

DC-18-0004 NRCD Public Comments Received March 4 - March 11, 2019 - 8 a.m.

Table of Contents

Online Wufoo Form Comments	2 - 30
Emailed Comments	31 - 108
Mailed Comments	109 - 113
Referral Responses	114 - 118

Online Wufoo Form Comments

From: [Wufoo](#)
To: [Ruano, Jose](#); [Hackett, Richard](#); [Case, Dale](#); [Wobus, Nicole](#); [Grimm, Denise](#)
Subject: Niwot NRCD comment form [#178]
Date: Wednesday, March 6, 2019 5:24:02 PM

Name (optional)	Audrey Lenger
Email (optional)	avtil84@gmail.com
Phone number (optional)	(303) 652-2490
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. *

Dear Boulder County Commissioners,

I am a resident of Niwot who is opposed the proposed very restrictive rules for development in the NRCD.

Our town needs a thriving commercial center to survive. I support a vibrant commercial area that provides services, stores, and restaurants that my family wants to support. The fact that we could walk to our dentist, a grocery store, restaurants, and events is the primary reason we bought a house here.

Please do not restrict the development of the NRCD with these needlessly harsh planning regulations, which will make commercial investment in our town non-viable. The commissioners and the county seem to value caring for the environment, so please consider the many car trips saved when we can walk/bike to go out to eat or get a cup of coffee. The proposed restrictions are a response to the complaints of the residents of 3rd Ave, who knowingly purchased their homes adjacent to a commercial district--please consider the rest of us, who purchased our homes BECAUSE of that commercial district.

It's been hard enough to keep the 2nd Ave storefront filled; these restrictions will negatively impact the quality of life of our entire community, and while those vocal 3rd Ave. residents may enjoy the reduced traffic, the rest of us will have to clog up other streets in other area as the core of our town dwindles.

I respectfully ask you to reject the proposed rules for development.

Audrey Lenger

From: [Wufoo](#)
To: [Ruano, Jose](#); [Hackett, Richard](#); [Case, Dale](#); [Wobus, Nicole](#); [Grimm, Denise](#)
Subject: Niwot NRCD comment form [#179]
Date: Thursday, March 7, 2019 8:54:31 AM

Name (optional) Susan Wilson

Email (optional) susanwilson@susanwilsoncpa.com

Where do you live? Niwot

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

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

I am in favor of the proposed development regulations. I feel that Niwot was already on a course to have new development that was incompatible with the special character of the historic town which is what draws customers of stores and restaurants to it. I think residential property development in the historic downtown should be allowed only on upper floors and behind retail/restaurant structures to enable a critical mass of retail that can create a mutual supportive draw for the businesses. I am not in favor of using the tiny alley between 2nd and 3rd as the access for new development or for existing developments that now use 2nd Ave or Niwot road. The alley is ill suited for heavy access traffic and would create a serious accessibility issue as it is easily blocked due to being so narrow. It would turn a current much needed buffer between the residential and commercial district into a road. I have lived in Niwot since 1980 and there has never been in that whole time a pedestrian safety incident with the curb cuts on 2nd Avenue. I feel that the safety argument is without merit or supporting data.

From: [Wufoo](#)
To: [Ruano, Jose](#); [Hackett, Richard](#); [Case, Dale](#); [Wobus, Nicole](#); [Grimm, Denise](#)
Subject: Niwot NRCD comment form [#180]
Date: Thursday, March 7, 2019 10:11:52 AM

Name (optional) John W

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. *

Hello. I am a Niwot resident and customer of the local Niwot businesses. I would like to express that the regulations presented by the Land Use department are detrimental to all citizens of Boulder County. Taking away property rights from landowners to calm the few should be seen as a nonstarter. I'm sure that everyone is okay with some give and take, but the current draft is not fair. Please help Boulder County businesses thrive, as we aren't exactly talking about an overreaching business such as Google or Amazon. We are talking about our neighbor's small family businesses which make Boulder County unique.

Thank you,
John

From: [Wufoo](#)
To: [Ruano, Jose](#); [Hackett, Richard](#); [Case, Dale](#); [Wobus, Nicole](#); [Grimm, Denise](#)
Subject: Niwot NRCD comment form [#181]
Date: Thursday, March 7, 2019 1:56:02 PM

Name (optional)	Victoria & Mike Keen & Selak
Email (optional)	vek80544@gmail.com
Where do you live?	Niwot
Are you a? (check all that apply)	<ul style="list-style-type: none">• Niwot business owner• Niwot business customer
Please provide feedback on the proposed draft Niwot NRCD regulations. *	Please see attached file
Attach a file with comments (optional)	<div> commissionerslettermarch6th.docx 19.84 KB • DOCX</div>

March 7th, 2019

TO: Boulder County Commissioners Deb Gardner, Elise Jones and Matt Jones:

The County Commissioners voted to uphold the NRCD moratorium, recognizing the unique character of this semi-rural district, and the fact that a few ill-conceived developments could change the character of the town for decades to come. As 35-year “alley cat” residents of Niwot, we thank you for recognizing that Niwot truly is special!

The new proposed regulations provide thoughtful parameters guiding future development with FAR and Lot Coverage calculations. We favor reducing the maximum building height within 25 feet of the rear setback along an alley, although we feel 35 feet better reflects the precedent set by The Niwot Inn. This helps to create a transition between the residential and commercial zone, protecting our privacy and other concerns.

We hope that the regulations will provide parameters for building more retail/commercial/restaurant spaces as opposed to residential subdivisions, which do nothing to create a vibrant downtown. Visitors from outside Niwot have little reason to visit if there are no new shops and restaurants. The new regulations are vague about proposing a ratio of commercial vs. residential within the NRCD.

We are “All Aboard” for many of these changes; we do not want to be another cookie-cutter town that favors financial gain over its architectural character, which is where things were headed.

But..we have to say that Boulder County Land Use seems to have experienced a significant “derailment” in considering changes to the use of the alley between the commercial and residential zones, which has been used historically as a service alley (trash trucks, service vehicles, deliveries) for the past 50 years. It should be noted that 3rd Ave. residents DO NOT use the alley to access their properties.

The County Commissioners came to Niwot and toured the alley in 1996, resulting in the Alley Study which governed the construction of The Niwot Inn and Slater Building. The study states:

2nd Avenue or another primary road, should be used to access a property instead of an alley. The roads are better designed to handle traffic flow and are maintained by Boulder County”.

This is still true today. The study recognized that the alley IS the buffer between the residential and commercial zones. This arrangement worked well for the past 20 years.

The recent opinion of the Planning Commission agreed with this determination that the alley should remain as it is – a service alley. In Section E NRCD I – Design Requirements – 1. Access & Mobility: The Planning Commission recommended striking the provision that says curb cuts should not be permitted where alley access is available.

However, Boulder County staff wants to go against the original opinion of the County Commissioners in 1996 and this recent opinion by the Planning Commission – and retain the provision in the code.

Staff believes that curb cuts on 2nd Ave. have had “unintended negative consequences” although it has worked perfectly for the past 20 years. (NOW they see negative consequences?) Staff cites “important safety concerns from conflicts between vehicles and pedestrians.” And further, the staff recommends closing off some of the curb cuts and routing traffic down the alley as an alternative. Frankly, we think this is a train wreck.

It is important to note that these “important safety concerns” are not based on fact; not a single accident has been reported due to these existing curb cuts. This fear campaign has only been fomented recently. Niwot hosted it’s annual “Let’s Wine About Winter” event in February with 500 people traipsing up and down 2nd Ave. with wine glasses in hand. Not a single fatality, (for several years running) other than some revelers might have been nursing a slight hangover the next day. Rockin’ Rails concerts bring throngs of people to town without incident. On a given day, pedestrian traffic on blocks 5 and 6 averages less than 50 people per day.

The County has been very inconsistent on this issue of alley access, stating on several occasions that the alley was simply not engineered to support intensive two-way traffic use. Now they are advocating allowing the alley to be used as a roadway with potentially 200+ trips a day?? That is more proposed trips than our street 3rd Ave. currently supports, as well as other residential streets in Niwot.

We feel the County is on the wrong track here. This will certainly destroy any sense of the alley being maintained as a buffer between the commercial and residential zones, as it has been historically for decades.

If there are pedestrian and bicycle safety concerns, (or not) the alley would make an ideal pedestrian/bike/dog-walking bypass, and could be attractively designed with “connectivity” in mind between the Cottonwood Shopping Center and the 2nd Ave. commercial Zone. Signs could be posted along the alley with segue paths to 2nd Ave. businesses. This could be a community project enlisting talented area artists, high school service groups and boy & girl scout troops. Choose a theme – pollinators, railroads, agriculture, Native American history in the area.

Let’s examine some of the inevitable conflicts with opening up the alley as a thoroughfare. Who knows more about this than the people who have lived on the alley for decades.

- It is frankly ludicrous to route traffic west down 2nd Ave., then north on Franklin and finally up a dead-end alley to access existing properties and proposed new developments on 2nd Ave. (Or any other possible route.) Talk about safety hazards! It is just common sense to use existing curb cuts by the Meisner and Lefty’s properties and/or share access with the Niwot Inn existing curb cut.
- And given the scenario above of rerouting traffic to Franklin, what is the impact for traffic on the increasingly busy cross-street? Left Hand Animal Hospital is moving to the corner of 3rd and Franklin and the burden of their customer and employee traffic will be shifted from 2nd Ave. to Franklin, generating 116 trip ends per day. What about residents walking their dogs to vet appointments or unloading their animals from

parked cars & SUV's on Franklin? What about the school bus stop on Franklin? These serious (real) "unintended consequences" of routing traffic down Franklin to access the alley need to be considered with an actual traffic study.

- Colterra destruction/reconstruction: There will be construction vehicles, backhoes, dump trucks, and building material deliveries in or around the alley when this project gets underway.
- When Colterra is "made whole" again, kitchen deliveries will resume as before with delivery trucks parked in the alley several times a week.
- With the eventual build-out of the remaining lots on 2nd Ave., construction vehicles and building material deliveries will be made via the alley.
- Cable and electric service vehicles often access the alley, sometimes parked in the ROW for hours at a time. Just last month a tree service was parked in the alley blocking the ROW for **3 full days** taking down a cottonwood at a residence on 3rd Ave.
- In December of 2018 a tandem axle moving van was parked in the alley by the Southpaw Commons Triplex for 4 ½ hours, completely blocking the ROW. It actually had to back out onto Franklin to allow access to the Western Disposal trash truck.
- If the alley were to become the single access point for businesses and proposed residences on 2nd Ave. (closing off existing curb cuts) – what happens if there is an emergency on 2nd Ave. requiring building evacuation? How would that look like with people trying to evacuate from the alley, and emergency response vehicles trying to access the site of the emergency through the alley at the same time? (Now THERE is a safety concern!) On that note, The Colterra kitchen fire was certainly a wake-up call. How fortunate that it didn't result in a gas explosion or spread to residences and adjacent structures. We live on the alley adjacent to Colterra.
- A line of utility poles border the residential side of the alley, requiring sufficient vehicular clearance to avoid damage. Trash receptacles also line the alley on the commercial side. This further narrow the alley, which is already less than 20' wide in several spots.

All these practical concerns do not even begin to address the impact of 200+ alley trips on the alley corridor residents of 3rd Ave. Many 3rd Ave. residents have lived on this street for 20 to 40 years. Our homes are our biggest asset. Our younger residents are just starting families. For many of us of retirement age, our plan has been to live out our lives in this close-knit neighborhood where we all look out for each other.

This ill-advised plan for routing commercial traffic down the alley effectively shifts the impact of 2nd Ave. development from the commercial property owners to the residential property owners. Is this fair? Let's get back on the right track!

Thanks for listening...

Victoria Keen, Mike Selak and Roscoe the Wonder Dog – 285 3rd Ave. NIWOT

From: [Wufoo](#)
To: [Ruano, Jose](#); [Hackett, Richard](#); [Case, Dale](#); [Wobus, Nicole](#); [Grimm, Denise](#)
Subject: Niwot NRCD comment form [#182]
Date: Thursday, March 7, 2019 2:22:24 PM

Name (optional)	Evelyn Bonn
Email (optional)	evelyn.bonn@gmail.com
Phone number (optional)	(303) 652-3549
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 am a resident of Niwot who is completely against the very restrictive rules proposed for development in the NRCD.


Niwot's commercial center is already suffering from recent business losses, including that of Colterra, which wants to rebuild but is unable to until your moratorium is lifted. Niwot needs a thriving commercial center to survive. My husband and I support a vibrant commercial area that provides services, stores, and restaurants that my family wants to support.

We also greatly value the events, activities and projects that our business community creates for the whole of our town, such as Rock & Rails, the Pumpkin Parade, Enchanted Evening, and Wine About Winter. Each member of our family of five frequents and enjoys these events.

Please do not restrict the development of the NRCD with these needlessly harsh planning regulations, which will make commercial investment in our town non-viable.

