
☐	Rear	☐	Rear

3c. Which of the following would improve walkability for 2nd Avenue?

West of Franklin Street (Check all that apply)		East of Franklin Street (Check all that apply)	
☐	Traffic calming	☐	Traffic calming
☒	Reducing curbcuts	☒	Reducing curbcuts
☒	Parking location	☒	Parking location
☐	Other: _____	☐	Other: _____

4a. What are appropriate setbacks (distance from property line) for the NRCD I? (Insert number)

Front yard - _____ (ft) West of Franklin
- _____ (ft) East of Franklin

Side yard - _____ (ft)
Rear yard - _____ (ft) without an alley
- _____ (ft) with an alley
- _____ (ft) 2nd story; with an alley

10' or 50 For Most

Please turn over to complete →

4b. What is an appropriate structure height for the NRCD I? (Insert number)

39 (ft) West of Franklin

39 (ft) East of Franklin

30 (ft) height at rear setback without an alley

30 (ft) height at rear setback with an alley

30 (ft) height of 2nd story at rear setback; with an alley

Additional Comments:

Map Feedback Questions

1a. What is an appropriate mix of commercial & residential uses?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	All (C) Commercial	☐	All (C) Commercial
☐	All (R) Residential	☐	All (R) Residential
☒	Mix (more C)	☒	Mix (more C)
☐	Mix (more R)	☐	Mix (more R)
☐	Any	☐	Any

1b. What is an appropriate level of residential density for parcels in the NRCD I?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	None	☐	None
☒	At Least (1)	☐	At Least (1)
☐	(2) - (3)	☒	(2) - (3)
☐	(4) - (5)	☐	(4) - (5)
☐	Other: _____	☐	Other: _____

2a. What is an appropriate building lot coverage for parcels not fully built out?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	0 - 15%	☐	0 - 15%
☐	16% - 30%	☐	16% - 30%
☒	31% - 60%	☒	31% - 60%
☐	61% - 90%	☐	61% - 90%

2b. What is an appropriate number of structures on one parcel?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	(1)	☐	(1)
☐	(2)	☒	(2)
☐	(3)	☐	(3)
☐	Other: _____	☐	Other: _____

3a. What is an appropriate use for the alley in the NRCD I, east of Franklin Street?

Perhaps a bike/pedestrian path with plantings.

3b. What is an appropriate location for parking?

West of Franklin Street (Check all that apply)		East of Franklin Street (Check all that apply)	
☒	Front	☒	Front
☐	Side	☒	Side
☒	Rear	☐	Rear

3c. Which of the following would improve walkability for 2nd Avenue?

West of Franklin Street (Check all that apply)		East of Franklin Street (Check all that apply)	
☐	Traffic calming	☐	Traffic calming
☐	Reducing curbcuts	☐	Reducing curbcuts
☐	Parking location	☐	Parking location
☐	Other: _____	☐	Other: _____

4a. What are appropriate setbacks (distance from property line) for the NRCD I? (Insert number)

Front yard - _____ (ft) West of Franklin
- _____ (ft) East of Franklin

Side yard - _____ (ft)

Rear yard - _____ (ft) without an alley
- _____ (ft) with an alley
- _____(ft) 2nd story; with an alley

Please turn over to complete →

4b. What is an appropriate structure height for the NRCD I? (Insert number)

_____ (ft) West of Franklin

_____ (ft) East of Franklin

_____ (ft) height at rear setback without an alley

_____ (ft) height at rear setback with an alley

_____ (ft) height of 2nd story at rear setback; with an alley

Additional Comments:

I would prefer the buildings which back up to residential to have the first floor be a garden level. This would keep the buildings from looming over someone's back yard.

Map Feedback Questions

1a. What is an appropriate mix of commercial & residential uses?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	All (C) Commercial	☐	All (C) Commercial
☐	All (R) Residential	☐	All (R) Residential
☒	Mix (more C)	☒	Mix (more C)
☐	Mix (more R)	☐	Mix (more R)
☐	Any	☐	Any

1b. What is an appropriate level of residential density for parcels in the NRCD I?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	None	☐	None
☐	At Least (1)	☐	At Least (1)
☐	(2) - (3)	☐	(2) - (3)
☐	(4) - (5)	☐	(4) - (5)
☐	Other: _____	☐	Other: _____

2a. What is an appropriate building lot coverage for parcels not fully built out?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	0 - 15%	☐	0 - 15%
☐	16% - 30%	☐	16% - 30%
☐	31% - 60%	☐	31% - 60%
☐	61% - 90%	☐	61% - 90%

2b. What is an appropriate number of structures on one parcel?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	(1)	☐	(1)
☐	(2)	☒	(2)
☐	(3)	☐	(3)
☐	Other: _____	☐	Other: _____

3a. What is an appropriate use for the alley in the NRCD I, east of Franklin Street?

APPROPRIATE USE WOULD BE SERVICE ACCESS AND OCCASIONAL (NOT DAILY) ACCESS TO ADJOINING PROPERTIES

3b. What is an appropriate location for parking?

West of Franklin Street (Check all that apply)		East of Franklin Street (Check all that apply)	
☐	Front	☐	Front
☐	Side	☐	Side
☒	Rear	☒	Rear

3c. Which of the following would improve walkability for 2nd Avenue?

West of Franklin Street (Check all that apply)		East of Franklin Street (Check all that apply)	
☐	Traffic calming	☐	Traffic calming
☐	Reducing curbcuts	☐	Reducing curbcuts
☒	Parking location	☒	Parking location
☐	Other: _____	☐	Other: _____

4a. What are appropriate setbacks (distance from property line) for the NRCD I? (Insert number)

Front yard - _____ (ft) West of Franklin
- _____ (ft) East of Franklin

Side yard - 10 (ft)

Rear yard - 20 (ft) without an alley
- 20 (ft) with an alley
- 30 (ft) 2nd story; with an alley

Please turn over to complete →

4b. What is an appropriate structure height for the NRCD I? (Insert number)

_____ (ft) West of Franklin

_____ (ft) East of Franklin

10 (ft) height at rear setback without an alley

10 (ft) height at rear setback with an alley

_____ (ft) height of 2nd story at rear setback; with an alley

Additional Comments:

Map Feedback Questions

1a. What is an appropriate mix of commercial & residential uses?

West of Franklin Street (Check one box)	East of Franklin Street (Check one box)
☐ All (C) Commercial	☐ All (C) Commercial
☐ All (R) Residential	☐ All (R) Residential
☒ Mix (more C)	☒ Mix (more C)
☐ Mix (more R)	☐ Mix (more R)
☐ Any	☐ Any

1b. What is an appropriate level of residential density for parcels in the NRCD I?

