



Land Use

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BOULDER COUNTY LAND USE

Niwot Rural Community District (NRCD) Community Meeting Summary

January 24, 2019, at 6:00 – 8:00 p.m.

Niwot High School

ATTENDEES

Participants

Staff collected names of 52 individuals who attended the meeting.

Boulder County Land Use

Dale Case, Land Use Director

Denise Grimm, Principal Planner

Nicole Wobus, Long Range Planning and Policy Manager

Jennifer Severson, Senior Planner

Sinead O'Dwyer, Planner 1

Raini Ott, Planner 1

Laura Weinstein, Planner 1

Christy Wiseman, Planner 1

Boulder County Transportation

Mike Thomas, County Engineer

MEETING OVERVIEW AND FORMAT

This was the third community meeting to take place as part of the Niwot Rural Community District (NRCD) Land Use Code update process (Docket DC-18-0004). Staff presented a summary of draft Land Use Code amendments that were developed based on input provided during previous community meetings, written public comment, policies and guiding principles in the Boulder County Comprehensive Plan, and staff analysis. Staff then fielded questions from meeting attendees. The following section documents questions and responses from the meeting discussion. The questions are paraphrased based on note-taking from the meeting.

Written comments were also submitted at the meeting and have been added to the public record. Those comments are also reflected in the discussion of public input in the staff report for the February 20, 2019 Planning Commission meeting.

Meeting materials for the January 24, 2019 meeting are available here:

<https://assets.bouldercounty.org/wp-content/uploads/2019/01/dc-18-0004-community-meeting-materials-20190124.pdf>

Additional information is available on the docket website:

<https://www.bouldercounty.org/property-and-land/land-use/planning/land-use-code-update/dc-18-0004/>

QUESTIONS AND RESPONSES

- #1: Is it redundant to have a Floor Area Ratio (FAR) requirement in addition to lot coverage and height limits?
 - A: No. FAR is intended to specify the total amount of floor area allowed on the lot, but provide flexibility in how it gets distributed across the lot. You could shift the configuration of a building to have all the floor area on one level, or you could have a smaller building footprint and distribute the floor area across the first and 2nd floor as long as you stay within the max FAR allowance. Each tool (building height, lot coverage, FAR) addresses something different.
- #2: Where did the 25' back from rear 15' height limit come from?
 - A: Staff looked at shading and privacy concerns. That setback mechanism helps create a transition zone between the residential (on 3rd Avenue) and commercial uses (on 2nd Avenue).
- #3: Can the county share the shading plan?
 - A: Yes. Staff will post it. [It is included in the staff report for the February 20, 2019 Planning Commission meeting.]
- #4: Won't the proposed regulations promote boxy building shapes [as a result of the rear setback requirements]?
 - A: There could be some boxy outcomes in the rear of the buildings, but that is the tradeoff for addressing the need for a transition / buffer between residential and commercial uses.
- #5: At the last meeting there was discussion of allowing a smaller setback on the front if there were bulk plane-type setback requirements for the rear lot. Why isn't that reflected in the draft regulations? That was a big point from last meeting and it's important.
 - A: That is still under consideration.
- #6: For corner lots both street frontages must meet front setback requirements which puts a constraint on development.
 - A: Any interior lot line is going to be treated as a 0 setback.
- #7: Is Colterra considered Block 3? Said it's considered Block 3, but it's Block 5?
 - A: Colterra is in Block 5.
- #8: Comment: Regulations are developed based on current development that already exists on the property, not based on potential development. This weights things so low that it creates regulations that wouldn't allow any projects to be economically viable on vacant parcels.
- #9: Comment: Parking – the regulations say if you have less than 10,000 sf you get 2 residential units, then you build another smaller residential unit (500 sf) and you need 2 spaces. Should add one space for another 500 sf.
- #10: It sounds like staff is postponing decisions on the alley use.