Thank you,
Evelyn Bonn & David Elchoness

From: [Wufoo](#)
To: [Ruano, Jose](#); [Hackett, Richard](#); [Case, Dale](#); [Wobus, Nicole](#); [Grimm, Denise](#)
Subject: Niwot NRCD comment form [#183]
Date: Friday, March 8, 2019 7:48:48 AM

Name (optional)	Laura Skaggs
Email (optional)	lauralskaggs@aol.com
Phone number (optional)	(303) 682-0468
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>Attached please find a RESOLUTION and proposed revisions submitted on behalf of the Niwot Local Improvement District Advisory Committee (NLIDAC) to the Boulder County Commissioners.</p> <p>I currently serve as Chairperson of the NLIDAC and have been asked to forward the RESOLUTION as recently approved by our LID board members regarding proposed code revisions by Land Use to the NRCD1.</p> <p>As I am submitting on behalf of a Board, PLEASE CONTACT ME IF THE ATTACHMENT FAILS TO TRANSMIT. Many thanks.</p> <p>--Laura Skaggs Chairperson, NLIDAC</p>
Attach a file with comments (optional)	<div>  nlidac_nrcd1_resolution_03062019.docx 19.68 KB • DOCX </div>

**A RESOLUTION of the Niwot LID Advisory Committee regarding proposed revisions to the
Niwot Rural Community District 1 Land Use Code**

Whereas, the Niwot Local Improvement District funds public improvements and other activities for the benefit of the district and the entire Niwot community; and

Whereas, a retail sales tax of 1% is collected from the customers of the businesses located within the Niwot Local Improvement District; and

Whereas, on September 20, 2018 the Boulder County Commissioners imposed a six-month moratorium on development applications in the NRCD1, and on October 30, 2018 voted to continue the moratorium excluding the NRCD1 Historic District; and

Whereas, the six-month delay in development with the NRCD1 has adversely affected the collection of sales tax revenues for the LID, now and beyond the six-month moratorium; and

Whereas, over the past 25 years development in the NRCD1 has occurred pursuant to the current NRCD1 regulations and in a responsible manner consistent with past development patterns; and

Whereas, the Niwot LID Advisory Committee deems the moratorium and the NRCD1 Land Use Code Revisions recommended by the Boulder County Planning Commission as ill-advised, unwarranted, without justification, and harmful to the businesses and property owners in the LID; and

Whereas, the Niwot LID Advisory Committee deems the NRCD1 Land Use Code Revisions recommended by the Boulder County Planning Commission to place extreme and unnecessary limits on the NRCD1 commercial properties, denying the NRCD1 the ability to meet goals expressed in the Boulder County Comprehensive Plan to function as a 'designated service area within the sub-region and the geographic area wherein the majority of future growth will be accommodated;' and

Whereas, the Niwot LID Advisory Committee supports the Boulder County Comprehensive Plan in encouraging 'a network of pedestrian and bicycle pathways that are protected from vehicular encroachment;' and

Whereas, the Niwot LID Advisory Committee feels strongly that where feasible, we must cease compromising the safety of 2nd Avenue pedestrians caused by vehicles crossing the sidewalk, and allow alley access, which will accommodate the elimination of driveways crossing the sidewalk; and

Whereas, the moratorium was put in place largely to clarify alley access and use, and this goal has been stripped from the recommendations submitted to the Board of County Commissioners, making this moratorium goal impossible to achieve;

NOW, THEREFORE:

The Niwot LID Advisory Committee urges the Board of County Commissioners to extend the NRCD1 moratorium by 30 days to conduct further stakeholder outreach to lead to revisions of the NRCD1 Land Use Code, and strongly engage with the NRCD1 business property owners' proposal as the basis for these Land Use Code revisions.

(See **Attachment A** below: NRCD1 business property owners' proposal)

Attachment A: NRCD1 business property owners' proposal

Accompanying: **RESOLUTION of the Niwot LID Advisory Committee regarding proposed revisions to the Niwot Rural Community District 1 Land Use Code**

REVISIONS TO NRCD LAND USE CODE APPROVED BY NRCD PROPERTY OWNERS

Items listed in red show changes from the requirements proposed by BC Land Use Dept.

ENTIRE NRCD

- Height Limit: 30' allowed
- Residential units allowed:
 - <10,000 lot: 2 units
 - 10,000-15,000: 4 units
 - >15,000: 5 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: as proposed by Land Use is accepted (approx. 1.5 spaces per unit with reduction for spaces under 600 s.f.)

BLOCKS 3 and 4

- 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.

BLOCKS 1, 2, 5 and 6

- NO FAR. Setbacks, Floor Area Coverage, Parking and height restrictions all address the final sq. footage of the building. There is no need to include FAR as a tool as suggested by some members of the Planning Commission.
- Building height: 30', 15' maximum building height within 15' of a rear property line where the rear lot line is adjacent to a parcel or right of way outside NRCD1. (Residential properties have a 15' setback required for a 30' tall structure. It is unreasonable to require more than 15' for the Commercial Properties.)
- Lot Coverage: 60%.
- Landscape/hardscape requirement of 10%.
- Rear setback 0' required. Front setback 10' required. Front and rear combined 20' minimum. (no height reduction required along 2nd Avenue)
- Side setback 0' required
- Setback on corner lots to Franklin: 0'.

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. Since the historic drainage patterns are not to be modified, no engineering is required.
 - For existing uses, Commercial property owners can submit an alley access plan to Boulder County Land Use showing proposed new access points.
 - New developments will show proposed alley access as part of standard submittal requirements
 - After alley grading, all adjacent properties have right to full alley access. Where feasible, curb cuts that cross 2nd Avenue sidewalks will be eliminated at property owners' expense.
 - The alley is a 20' wide standard platted two way right of way. Like alleys all over Boulder and Longmont, there is adequate room for two cars to pass.
 - A 'NO OUTLET' sign will be placed at the alley entrance on Franklin. Since only vehicles that have a parking space waiting for them will use the alley, and three point turn around will be available on most properties accessing the alley, access should not be delayed.


From: [Wufoo](#)
To: [Ruano, Jose](#); [Hackett, Richard](#); [Case, Dale](#); [Wobus, Nicole](#); [Grimm, Denise](#)
Subject: Niwot NRCD comment form [#184]
Date: Friday, March 8, 2019 5:11:14 PM

Name (optional)	Katherine Head
Email (optional)	pebbleartjewelry@gmail.com
Phone number (optional)	(720) 491-9968
Where do you live?	Niwot
Are you a? (check all that apply)	<input checked="" type="checkbox"/> Niwot business owner

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

As a resident and a retail business owner in Niwot I support the plans to revitalize the downtown area, these improvements are vital to the survival of existing business and bringing new businesses to our community. Niwot needs a vibrant and diversified business district to be competitive with the growing business communities in both Gunbarrel and Longmont. For the retailers to survive in Niwot we need a mix of services and retail and most importantly restaurants to bring people to our business district. The proposed code changes will discourage the type of development we need. I truly believe that Niwot can have a thriving business district and meet the needs of residents bordering the business district. The entire community benefits from local improvement district tax and thriving businesses provide more revenue for these projects. Lets find a way for businesses and residents to work together without enacting overly restrictive building codes. Thank You
 Katherine Head
 Pebble Art Jewelry

From: [Wufoo](#)
To: [Ruano, Jose](#); [Hackett, Richard](#); [Case, Dale](#); [Wobus, Nicole](#); [Grimm, Denise](#)
Subject: Niwot NRCD comment form [#185]
Date: Saturday, March 9, 2019 10:46:56 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 have included my comments to the Commissioners in the attached file Letter_to_Commissioners_JLumpe.pdf
Attach a file with comments (optional)	<div> letter_to_commissioners_jlumpe.pdf 40.53 KB · PDF</div>

March 8th, 2019

TO: Boulder County Commissioners Deb Gardner, Elise Jones and Matt Jones

Re: March 12 Niwot NRCD Public Hearing

My name is Jerry Lumpe and I live at 260 3rd Avenue Niwot. I am submitting my comments in writing because I am unable to make it to the March 12 hearing to speak in person. My wife and I bought our house in Niwot three years ago, making us relative newcomers on a street where many of our neighbors have lived for decades. We love Niwot - the charm, easy walkability, diversity of businesses and restaurants, open spaces and especially the interesting and friendly people, residents and visitors alike.

Like many others, I am concerned when I see empty storefronts and restaurants in Old Town and have a common interest in seeing Niwot maintain a thriving and diverse business and commercial district. These two aspects of our town - commercial and residential - are symbiotic, and each requires the other to be healthy to maintain the quality of life we all desire. Achieving this balance requires all sides of the community to deal with each other with mutual respect and a commitment to compromise.

I believe the residents of Old Town in general, and 3rd Avenue in particular, have been unfairly characterized as self-interested complainers opposed to any new growth and development in the town. While I can only speak for myself, I am sure that most if not all of my neighbors understand that new development in Old Town is both inevitable and desirable to maintain a vibrant downtown that we all can enjoy.

All we ask is that this development be monitored and controlled so that the unique charm and beauty of the town is maintained and enhanced, rather than diminished. We expect that you, as unbiased representatives of all Boulder County residents, will enforce a proper balance between the rights of commercial property owners and developers to make a profit and the rights of the residents who live in Old Town, particularly those of us who border the commercial district and are at risk of having our quality of life, and property values, degraded by poorly regulated and inappropriate development.

The new developments that were built in Block 5 in the past year are a perfect example of that, and exactly what no one wants to see repeated. With all due respect I do not understand how that development was allowed to happen unless the powers that be were just asleep on the job. I think everyone agrees that more vigilance and oversight is required in the future. The possibility that the remaining undeveloped parts of Block 5 will look like more of the same in the future is alarming to anyone who actually lives in, and cares about, Old Town Niwot.

It has recently come to our attention that the development plans being considered for the Meisner property at the east end of Block 5 call for high-density residential infill, not a mix of

residential and commercial as we had been led to believe. This is the last thing Niwot needs as it would do nothing to spur commercial/business activity in downtown, would not bring people into Niwot or add to the business tax base, and would simply add more traffic to the local streets. I trust that such a plan will not be green-lighted by the County.

Finally, I would like to comment on the issue of “pedestrian safety”, which is being peddled to justify the re-routing of commercial traffic from the north side of Block 5 up the service alley in the back. All my experience in Niwot says this is a solution in search of a problem. We walk up and down 2nd Avenue all the time and I can’t ever recall even seeing a car enter or exit the curb cuts on that side of the street, much less come close to endangering a pedestrian. Of course, my experience is merely anecdotal, but so is any case offered up by the developers who are pushing images of children being threatened by SUVs (this scenario was graphically illustrated in giant posters they put up on the walls at one of the recent public meetings I attended).

If this is indeed a valid public safety issue that’s driving important decisions on future development and traffic flow in our town then it should be justified with hard data from a rigorous traffic study. Such a study would hopefully also address the detrimental effects of routing all that traffic down 2nd Ave., through the 4-way stop at Franklin St. and up Franklin to the alley entrance. In my opinion this would introduce a real pedestrian safety issue as many pedestrians use Franklin St., where there are no sidewalks at all. Maybe this study already exists but I have never seen it presented. Instead, it seems that we are just expected to accept the argument being presented at face value and move on. Surely you don’t support that.

Thank you very much for your time. I am confident that you will take all viewpoints into consideration and make fair and balanced decisions for our future.

Sincerely,
Jerry D. Lumpe

260 3rd Ave.
Niwot

From: [Wufoo](#)
To: [Ruano, Jose](#); [Hackett, Richard](#); [Case, Dale](#); [Wobus, Nicole](#); [Grimm, Denise](#)
Subject: Niwot NRCD comment form [#186]
Date: Saturday, March 9, 2019 4:05:38 PM

Name (optional)	Katherine Koehler
Email (optional)	kathyboco@gmail.com
Phone number (optional)	(303) 652-2788
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. *

Docket DC-18-0004: Niwot Rural Community District Code Update

Boulder County Land Use:

My points:

Alley ~ I would like the alley addressed with a plan moving forward to serve both the needs of the business property owners and for the residential property owners. I think specifications are missing from the current code and the new recommendations to the Commissioners.

- o Motor vehicle use to be on the existing dirt alleyway.
- o On the residential property (north) side of the utility poles and alleyway, convert the 10ft easement into a walking path. Residents can plant and landscape their yards on the north side of the pathway.
- o Minimizing the number of mixed use and rental units on the east end of the block in the business district will minimize the use / daily traffic in the alley. This is a business district, not a high density rental housing area. There is an area of high density rental housing in Niwot on the south and east of Cottonwood Square and the Niwot Market.

376 Second Avenue ~ This address is in a business district on the far east end of a one-way alley and currently it has a paved parking area on the east side of the property for customers.

- o To allow the proposal of one Second Avenue walk in business on the west side of the property might be appropriate and customers could access the business from the existing asphalt parking area on the east side of the property or via Second Avenue.
- o To permit the proposal for that property to increase to seven residential rented units in the back (north) of the property brings a tremendous increase of daily traffic to the alley. This has been a contention of the residential property owners.
- o This is a business district, not high density rental housing.

Kathy Koehler, 8884 Morton Road, Niwot CO 80503-8669
 Niwot resident since 1972 ~ Boulder County family since 1869

From: [Wufoo](#)
To: [Ruano, Jose](#); [Hackett, Richard](#); [Case, Dale](#); [Wobus, Nicole](#); [Grimm, Denise](#)
Subject: Niwot NRCD comment form [#187]
Date: Sunday, March 10, 2019 1:52:13 PM

Where do you live?

Niwot

Are you a? (check all that apply)

• Niwot business customer

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

I commend Boulder County for a thorough approach to updating the NRCD regulations. I feel that the intervention is very timely before other development projects move forward. The Staff Reports associated with the updates are well thought out and reflect the County's willingness to listen to all sides. The graphic illustrations are also really helpful for understanding the regulations, especially for those of us who are not builders or architects.

My main issue is that I do not want to see a bunch of residences on 2nd Ave. These do nothing to vitalize downtown and limit potential retail or restaurants from coming to Niwot in the future. I see there are regulations for limiting the number of residences on a parcel according to lot size, but I do not see any rules that would govern the ratio of retail vs. commercial.

Having been a long-time resident of Niwot, I know that the County Commissioners sanctioned the use of the alley as a service alley way back in 1996 through the Alley Study. They recognized that it serves as a buffer between the residential and commercial zones and therefore The Niwot Inn and Slater Building were constructed with access from 2nd Ave., not the alley.