West of Franklin Street (Check one box)	East of Franklin Street (Check one box)
☐ None	☐ None
☒ At Least (1)	☐ At Least (1)
☐ (2) - (3)	☒ (2) - (3)
☐ (4) - (5)	☐ (4) - (5)
☐ Other: _____	☐ Other: _____

2a. What is an appropriate building lot coverage for parcels not fully built out?

West of Franklin Street (Check one box)	East of Franklin Street (Check one box)
☐ 0 - 15%	☐ 0 - 15%
☐ 16% - 30%	☐ 16% - 30%
☒ 31% - 60%	☒ 31% - 60%
☐ 61% - 90%	☐ 61% - 90%

2b. What is an appropriate number of structures on one parcel?

West of Franklin Street (Check one box)	East of Franklin Street (Check one box)
☐ (1)	☐ (1)
☒ (2)	☐ (2)
☐ (3)	☐ (3)
☐ Other: _____	☐ Other: _____

3a. What is an appropriate use for the alley in the NRCD I, east of Franklin Street?

Alleys are great to reduce some traffic or main porter. I'd improve the alley for driveway off of main part. It's a lot of a wasted opportunity to the more I'd

3b. What is an appropriate location for parking?

West of Franklin Street (Check all that apply)	East of Franklin Street (Check all that apply)
☐ Front	☐ Front
☒ Side	☒ Side
☒ Rear	☒ Rear

3c. Which of the following would improve walkability for 2nd Avenue?

West of Franklin Street (Check all that apply)	East of Franklin Street (Check all that apply)
☒ Traffic calming	☒ Traffic calming
☒ Reducing curbcuts	☒ Reducing curbcuts
☒ Parking location	☒ Parking location
☐ Other: _____	☐ Other: _____

4a. What are appropriate setbacks (distance from property line) for the NRCD I? (Insert number)

Front yard - _____ (ft) West of Franklin
- _____ (ft) East of Franklin

Side yard - _____ (ft)

Rear yard - _____ (ft) without an alley
- _____ (ft) with an alley
- _____(ft) 2nd story; with an alley

Please turn over to complete →

4b. What is an appropriate structure height for the NRCD I? (Insert number)

_____ (ft) West of Franklin

_____ (ft) East of Franklin

_____ (ft) height at rear setback without an alley

_____ (ft) height at rear setback with an alley

_____ (ft) height of 2nd story at rear setback; with an alley

Additional Comments:

Map Feedback Questions

1a. What is an appropriate mix of commercial & residential uses?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	All (C) Commercial	☐	All (C) Commercial
☐	All (R) Residential	☐	All (R) Residential
☒	Mix (more C)	☒	Mix (more C)
☐	Mix (more R)	☐	Mix (more R)
☐	Any	☐	Any

1b. What is an appropriate level of residential density for parcels in the NRCD I?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	None	☐	None
☐	At Least (1)	☐	At Least (1)
☒	(2) - (3)	☒	(2) - (3)
☐	(4) - (5)	☐	(4) - (5)
☐	Other: _____	☐	Other: _____

2a. What is an appropriate building lot coverage for parcels not fully built out?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	0 - 15%	☐	0 - 15%
☐	16% - 30%	☐	16% - 30%
☒	31% - 60%	☒	31% - 60%
☒	61% - 90%	☐	61% - 90%

2b. What is an appropriate number of structures on one parcel?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	(1)	☐	(1)
☒	(2)	☒	(2)
☐	(3)	☐	(3)
☐	Other: _____	☐	Other: _____

3a. What is an appropriate use for the alley in the NRCD I, east of Franklin Street?

Same as in historic block
Open it up for parking + delivery
Fix rutted surface
Simple beautification

3b. What is an appropriate location for parking?

West of Franklin Street (Check all that apply)		East of Franklin Street (Check all that apply)	
☒	Front	☒	Front
☐	Side	☐	Side
☒	Rear	☒	Rear

3c. Which of the following would improve walkability for 2nd Avenue?

West of Franklin Street (Check all that apply)		East of Franklin Street (Check all that apply)	
☐	Traffic calming	☐	Traffic calming
☐	Reducing curbcuts	☐	Reducing curbcuts
☒	Parking location	☒	Parking location
☐	Other: Alley for parking	☐	Other: _____

4a. What are appropriate setbacks (distance from property line) for the NRCD I? (Insert number)

Front yard - _____ (ft) West of Franklin
- _____ (ft) East of Franklin

Side yard - _____ (ft)
Rear yard - 0 (ft) without an alley
- 6-10 (ft) with an alley
- _____(ft) 2nd story; with an alley

Please turn over to complete →

4b. What is an appropriate structure height for the NRCD I? (Insert number)

2 story (ft) West of Franklin

2 story (ft) East of Franklin

2 story (ft) height at rear setback without an alley

1 story (ft) height at rear setback with an alley

_____ (ft) height of 2nd story at rear setback; with an alley

Additional Comments:

Alley needs to be open to all property owners/customers.

Same usage as in "historic block" that now functions well.

The 3rd Ave residents are being overly selfish + self-absorbed.

The alley is NOT just for residents.

Stop cars cutting across sidewalks.

Help Colterra NOW!

Map Feedback Questions

1a. What is an appropriate mix of commercial & residential uses?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	All (C) Commercial	☐	All (C) Commercial
☐	All (R) Residential	☐	All (R) Residential
☐	Mix (more C)	☒	Mix (more C)
☒	Mix (more R)	☐	Mix (more R)
☐	Any	☐	Any

1b. What is an appropriate level of residential density for parcels in the NRCD I?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	None	☐	None
☐	At Least (1)	☐	At Least (1)
☒	(2) - (3)	☐	(2) - (3)
☐	(4) - (5)	☐	(4) - (5)
☒	Other:	☒	Other: 4

2a. What is an appropriate building lot coverage for parcels not fully built out?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	0 - 15%	☐	0 - 15%
☐	16% - 30%	☐	16% - 30%
☒	31% - 60%	☒	31% - 60%
☒	61% - 90%	☐	61% - 90%

2b. What is an appropriate number of structures on one parcel?

West of Franklin Street (Check one box)		East of Franklin Street (Check one box)	
☐	(1)	☐	(1)
☒	(2)	☒	(2)
☐	(3)	☐	(3)
☐	Other: _____	☐	Other: _____

3a. What is an appropriate use for the alley in the NRCD I, east of Franklin Street?

VEHICLES SERVING COMMERCIAL ESTABLISHMENTS.

= NO ACCESS TO ~~RESIDENT~~ ANY NEW RESIDENTIAL =

3b. What is an appropriate location for parking?

West of Franklin Street (Check all that apply)		East of Franklin Street (Check all that apply)	
☐	Front	☐	Front
☒	Side	☒	Side
☒	Rear	☒	Rear

3c. Which of the following would improve walkability for 2nd Avenue?