- A: Staff is not postponing work on alley-related topics. It's the design and specifics that still need to be decided. Certain things will have to happen after the Code update is complete (e.g., determining in-out access given that it's a dead end; possibility of getting an easement for a turnaround, etc.). Those are not regulatory topics and they'll require further work and discussion. They also have financial aspects that need to be addressed.
- #11: Have been told I can't proceed with my project until the alley issue is addressed, so it will hold up projects until it's addressed completely.
 - A: The draft Code updates would allow it to happen. Staff is proposing for properties on 2nd Avenue to be able to use the alley.
- #12: Comment: Confused about the whole process and what the county is trying to accomplish. See 2 blocks and opportunity to do things more special than what's there now. See county trying to make blocks 5 and 6 a transition zone from another block. What are we transitioning to? Not residential because that occurs on the back side of the lots. There should be more density on front. Should not use blocks 5 and 6 as transition.
- #13: The draft regulations say there can't be any parking on the front of the lot – just side and back.
 - A: Parking cannot occur in front of the front line of the building. It would have to be on the side or behind.
- #14: 240 2nd has parking on front. Would that be allowed?
 - A: No- That property would become non-conforming.
- #15: 30 year resident of Niwot. When first reviewed the draft regulations they seemed good from transportation perspective. It's a place where you can be multi-modal. But now I'm confused about how staff came up with suggested FAR. Look at properties on east end of Block 5 and it's useless space now. It's in town and town should feel like town- you should be able to walk to services. Those areas are ripe for redevelopment and provide an opportunity for people to live in those areas. Impression is the regulations are making it extra prohibitive. The county already has a reputation of being a hard place to build and develop. There are creative developers who can do interesting projects if the county allows them to. Need to give a chance to redevelop properties into exciting places that someone can afford to redevelop. Getting tired of looking at run down buildings. There should be higher FAR on Blocks 5 & 6 (than the 0.55 in the draft regs) or no FAR.
- #16: Why no longer allow parking in the front of buildings?
 - A: It breaks up the street front. When put parking in front it makes it look more suburban. Instead – could put landscaping or other things in front.
- #17: Why is county treating Excel building like blocks 5 and 6? That building needs something done to it and that won't be possible with the draft regulations.
 - A: It's split zoned. Back side is not in NRCD. Will look at that more closely.
- #18: Comment: Proposal would decrease property value by 30-50%. Suggest allowing more density.
- #19: Comment: On Block 5 can only build 1/3 of what can be built on blocks 3 and 4. If going to reduce building potential will the county reduce property taxes too?

- #20: Comment: Feed store couldn't build a loafing shed on back to cover feed. They've been able to do that for decades, now suddenly they couldn't. The draft regulations would penalize someone who's been in community for years and that's not right.
- #21: Seems unfair that only blocks 5 & 6 have so many rules. Niwot could do something really cool with those blocks.
 - A: In developing the draft regulations staff looked at what makes Niwot unique. We heard many opinions. The development pattern is not same on Blocks 3&4 as it is on 5&6. We already have different limits on development east and west of Franklin. The community is speaking through this process and we want to hear everyone.
- #22: [Owner of Niwot Inn] Comment: The proposed rules make her building 33% too large for her property. Don't understand why all the restrictions are happening. Already have lots of vacancies. Gunbarrel is vibrant. Niwot is not at 7pm. Commercial people are trying to invest- it's expensive. Should be excited people want to fix up buildings. She put shutters up on the side of the Inn facing Lefty's because of how bad it is. All the restaurants are closing. This month has been the slowest month ever. Guests coming and no place to go to dinner. Expensive to develop and own properties. Very high taxes on commercial properties. Don't understand why the county is not working with them to make the community vibrant. County needs to make it easier. Developers will create attractive buildings not boxes, but don't try to regulate through overly restrictive measures.
- #23: Comment: When Niwot Inn was built it was controversial. What was there before the Inn was different. This process is necessary because these changes need to be organized.
- #24: Comment: When people think of Niwot's charming character, people think of Niwot Inn, but that wouldn't get built again today. Couldn't build a version of that on Colterra property today.
- #25: Comment: Most commercial property and business owners are here. None of them supports the plan. None of the owners support the plan.
 - A: That's why we're here – to listen to feedback on the draft regulations and we will make revisions where appropriate based on the feedback.
- #26: Comment: The community did go through this before in the early '90s and the result was a decision for no alley access. We already had this conversation. If the Niwot Inn is the gold standard, look at their parking situation. They have parking in rear. Do we want Niwot to look like Gunbarrel? No.
- #27: What is the mix of uses allowed on 2nd floor.
 - A: Need to clarify intent.

Niwot Rural Community District

Community Meeting

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AGENDA

- WELCOME-Introductions, Agenda, Ground Rules – 5 minutes
- Background and Objectives – 10 minutes
- Draft Regulations – 20 minutes
- Full Group Q&A – 20-30 minutes
- Individual Comments and Q&A – 1 hour

Deadline for comments – January 30

Please fill out this form and leave it with staff tonight or go to bit.ly/dc-18-0004 to leave comments on our online form.