At the recent Planning Commission hearing in February, the Planning Commission members echoed that decision. In their opinion, the alley should remain as it is – a service alley. They think that opening up the alley to commercial traffic will cause more problems than it solves, and I agree. Despite this, Boulder County apparently still wants to open up the alley to all commercial traffic.

I ask that the Commissioners see the wisdom of the alley determination by the Commissioners in 1996 and the recent opinion of the Planning Commission in February, and limit the traffic in the alley to service vehicles and local traffic. The alley certainly needs improvement – i.e. – professional grading and drainage mitigation, but it should never be paved. This does not fit in with the rural character of Niwot, particularly in Old Town.

I also think it is a great idea to call for community engagement and meetings with neighbors prior to future developments going forward. Neighbors know how a development will affect them and their opinion should be considered. This requirement should be instituted state wide. It is time for residents to have a larger voice rather than just having developments imposed on them.

Thank you!

From: [Wufoo](#)
To: [Ruano, Jose](#); [Hackett, Richard](#); [Case, Dale](#); [Wobus, Nicole](#); [Grimm, Denise](#)
Subject: Niwot NRCD comment form [#188]
Date: Sunday, March 10, 2019 9:34:21 PM

Name (optional)	Victoria & Mike Keen & Selak
Email (optional)	vek80544@gmail.com
Where do you live?	Niwot
Are you a? (check all that apply)	<ul style="list-style-type: none">• Niwot business owner• Niwot business customer
Please provide feedback on the proposed draft Niwot NRCD regulations. *	Please see attached file
Attach a file with comments (optional)	<div> mostrecentcommentmarch2019.docx 14.70 KB · DOCX</div>

The north side of 2nd Ave. in Niwot was almost entirely residential prior to 1996, although a few homes had been converted to business use. When plans for The Niwot Inn were conceived (bulldozing a beautiful Craftsman-era home) Boulder County commissioned the 1996 Alley Study in order to clarify and define access to development on 2nd Ave. The intention of the Alley Study was to eliminate ambiguity regarding alley access as development transitioned from residential to commercial. The BOCC walked the alley with residents and business owners and they concluded:

“Where physically possible, Second Avenue or another primary road, should be used to access a property instead of an alley. The roads are better designed to handle traffic flow and are maintained by Boulder County. The County recognizes the fact that lot-line to lot-line development on Second Avenue, west of Franklin requires access to the alley “

“Parking at the rear of a lot is an historical precedent in Niwot that is still appropriate today. Some lots which are already built-out depend on rear-lot parking. As such, based upon the NRCD regulations, the County will generally support rear lot parking for new businesses. In the block identified as Area 3 in this study, newly created parking areas should not have direct traffic flow from the lot to the alley. In addition, the parking area should be screened from the view of adjacent residents as much as possible through the use of fences and vegetation.”

The findings of the alley study governed the Site Plan Reviews for The Niwot Inn and the Slater Building. This led to two attractive developments that were a win for the residential community and a win for the commercial interests, and touted by most everyone as examples to follow in future developments. For the past 20 years, this has been “the law of the land.” **The original INTENTION of the 1996 Alley Study still holds true today.**

Something obviously went haywire with the construction of the Southpaw Commons Development in 2017. The findings of the 1996 Alley Study were thrown out the window, resulting in a development that does not fit with the semi-rural character of Niwot, and a massive triplex built with just a 9- foot setback from the alley. Residents of the triplex access their garages from the alley as well, contrary to the 1996 Alley Study. What went wrong is not worth belaboring here. Inexperienced planners? Was there an effort to get the Determination Letter issued early? Pressure from the business community due to vague regulations?

The point is, that the findings of the 1996 Alley Study never should have been discarded in the first place. Boulder County now says that the 1996 Alley Study had “unintended consequences,” one of which is probably (indirectly) this building moratorium. And I have to say, the Southpaw development has had unintended consequences as well – mainly a response from residents that they want to be more involved in planning decisions, especially when the development affects them directly in ways that are life-changing without remedies for mitigation.

Boulder County should not “kick the can down the road” regarding alley access. Alley improvements can be determined later. The upcoming plans for development will ultimately be determined by whether alley access is permitted, - or not. Has Boulder County has been pressured by developers to adopt this “all access alley position,” although it creates many more problems than it solves?

We ask that Boulder County Land Use and the County Commissioners re-instate the findings of the 1996 Alley Study into the regulations for the proposed NRCD update. This governing document never should have been ignored in the first place, and including the findings in the new regulations will provide certainty and guiding principles to both residents and developers alike. It's not too late to go back to what works. Incorporating the 1996 Alley Study into the new regulations is the simple solution to solving this contentious issue, and not extending the moratorium any longer. Adopt the new regulations (with the inclusion of the Alley Study,) lift the moratorium and Niwot moves forward!

Thank you,

Mike Selak and Victoria Keen

35 year residents of Niwot

From: [Wufoo](#)
To: [Ruano, Jose](#); [Hackett, Richard](#); [Case, Dale](#); [Wobus, Nicole](#); [Grimm, Denise](#)
Subject: Niwot NRCD comment form [#189]
Date: Sunday, March 10, 2019 9:49:25 PM

Name (optional)	Kellie Beran
Email (optional)	beran88@gmail.com
Where do you live?	Niwot
Are you a? (check all that apply)	<ul style="list-style-type: none"> • Niwot business owner • Niwot business customer

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

There are a few issues here, and they all need to be addressed fairly the county:

1) Future development in Niwot downtown area: I believe we would agree that a vibrant business community with retail and restaurants is desired by most everyone. We just need to be sure the entry into the business district at 2nd and Murray, and 2nd and Niwot Road create an inviting atmosphere. This means businesses as each end, not residential as is proposed. The county recommendation of retail on ground floor or at rear of property seems like a good suggestion, of course while conforming to other building restrictions to maintain the special character of Niwot. I am confident the architects would embrace the creativity needed if the developers could just let up a little, and perhaps live with just a bit less profit.

2) The Alley – there was an alley study in 1996 specifically because of the same situation we are discussing now – commercial development bordering residential areas. This was the reason for this study. This study was researched intently by the county, with much co-operation from the community. It is unclear why this study was disregarded with the recent development, South Paw. Shouldn't this study be part of land use review for this area? This was an obvious oversight by the county, but let's not continue following one mistake with another. This was an error, but now let's move on and just follow the recommendations of the alley study. This entire moratorium could have been avoided if this was done.

3) Boundaries – it is clear from the outlines of the NRCD that the boundary for the business district is the rear property line of Businesses property's on 2nd – the alley is part of the residential area. This is crystal clear on both NRCD residential maps and the business map. Why is the alley even part of this debate?

4) Changing the alley into a street, which is basically what has been requested, is opening a can of worms that I don't think the county wants or the taxpayers should be forced to pay for. Traffic studies, grading, plumbing, culverts, electric, curbs, gutters, lighting – these are just a few of the items that need to be addressed before we go forward on the solution. Then, if there is as much traffic as is being proposed, it seems this is another expense for the taxpayers, as there is no way the adjacent property owners can or want to pay for this for eternity.

5) Another option: Why not just vacate the alley to all adjacent property owners – this takes it off the county's hands, and then property owners can do what they want as long as abiding by land use codes and regulation (whether they change or not). Let's move forward!

6) All of the properties wanting development already have access, whether from 2nd or Niwot Road – leave the alley for utilities – they will have no other way to access these properties in a safe manner if this alley becomes a main route of access to any property. By opening the alley to more traffic, the country would be creating safety issues, rather than avoiding them.

7) For other folks who may read this: Not sure why everyone thinks Colterra is being prevented from

opening. The county was asked repeatedly about this, and they confirmed this was not part of moratorium. And for others reading this, this issue did not cause Treppeda's to close, either. Lots of misinformation out there, for sure. Fear sells.

At the end of the day, public servants, – please do what is right. In future years, when you are looking back at what you did for Boulder County during your tenure, I think you might feel a bit proud saying you helped save a small town's character, with respect to all the individuals who call it home.

Thanks for your hard work!

From: [Wufoo](#)
To: [Ruano, Jose](#); [Hackett, Richard](#); [Case, Dale](#); [Wobus, Nicole](#); [Grimm, Denise](#)
Subject: Niwot NRCD comment form [#190]
Date: Sunday, March 10, 2019 10:43:52 PM

Name (optional) Mark Beran

Email (optional) medovina@gmail.com

Where do you live? Niwot

Are you a? (check all that apply)

- Niwot business owner
- Niwot business customer

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

My name is Mark Beran. I have lived and worked in Niwot since 1981. History is forever. That is its nature. It is easy to overlook the fact that history is not just about the past, it is also very much about the present.

The current building moratorium and the promulgation of new rules and regulations touches on Niwot's past, present and future. You have a plethora of data before you. Some of it is truth, some hyperbole, and I will stop there. However, you also have hard documentation upon which to build a solid foundation for rule changes: the 1996 Niwot Alley Study.

I am certain you are all very familiar with this comprehensive study so I will limit my comments regarding it to the following stated goal of the study to:

"Clarify the County's position regarding the use of alleys to access parking areas for new development."

This study was an integral consideration supporting the development of the Slater Building and the Niwot Inn. It is unclear why this successful approach was abandoned on newer developments such as South Paw.

There have been varying opinions regarding the proper interpretation of the 1996 study. On a state level the STATE ADMINISTRATIVE PROCEDURES ACT Title 24-4 of the CRS outlines an exact methodology for resolving ambiguities in Colorado Statutes. When a statute is ambiguous or disputed, one remedy of the APA is to establish the original legislative intent and revise the text of the statute as necessary to be clearly consistent with that intent. Perhaps this approach might serve us. The goal of the study given above clearly establishes the intent of the authors.

The following excerpts from the study illustrate some of the specific guidelines it provides.

1. "Where physically possible, Second Avenue or another primary road, should be used to access a property instead of an alley..."
2. "In the block identified as Area 3 in the study, newly created parking areas should not have direct traffic flow from the lot to the alley."

I respectfully urge the Commissioners to include the 1996 Niwot Alley Study into the rule changes so that any future development adjacent to the alley will be permitted only to the extent that it complies with the guidance of the study.

It has been said of success that the surest road to success is to repeat a successful action. The history we make now can serve to connect the future grandchildren of Niwot with its rural country roots.

From: [Wufoo](#)
To: [Ruano, Jose](#); [Hackett, Richard](#); [Case, Dale](#); [Wobus, Nicole](#); [Grimm, Denise](#)
Subject: Niwot NRCD comment form [#191]
Date: Monday, March 11, 2019 12:58:12 AM

Name (optional) Catherine McCall

Email (optional) mccallca@comcast.net

Phone number (optional) (303) 564-2542

Where do you live? Niwot

Are you a? (check all that apply)

- Niwot business customer

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

See attached file

Attach a file with comments (optional)



[mccall_submission_to_comments_for_commissioners_hearing_20190310.docx](#)

16.62 KB • DOCX

Residential vs Commercial Development in Niwot; clarification needed in proposed code changes before lifting the Moratorium.

Dear County Commissioners

I am a dual US/UK citizen and an 8 year resident of 3rd Avenue in Niwot. Previously I lived for 24 years in Boulder, and before that, for 20 years in beautiful old towns in England and Germany. Given this background, much as I love the wide open spaces and rugged individualism of the American west, I remain quite comfortable with the concepts of high density development, pedestrian predominance, and public transport.

I have seen many development projects over the years in all these towns, some good, some not so good.

In the good ones, the development fits the character and spirit of the town, NOT the other way around.

Second Avenue in Niwot is an amazing street with a funky mix of old and new shops, restaurants, offices and a few small residences above the stores. Its agricultural and railroad roots are still evident. The character is primarily commercial and brings in visitors from all over to dine and shop in the town. In addition to its old buildings, Niwot also has some truly gigantic old trees, which in this arid part of the country make a rare and unique contribution to the character of the town.

The moratorium and proposed new NRCD Code have triggered an outpouring of outrage from many in the business community, and from developers who want to build on the last remaining spaces on 2nd Avenue. Accusations of overreach (planning department) and NIMBYism (3rd avenue residents) have been flying around. The moratorium is blamed for recent restaurant and brewpub closures which actually had nothing to do with planning codes. New businesses are apparently not going to come to Niwot because of the proposed new regulations. Developers and many businesses thus insist they must be allowed to be the primary arbiters of what is to be built, or else Niwot will turn into a ghost town. We are to trust that they know what is best for the welfare and “vibrancy” of 2nd Avenue. A flyer showing pretty pictures featuring four town streetscapes of cute small scale buildings with businesses below and apartments above was passed around by one developer at the community meeting on January 24th, supposedly to indicate what vibrant Niwot will look like in 2020.

If only...!!!

The images shown on this rather disingenuous flyer resonate with many comments made during public engagement as summarized in the Staff report for the upcoming March 12th hearing.

“Commenters support mixed use development within the NRCD 1, with a strong majority preferring an emphasis on retail and other non-residential uses” Page 10, Staff report.

So, apparently we all agree on what should be built...

But look at what actually has been built. Southpaw – a looming boxy office building housing a financial services company, with 3 large rental town houses behind it, and squeezed into the gaps, landscaping more typical of an office park planting in contrast to the original large tree which used to front the lot. Instead of a tree, we get a blacktop parking space for 3 cars in front of the office which contravenes current code.

In the case of currently proposed development, the plans I have seen for the Lefty's and Meisner lots at the corner of 2nd and Niwot road keep the existing 2 businesses but appear to add a total of 7 single family homes and a duplex. The grand total of businesses added by these 3 developments is precisely ONE. The ratio of residence units to businesses would be 12:3 (4:1).

I am truly at a loss to understand why a few loud voices in the Niwot business community think this kind of development is a good idea and will create a "vibrant" downtown. People come into Niwot to visit restaurants and shops. They do not make a trip to browse financial services offices and cookie-cutter residences.