West of Franklin Street (Check all that apply)		East of Franklin Street (Check all that apply)	
☐	Traffic calming	☐	Traffic calming
☐	Reducing curbcuts	☐	Reducing curbcuts
☐	Parking location	☒	Parking location
☒	Other: ALL IS WELL HERE	☐	Other: _____

4a. What are appropriate setbacks (distance from property line) for the NRCD I? (Insert number)

Front yard - _____ (ft) West of Franklin

- _____ (ft) East of Franklin

Side yard - _____ (ft)

Rear yard - _____ (ft) without an alley

DON'T KNOW _____ (ft) with an alley

_____ (ft) 2nd story; with an alley

Please turn over to complete →

4b. What is an appropriate structure height for the NRCD I? (Insert number)

NOT TO EXCEED ____ (ft) West of Franklin } HEIGHT OF GRANGE
____ (ft) East of Franklin }

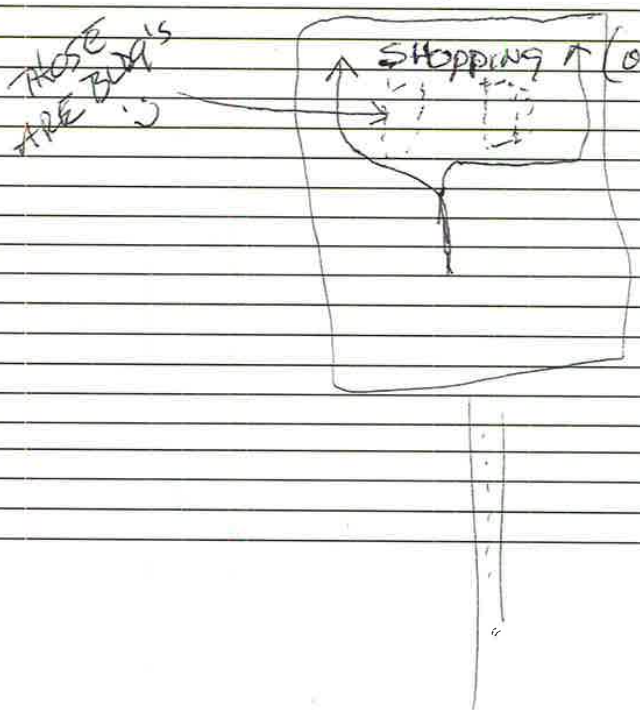
DONT KNOW ____ (ft) height at rear setback without an alley

____ (ft) height at rear setback with an alley

____ (ft) height of 2nd story at rear setback; with an alley
↳ NOT TO EXCEED GRANGE

Additional Comments:

- PARKING EAST OF FRANKLIN: STRIPE CURB IN FRONT OF NIWOT SQ BLDG FOR PARALLEL PARKING OR SIGNAGE AND LEGAL
- IS THERE A REASONABLE WAY TO KEEP ~~UNBARRED~~ MOTORS VEHICLES OFF THE STREET?
- IDEA: ~~MOVE COMMERCIAL~~ NEW COMMERCIAL TO BACK OF LOTS EAST OF FRANKLIN. ONE STORY AT ALLEY, 2 STORY RESIDENTIAL BEHIND THAT. ~~MAKE~~ IMPROVE ALLEY TO BE AN ART/WALKING/BIKING SPACE WITH ENTRANCES TO SHOPS FROM ALLEY, ~~PARKING~~ PARKING ENTERS FROM 2ND AVE; SIDE PARKING ALONG THIS MIXED USE BLDG W/HANDICAP ACCESS
- COMMERCIAL ON EAST SIDE OF MEISNERS LOT W/PATH TO CONNECT TO ALLEY. THIS COULD BE PART OF CONNECTIVITY W/COTTONWOOD. AFTER CROSSING 79TH AND PASSING NIWOT REALTY THERE COULD BE A SIGN SOMETHING LIKE THIS:



SUGGESTIONS

SUGERENCIAS/GEN SUGGESTION

Describe your idea (Describe su idea/Décrivez votre idée):

If traffic increases in the alley, there must be a buffer zone.

(a) there are power line poles there.

(b) opening back gates into alley

What ~~are the benefits of your idea?~~:
(¿Cuáles son los beneficios de su idea/ce qui sont les avantages de votre idée?)

could cause trouble - someone getting hit or cars getting hit.

Additional traffic in the alley is just a bad idea.

~~Additional comments or suggestions~~:
(Comentarios o sugerencias adicionales/commentaires ou suggestions additionnels)

Also if Von Esch + Postal are allowed full alley access, The Slater Bldg. + Niwot →

Name (nombre/nom): Tracey Snow

Re-Order Part No: 4231
Safco Customer Service: 1-800-664-0042

SAFCO

Inn could follow suit – exposing the entire alley to traffic + open parking.

The Alley Survey of 1996 (?) is being utterly ignored. Why is that?

Comments on Developments

7/6/18

Regarding: Meisner-Lefty's properties; 376 & 364 2nd Ave, Niwot

Boulder County Land Use Department:

To Whom It May Concern:

We're strongly opposed to certain aspects of this development. We oppose the use of the residentially zoned alley as the sole access to the proposed multifamily development on lots in the commercially zoned section. This has been historically used as a service alley with minimal traffic. The Niwot Alley Study of 1996 asserts that "newly created parking areas should not have direct traffic flow from the lot to the alley" and "in addition, the parking area should be screened from view of adjacent residents ... through the use of fences and vegetation". (#2, pg. 4)

The alley is unmaintained and not engineered to support two-way traffic and the excessive drainage that would result from development directly adjacent to it. The alley is not able to satisfy the basic design criteria for two lane private access roads, illustrated in the Boulder County Multimodal Standards (See Standard drawing 11). It is also noted in this document, that individual lots are only allowed one access point to the roadway. (See 5.5.5.2) This design is proposing multiple access points.

Not only does this design ignore the Niwot Alley Study and the basic transportation design criteria, it also creates an unsafe situation for cars backing out of a garage with only 4 feet of clearance to the public alley. A driver backing out of his garage would not be able to see traffic in the alley until he's about a quarter way into the roadway.

By turning this alley into an active roadway, for which it was not designed or intended, violates the Counties own regulations as well as previous determinations by the County Commissioners when they visited the area during the review of the Slater Building and the Niwot Inn. Those prior developments are entirely accessed from 2nd Avenue and fenced off from the alley, providing a minimum buffer for the single family residential properties on Third Avenue. If you allow the alley to function as a roadway, you will create an "island" in which our properties our surrounded by active traffic on two sides. Not especially conducive to enjoying one's backyard, experiencing any semblance of privacy or maintaining one's property value.

It does not appear that any consideration was given to the adjacent private properties with these designs. There is no buffer, visual or otherwise, between this development and the properties on Third Avenue. They're proposing a parking lot or garages that employ our residentially designated alley for their required back-up. In essence, they're proposing to re-zone the alley to commercial without due process, by utilizing the alley as part of their parking infrastructure.

