

DC-18-0004 Comments Received

February 12 - 8 a.m. February 19

Received After Deadline for Inclusion in PC Staff Report

Online Wufoo Form Comments

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)	<ul style="list-style-type: none">• 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)	<ul style="list-style-type: none"> • 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)	<ul style="list-style-type: none">• 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)	<ul style="list-style-type: none">• 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)	<input checked="" type="checkbox"/> 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.com
Where do you live?	Niwot
Are you a? (check all that apply)	<ul style="list-style-type: none"> • 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 3rd 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 NRCDC 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 NRCDC regulations. *

February 17th 2019 – COMMENTS REGARDING NRCDC 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 “throng” 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 concert 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 NRCDC 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.



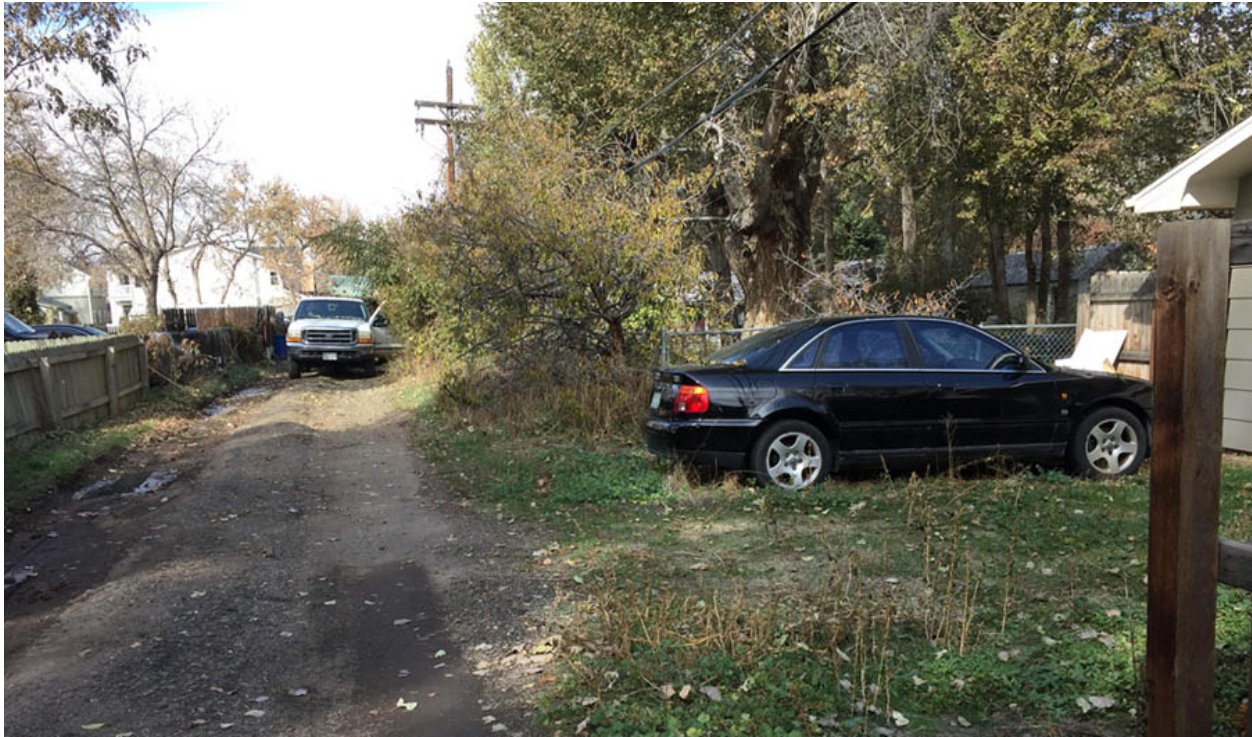
Page Two

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???