As the developers and some business owners appear to be unwilling or unable to maintain or increase the critical mass of business buildings in Niwot, I would hope that new regulations for development on 2nd Avenue would mandate or at least greatly encourage an emphasis on commercial vs residential development. I fear this is not so.

I believe that the planning department has made a heroic effort to balance the wildly opposing demands of developers and residents. However my admittedly non-expert reading of the proposed regulations leads me to conclude that they do not give a clear mandate or case for predominantly commercial development on 2nd avenue.

In the current development standards, permitted uses in the entire district include mixed use, described as *"residential provided it is part of a mixed use development (ie an apartment above a store)"*. Only in the non-historic district are single family homes permitted.

In the proposed regulations for principal uses permitted, in a mixed use development, residential unit number is now defined as dependent on parcel size. There is no guidance as to the ratio of commercial to residential. The single family dwelling is still allowed in the non-historic district (Page A2). The description of how mixed use should combine residential and commercial is now in the design requirements section:

Mix of uses – For properties supporting both commercial (any allowed nonresidential uses) and residential uses on the same lot; residential units should be located on the second floor or behind any commercial units on the first floor. (Page A8)

This description is more in keeping with what the majority of commentators say should be developed in Niwot. However, a developer who believes that the maximum profit on 2nd Avenue comes from rental residential units would therefore conclude that a mixed use development is not an optimal use of land, and not only would they not feel obliged to put commercial buildings into their plans, they would actually have an incentive to get rid of any existing commercial buildings on the lot and build single family homes. This NOT a fit for the character of the NRCD!

I humbly ask the commissioners to take this into consideration before approving the current changes in code language and lifting the moratorium. Modifications to code could be made to require mixed development with emphasis on commercial, or at least incentivize it with increased FAR or other concessions. As it stands there seem to be nothing to stop the building of single family residential subdivisions on 2nd Avenue.

Yours sincerely

Catherine McCall

Emailed Comments

From: [Jim Ditzel](#)
To: [Boulder County Board of Commissioners](#); [Case, Dale](#); [Grimm, Denise](#)
Cc: [Anne Postle \(apostle@osmosisarchitecture.com\)](#); [Mary Coonce - Porchfront Homes \(mcoonce@porchfronthomes.com\)](#)
Subject: Niwot
Date: Friday, February 15, 2019 3:22:09 PM
Attachments: [Planning Commission Vision Registry - 02-15-2019 \(2\).pdf](#)
Importance: High

Boulder County Commissioners:

Please find attached a response from the Niwot Vision Committee's chair to the county's proposed code revisions.

Thank you for taking the time to read and consider this position.

Jim Ditzel | 303 931 7341

To: County Commissioners, Planning Commission and Land Use Staff

From: The Niwot Vision Committee, Jim Ditzel, chair

Re: Boulder County Code Revisions: Response

Date: Friday, February 15, 2019

For the past two years, the Niwot Vision Committee has surveyed Niwot residents, and from those survey results, prepared the Niwot Vision 2029 document. Some of the vision images that apply to 2nd Avenue are included here. The task was an easy one, since the overwhelming desire of Niwot's residents was to have a charming, thriving and vibrant commercial district. Niwot's residents want 2nd Avenue to offer a wide variety of goods, services, and dining opportunities. Niwot's residents overwhelmingly prefer to shop and dine close to home when possible.

As chair of the Vision Committee, I was disappointed to discover that the code revisions proposed by Boulder County Land Use staff make this shared Vision impossible. This is not what Niwot's citizens want. The images we show are desired by the majority of Niwot's residents. Most of the images shown have lot coverages, setbacks and floor area ratios that would be denied in the code revisions shown by Land Use. Instead, Land Use showed images that more closely resemble cell blocks, with no vision, and manipulated the questions to get the answers they desired.

Maintaining Niwot's charm, and enhancing its business viability are important to all of Niwot's citizens. Please at least allow the opportunity for Niwot to create its own vibrant future.

Sincerely,



Jim Ditzel, chair, Niwot Vision Committee

Mary Coonce, member, Anne Postle, member



Note: The Lockwood Building at 198 2nd Avenue is beloved by most Niwot residents. It has an FAR of 1.8, and has been used by a 3rd Avenue residential neighbor as an example of desired development. The codes proposed by Land Use will force all properties east of the Lockwood Building to have a maximum FAR of .6, allowing 1/3 of the potential square footage that exists in the Lockwood Building. This may be desired by Land Use staff but **is not** desired by Niwot's citizens.



NIWOT

VISION 2029

2ND AVENUE

IMAGERY



These images represent a vision for the future of 2nd Avenue compiled by the Niwot Vision Committee of the NBA, at the direction of the Niwot LID in conformance with the Niwot Strategic Plan.





NIWOT VISION2029

2ND AVENUE IMAGERY



From: [ChrisRoss](#)
To: [Boulder County Board of Commissioners](#); [Case, Dale](#); [Grimm, Denise](#)
Subject: Niwot 2nd Avenue Development concerns
Date: Friday, February 15, 2019 4:09:29 PM

Dear County Commissioners and Staff

Firstly let me say that my husband and I have loved living in the unique community of Niwot. It offers a semi-rural setting with enough amenities that we can walk or bike to, without having to drive into the car clogged streets of Boulder and Longmont. People here are friendly, warm individuals who care about the community they live in. The business community partners constantly with local volunteers to bring many wonderful community events to Niwot as well as making the downtown beautiful for each season.

We are very concerned and distressed by the current moratorium and the possibility of future County decisions that could negatively impact our small but vital business community in Niwot. It is incomprehensible to us why our elected representatives feel the need to do this. We would have thought you would be doing everything in your power to support people shopping and dining in Niwot, not putting up “road blocks” and causing our businesses to fold.

Please make decisions that support our businesses such as the reopening of Colterra. Help Niwot be the thriving community it can be, don't destroy it.

Sincerely,

Christine Ross
8787 Comanche Rd
Niwot

Sent from my iPad

From: [Betsy Barricklow](#)
To: [Boulder County Board of Commissioners](#)
Subject: Businesses in Niwot
Date: Saturday, February 16, 2019 10:46:38 AM

Dear Commissioners,

I am a Boulder County resident and often travel to Niwot for a morning coffee, a lovely dinner, the Niwot Market, or one or two of the sweet antique shops in the area because of the particular feeling of quaintness and authenticity this town embodies. Colterra was one of our favorite restaurants for all of these reasons plus the outstanding quality of the food that this restaurant offered.

There always has to be a balance between keeping a special place like Niwot from expanding into tasteless commercialism and supporting tasteful businesses to provide outstanding services for the the community. I urge you to consider this in making your decision, a decision which should, and could support businesses such as Colterra.

Colterra was there before and we are waiting with bated breath to have it back. Please do all you can to facilitate approving Colterra and other tasteful businesses to flourish in Niwot.

Colterra was there before, they should be grandfathered into any plan, but other businesses within reason should also be considered. I look forward to hearing about a favorable outcome for Colterra after the Wednesday night meeting.

Sincerely,

Betsy Barricklow
1800 Sumac Ave
Boulder, Colorado
80304

From: [Susie Hayes](#)
To: [Boulder County Board of Commissioners](#)
Subject: bring back colterra
Date: Saturday, February 16, 2019 11:48:08 AM

dear county commissioner -

i do not understand why you would make it so difficult for bradford heap to reopen his extremely popular restaurant? gunbarrel is exploding in terms of population and i would think you would do everything to attract those neighboring residents to niwot. colterra has proven itself. why wouldn't u do everything possible to facilitate the reopening? Not only has bradford heap proven his ability to run successful restaurants; he is community minded and continues to support nonprofits in the community despite the difficult financial position he finds himself in. if we, as a community, do not encourage and foster others who are helping and supporting local charities, what does that say about us as a community and of you as a decision maker for the community? wow - i'm not understanding why this is a tough one.

sincerely. susie hayes

Sent from my iPhone

From: [Bradford Heap](#)
To: [Susie Hayes](#)
Cc: [Boulder County Board of Commissioners](#)
Subject: Re: bring back colterra
Date: Saturday, February 16, 2019 11:49:54 AM

Well said! I hope you will say that on Wednesday!!

On Sat, Feb 16, 2019 at 11:48 AM Susie Hayes <shayes@accessopportunity.org> wrote:

dear county commissioner -

i do not understand why you would make it so difficult for bradford heap to reopen his extremely popular restaurant? gunbarrel is exploding in terms of population and i would think you would do everything to attract those neighboring residents to niwot. colterra has proven itself. why wouldn't u do everything possible to facilitate the reopening? Not only has bradford heap proven his ability to run successful restaurants; he is community minded and continues to support nonprofits in the community despite the difficult financial position he finds himself in. if we, as a community, do not encourage and foster others who are helping and supporting local charities, what does that say about us as a community and of you as a decision maker for the community? wow - i'm not understanding why this is a tough one.

sincerely. susie hayes

Sent from my iPhone

--

Kindest regards,

Bradford Heap | Chef Owner | 303.579.9476



saltthebistro.com | [facebook](#) | [twitter](#)

colterra.com | [facebook](#) | [twitter](#)

wildstandard.com

From: [Nancy Helmuth](#)
To: [Boulder County Board of Commissioners](#)
Cc: brad@bradfordheap.com
Subject: Downzoning in Niwot
Date: Sunday, February 17, 2019 11:37:31 AM

Subject: Downzoning in Niwot

As residents of Niwot and just outside of town for 26 years, we find the proposal put forth for our downtown appalling. Our “Vintage Colorado” burg is indeed losing its vibrant character and unique historic charm—which is less joy now for locals and visitors alike.

Niwot’s wonderful evolution to a dynamic and sustainable downtown—from our perspective—is being rerouted for reasons that include coercion from outside policy wonks, self-serving locals with little interest in the greater good for their community and (some) greedy landlord owners—a few of whom have proven to be adverse to even making basic tenant improvements while raising rents and forcing businesses out.

The absurd and punitive moratorium that Boulder County has put in place is adding injury to insult.

Locally owned art galleries, restaurants and boutique retailers, not empty storefronts, represent the hopes and dreams many who seek a positive feeling of “place” for their community—as residents, workers and visitors.

The current situation in our beloved Downtown Niwot is untenable and immediate attention is urgent. We can achieve solutions from continued input of community stakeholders, as well as study and consideration of success stories from similar communities demographically where dynamic growth with preservation can serve as working models for us to consider.

While we have numerous opportunities to spend time and money in nearby Boulder, Longmont and Denver, we’d rather “stay local” as choice number one. Let’s all be winners here—proud to say we’re Niwotians!

Nancy Hudson-Helmuth
Bob Helmuth

From: vstainton@aol.com
To: [Boulder County Board of Commissioners](#)
Subject: Niwot
Date: Sunday, February 17, 2019 3:05:24 PM

I am writing to inform you of a major problem the County has foisted upon the commercial business district in old town Niwot ...

It is the Niwot moratorium that the County has imposed for the last six months. The long and short of it is they're trying to take away businesses property rights and down zoning properties on the East of Franklin commercial district. Niwot is all ready looking like a ghost town with Trepeddass, Powderkeg and Colterra closed. This in turn is really hurting all the other small businesses who if this down zoning goes through will be in peril. This is about doing the right thing for Niwot and the people who have invested in Niwot. I have lived in Boulder for 60 years and would hate to see this rezoning come about as it would destroy a wonderful small time and hurt the restaurants that we all loved ...Please reconsider this action as it will only hurt the town...Sincerely, Virginia Stainton

From: [Amy Klein](#)
To: [Boulder County Board of Commissioners](#)
Subject: Niwot
Date: Sunday, February 17, 2019 6:40:47 PM

As a resident of Niwot, I am greatly concerned regarding the moratorium on the advancement of the development of downtown NIwot. I humbly ask you to have the moratorium reversed. We need the development (like Colterra restaurant) to keep our small town thriving. Please help.

Sincerely,
Amy Klein

Sent from my iPhone

From: [Ruth Knapp](#)
To: [Boulder County Board of Commissioners](#)
Subject: Niwot
Date: Monday, February 18, 2019 9:33:17 AM

The future of Niwot depends on businesses such as Brad Heap's Colterra restaurant for its existence. Having lived here since 1968, I have appreciated the town of Niwot as one of those small gems that make Colorado so special. How long have you lived here? I urge you to re-evaluate your thinking and decision making on property rights, and do what is in the best interest of the town of Niwot, its businesses, its residents and its visitors. They are the ones to feel the impact of your wisdom.

Ruth Knapp

Sent from my iPad

From: [Margaret Coel](#)
To: [Boulder County Board of Commissioners](#)
Subject: Niwot downzoning
Date: Monday, February 18, 2019 11:00:51 AM

To: Boulder County Commissioners:

Please carefully consider the implications of the Niwot downzoning. Niwot has had a vibrant business district with interesting shops and world-class restaurants, such as Colterra. By downzoning, not only are you taking away the property rights of owners who have invested in Niwot over the years, you are removing the very amenities that have allowed Niwot to thrive. This makes no sense! Please get on with the business of supporting and encouraging the vitality of a village like Niwot, not stifling it. People (voters) all across the county are concerned about this overreach of power.

Margaret Coel
3155 Lafayette Dr.,
Boulder, CO 80305

From: [nancy arata](#)
To: [Boulder County Board of Commissioners](#)
Subject: Niwot downtown
Date: Monday, February 18, 2019 11:10:53 AM

All,

Please consider allowing Colterra to rebuild without any parking restrictions. Downtown Niwot has lost 3 wonderful venues. Powder Keg, Colterra and Treppidias have all closed for various reasons. Please allow Bradford to move on with construction immediately. The town is losing revenue and is lacking in drawing new and old customers alike.