We refer you to County comments in regards the Slater Building Permit (BP-96-59), dated May 6th, 1996 by Camilla Rode Laughlin. (See attached) She refers to "respecting the neighboring property owners", "blocking vehicle lights from shining directly into the neighboring houses to the north of the alley" and "screening the parking area". None of these considerations have been addressed in this current design.

Oddly, the proposed site plan has placed the highest density of buildings along the alley, adjacent our single family residential lots and has the low-density (residential looking) portion of the development facing into the commercial district. This makes no sense, unless, you take into account the desire of the developer to utilize the residentially zoned alley as part of his lot. We would like to see the County insist on the high-density portion of the project face the commercial district and access to the property be limited to 2nd Avenue, abiding the findings of the County's own Niwot Alley Study.

The Boulder County Comprehensive Plan characterizes Niwot as "Semi-rural" and states that "future developments shall compliment and enhance this semi-rural character". (pg 3., See attached) These multifamily unit's shoe -horned in between an alley and commercial buildings is neither semi-rural nor aesthetically appealing. We urge the planning department to consider the rights of all property owners in Niwot and enforce all County regulations.

Jim & Kim Kalinski

343 3rd Avenue

Niwot, Co

commercial, or industrial land uses(except as otherwise permitted within these policy statements or by state statutes). Furthermore, new residential structures shall only be permitted on vacant lots within recorded rural residential subdivisions or on other previously established building sites where past public and private commitments have been made for the creation of such structures and their attendant service needs.

NIW 1.03 New business, commercial, and industrial uses shall be situated within "Community Service Areas" in order to be within a close proximity to the shopping public and respective labor forces, as well as to move toward the goals of reducing energy consumption and attendant commuter time. This policy is not intended to relate to "minor" expansion of existing industrial or business uses.

Future developments should complement & enhance Niwot's semi-rural character.

NIW 1.04 The Foothills portion of the Subregion, situated west of US 36 is agricultural (grazing) in character. Future land uses in this area shall be consistent with the provisions of policy NIW 1.03 above and furthermore, shall be planned in such a manner as to compliment the character as well as promote the existing scenic vista of the Foothills.

NIW 1.05 When considering new development requests (subdivisions, rezonings, special use reviews and the like) on lands in this Subregion affected by the Table Mountain National Radio Quiet Zone Area, the county shall seek recommendations from the Department of Commerce relative to preservation of the area in a state as free from electromagnetic pollution as possible, pursuant to C.R.S. 30-11-601 et seq.

NIW 1.06 The Niwot Community Service Area is recognized as the only Community Service Area within the Subregion.

Niwot Community Service Area

The community of Niwot is the only area within the Subregion where significant public and private commitments have occurred in the form of centralized sewer, water, a range of residential densities, and housing types, fire protection, public educational facilities, limited commercial developments, as well as industrial uses on the southern periphery that are buffered from the predominantly residential areas. As a result of these commitments, land uses of a non-agricultural character have taken place within this area. Consequently, Niwot is planned to be the only designated service area within the Subregion and the geographic area wherein the majority of future growth will be accommodated. It is, therefore, the intent of the following policies (NIW 2.01-NIW 2.14) to acknowledge Niwot as a "Limited Community Service Area".

Furthermore, the physical and cultural nature of the Niwot community, as perceived by its residents, consists of a "semi-rural" quality characterized as low density residential uses surrounded by agricultural uses. With the designation of Niwot as a "Limited Community Service Area", which implies orderly physical expansion consistent with ability of various service entities to provide a continual level of service, the quality and physical form of proposed

developments are of utmost concern to the residents. Future developments, including TDRs, shall compliment and enhance this semi-rural character.

In an effort to assure that proposed developments are compatible with and complimentary to the "semi-rural" character of the Niwot community, the following statements are included to identify the various components which make-up the desired "semi-rural" character.

- **Components of Niwot's "Semi-rural" Character**

- Residential densities that do not exceed 1.0 units/gross acre;
- Business uses that are primarily oriented to the local community or otherwise compliment the "Semi-Rural" character;
- The existence of internal open space that serves to physically separate non-agricultural land uses;
- An ultimate geographic size that acts to physically contain the community, enhance community identity, and prevent development "sprawl" into the surrounding agricultural lands and/or other existing or potential "Community Service Areas";
- The existence of external open space (agricultural land) that is contiguous to the ultimate developmental peripheries of the community;
- The regulatory provisions to permit the possession and maintenance of animal units (horses) for recreational purposes;
- The application of county Road Standards and Specifications consistent with the area's stated semi-rural character only where sound engineering considerations allow.
- The geographic location of the Niwot community relative to the surrounding land uses which are predominantly agricultural in character.

Because of the residents' concern for the quality and physical form of future developments in the Niwot area, the positive relationship between the man-made environment and the surrounding agricultural lands is an important determinant in preserving the desired character and enhancing the quality of life. Just as the above statements describe the components of the desired "semi-rural" character that should be recognized by the private sector when proposing future developments, additional statements are included below to establish the general objectives which are intended to guide the physical form of future development.

Community Service Area Objectives

- Future growth in the Niwot area shall only occur within the adopted Niwot Community Service Area.
- Growth shall be phased and gradual. "Leap-frog" development shall be discouraged.
- The character of residential development shall be of a low-density nature and be compatible with surrounding land uses in terms of use and design.
- Future developments shall be immediately serviceable with sewer, water, and fire protection. In addition, adequate educational facilities shall be available.
- Development that occurs on the periphery of the Niwot Community Service Area shall be designed in such a manner as to physically define the boundaries of the Niwot Community Service Area.
- Development that occurs adjacent to major transportation arteries shall be designed to minimize vehicular noise impacts and maximize resident safety as well as other positive attributes of residential living environments.
- Future developments shall be designed to afford effective internal open space for passive and active recreational purposes.
- Future developments and their roadways shall be designed to optimize

Generally, gross residential densities in the Niwot Community Service Area should not exceed one unit per acre.

Boulder County

Post Office Box 471 • Boulder, Colorado 80306

Land Use Department

Courthouse Annex
2045 13th Street • 13th & Spruce Streets • Boulder, Colorado 80302 • (303) 441-3930

BP-96-59
BP-95-1805

May 6, 1996

Mr. Gil Reed
R & R Construction
PO Box 995
Niwot, CO 80544-0995

Re: Slater Building Landscape Plans and Parking Layout

Dear Gil:

Thank you for submitting the final landscape and parking plans. We have had the opportunity to review the plans and have developed the following conditions of approval. Conformance to these conditions must be met prior to issuance of Certificates of Occupancy for all of the units within the structure.