Page Four

- 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, **the 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)	<ul style="list-style-type: none">• 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 destroyed 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)	<ul style="list-style-type: none"> • 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)	<ul style="list-style-type: none">• 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 development, 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-pleasant impacts from the commercial neighbors, and certainly do appreciate the good they bring. It has really been nice to have such a pleasant 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)	<ul style="list-style-type: none"> • 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)	leftthanddesign@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?

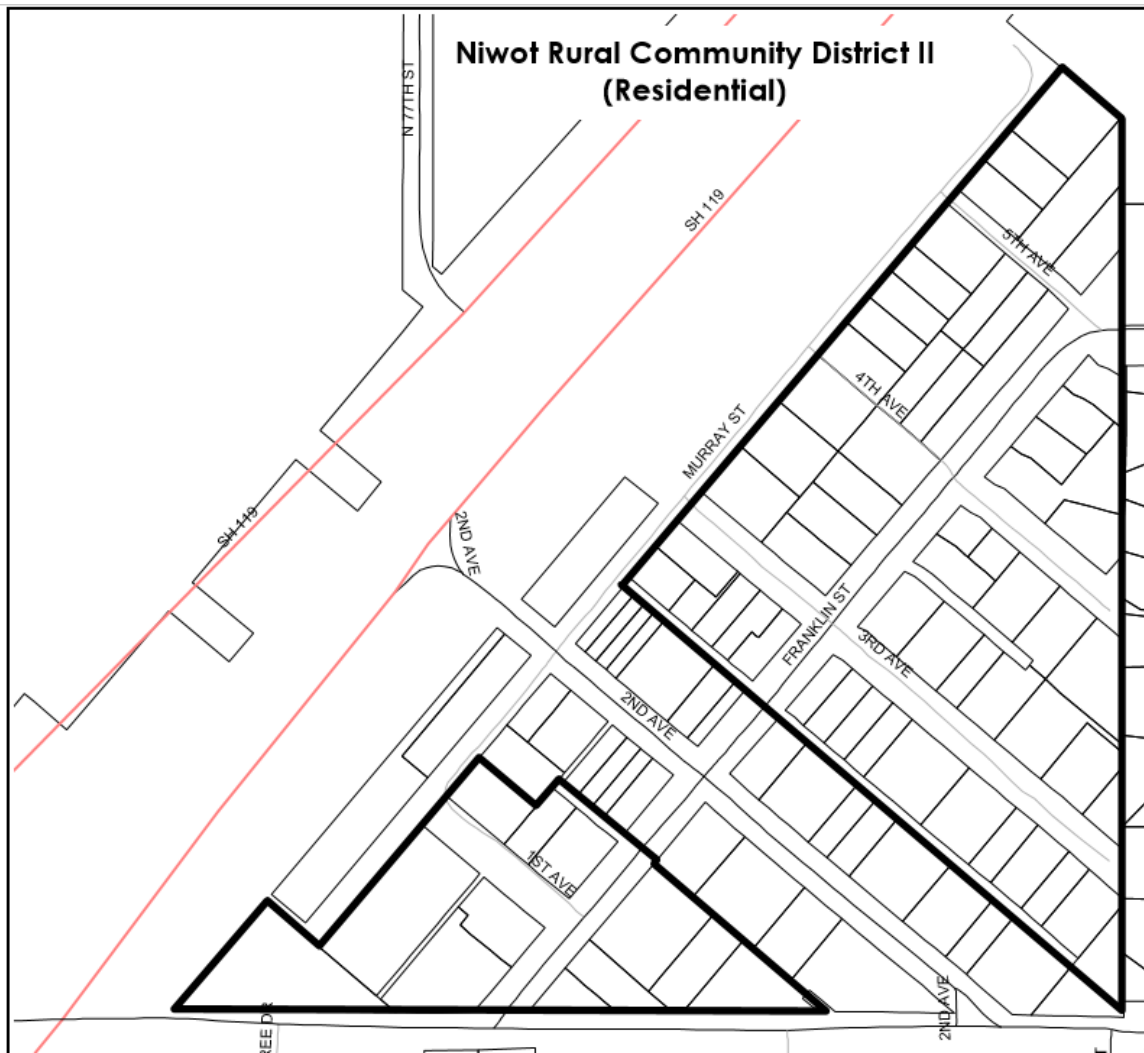
Boulder County Multimodal Transportation Standards