Nancy
6923 Totara Place
Niwot CO 80503
303 519-5275

From: [Wufoo](#)
To: [Boulder County Board of Commissioners](#)
Subject: Contact County Commissioners [#976] - [Name: melvin, constance] Re: niwot building moratorium
Date: Monday, February 18, 2019 11:44:45 AM

Name *	constance melvin
Email *	clmelvin60@gmail.com
Address or General Area (optional)	<input type="checkbox"/> 8520 Waterford Way Niwot, CO 80503-7613 United States
Phone Number (optional)	(303) 652-4183
Subject *	niwot building moratorium
Comments, Question or Feedback *	I grew up in Ohio where all the small downtowns became ghost towns filled with empty storefronts. While I applaud what you've done to preserve open space, this moratorium is killing our little town. The charm of Niwot is eroding. Please reconsider sensible building in Niwot.
Please check box below *	<ul style="list-style-type: none">• I acknowledge receipt of the Open Records Notification

From: [Jan Rowen](#)
To: [Boulder County Board of Commissioners](#)
Subject: Niwot Zoning Proposal
Date: Monday, February 18, 2019 2:59:15 PM

February 18, 2019

Dear County Commissioners,

I was recently alerted to an imposed moratorium and potential commercial zoning change in Niwot. I have thoroughly read and support the letter submitted to you by Bradford Heap, owner of Colterra Food and Wine. I agree completely with Mr. Heap's assumption that decisions should be based on what is best for all residents and not just a small area. I also agree with his assessment that a ripple effect can result from zoning changes and may impact the success of other businesses in the area.

As for the 3rd Street residents, it is unimaginable that they did not realize they were locating in a commercially zoned area. I liken their situation to those who build residences next to a railroad and then complain about the train whistle as happened in my community.

Although I do not live in Niwot, I frequently enjoy visiting there, usually at a restaurant. I hope that you will support the commercial efforts in Niwot to maintain a vibrant and charming community. Please give Mr. Heaps letter deep consideration.

Sincerely,
Jan Rowen

From: [Jennifer Trottier](#)
To: [Boulder County Board of Commissioners](#)
Subject: County Code changes effecting downtown Niwot
Date: Monday, February 18, 2019 5:03:51 PM

To whom it may concern,

I started working in downtown Niwot a year ago. It is a great community and I am disappointed that the county is going place restrictions on new restaurant development. I like to visit Niwot restaurants regularly for lunches and some dinners. I myself am from a small town and would rather show my support to local business versus driving into Boulder or Longmont to buy from big chain restaurants. It is also more convenient to stay in Niwot for my lunch hour.

Jennifer Trottier

From: [Laura Fronckiewicz](#)
To: [Boulder County Board of Commissioners](#)
Subject: End Niwot Moratorium
Date: Monday, February 18, 2019 5:12:12 PM

Hello,

As a homeowner who moved to Niwot because of the close-knit community and walkable commercial business district, I'm discouraged to learn of the moratorium that is impeding Niwot's commercial growth and our enjoyment of Niwot.

We've been watching storefronts close on the 2nd Avenue and scratching our heads as to why these are not being repopulated. We've watched our little town go from the host of a number of good dining options which we used and enjoyed immensely, to closed storefronts and nothing moving in to replace them. My understanding is going back to being a railroad town, this has always been a commercial district, and homeowners should not be surprised to have businesses moving in. If any of the zoning is to be changed, the town should be notified and given an opportunity to weigh in. Until today I've been unaware of the reasons that it's been shut down. I always shop the Niwot local businesses first, and would like the moratorium lifted so that we can have the Niwot back that we moved here for. The restaurants already close early in Niwot - I'd be interested in hearing what the complaints are and will look into this if it's available on the commissioners web site.

I'm not able to attend tomorrow night as I have two young boys that I hope to raise in a safe, vibrant, locally-oriented Niwot.

Thank you for considering the voices of the many in Niwot who are not able to currently enjoy our beautiful downtown to its fullest potential.

Laura Fronckiewicz
6926 Peppertree Drive
Niwot

From: [Sheryl Paul](#)
To: [Boulder County Board of Commissioners](#)
Subject: Colterra and other local businesses in Niwot
Date: Monday, February 18, 2019 6:58:17 PM

Dear County Commissioners,

It has recently been brought to my attention that many of the local businesses in Niwot are in jeopardy of shutting down or have already shut down. This is heartbreaking, and would be devastating not only to the people and families involved but to the community at large.

We've lived 2 miles from downtown Niwot for the last 10 years, and the small-town feeling of the local community has brought so much joy to our family and our neighbors. If we can't support small-town businesses that are run by local families, how can we expect to create a kinder and more community-centered world? It starts here, and I urge you to listen to the business owners and find a way to come to an agreement that serves all. When we truly listen to each other, we can overcome any perceived obstacle.

Sincerely,
Sheryl Paul
6455 Robin Drive
Longmont, CO 80503
303-530-1562

From: [Paula Hemenway](#)
To: [Boulder County Board of Commissioners](#); dcase@bouldercounty.org; IMSVA2.BOULDERCOUNTY.ORG; [Grimm, Denise](#)
Subject: Niwot - Please lift restrictions!
Date: Monday, February 18, 2019 7:12:23 PM

Dear Boulder County Commissioners,

This is in reference to the land use changes being contemplated for Niwot. My family moved to Niwot in 2014. We could have chosen anywhere in Colorado and selected Niwot for three reasons – the High School , houses with great views on open space, and the downtown restaurants, shops, and service businesses. Since then, the following have closed or moved away: Colterra (my favorite - we thought would have been rebuilt long before now), Powder Keg, Rockin’ Robins, Centura Health clinic, Trepeddass, Niwot Design, a jewelry store, a card store, and others. I also hear that Lefty’s Pizza, my kids’ favorite, may be going next. What has been added to take their place? Only one I can think of – Lucky Pie.

We’ve enjoyed all the community events that Niwot Business Association and Niwot Community Association put on voluntarily. I thought the trend was for people to want to live within walking distance of shops, restaurants, grocery stores, etc. So why aren’t homeowners that live near downtown happy about it? Why do they want to drive the businesses away? All of our home values will be diminished if Niwot disappears as a viable business community, not to mention the quality of life here.

Please add us to the list of Niwot residents that are begging you to not impose additional restrictions on businesses that keep them away. I want Colterra rebuilt as soon as possible! Yes, parking is important, but we go to almost every summer concert in Niwot. These draw people from all over. There are lots of extra cars and everyone seems to be able to find a spot. This isn’t San Francisco! Let’s not be so restrictive that we end up with nothing. Of course, then parking won’t matter . . .

Thank you for your consideration,
Paula Hemenway
Niwot Resident

From: [Nanci Alpert](#)
To: [Boulder County Board of Commissioners](#)
Subject: Colterra
Date: Monday, February 18, 2019 7:36:37 PM

To Whom It May Concern,

I've heard that there's a chance Colterra may not re-open. I live in Gunbarrel and frequented it often for lunch and dinner. Bradford is an integral part of our community as is Colterra. It brings life to Niwot; and now I don't head to town anymore because there is no Colterra.

Please please bring it back!

Thank you!

Nanci Alpert
Sent from my iPhone

From: [Curtis](#)
To: [Boulder County Board of Commissioners](#)
Subject: Niwot commercial development
Date: Monday, February 18, 2019 7:51:44 PM

Please do not let the loud voices from 3rd St. residents be mistaken as representative of the average Niwot resident. Many of us chose to live here because we appreciate the amenities and community advantages of a walkable business district. Concerns regarding a small number of backyards should not prohibit tasteful development in Niwot, or threaten the success of local businesses. I can think of a number of ways to mitigate impact to neighbors - lighting restrictions, tree plantings and/or high fencing, alley improvement to a paved (quieter and dustless) surface, restricted delivery hours... please consider that many times folks just overreact to change. Imposing burdens on the small business owners does nothing to improve quality of life for the majority of residents.

Thank you for considering public input.

Regards,
Christine Thoma
Niwot resident and homeowner since 2001

From: [Mim Bovaird](#)
To: [Boulder County Board of Commissioners](#)
Subject: Life of Niwot
Date: Monday, February 18, 2019 9:05:11 PM

Dear Sir/Madam,

We moved to Niwot to enjoy it's trails, restaurants, schools & community. Stifling the growth & development of the downtown is slowly strangling the life of Niwot.

Please consider appropriate planning permission especially in regards to our beloved restaurant Colterra, and for future ventures.

Thank you for your consideration,

Mim Bovaird & family

From: [Lisa Hainline](#)
To: [Boulder County Board of Commissioners](#)
Subject: comments on Niwot
Date: Tuesday, February 19, 2019 8:39:10 AM

I was informed too late last night to comment before the deadline. I think that it's a travesty what you are allowing to happen in Niwot. Businesses and restaurants are fleeing. What was once a thriving community seems to be shuttering and missing opportunities to improve the livelihood and offerings that we have become used to.

Creating unfriendly business practices is criminal to the typical mom and pop type operations that we love and want. Please do not turn Niwot into Pearl St. No banks, no chains...
Let Colterra rebuild, do something to encourage small business and please represent the opinions of the people you are supposed to represent! Niwot needs you help, do no harm.

Lisa Hainline
6723 Snead Ct
Longmont
720-218-0678
lisahainline@gmail.com

From: [Maureen Emich](#)
To: [Lisa Hainline; Boulder County Board of Commissioners](#)
Cc: memich711@gmail.com
Subject: Re: comments on Niwot
Date: Tuesday, February 19, 2019 8:44:12 AM

Our entire group couldn't agree more ... it's a travesty.

Sent from my iPhone

> On Feb 19, 2019, at 7:39 AM, Lisa Hainline <lisahainline@gmail.com> wrote:

>

> I was informed too late last night to comment before the deadline. I think that it's a travesty what you are allowing to happen in Niwot. Businesses and restaurants are fleeing. What was once a thriving community seems to be shuttering and missing opportunities to improve the livelihood and offerings that we have become used to.

>

> Creating unfriendly business practices is criminal to the typical mom and pop type operations that we love and want. Please do not turn Niwot into Pearl St. No banks, no chains...

> Let Colterra rebuild, do something to encourage small business and please represent the opinions of the people you are supposed to represent! Niwot needs you help, do no harm.

>

> Lisa Hainline

> 6723 Snead Ct

> Longmont

> 720-218-0678

> lisahainline@gmail.com

From: [Maggie Marcoux](#)
To: [Boulder County Board of Commissioners](#); [Case, Dale](#); [Grimm, Denise](#)
Subject: Niwot business district
Date: Tuesday, February 19, 2019 4:34:59 PM

Good afternoon,

I am a Niwot resident and am writing to you to express my concern for the future of our downtown business district and the impact on our community. We lost our beloved preschool this year due in part due to zoning requirements, which I understand is not the exact same issue we are dealing with today, but its closing nonetheless left a disappointing scar on our community and became the first of several disappointments. The loss of Powder Keg and Treppedas, as well as the ongoing closure of Colterra leaves us residents with even fewer opportunities to support our local community and drives us out to neighboring areas like Longmont, Gunbarrel and Boulder. I would much rather stay in Niwot, spend my money here and our support local business.

I have recently heard that Lefty's Pizza, a Niwot institution of 20+ years, is also being pushed out in favor of development. My family and I do NOT support new construction on the corner of 2nd Avenue and Niwot Road and we do NOT support the moratorium that is having such a negative impact on our local businesses. Residents of 3rd Avenue should have known they were bordering the business district when they purchased their properties, or should have done better due diligence before purchasing. Please bring an end to the stifling of Niwot's business community.

Best regards,
Maggie Marcoux
6844 Peppertree Drive
Niwot

From: [Yuri Shane](#)
To: [Boulder County Board of Commissioners](#); [Case, Dale](#); [Grimm, Denise](#)
Subject: Niwot's moratorium
Date: Tuesday, February 19, 2019 5:37:39 PM

Dear Boulder County Commissioners,

I am writing in support of the Niwot business community, specifically Bradford Heap's efforts to re-open Colterra.

I am a Niwot resident who started a Boulder-based nonprofit for under-resourced students. Mr. Heap has been a generous supporter of my students and nonprofit. I know his desire to re-open Colterra has as much to do with supporting the Niwot and greater Boulder County community as it does anything else.

As a Niwot resident, I have been saddened by the many empty storefronts that have popped up in our commercial district over the past year. The Niwot small business community has done a wonderful job of making our town both a destination and a great place for residents to meet each other and be neighborly -- attributes that make this an amazing community for my school-aged children.

I'm afraid that the moratorium will make Niwot a less attractive community to invest in. All Niwot's residents benefit from the vitality of our town's small businesses and events. I moved from Boulder to Niwot because I wanted to maintain the sense of a real town center and walkability and find a place where neighbors still congregate. A place where we can strike up conversations and relationships that can last a lifetime.

I hope you'll consider easing the way for Mr. Heap to re-open Colterra, and for other small businesses to be attracted to Niwot.

My best wishes,
Yuri Shane
720-515-6778

From: [Lynne Tobe-Palmer](#)
To: [Boulder County Board of Commissioners](#)
Subject: Please help us reopen Colterras
Date: Tuesday, February 19, 2019 6:03:57 PM

My name is Lynne Palmer and my husband and I bought a home in Niwot recently. We moved from Florida to live in the beautiful small town of Niwot. I live within walking distance of downtown. We purchased our home close to downtown so that we could enjoy all of our local amenities that Niwot has to offer. Our dream retirement is to buy locally and to support our local establishments. We patronize all of our local businesses. I have many fond memories of Colterra's restaurant...please, please, please help bring back our Colterras.