Fencing

As we discussed on May 4, 1996 the proposed 48" tall solid wood fence meets the requirements of the zoning regulations and the Road Standards and Specifications. The Land Use Staff agrees that the 48" height, in combination with landscaping as described in this letter, will help screen the view of vehicles. In particular, the 48" height will be tall enough to block vehicle lights from shining directly into the neighboring houses north of the alley.

Trash Pick-Up off of the Alley

The alley is a public right-of-way behind the property and has traditionally been used for services such as trash pick-up. The six-foot tall fencing around the trash bins will screen the bins from view. In order to respect the neighboring property owners, we request that the refuse area be well-maintained.

Lighting Plan

As we discussed on May 4, 1996 I have done additional research related to the Building Code requirements for the lighting of stairways. The building code requires only one footcandle of illumination on the stairs. The code does not require that the stairs be lit with a flood light. As the NRCD regulations clearly state that no light fixture may exceed 50 watts (Section A-Page 7) you will be required to replace the existing flood light bulbs so that they are in conformance with the zoning regulations.

We also noticed during our site visit that the bulbs in some of the fixtures on the second floor in the rear of the building had 60 watt bulbs. These bulbs will need to be replaced with a lower wattage bulb in order to conform to the NRCD standards and guidelines.

The lighting on the Second Avenue facade appears to meet the requirements of the regulations, in that the lights are directed downward or toward signs. Once again, no fixture may exceed 50 watts.

Jana L. Mendez
County Commissioner

Ronald K. Stewart
County Commissioner

Paul Danish
County Commissioner

Proposed Light Standard Near Trash Bins

Section 4.10.6 of the Road Standards and Specifications addresses Parking Lot Design. Subsection (i) states:

> "Lighting used to illuminate the parking lot or any building shall have no direct rays which extend beyond the boundaries of the property from which the lighting originates."

In order to meet the above standard, the proposed light fixture near the trash facility must either be eliminated or, a bollard not to exceed 48" in height from existing grade should be used. The height of the light source in combination with the fence would prevent direct rays from extending beyond your property. If you do not feel that the light from the building is sufficient to safely illuminate the parking area, a series of bollards not to exceed 48" in height from existing grade could be strategically placed along the back of the lot (south of the fence). If bollards are used, the light must be directed down.

Parking Layout

The plan submitted May 2, 1996 shows the required 24 spaces, nine of which are allowed be to be compact car spaces. The parking spaces must be defined by painted stripes or other suitable means per the Parking Lot Design Standards [Road Standards and Specifications section 4.10.6(c)]. In addition, wheel stops of some sort are required for all spaces [4.10.6(j)]. Per the NRCD design standards, the compact spaces must be designated for employee/resident parking.

Landscape Requirements

The landscaping along the Second Avenue facade of the building meets the requirements of the NRCD and looks like an attractive way to soften the impact of the new, larger structure.

In the rear of the structure, the proposed trees must have a minimum 2.5" caliper. This size tree is large enough to provide some degree of buffer when it is first planted.

Per my letter dated October 30, 1995, ". . . landscaping and a fence along the alley as well as a landscape island that breaks up the expanse of spaces along the alley must be submitted and approved prior to TCO". We recognize that the area along the fence is very narrow for landscaping and the most practical type of vegetation would be a vine. Prior to CO, a minimum of four vines (every two parking spaces on the west of the trash area and every two spaces on the east of the trash area) are required. This vegetation will help screen the parking area.

The vines may be planted into the ground along the fence if space permits. As an alternative, large permanent planters could be placed on the line of the parking space (see attached diagram). The following types of vines are recommended for this area and should grow with hand-watering:

> **Trumpet Vine (Bignonia)** - Orange and Red flowers. Excellent for screening. Will climb on fence support and provide additional foliage height during growing season.
>
> **Engelmann Virginia Creeper (Parthenocissus sp.)** -Green foliage in summer which turns bright red in autumn. Climbs fast, very tough.
>
> **Wintercreeper (Euonymus fortunei)** - Evergreen foliage would provide screening even

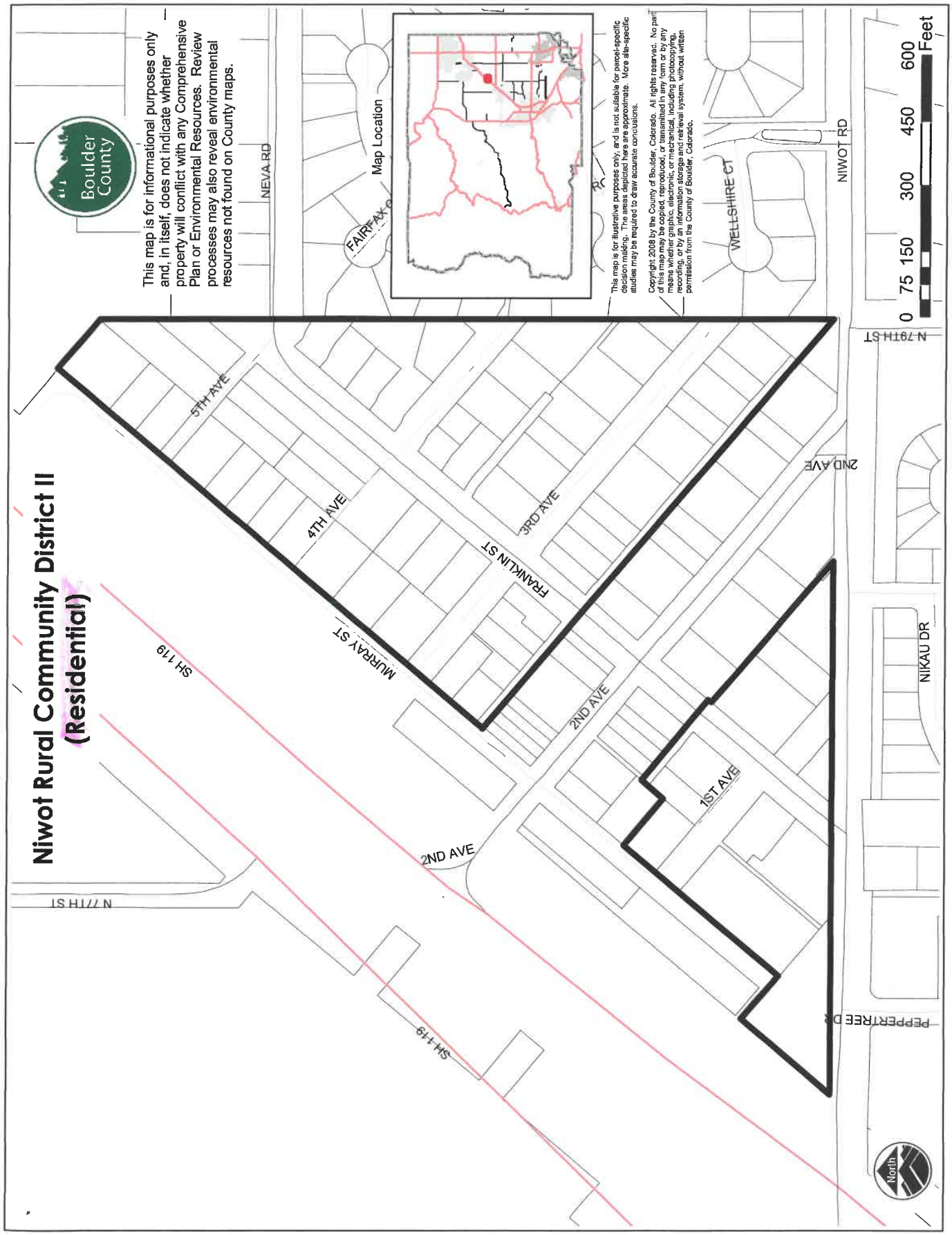
in winter. Foliage turns purple in winter. Vigorous growth after a slow start.