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 advocacy 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)

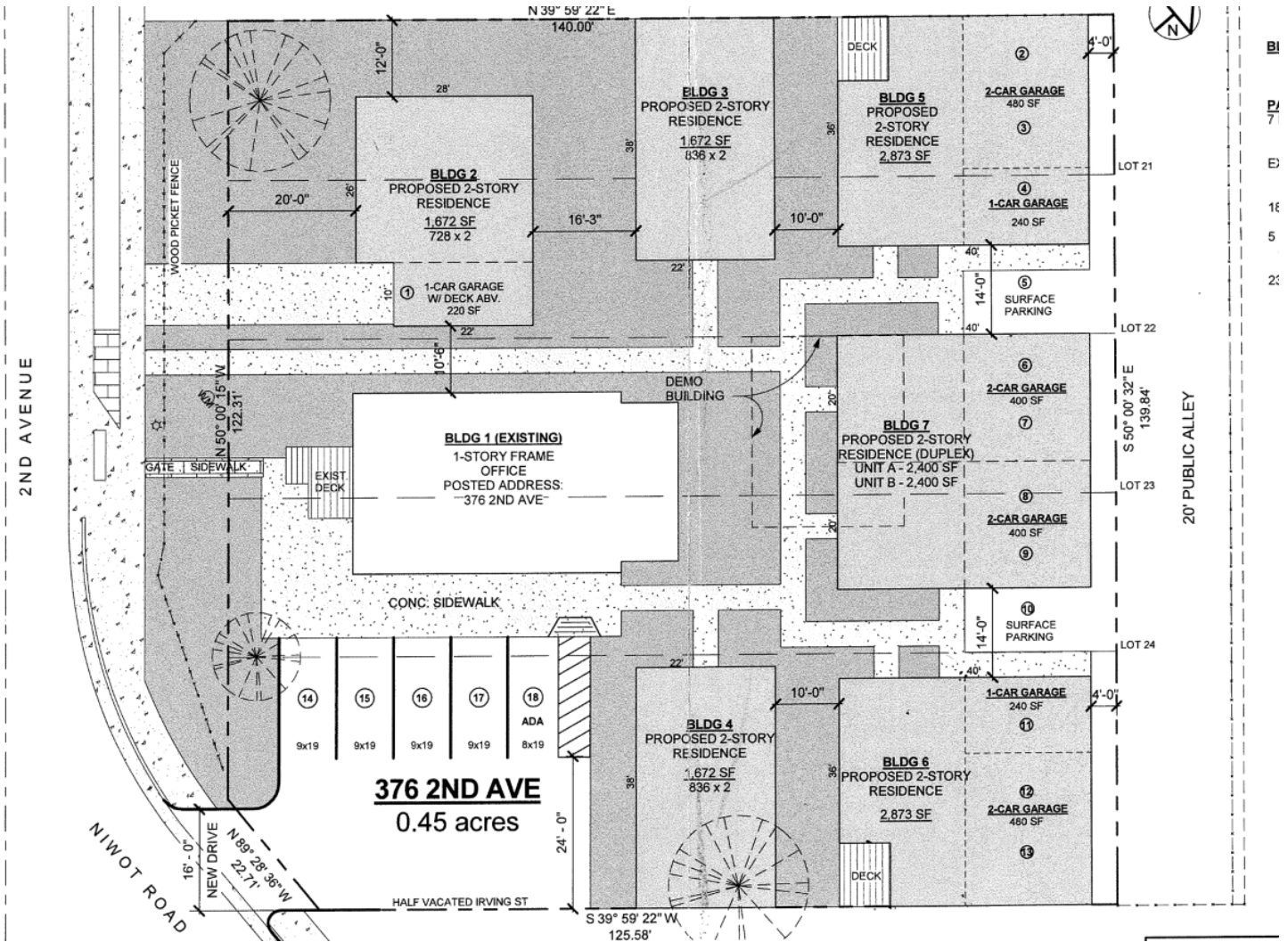
The current draft has no restrictions on the number of single-family homes on an individual parcel. Restrictions on the number of dwelling units are only being imposed on mixed use projects, essentially, encouraging developers to build single-family homes and avoid the restrictions that come with mixed 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)	<ul style="list-style-type: none">● 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)	<ul style="list-style-type: none">• 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)	<ul style="list-style-type: none">• Niwot business customer
Please provide feedback on the proposed draft Niwot NRCD regulations. *	<p>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.</p> <p>Don't turn downtown Niwot into a ghost town.</p>