Sincerely,
Lynne Palmer
7986 Pebble Road
Niwot, Colorado

Sent from my iPad

From: [Bob Grubb](#)
To: [Boulder County Board of Commissioners](#); [Case, Dale](#); [Grimm, Denise](#)
Subject: Niwot Town Center
Date: Wednesday, February 20, 2019 1:28:17 PM
Importance: High

Dear Commissioners,

I am writing to request the Commissioner's to lift the moratorium that has been imposed for the last six months in Niwot and to work with people in Niwot on potential zoning changes. We have lost two restaurants and a tap room, reducing traffic to other businesses, straining them.

Can we find a way to allow Colterra to begin rebuilding and work together on resolving downtown issues?

Thank you for your consideration,

Bob Grubb
8576 Niwot Meadow Farm Road
Niwot, CO. 80503

From: [stacy szydle](#)
To: [Boulder County Board of Commissioners](#); +dcase@bouldercounty.org; +dgrimm@bouldercounty.org
Subject: Niwot Moratorium
Date: Wednesday, March 6, 2019 12:32:23 PM

Hi,

I am a bartender in Niwot and the closure of our competition is not what we need. Its a small town and having multiple choices is what keeps us busy. It's part of the charm of the town. I'm not much into politics but I can't believe that one block of people who knew they were purchasing homes near the commercial area can dictate for an entire town. We have to grow a little or face the reality of becoming a "ghost town". Thank you for your consideration.

Sincerely,
Stacy Szydle

From: [David Goetz](#)
To: [Boulder County Board of Commissioners](#); [Case, Dale](#); [Grimm, Denise](#)
Subject: Niwot Moratorium
Date: Wednesday, March 6, 2019 1:07:07 PM
Attachments: [Pasted on page 1.tif](#)

Dear Boulder County Commissioners,

I am a Boulder County Business owner who feels strongly that in the case of Colterra Restaurant you are being unfair regarding property rights and zoning ordinances. Colterra has been a vibrant part of your downtown for many years. Please grant them the ability to rebuild this outstanding restaurant which has been member of the Niwot Community for many years. I feel that your moratorium is unfair in restricting their return to your downtown.

Sincerely
David Goetz
Owner at Bodywork Bistro

720-319-2188 cell



From: [Wufoo](#)
To: [Boulder County Board of Commissioners](#)
Subject: Contact County Commissioners [#986] - [Name: Keen, Victoria] Re: County Commissioners Hearing regarding NRCD Regulations Update on March 12th
Date: Thursday, March 7, 2019 1:54:39 PM

Name * Victoria Keen

Email * vek80544@gmail.com

Address or General Area (optional) ☐ 285 3rd Ave. – Niwot

Subject * County Commissioners Hearing regarding NRCD Regulations Update on March 12th

Comments, Question or Feedback * Please see attached document – thanks!

Attach a File (optional)



[commissionerslettermarch6th.docx](#)

19.84 KB • DOCX

Please check box below *

- I acknowledge receipt of the Open Records Notification

March 7th, 2019

TO: Boulder County Commissioners Deb Gardner, Elise Jones and Matt Jones:

The County Commissioners voted to uphold the NRCD moratorium, recognizing the unique character of this semi-rural district, and the fact that a few ill-conceived developments could change the character of the town for decades to come. As 35-year “alley cat” residents of Niwot, we thank you for recognizing that Niwot truly is special!

The new proposed regulations provide thoughtful parameters guiding future development with FAR and Lot Coverage calculations. We favor reducing the maximum building height within 25 feet of the rear setback along an alley, although we feel 35 feet better reflects the precedent set by The Niwot Inn. This helps to create a transition between the residential and commercial zone, protecting our privacy and other concerns.

We hope that the regulations will provide parameters for building more retail/commercial/restaurant spaces as opposed to residential subdivisions, which do nothing to create a vibrant downtown. Visitors from outside Niwot have little reason to visit if there are no new shops and restaurants. The new regulations are vague about proposing a ratio of commercial vs. residential within the NRCD.

We are “All Aboard” for many of these changes; we do not want to be another cookie-cutter town that favors financial gain over its architectural character, which is where things were headed.

But..we have to say that Boulder County Land Use seems to have experienced a significant “derailment” in considering changes to the use of the alley between the commercial and residential zones, which has been used historically as a service alley (trash trucks, service vehicles, deliveries) for the past 50 years. It should be noted that 3rd Ave. residents DO NOT use the alley to access their properties.

The County Commissioners came to Niwot and toured the alley in 1996, resulting in the Alley Study which governed the construction of The Niwot Inn and Slater Building. The study states:

2nd Avenue or another primary road, should be used to access a property instead of an alley. The roads are better designed to handle traffic flow and are maintained by Boulder County”.

This is still true today. The study recognized that the alley IS the buffer between the residential and commercial zones. This arrangement worked well for the past 20 years.

The recent opinion of the Planning Commission agreed with this determination that the alley should remain as it is – a service alley. In Section E NRCD I – Design Requirements – 1. Access & Mobility: The Planning Commission recommended striking the provision that says curb cuts should not be permitted where alley access is available.

However, Boulder County staff wants to go against the original opinion of the County Commissioners in 1996 and this recent opinion by the Planning Commission – and retain the provision in the code.

Staff believes that curb cuts on 2nd Ave. have had “unintended negative consequences” although it has worked perfectly for the past 20 years. (NOW they see negative consequences?) Staff cites “important safety concerns from conflicts between vehicles and pedestrians.” And further, the staff recommends closing off some of the curb cuts and routing traffic down the alley as an alternative. Frankly, we think this is a train wreck.

It is important to note that these “important safety concerns” are not based on fact; not a single accident has been reported due to these existing curb cuts. This fear campaign has only been fomented recently. Niwot hosted it’s annual “Let’s Wine About Winter” event in February with 500 people traipsing up and down 2nd Ave. with wine glasses in hand. Not a single fatality, (for several years running) other than some revelers might have been nursing a slight hangover the next day. Rockin’ Rails concerts bring throngs of people to town without incident. On a given day, pedestrian traffic on blocks 5 and 6 averages less than 50 people per day.

The County has been very inconsistent on this issue of alley access, stating on several occasions that the alley was simply not engineered to support intensive two-way traffic use. Now they are advocating allowing the alley to be used as a roadway with potentially 200+ trips a day?? That is more proposed trips than our street 3rd Ave. currently supports, as well as other residential streets in Niwot.

We feel the County is on the wrong track here. This will certainly destroy any sense of the alley being maintained as a buffer between the commercial and residential zones, as it has been historically for decades.

If there are pedestrian and bicycle safety concerns, (or not) the alley would make an ideal pedestrian/bike/dog-walking bypass, and could be attractively designed with “connectivity” in mind between the Cottonwood Shopping Center and the 2nd Ave. commercial Zone. Signs could be posted along the alley with segue paths to 2nd Ave. businesses. This could be a community project enlisting talented area artists, high school service groups and boy & girl scout troops. Choose a theme – pollinators, railroads, agriculture, Native American history in the area.

Let’s examine some of the inevitable conflicts with opening up the alley as a thoroughfare. Who knows more about this than the people who have lived on the alley for decades.

- It is frankly ludicrous to route traffic west down 2nd Ave., then north on Franklin and finally up a dead-end alley to access existing properties and proposed new developments on 2nd Ave. (Or any other possible route.) Talk about safety hazards! It is just common sense to use existing curb cuts by the Meisner and Lefty’s properties and/or share access with the Niwot Inn existing curb cut.
- And given the scenario above of rerouting traffic to Franklin, what is the impact for traffic on the increasingly busy cross-street? Left Hand Animal Hospital is moving to the corner of 3rd and Franklin and the burden of their customer and employee traffic will be shifted from 2nd Ave. to Franklin, generating 116 trip ends per day. What about residents walking their dogs to vet appointments or unloading their animals from

parked cars & SUV's on Franklin? What about the school bus stop on Franklin? These serious (real) "unintended consequences" of routing traffic down Franklin to access the alley need to be considered with an actual traffic study.

- Colterra destruction/reconstruction: There will be construction vehicles, backhoes, dump trucks, and building material deliveries in or around the alley when this project gets underway.
- When Colterra is "made whole" again, kitchen deliveries will resume as before with delivery trucks parked in the alley several times a week.
- With the eventual build-out of the remaining lots on 2nd Ave., construction vehicles and building material deliveries will be made via the alley.
- Cable and electric service vehicles often access the alley, sometimes parked in the ROW for hours at a time. Just last month a tree service was parked in the alley blocking the ROW for **3 full days** taking down a cottonwood at a residence on 3rd Ave.
- In December of 2018 a tandem axle moving van was parked in the alley by the Southpaw Commons Triplex for 4 ½ hours, completely blocking the ROW. It actually had to back out onto Franklin to allow access to the Western Disposal trash truck.
- If the alley were to become the single access point for businesses and proposed residences on 2nd Ave. (closing off existing curb cuts) – what happens if there is an emergency on 2nd Ave. requiring building evacuation? How would that look like with people trying to evacuate from the alley, and emergency response vehicles trying to access the site of the emergency through the alley at the same time? (Now THERE is a safety concern!) On that note, The Colterra kitchen fire was certainly a wake-up call. How fortunate that it didn't result in a gas explosion or spread to residences and adjacent structures. We live on the alley adjacent to Colterra.
- A line of utility poles border the residential side of the alley, requiring sufficient vehicular clearance to avoid damage. Trash receptacles also line the alley on the commercial side. This further narrow the alley, which is already less than 20' wide in several spots.


All these practical concerns do not even begin to address the impact of 200+ alley trips on the alley corridor residents of 3rd Ave. Many 3rd Ave. residents have lived on this street for 20 to 40 years. Our homes are our biggest asset. Our younger residents are just starting families. For many of us of retirement age, our plan has been to live out our lives in this close-knit neighborhood where we all look out for each other.

This ill-advised plan for routing commercial traffic down the alley effectively shifts the impact of 2nd Ave. development from the commercial property owners to the residential property owners. Is this fair? Let's get back on the right track!

Thanks for listening...

Victoria Keen, Mike Selak and Roscoe the Wonder Dog – 285 3rd Ave. NIWOT

From: [Wufoo](#)
To: [Boulder County Board of Commissioners](#)
Subject: Contact County Commissioners [#987] - [Name: Skaggs, Laura] Re: NRCD1 Land Use Code Revisions - Resolution Statement from LID - 3/12/19 BoCC Hearing
Date: Friday, March 8, 2019 8:00:41 AM

Name *	Laura Skaggs
Email *	lauralskaggs@aol.com
Organization (optional)	Niwot Local Improvement District Advisory Committee
Address or General Area (optional)	<input type="checkbox"/> 7428 N. 73rd Street Niwot, Colorado 80503 United States
Phone Number (optional)	(303) 682-0468
Subject *	NRCD1 Land Use Code Revisions – Resolution Statement from LID – 3/12/19 BoCC Hearing
Comments, Question or Feedback *	<p>I am submitting a Resolution statement and accompanying recommendations on behalf of the Niwot LID regarding the NRCD1 Land Use Code Revisions. This Resolution was agreed to at our most recent Board Meeting. We ask for serious consideration.</p> <p>As I am communicating on behalf of our Board and to be certain this reaches you, please CONTACT ME IMMEDIATELY if the Attached File fails to transmit.</p> <p>--Laura Skaggs Chairperson, NLIDAC</p>
Attach a File (optional)	<div>  nlidac_nrcd1_resolution_03062019.docx 19.68 KB • DOCX </div>
Please check box below *	<input checked="" type="checkbox"/> I acknowledge receipt of the Open Records Notification

**A RESOLUTION of the Niwot LID Advisory Committee regarding proposed revisions to the
Niwot Rural Community District 1 Land Use Code**

Whereas, the Niwot Local Improvement District funds public improvements and other activities for the benefit of the district and the entire Niwot community; and

Whereas, a retail sales tax of 1% is collected from the customers of the businesses located within the Niwot Local Improvement District; and

Whereas, on September 20, 2018 the Boulder County Commissioners imposed a six-month moratorium on development applications in the NRCD1, and on October 30, 2018 voted to continue the moratorium excluding the NRCD1 Historic District; and

Whereas, the six-month delay in development with the NRCD1 has adversely affected the collection of sales tax revenues for the LID, now and beyond the six-month moratorium; and

Whereas, over the past 25 years development in the NRCD1 has occurred pursuant to the current NRCD1 regulations and in a responsible manner consistent with past development patterns; and

Whereas, the Niwot LID Advisory Committee deems the moratorium and the NRCD1 Land Use Code Revisions recommended by the Boulder County Planning Commission as ill-advised, unwarranted, without justification, and harmful to the businesses and property owners in the LID; and

Whereas, the Niwot LID Advisory Committee deems the NRCD1 Land Use Code Revisions recommended by the Boulder County Planning Commission to place extreme and unnecessary limits on the NRCD1 commercial properties, denying the NRCD1 the ability to meet goals expressed in the Boulder County Comprehensive Plan to function as a 'designated service area within the sub-region and the geographic area wherein the majority of future growth will be accommodated;' and

Whereas, the Niwot LID Advisory Committee supports the Boulder County Comprehensive Plan in encouraging 'a network of pedestrian and bicycle pathways that are protected from vehicular encroachment;' and

Whereas, the Niwot LID Advisory Committee feels strongly that where feasible, we must cease compromising the safety of 2nd Avenue pedestrians caused by vehicles crossing the sidewalk, and allow alley access, which will accommodate the elimination of driveways crossing the sidewalk; and

Whereas, the moratorium was put in place largely to clarify alley access and use, and this goal has been stripped from the recommendations submitted to the Board of County Commissioners, making this moratorium goal impossible to achieve;

NOW, THEREFORE:

The Niwot LID Advisory Committee urges the Board of County Commissioners to extend the NRCD1 moratorium by 30 days to conduct further stakeholder outreach to lead to revisions of the NRCD1 Land Use Code, and strongly engage with the NRCD1 business property owners' proposal as the basis for these Land Use Code revisions.