Once again, conditions of this letter must be completed prior to the issuance of a Certificate of Occupancy for any of the units.

Should you have any questions, please contact me at 441-3930.

Sincerely,

Camilla Rode Laughlin, AICP
Planner, Long Range Division


Niwot Rural Community District II
(Residential)
Boulder County
This map is for informational purposes only and, in itself, does not indicate whether property will conflict with any Comprehensive Plan or Environmental Resources. Review processes may also reveal environmental resources not found on County maps.
Map Location
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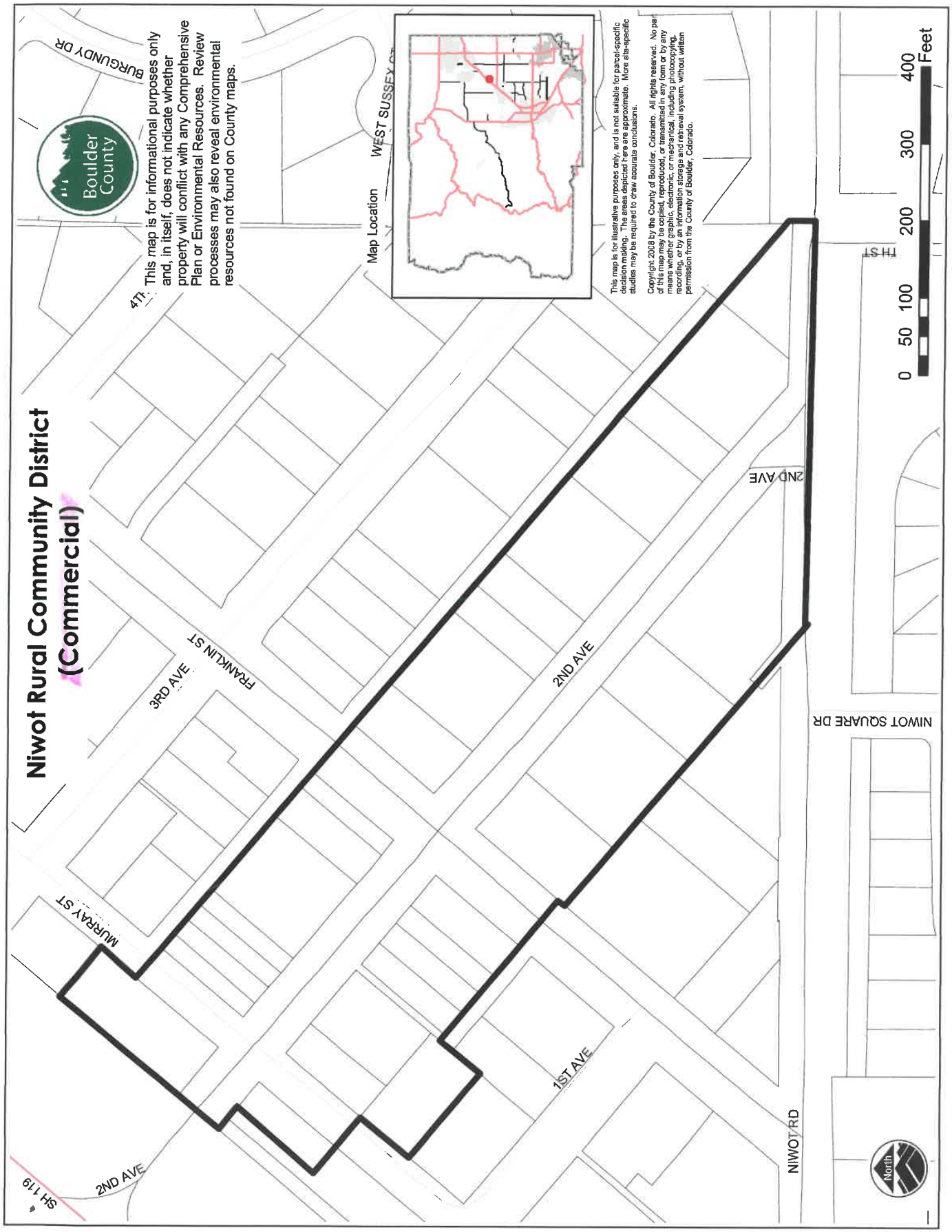
0 75 150 300 450 600 Feet
NEVA RD
FAIRFAX CT
WELLSHIRE CT
NIWOT RD
N 79TH ST
5TH AVE
4TH AVE
3RD AVE
FRANKLIN ST
MURRAY ST
2ND AVE
1ST AVE
NIKAU DR
PEPPERTREE DR
N 77TH ST
SH 119
North


Niwot Rural Community District
(Commercial)
This map is for informational purposes only and, in itself, does not indicate whether property will conflict with any Comprehensive Plan or Environmental Resources. Review processes may also reveal environmental resources not found on County maps.
Boulder County
Map Location
WEST SUSSEX
This map is for illustrative purposes only, and is not suitable for parcel-specific decision making. The areas depicted here are approximate. More site-specific studies may be required to draw accurate conclusions.
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0 50 100 200 300 400 Feet
North
BURGUNDY DR
4TH ST
FRANKLIN ST
3RD AVE
2ND AVE
MURRAY ST
1ST AVE
NIWOT RD
NIWOT SQUARE DR
SH 119

1996 Niwot Alley Study
Final Report

Background

Two events led to undertaking this study. First, the Niwot Business Association was interested in the possibilities for alley improvements in certain geographic areas. Secondly, new developments were affecting the alleys by generating more traffic and making use of the alley for access to parking areas.