Comments:

1. Are there any commercial owners that support this?
2. Why Reduce Comm/Resi building? SF?
 - we need more residential
 - we need more commercial to support residential
 - less commercial creates more traffic and drives people out of town.
3. Limit Non-conforming? ~~NO~~ This new code creates many non-conforming properties
4. if the Guiding Principles are to reduce use of cars, why require 2 spaces per unit? If you reduce parking requirements there will be less cars. Discourage

1. Density: Design
2. Appropriate mix of uses
3. Interface connections and access b/w Com/Resi
- * 4. process improvements

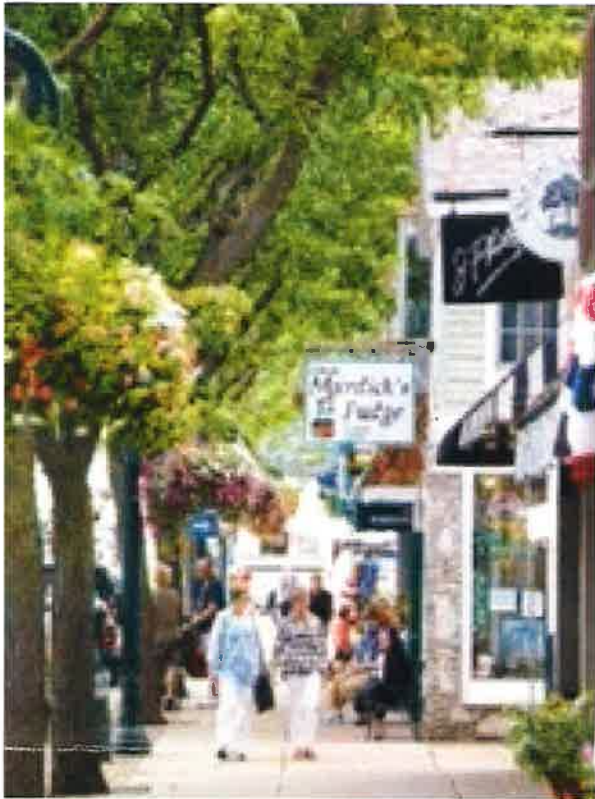
DOWNTOWN NIWOT (NRCD) MORATORIUM AND COUNTY PROPOSED CODE CHANGES

Is this what is best for the Niwot Community?

	Current Requirement	Proposed Requirement Historic District (W. of Franklin)	Proposed Requirement Non-Historic District (E. of Franklin)	Impact to Downtown, Businesses & Consumers
Front Setback- 2 nd Ave	20' east of Franklin 0' west of Franklin	same	same	<ul style="list-style-type: none"> strips away the potential for growth for the commercial properties in Downtown Niwot limits and reduces the amount of retail and commercial space on 2nd Avenue and creates additional vacancy results in increased rents, increased food and beverage costs, and an increase in the general cost of goods and services sold in Niwot. Potential commercial and residential square footage reduced by 70% east of Franklin by Forces Niwot residents to drive to Boulder or Longmont for needed goods and services
Rear Setback- Alley	0'	0' first level 25' upper level	0' first level 25' upper level	
Height Limit	30 Feet (2-stories)	15' along alley 30' beginning 25' from alley	15' along alley 30' beginning 25' from alley	
Lot Coverage	Determined by setback and height limits	.90 on corner lots .75 on interior lots (includes Colterra)	.50	
Alley Access & Use	Commercial access is limited east of Franklin	Full access allowed for all adjacent properties	Unclear	
Parking	One space/ 500 s.f. 2 spaces per residence with grandfathering of older uses	Unclear	Unclear	
Floor Area Ratio	none	none	.55. reducing potential by 70%	

- 45% of existing properties would not be allowed to be built as they currently exist. These rules are too extreme for Niwot!
- Existing properties that don't meet the proposed requirements: Niwot Inn, Gunbarrel Import Motors, Niwot Rental and Feed, Southpaw Commons, Little Bird, Porchfront Homes, Colterra, Free Skier Magazine, 104 2nd Avenue, Excel Electric, Bank of the West, The Grange, Powder Keg.
- Any new rules should not make existing properties that are currently fully in compliance with the rules, 'non-conforming'

PROPOSED LAND USE CODE REVISIONS LIMIT
NIWOT'S POTENTIAL FOR A VIBRANT DOWNTOWN



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Comments:

You heard plenty from commercial property owners at meeting, but little from residents. (Intimidation!)

I think a lot of us residents support the decrease in density, FAR, etc.) as reasonable. We also appreciate efforts to lessen impact to residential zones.

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Comments:

Niwot is the largest income to BoCo from the unincorporated BoCo

- limiting retail business
limits BoCo income

- limiting retail business
limits Niwot LID income
to enhance Niwot community
projects

- residences do not bring income
in taxes for BOCO or Niwot LID

- mixed use is okay IF retail/business
is included & not high density residential

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Comments:

Peppertree Resident - NOT A developer.

I'm more concerned about the architecture and materials of new development than restricting size.

Increase FARs for blocks 5+6 and encourage retail vs residential.

Prioritize walkability and charm

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Comments:

* Why are we trying to let a developer mold the rules so he can build more, if he can't make a profit, let him go somewhere else.