(See **Attachment A** below: NRCD1 business property owners' proposal)

Attachment A: NRCD1 business property owners' proposal

Accompanying: **RESOLUTION of the Niwot LID Advisory Committee regarding proposed revisions to the Niwot Rural Community District 1 Land Use Code**

REVISIONS TO NRCD LAND USE CODE APPROVED BY NRCD PROPERTY OWNERS

Items listed in red show changes from the requirements proposed by BC Land Use Dept.

ENTIRE NRCD

- Height Limit: 30' allowed
- Residential units allowed:
 - <10,000 lot: 2 units
 - 10,000-15,000: 4 units
 - >15,000: 5 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: as proposed by Land Use is accepted (approx. 1.5 spaces per unit with reduction for spaces under 600 s.f.)

BLOCKS 3 and 4

- 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.

BLOCKS 1, 2, 5 and 6

- NO FAR. Setbacks, Floor Area Coverage, Parking and height restrictions all address the final sq. footage of the building. There is no need to include FAR as a tool as suggested by some members of the Planning Commission.
- Building height: 30', 15' maximum building height within 15' of a rear property line where the rear lot line is adjacent to a parcel or right of way outside NRCD1. (Residential properties have a 15' setback required for a 30' tall structure. It is unreasonable to require more than 15' for the Commercial Properties.)
- Lot Coverage: 60%.
- Landscape/hardscape requirement of 10%.
- Rear setback 0' required. Front setback 10' required. Front and rear combined 20' minimum. (no height reduction required along 2nd Avenue)
- Side setback 0' required
- Setback on corner lots to Franklin: 0'.

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. Since the historic drainage patterns are not to be modified, no engineering is required.
 - For existing uses, Commercial property owners can submit an alley access plan to Boulder County Land Use showing proposed new access points.
 - New developments will show proposed alley access as part of standard submittal requirements
 - After alley grading, all adjacent properties have right to full alley access. Where feasible, curb cuts that cross 2nd Avenue sidewalks will be eliminated at property owners' expense.
 - The alley is a 20' wide standard platted two way right of way. Like alleys all over Boulder and Longmont, there is adequate room for two cars to pass.
 - A 'NO OUTLET' sign will be placed at the alley entrance on Franklin. Since only vehicles that have a parking space waiting for them will use the alley, and three point turn around will be available on most properties accessing the alley, access should not be delayed.

From: [Wufoo](#)
To: [Boulder County Board of Commissioners](#)
Subject: Contact County Commissioners [#988] - [Name: taylor, tom] Re: Alley between 2nd ave and 3rd ave
Date: Friday, March 8, 2019 9:07:14 AM

Name * tom taylor

Email * tom@tom-taylor.com

Organization (optional) self

Address or General Area (optional) ☐ 265 3rd ave
Niwt, co 80544
United States

Subject * Alley between 2nd ave and 3rd ave

Comments, Question or Feedback *

I have a house on 3rd ave in Niwt and I simply want to state that I am on board with the comments and concerns of my many neighbors who have sent you comments as to how and why we need to keep the alley between 2nd ave and 3rd ave AS IS. It is NOT designed to be converted into a new street or converted so it becomes any type of throughway for trucks or residential traffic. Please consider the concerns of all residents, particularly those of us who have been on 3rd ave for decades.

Please check box below *

- I acknowledge receipt of the Open Records Notification

From: [3dsnow](#)
To: [Boulder County Board of Commissioners](#)
Subject: Proposed changes to Niwot land use policy
Date: Friday, March 8, 2019 4:41:24 PM

Dear Commissioner Gardner,

My name is Dave Snow, and my wife Tracey and I have lived at 301 3rd Ave in Niwot for over 25 years. Our lot abuts the alley separating the commercially zoned north side of 2nd Ave from our residential lots on the south side of 3rd Ave. I am writing in response to the proposed changes to NRCD Land Use policy.

I am extremely distressed about the proposed changes to rear setback, and current push to open the dead end alley between 2nd Ave and 3rd Ave to commercial traffic, and to use as a driveway for a housing development to be built at the extreme east (dead) end.

For over two decades, land use policy has been governed by the 1996 Niwot alley study. It was commissioned by the Land Use Department in an attempt to find a way to allow development on 2nd Ave commercial properties, while preserving the rural flavor, peace, and quiet of the neighboring residences. In a nutshell, policy has primarily been two fold. First, to allow alley access for any service vehicles and garage access for residences (but no thru traffic to Second Ave); and secondly, to require parking on commercial lots to be situated at the rear of the lots. Access to commercial properties is primarily from 2nd Ave.

The effects of these policies have been to govern building placement, and to keep alley traffic to a few vehicles a day, at most. Parking along the rear of the lots creates a terrific visual buffer for the residences on 3rd, with no looming 30 foot tall structures shadowing the residential homes. No commercial through-traffic means minimal alley dust and noise, and creates what has been an effective and very much appreciated buffer between our competing land uses. And for the commercial properties, these policies have allowed construction of buildings such as the Niwot Inn, and Slater Building (mixed use). It seems like a win-win solution.

I am utterly baffled at why the county is now so determined to abandon these guidelines.

The alley is currently two way, with a width varying between 16-20 feet. The narrow parts are primarily due to utility poles running along the north side of the alley.

Opening the alley to use as an 800 foot long driveway for access to the proposed housing development at the eastern end would certainly benefit the developer of the property, as he'd not need to use any of his valuable real estate for a driveway. Developers cite safety at sidewalk crossings as an issue, although the existing curb cut has been used safely for many decades for business access, including frequent visits by large UPS and FedEx trucks.

There are not ANY records of any incidents involving either vehicle/vehicle or pedestrian/vehicle at any of the the curb cuts along 2nd Ave. Pedestrian traffic is minimal on an average day. If traffic is an issue, why has there been no traffic study?

(There are several obviously staged dramatic child-in-a-stroller-vs-exiting-automobile photos circulating, but they are not any version of reality.).

From a safety perspective, opening the narrow dead end alley to additional traffic seems just unthinkable. Any large vehicle will block the alley. There are trash and recycle trucks which back down the alley 3 days a week. Utility trucks (phone, electric, and sewer) are common visitors. Traffic conflict in an 800 foot dead end alley is a certainty. And, what about emergency vehicles? No turnaround exists currently. On top of that, the alley opens onto Franklin Ave into an area which is congested and has very poor visibility. It makes no sense to add the traffic from 2nd Ave commercial properties to the alley.

For us, opening the alley means a new, busy STREET right up against our rear fence. Traffic for the proposed housing development alone is estimated at 100+ trips/day, and with the encouragement from the county to close curb cuts and route traffic to the alley, the other businesses will follow suit, and the alley will become a non stop busy street. We currently have a lovely, quiet yard in which we spend a great deal of time. The only idea to 'buffer' our residences from the impact of these dramatic changes seems to be adding some shrubs along the alley. I cannot imagine how that will be a buffer from either traffic dust and noise of a new street against our fences or the appearance of looming 30 foot buildings. The addition of shrubs will further narrow the right-of way, which is already inadequate for the role being thrust upon it. I am curious too how that space is maintained.

The land use code allows for a **zero-foot setback** along the rear of the lots. The only concession afforded to the residential property owners is a height restriction of 15 feet for the rear most 25 feet of the lot. While a 15 foot tall wall on the lot line is better than a 30 foot tall wall, it will serve to reflect traffic noise and dust into our homes. Some sort of buffer would be a great help. The existing setbacks of the Niwot Inn and the Slater Building are 35 and 65 feet respectively, and only exist because of the rear parking lot requirement from the 1996 Alley Study. There is no overemphasizing what a dramatic difference these rear parking lots have upon the character of our homes. By not requiring parking to be on the rear of the lots, buildings with zero setback become a reality.

The text of the proposed changes has been expanded to approve ***side*** parking lots in addition to rear lots. For me personally, this almost certainly means a building directly south of me, placed right on the rear lot line, and using a ***side*** parking lot which was constructed on an adjacent lot. I will have a wall to view, and 50 feet of my back yard in winter shadow because of this change.

Rear parking lots were great. Approval for '**Side lots**' has been added to the code revisions, no doubt because one such parking lot slipped through the planning process despite the findings of the 1996 Alley Study and over our objections. (It is my

guess that none of these development issues would have arisen had the Alley Study findings been adhered to in the case of the recent Southpaw Commons development. Their parking lot could have been rotated along the alley, and the buildings reconfigured upon the lot, and the dramatic negative effects of the building upon its neighbor to the north could have been eliminated.)

The Commissioners in 1996 saw and understood the alleys' role as a buffer between the residential and commercial uses. This viewpoint was upheld by the Planning Commission last month when they asked that the alley access clause be removed from the proposed regulations. **We ask that the County Commissioners see the value in upholding these recommendations.**

We are not against development, but do think that considerate development is possible. Like the developers, we too have a financial stake in our property. We also live 24/7 among the resulting developments. Please, be kind to us! Leave restrictions on alley use as they are, and re-implement the findings of the 1996 Alley Study.

Thank you

Dave and Tracey Snow

From: [Robyn Kube](#)
To: [Boulder County Board of Commissioners](#)
Cc: [Cerde, Jacey](#)
Subject: DC-18-0004 Niwot Rural Community District (NRCD) Land Use Code Update
Date: Friday, March 8, 2019 5:18:12 PM
Attachments: [20190309 Lett \[REDACTED\] 2235036.docx.pdf](#)
[20190129 Lett \[REDACTED\] 2235036.pdf](#)
[20190219 Lett to B \[REDACTED\] 2235036.pdf](#)
[19071020 Lett \[REDACTED\] 2235036.pdf](#)

Please see attached



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](#)

The information contained in this e-mail message is attorney privileged and confidential and is intended only for the use of the individual named. If you have received this communication in error, please notify our offices immediately at (303)447-1375. Thank you



DIETZE AND DAVIS, P.C.
ATTORNEYS AT LAW

Serving the West from Boulder since 1972

Robyn W. Kube
Karl F. Kumli, III*
Carmen S. Danielson
David J. Thrower
Renée Ezer*
Stephen A. Closky
Tucker M. Katz
Mark D. Detsky
Glenn H. Lenzen*
William A. Rogers, III
Joshua E. Anderson

Siena Square Building
2060 Broadway, Suite 400
Boulder, Colorado 80302
Telephone (303) 447-1375
Fax (303) 440-9036
www.dietzedavis.com

Email: robkube@dietzedavis.com

Gabriella Stockmayer
Nathan Klotz
Nathaniel Gaffney

Of Counsel:
Joel C. Maguire
Star L. Waring
Jennifer L. Lorenz
Nicholas G. Muller

Peter C. Dietze 1984-2019
Joel C. Davis 1936-2013

*Also admitted in California
†Also admitted in New Mexico

March 8, 2019

Board of County Commissioners
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 have been working with some of the owners of commercial property in the NRCD in connection with the proposed Land Use Code update. In that role, I have provided letters to the Land Use Director and the Planning Commission, copies of which are attached, and also spoke before the Planning Commission on February 20, 2019.

As previously noted, my clients live and operate small businesses in Niwot, and want to see the business community and the amenities provided by that community thrive. They have been actively involved in this docket and hoped their concerns would be given due consideration. When the proposed Code changes were unveiled earlier this year, they were disappointed, although not surprised, by the radical, onerous and rigid restrictions proposed. But they were stunned that the proposed changes virtually ignored the more than 20-year-old issues relating to the use of the alley between 2nd and 3rd Avenues. Those issues gave rise to the moratorium, and, at both its October 30, 2018 and February 12, 2019¹ hearings, the Board specifically requested they be addressed in the Code changes; the need to address the issues “holistically” was cited both by Land Use Director, Dale Case, and the Commissioners at the October 30th hearing to justify extending the moratorium.

My clients’ reaction to the proposed changes was informed in large part by:

¹ The February 12, 2019 hearing, wherein Chair Jones and Commissioner Gardner reinforced with Mr. Case their direction that the proposed Code changes address the alley uses and the elimination of curb cuts on 2nd Avenue, was in held in relation to MD-1800013/SPR-16-0108.

Board of County Commissioners
March 8, 2019
Page 2

The historic refusal of Land Use to follow the documents guiding development in Old Town Niwot when pushed by the residential property owners to ignore them;

Staff's view of the Niwot Community Service Area (CSA) as a "rural" community which should not be developed, despite language in the Boulder County Comprehensive Plan (BCCP) identifying the CSA as a "semi-rural" community and the intended focus for future commercial development;

The significant disconnect between the identified purposes of the moratorium and the resulting proposed Code changes; and

The expansive, unprecedented restrictions proposed for certain blocks in the NRCD.

A review of the following history is helpful to understand their reaction.

Niwot was never established as a formal town, but in 1875 the recorded plat for Niwot identified 20-foot-wide alleys between the streets, including 2nd and 3rd Avenues. The first commercial building in Niwot was constructed on 2nd Avenue in 1905. Over the next ten years, additional buildings were similarly constructed.

In 1978 the BCCP was adopted for the primary purpose of limiting urban development to CSAs, generally within and adjoining municipalities. It established the Niwot CSA as the only CSA not associated with a municipality and identified its character as "semi-rural". NIW 1.03 provided that, "New business, commercial and industrial uses shall be situated within [CSAs] in order to be in close proximity to the shopping public and respective labor forces, as well as to move toward the goals of reducing energy consumption and attendant commuter time." As of 1995, the Niwot CSA encompassed approximately four square miles.