Policy History

Within historic districts, vehicular parking typically takes place at the rear of a site. This is true for both business and residential development. During the adoption of the Niwot Rural Community District, discussion amongst Land Use and Transportation staffs, business owners, and a few members of the residential community touched on parking locations. At that time, it was generally agreed upon that parking should occur at the rear of lots, as was typical. This configuration would promote an aesthetically pleasing street scape along Second Avenue instead of a long expanse of pavement along the front of each building. There are statements in the NRCD file as well as letters from Transportation Department staff in associated files that support the position of rear-lot parking.

The records do not indicate, however, that there was an in-depth discussion of the role that the alleys play in accessing the rear of lots. Once development within the NRCD became more common-place, it became obvious to county staff and to many directly effected landowners that another examination of the alley issue was important.

A quick review of the facts:

- Niwot's alleys are public-rights-of-way that were originally created in 1875!
- Niwot's townsite roads are maintained by the County, but the alleys are privately maintained.
- A "vacation" means that the alley is passed from public ownership to private ownership. A vacated alley will no longer appear on plats for the townsite.
- Typically, adjacent property owners will split a vacated alley down the center. Each half becomes part of someone's private property.

Project Goals

The goals of the 1996 Alley study, begun in January of this year, were three-fold.

1. Identify errors in the parcel map and clarify the physical condition of the alleys.
2. Determine if there were currently unvacated alleyways that were no longer being used. These alleys would then become potential candidates for vacation.
3. Clarify the County's position on the use of alleys to access parking areas for new

development.

Research Methodology

Staff utilized both primary and secondary sources to gather information related to the alleys. An intern walked the alleys and made notes of the physical condition of the rights-of-way. The intern also conducted an extensive search of the vacation files for the Niwot Townsite and was able to determine where past vacations had not been included on the parcel maps. Through this search, the intern was also able to identify alleys that had not been legally vacated but were being used, and had been used for over twenty years, as private land.

The next step in the process was to gather public opinion related to the alleys. A short survey was mailed to all property owners within the Niwot Rural Community District as well as all owners or Rural Residential property directly adjacent to the NRCD boundary. Forty-six survey's were mailed and 72% were returned.

The last step in the research process was to hold a public open-house to present the findings of the file search and the survey. At the open-house, held at Pioneer Bank on July 10, 1996, property owners were encouraged to make comments about the map and discuss any outstanding issues with staff. While both business owners and residence owners attended the open-house, the majority of the attendees were concerned about how increased alley use would negatively impact the residential character and quality of life.

County Response to Concerns

Concerns about alley use fall into three groups: 1) Issues that are unfortunate (or fortunate, depending on your point-of-view) facts of modern life (External factors), 2) Issues that can be addressed by other organizations or agencies, and 3) Issues that the Land Use and Transportation Departments have the ability to address.

Since the issues that fall into category (3) above are very difficult to address, let's briefly discuss these right up front and then focus the report on solvable issues.

External Factors

Market Demand - Boulder County is a popular place to live and work for a variety of reasons. Regardless of growth control measures that have been in place for decades, as long the economy remains reasonably strong, growth will occur. Niwot is generally thought of as an attractive locale with a citizenry with a strong sense of community. These factors contribute to a demand to locate businesses within the very limited number of business and commercially zoned areas in Niwot. Although actions taken by the County obviously have an impact on market demand and cost, many external factors will continue to make Niwot a popular location. It is more than likely that Niwot's historic downtown will continue to see new, infill development. This will, unfortunately, result in

increased traffic and a continued alteration of the original semi-rural character. This, of course, raises the question: At what point will the original character that attracted people to Niwot be altered to a point that the popularity will down-turn?

Behavior - Several individuals, both residents and business owners, are concerned about the behavior of visitors to downtown. Boulder County has a limited ability to deal with people's behavior. We can enforce zoning restrictions on those people that aren't following the rules, and we can enforce traffic violations through the Sheriff's department. The bottom line is some people behave insensitively but not illegally. We may, however, be able to improve behavior through better education.

Issues That Can Be Addressed By Other Organizations

Traffic Violations - The Sheriff's Department is the proper authority to phone if illegal parking on public rights-of-way is occurring. For example, if someone is blocking your driveway on Second Avenue, you may want to phone the Sheriff's department.

Alley Improvements - In some blocks, the respondents to the survey indicated that they would like to see the alley improved physically. Boulder County does not maintain the alleys, so it would be up to individual property owners or a group like the NBA to make an action plan and finance improvements.

Business/Resident Communications - The NCA and the NBA have the ability to continue communications related to conflicts that may arise between the two interests. Some problems may be successfully addressed between neighbors, precluding the need for county involvement.

Issues That Land Use/Transportation Can Address

New Development Design - Uses that are not "grand-fathered" have to follow the NRCD regulations which were adopted in 1993. These regulations are different from the Commercial Zoning regulations that were in place previous to '93. The intent of the NRCD regulations is to guide development toward an aesthetic that is compatible with the neighborhood while still recognizing that property owners within the NRCD have the right (and have held the right for decades) to construct and operate business uses within the district.

Alley Access - When new developments are proposed, the county has the authority to review the access and parking plans for visual impacts, as well as traffic impacts.

Signs - Staff has been informed on several occasions that illegal parking or other traffic violations could be resolved through better signs. The Transportation Department can discuss this possibility further.

PROPOSED ACTIONS

Administrative Policies

Based upon background information and information obtained through this study, staff suggests the following administrative policy statements to clarify the county's position. The policies are not regulations. Instead, they are statements made with the intention of creating a consistent, clear position during design review or any other process.

1. Where physically possible, Second Avenue or another primary road, should be used to access a property instead of an alley. The roads are better designed to handle traffic flow and are maintained by Boulder County. The County recognizes the fact that lot-line to lot-line development on Second Avenue, west of Franklin requires access from the alley.

2. Parking at the rear of a lot is an historical precedent in Niwot that is still appropriate today. Some lots which are already built-out depend on rear-lot parking. As such, based upon the NRCD regulations, the County will generally support rear lot parking for new businesses. In the block identified as Area 3 in this study, newly created parking areas should not have direct traffic flow from the lot to the alley. In addition, the parking area should be screened from the view of adjacent residents as much as possible through the use of fences and vegetation.

3. NRCD clarification: The NRCD fence height limitation of 48" applies only to FRONT YARDS. Along the alleys, in the rear of properties, a 60" fence may be used to screen parking areas from view.

4. Trash pick-up off of the alley is a reasonable use of the public right-of-way. However, a property owner exercising such an option should keep the trash facility orderly and attractive. Prior to permanently altering the alley to facilitate trash pickup, the owner must obtain permission from the Transportation Department.

5. Prior to undertaking any alteration of the alley, permission for the alteration must be granted by the Transportation Department. Remember, alleys are public land owned by Boulder County.

Vacations

At least two areas are clear candidates for alley vacation. At this time, county staff is discussing the appropriate way to proceed regarding these vacations. Property owners in this area will be contacted by County staff for further discussions.