* 80 trips down the alley is 100% different than 80 trips on a street in front of your house. I am so disturbed that we can give any credence to the thought of density (no different than Boulder, Denver) and they have destroyed old neighborhoods forever. Please don't let them!

It's all about money, that Niwot is lost. I don't want to provide a driveway, just so a capethammer can make his profit higher at the end of the alley.

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Comments:

Why no density? Forget FAR &
Lot coverage

This is our commercial area of
town. Let it stand out!!!

Xcel building is at our gateway
We want it to stand out.

Let there be a second story
bar. We need the exposure
for our commercial district
that that development of xcel

would ~~stand out~~ project for our
town. My fear is Boulder County does not
want us to progress.

SUMMARY OF NRCD MEETING 01/24/19

- * NIWOT INN JEWEL - CANNOT REPLICATE
- * BLOCKS 1, 2, 3, 4 - NIWOT DEFINED BY THE HISTORIC BLDGS
CANT REPLICATE W/ NEW REGS.
- * REMOVE GARAGES FROM FAR OR BLDG LOT COVERAGE
- * CLARIFY OFFICE USE ON 1ST & 2ND FLOOR
PAGE A3 OF 3 CONFLICTS WITH ^{P&IO} #7, MIX OF USES.
- * GIVE GUIDANCE ON ~~USE~~ ALLOWED USE OF ALLEY.

CHUCK KUEBER
CHUCKKUEBER@GMAIL.COM
303-652-2234.

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Comments:

Teal color for FAR is hard to discern differences
FAR to only include usable space (residences or businesses) ^{not garage}
Double penciling corner properties on the corner is ^{corner of} ^{cren} ^{poor}
un fair

Ghost town w/ inability to build
cannot afford to stay open/pay taxes w/ current restrictions

Not a "Transition" to anything on blocks 5 & 6 ^{will ruin the connectivity}
^{of town (cutthroat & old town)}
Must encourage better development instead
of discourage all development

If we don't want alley usage why don't we get rid of the
alley entirely and give that space to the commercial lot to use
as the set back zone for rear that way no one is losing
usable space

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1-24-19

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Comments:

- * reducing parking requirements for zone 5 development with the idea of "encouraging" bus passes/ride shares only allows developers to engage in greater density. The bus/bike/share idea is great "in theory" but won't translate to reality. Developers win their dense, infill practice.
- * all 3rd ave alley fences should be considered 'grandfathered in' – there should be no grief about lot line inches. Also have a buffer zone beyond fences.
- * the developers involved in all this each own multiple properties and yet they raise their voices and act as if they are being 'done wrong' by any rule or regulation. It's so greedy.
- * look at Gunbarrel the past few years – apt. buildings all over – dense, infill, ugly. Why do that to Niwot?

→ * 25' set back from alley / 15' height restriction – sounds OK, but please don't allow the grade of the alley on the developers side be raised as happened w/ South Paw !!

* more townhouses/apts/ are not going to help LID funds

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Comments:

Lot 1 + height - both rezoned?

Is the NBA different to the Niwot Downtown
Business Association?

Are the current buildings grandfathered in?

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Comments:

Thank you for de-emphasizing parking as the development control and adding incentives to promote multi-modal options.

Suggested FAR for blocks 5+6 seems totally off – too restrictive to allow creative development.

We are looking at a downtown, let's allow it to have some density.

I believe FAR should be raised so that existing businesses have latitude for change.

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Comments: This plan devalues every property in Niwot. Any property will be devalued by 30 to 50%. Will you decrease my property taxes? Of course not. More restrictive less ability to prosper and grow. I don't want to see any changes on our blocks.

Niwot Residents & Friends
Steve Robinson

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Comments:

- - WORK CALCULATIONS of Building Coverage TO ONLY Developed PROPERTY - DO NOT INCLUDE NON DEVELOPMENT PROPERTY IT ONLY DRIVES THE RATIO DOWN. Lower.
- - IF IN RESIDENTIAL UNIT - YOU CAN ADD AN ADDITIONAL UNIT OF LESS THAN 500^{sq} ft, THE PARKING REQ FOR THE 500^{sq} UNIT TO ONE ADDITIONAL SPACE
- - WE CAN USE THE ALLEY FOR ALL ACCESS TO PROPERTIES - STATED BY DMR
- - NO FAR IS NEEDED. BLOCK A - HAS 3 TIME AS MUCH Development. NOT FAR GO WITH FAR 1.0
- - CREATE CODE, THAT WORK FOR THE GOOD PROJECTS THE INN IS A WONDERFUL PROJECT AND WOULD NOT BE ALLOWED.
- - Office - 1st OR 2nd FLOOR
- - GARAGE^{SHED} SHOULD NOT COUNT TOWARD FAR
- - MAKE Review Process LESS RESTRICTIVE - NOT WIDE
- -