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)	<ul style="list-style-type: none">• 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)	<ul style="list-style-type: none">• 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)	<ul style="list-style-type: none"> • 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 precedent 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 a considerate way of keeping their business traffic from having 'significant 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)	<ul style="list-style-type: none">• 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)	<input checked="" type="checkbox"/> 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)	<ul style="list-style-type: none"> • 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 commercial 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)	<ul style="list-style-type: none">• 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)	<ul style="list-style-type: none"> • 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 thought 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 itare 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 withthis 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 countyive 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 centerwhy 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 idealwhat 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 inspiredthat 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)	<ul style="list-style-type: none"> • 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)	<ul style="list-style-type: none">● 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 Destination 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.

Emailed Comments

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](tel: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

Like Kilt Farm on Facebook
www.facebook.com/kiltfarm

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: [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.

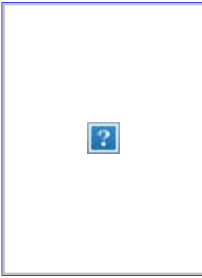
As more and more businesses shutter, you get a domino effect and all businesses suffer. The town also suffers, as no tax revenues are being generated by viable businesses.

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 Colterra 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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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: [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

[Serving the West from Boulder since 1972](#)

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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



Robyn W. Kube

Dietze and Davis, P.C.

2060 Broadway, Suite 400

Boulder, CO 80302

(303) 447-1375

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DIETZE AND DAVIS, P.C.
ATTORNEYS AT LAW

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Robyn W. Kube
Karl F. Kumli, III*
Carmen S. Danielson
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Renée Ezer*
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Star L. Waring
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Nicholas G. Muller

Peter C. Dietze 1934-2019
Joel C. Davis 1936-2013

**Also admitted in California*

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.

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 Page 2

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 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 that would not interfere with the use of the alley by the other adjacent property owners (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.

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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

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.

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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

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)

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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

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%.

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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 2nd Avenue which cause conflicts between pedestrians and autos.

MITIGATE IMPACTS ON NEIGHBORS.

This includes: **noise, lights, shadow/visual impacts.**

ENHANCE COMMUNITY CHARACTER.

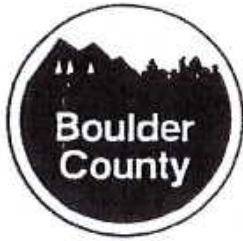
Retain existing structures that contribute to character and new development should be compatible.

ENSURE ADEQUATE PARKING.

Retain on-street spaces wherever feasible.

IMPROVE CIRCULATION.

Alley currently one-way in/out. How do trash/deliveries work?



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

RECEIVED

OCT 31 1997

LAND USE DEPT.

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 through 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

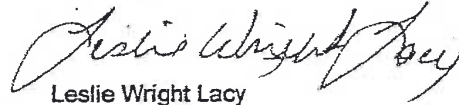
Ronald K. Stewart
County Commissioner

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,

A handwritten signature in black ink, appearing to read "Leslie Wright Lacy". The signature is written in a cursive style with a large, looping initial "L".

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 County (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: [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: [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 Colterra 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: [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 again 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: [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 Colterra and Trepeddass. 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 Colterra and Trepeddass 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 if 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