Other Ideas

1. Property owners in both the Rural Residential and NRCD Zoning districts may wish to avoid creating a driveway that runs from the main road directly through to the alley. These driveways appear to be shortcuts to the alley for many drivers. The use of gates, vegetation, or even a "jog" in the driveway may solve the problem.

2. Property owners, either individually or with the assistance of the county, should consider posting "No Parking" signs in their driveways. In some cases, this may prevent driveways from being blocked. Changing the painted stripes on Second Avenue may also help clarify where people may and may not park.

3. A sign reading "No Outlet" posted at the west end of the alley in study area 3 (near WhyNot Cafe) could prevent visitors from using the alley with the intention of shortcutting to Niwot Road. If people know for certain that the alley doesn't go anywhere, they will be less likely to use it.

4. The use of the alleys in study areas 1 and 2 was well established. Property owners were relatively satisfied with the use of the rights-of-way, but indicated that physical improvements would be desirable. The Niwot Business Association may wish to focus efforts to establish a "grass-roots" maintenance effort in these two areas.

Next Step

We have made efforts to summarize the comments we were given and have arrived at what we believe are compromises between the fact that the alleys are public rights-of-way that people have the right to use and the fact that increased build-out of the area is resulting in more conflict between users. There is no way to eliminate this conflict - only mitigate impacts. We will continue to pursue alley vacation where appropriate.

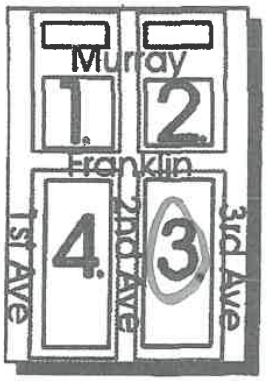
Survey Results

A limited number of people picked up the survey results at the public open house, so a copy has been included with this report.

1996 Niwot Alley Survey
Results & Interpretation

✡ SUMMARY

- Due to the small size and limited number of respondents in the study area, some of the data may reflect as few as one individual's response, accounting for a large percent of a statistical category, and weighing heavily on the interpretation.



Statistical Areas

- Current alley use is almost equal between vehicle access and pedestrian access with more intense vehicle usage for access to parking in areas 1 and 2.
- Generally people feel access to the alleys should not be restricted, except in area 3 where there is a concern for traffic flow related to businesses.
- Area 3 has the most potential for future business/residential conflicts since it is used more for incidental access to backyards instead of parking access.
- Area 3 is a candidate for future alley use policy implementation to solve current and future conflicts of interests between business and residential owners.
- Areas 1 and 4 have concerns that could be solved by legally vacating portions of the alley; keeping only the needed easements, and imposing very little impact on the areas as a whole.
- Many people feel the alleys need physical improvements; (this responsibility is in the hands of the property owners adjacent to the alleys).
- All new data collected from the Open House on July 10,1996 will be included in the final report. THANK YOU FOR YOUR PARTICIPATION AND INPUT!

7/16/18

Regarding: Meisner-Lefty's Properties; 376 & 364 2nd Ave.

Boulder County Land Use Department/ Vons Colorado Concepts
Pat Murphy, Chairperson Niwot Design Review Subcommittee

To Whom it May Concern:

This is the last large undeveloped parcel in Niwot's Old Town commercial district. We ask that Boulder County Land Use and the property owners consider an alternate plan than that currently proposed with the following suggested guidelines:

- A plan that shows respect for the property rights, privacy and quality of life for adjacent 3rd Ave. alley corridor residents by accessing all buildings from 2nd Ave. or Niwot Rd., not through our one-lane, one-way, no-outlet unmaintained alley. (See attached comments by 3rd Ave. residents Jim & Kim Kalinski. Please note that Jim is a licensed architect.)
- A plan that benefits the community as a whole with mixed use of both commercial (restaurant and retail) and residential units. There should be plenty of retail/restaurant space available long term as downtown Niwot continues to grow and thrive. The adjacent Slater building is a great example of mixed use in downtown Niwot, and this example should be followed. (See comments by 3rd Ave. business owners/residents Liz Gould & Bruce Rabeler.)
- A plan that enhances and compliments the semi-rural ambiance of the Old Town Niwot commercial district. High density infill development is better suited for large urban areas like Denver and it is inappropriate and aesthetically unappealing for our small 2-block downtown commercial district.

Old Town 2nd Ave. Niwot may be privately owned but it belongs to all of us as the heart of the community. It's important to get this right!

3rd Ave. Residents:

Mike Selak & Victoria Keen
Tom & Stephanie Taylor
Sarah Stratton
Dave & Tracey Snow
Satir DeMarco
Frank Goodnight
Alexandra & David Dango
Melissa & Liam Breslin
Cathy McCalla
Mark & Kellie Beran
Jane Langdon
Andrew Schrader & Lane Landrith
Karen & Gerry Lumpe
Sue Wilson
Bruce Rabeler & Liz Gould
Kim & Jim Kalinski

7/16/18

Regarding: Meisner-Lefty's properties; 376 & 364 2nd Ave, Niwot

TO: Boulder County Land Use Department/Vons Colorado Concepts
Pat Murphy, Chairperson Niwot Design Review Subcommittee

To Whom It May Concern:

As both local business owners, as well as residents, adjacent to the proposed development at 376 & 364 2nd Avenue, we find the proposed ratio of residential to commercial square footage extremely troubling. It is our opinion that the 2 blocks of 2nd Avenue, between Niwot Road and Murray Street should be strictly a commercial district. We're in favor of mixed use, as long as the ground floor footprint is commercial, preferably retail, and the second story is residential.

The commercial business district in Niwot is already quite small, and this development would only make it smaller. We own the building at 112 2nd Avenue and have operated the retail business, Little Bird, out of that location since 2011. When other buildings in this business district remain empty, get used for non-retail uses, or get sold for residential use, it hurts our business. There needs to be an adequate quantity of diverse shops and restaurants to draw customers to Niwot as a destination shopping and dining location.

As a current board member of the Local Improvement District (L.I.D.) I am also aware of the tax dollars that are generated by local businesses. Turning any amount of commercial property into residential use will only serve to reduce the amount of tax dollars generated and available to be used for beneficial projects in our community.

That all said, being residents of Third Avenue since 1996, our primary concern is the health of our community. Having a thriving business district where we ourselves can shop and dine at is what we care about most. We've seen the ups and downs of the economy and we do our best to support all of our local businesses. We live here because Niwot **is *not*** a bedroom community. It is a vibrant small town with its own personality. Developments like the one proposed at 376 & 364 2nd Avenue threaten to turn us into a bedroom community. Please don't let that happen. Keep downtown Niwot a primarily business district. Support local businesses!

Bruce Rabeler & Liz Gould

330 3rd Avenue

Niwot, Co