Because Niwot was not a municipality and could not collect taxes, in 1992 the Old Town Niwot Local Improvement District (the LID) was established to collect sales tax to be used for infrastructure and to support economic viability and vitality in the LID. The LID encompassed the commercial properties located along 2nd Avenue. The County Commissioners sit as the Board of Directors of the LID. The LID adopted a Strategic Plan in 2016 which included the following Mission Statement, "The Niwot Local Improvement District promotes economic vitality to serve, facilitate, and sustain a robust business base in Niwot's commercial district, through prioritized investment of sales tax revenues."

In 1993 the NRCD, also located primarily along 2nd Avenue, was created for the purpose of guiding development in the NRCD. As a result, a District Development Plan was adopted and a Design Guidelines Handbook prepared. Any amendments to that Plan required the consent of more than 50% of owners of building lots within the NRCD.

Redevelopment of the properties at 283 2nd Avenue (Gunbarrel Imports) and 361 2nd Avenue (corner of 2nd Avenue and Niwot Road) began in 1994. Those redevelopments did not implicate any alley usage, but issues relating to the use of the alleys in Old Town arose.

Board of County Commissioners
 March 8, 2019
 Page 3

As a result, in 1996 an “alley study” was commenced purportedly due to (a) the Niwot Business Association being interested in the possibilities for alley improvements in certain geographic areas and (b) new developments affecting the alleys by generating more traffic and making use of the alley for access to parking areas. The “study” confirmed that “Niwot’s alleys are public rights-of-way”, but then proposed two policies inconsistent with that fact: (1) where physically possible, 2nd Avenue or another primary road, instead of an alley, should be used to access a property; and (2) the County will generally support rear lot parking for new business, but in [Block 5]² newly created parking should not have direct traffic flow from the lot to the alley. The “study” also stated that “[Block 5] is a candidate for future alley use policy implementation to solve current and future conflicts of interests between business and residential owners.”

Later that same year, the property at 300 2nd Avenue (Slater Building/Treppeda’s) was redeveloped. Due to, among other things, pressure from residential neighbors, Land Use did not allow access to the property by means of the alley.

The following year, the Niwot Business Association sought guidance from County Transportation regarding maintenance and improvement of the alleys in Old Town Niwot. Assistant County Attorney Leslie Wright Lacy responded to that inquiry on October 29, 1997, clarifying that the alleys are “public but not County rights-of-way.” She further stated that,

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 property by the owners or their designees, and each adjacent property owner is equally vesting 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.³

In 1998 the Development Standards applicable to the NRCD were modified. Those modifications maintained the requirement of written consent of more than 50% of the owners of building lots within the NRCD prior to any amendments to the District Development Plan. The next year the properties at 342 2nd Avenue (The Niwot Inn) and 263 2nd Avenue (corner of 2nd Avenue and Franklin) were redeveloped. The Niwot Inn was not allowed to use the adjoining alley for access; no alley use was implicated by the redevelopment of the other property.

In 2012, the County initiated the Niwot Transportation and Connectivity Plan. It was prepared in conjunction with the LID and others with the goal of combining “multi-modal transportation and

² The “study” referenced “Area 3”, which is identified in the Staff reports as “Block 5”.

³ A copy of this letter is attached hereto and was provided to the Planning Commission, both as an attachment to my letter of February 18, 2019 and by hand-delivery at the hearing on February 20, 2019. It is unknown why Staff has omitted any reference to this letter in the information it provided to the public, the Planning Commission and the Board as part of this docket.

Board of County Commissioners
 March 8, 2019
 Page 4

parking concepts into a single document with short, near, and long term solutions.” The initial goals of the Plan involved improvements to the pedestrian experience in Niwot. Future goals included consideration of “street patterns along 2nd Avenue to create a more pedestrian friendly and a unique street . . . [by] encouraging outdoor pedestrian activities and informal social areas, while making 2nd Avenue distinct.” That same year, the County induced the members of the NRCD to give up their voting rights in connection with amendments to the NRCD Development Plan in exchange for the possibility of a future parking lot in Niwot.

The redevelopment of the property at 240 2nd Avenue (Southpaw) was approved in 2017, but with only the residential units having access from the alley. That same year, the County, in conjunction with the LID, acquired a strip of land along Murray Street for future use as a parking lot. To facilitate that purchase the LID was required to cede control of the development of that property to the County.

The completion of the Southpaw development in late summer 2018 led some of the residential property owners on 3rd Avenue to complain to Land Use that they had not been given proper notice of the proposed development and were not happy with the resulting project. Those complaints led to the imposition of the emergency moratorium on September 20, 2018, and the October 30th hearing regarding the continuation of the moratorium.

The October 30th hearing opened with profuse apologies from the Board for the manner in which the moratorium was enacted. The Commissioners also reflected on the County’s lack of historic experience dealing with business and commercial properties, the oft-repeated desire to keep Niwot special while still allowing it to be the commercial center envisioned by the BCCP and, importantly, the need for any proposed Code changes to address the alley situation. They further expressed a sense of urgency to complete the needed work quickly so as to not unduly burden any commercial property owners who might otherwise be trying to pursue redevelopment in the NRCD, while also professing a desire for Code changes to govern the NRCD for the next 50 to 100 years.

At the request of Mr. Case, the emergency moratorium was extended until March 20, 2019. In late January 2019, Land Use unveiled its proposed Code changes. The commercial property owners were aghast at the proposed changes.

When they tallied all of the restrictions in the proposed changes – setbacks, height restrictions, lot coverage limitations, landscape requirements, and unprecedented Floor Area Ratios (FARs) – especially those relating to Block 5, they discovered that the density of future development in the non-historic blocks of the NRCD would be one-third that of the historic blocks. In addition, any proposed development in the non-historic blocks would now be subject to multiple layers of review, some of which had previously been reserved only for the historic blocks.

If the proposed Code changes were adopted, any such development would require pre-application engagement with neighborhood stakeholders, the Niwot Design Review Committee and, possibly, the Historic Preservation Board, as well as post-application referrals to (1) the Niwot Design Review Committee, (2) property owners and residents within 1,500 feet of the proposed development, (3) the LID Advisory Board, (4) the Niwot Downtown Business

Board of County Commissioners
 March 8, 2019
 Page 5

Association, (5) Niwot Community Association, (6) the Niwot Historical Society, and, possibly, (7) the Historic Preservation Advisory Board. This is more engagement and review than is required in the City of Boulder and other neighboring municipalities.

Old Town Niwot, having historically been guided by fairly flexible development standards, is almost uniformly described positively as unique, quaint and quirky. The proposed Code changes may allow Old Town Niwot to be unique, but for all the wrong reasons. Among other things, the changes will needlessly impose rigid FARs for the first time on any development in unincorporated County, yet provide none of the flexibility available in other cities that use FARs such as Boulder and Louisville. In addition, given the proposed setbacks, lot coverage limitations, landscape requirements, and height restrictions (most of which are acceptable to my clients), and all of the expected review processes, the proposed FARs will only serve to add an unnecessary layer of restriction on the redevelopment of the commercial properties (while imposing no similar restrictions on the residential properties), and likely stifle the very design creativity needed to preserve the universally-praised quaint and quirky attributes of Old Town.

Especially disconcerting is the extent to which Staff is willing to resort to misleading representations to justify the imposition of FARs. For example, only the center example in Figure 4 of the Staff report (depicting a 2 story building with 50% lot coverage) would potentially meet the other proposed restrictions; the other two examples violate those restrictions. The lower models in Figures 8 and 9 of the Staff report would be similarly prohibited by other Code restrictions.

Staff has likewise been disingenuous when it comes to the alley situation⁴ and its failure to include related proposed Code changes. As noted by the County Attorney, the alleys have existed for over 100 years. In the intervening years, the County has not maintained or exercised any transportation-related control over the alleys, even in the face of the 1996 “alley study”. When provided with an opportunity to become involved in the maintenance of the alleys in 1997, County Transportation deferred to the County Attorney, who opined that the neighbors bore responsibility for maintaining the alleys.

Now, in the era of walkable communities and pedestrian-friendly experiences, Staff has opted for something even worse than continuing to kick the can down the road. It is both recommending changes to the Code which would arguably encourage access from the alleys by barring new curb cuts in Block 5 (see, proposed 4-116.E.1.a), while effectively preventing access via the alleys until some future time when a mechanism may possibly be in place for the alleys to be improved to some as yet undefined, but unnecessary, standard (see, Staff report pp. 23-26).⁵ This creates a wholly untenable Catch-22 for the commercial property owners in Block 5, which

⁴ Among other things, Staff has repeatedly misrepresented the alley between 2nd and 3rd Avenues as being “one-way” and in need of a turn-around, even though the properties providing destinations for vehicles can be used as turn-arounds.

⁵ Transportation has even suggested that the alleys may require curb and gutter before they can be used for access.

Board of County Commissioners
March 8, 2019
Page 6

may veer into a taking because, while a property owner may obtain approval to develop a project in Block 5, such development may never, in fact, be able to occur due to the inability to actually use the adjoining alley.

My clients and I recognize much time and energy has been spent by Staff and other stakeholders in the process leading to the proposed Code changes. We also recognize the pressure created by the impending expiration of the moratorium. But those facts do not justify the adoption of Code changes which are the result of a potentially legally-deficient process, unnecessarily hamstring redevelopment of the commercial properties in the non-historic blocks of the NRCD (contrary to the BCCP, the Mission Statement for the LID and other guiding documents), perpetuate historic conflicts regarding the alleys, and continue to favor the interests of the residential property owners on 3rd Avenue to the detriment of the commercial property owners in the NRCD.

For the foregoing reasons, my clients request that the Board (a) eliminate the FARs from the proposed Code changes, (b) instruct Staff to promptly formulate Code provisions that will both facilitate alley access for the properties in Block 5 and eliminate curb cuts/driveways along 2nd Avenue and (c) table a decision regarding the proposed Code changes until Staff has provided the necessary alley-related provisions. This request may require an extension of the moratorium, but my clients would rather be burdened by the moratorium than be subjected to the safety issues along 2nd Avenue and the continued uncertainty and conflicting obligations related to the alleys.

Some of my clients are likely to provide public comment at the hearing scheduled for March 12, 2019. Please feel free to ask any questions you may have of them during their individual presentations.

Thank you for your consideration.

Very truly yours,

DIETZE AND DAVIS, P.C.



Robyn W. Kube

RWK/hs

Attachments

c: Clients (via email only, with attachments)
Jacey Cerda, Assistant County Attorney (via email only, with attachments)



DIETZE AND DAVIS, P.C.

ATTORNEYS AT LAW

Serving the West from Boulder since 1972

Robyn W. Kube
Karl F. Kumli, III*
Carmen S. Danielson
David J. Thrower
Renée Ezer*
Stephen A. Closky
Tucker M. Katz
Mark D. Detsky
Glenn H. Lenzen*
William A. Rogers, III
Joshua E. Anderson

Siena Square Building
2060 Broadway, Suite 400
Boulder, Colorado 80302
Telephone (303) 447-1375
Fax (303) 440-9036
www.dietzedavis.com

Email: robkube@dietzedavis.com

Gabriella Stockmayer
Nathan Klotz
Nathaniel Gaffney

Of Counsel:
Joel C. Maguire
Star L. Waring
Jennifer L. Lorenz
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.

Boulder County Planning Commission
 February 18, 2019
 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 the 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.

Boulder County Planning Commission
 February 18, 2019
 Page 3

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.

Boulder County Planning Commission
 February 18, 2019
 Page 4

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)

Boulder County Planning Commission
 February 18, 2019
 Page 5

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%.

Boulder County Planning Commission
February 18, 2019
Page 6

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.

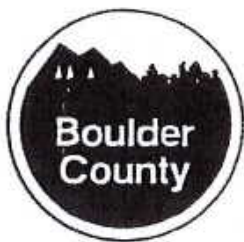
Retain existing structures that contribute to character and new development should be compatible.

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. Dyni:

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

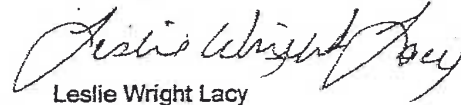
Ronald K. Stewart
County Commissioner

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 cursive script, appearing to read "Leslie Wright Lacy".

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.



DIETZE AND DAVIS, P.C.
ATTORNEYS AT LAW

Serving the West from Boulder since 1972

Robyn W. Kube
Karl F. Kumli, III*
Carmen S. Danielson
David J. Thrower
Renée Ezer*
Stephen A. Closky
Tucker M. Katz
Mark D. Detsky
Glenn H. Lenzen*
William A. Rogers, III
Joshua E. Anderson

Siena Square Building
2060 Broadway, Suite 400
Boulder, Colorado 80302
Telephone (303) 447-1375
Fax (303) 440-9086
www.dietzedavis.com

Email: robkube@dietzedavis.com

Gabriella Stockmayer
Nathan Klotz
Nathaniel Gaffney

Of Counsel:

Joel C. Maguire
Star L. Waring
Jennifer L. Lorenz
Nicholas G. Muller

Peter C. Dietze 1984-2019
Joel C. Davis 1986-2018

**Also admitted in California*

January 28, 2019

Dale Case, Director
Boulder County Land Use Department
2045 13th Street
Boulder, CO 80302

SENT VIA EMAIL ONLY

Re: DC-18-0004 NRCD

Dear Dale:

I am currently working with a number of the owners of commercial property located in the Niwot Rural Community District (the "NRCD"). These owners are active in the Niwot community and serve on the various boards and associations which allow Niwot to function like a small town. We would like to thank you for the opportunity to respond to the draft Code language provided in anticipation of and discussed at the meeting held last Thursday, January 24, 2019.

As you heard at the meeting last week, the owners of commercial property in the NRCD were taken aback by the totality of the proposed Code changes, including the unprecedented imposition of Floor Area Ratios and Building Lot Coverage Maximums on the properties located in what Land Use has defined as Blocks 1, 2, 5, and 6. These proposed changes are especially onerous when coupled with the revised setbacks included in the draft changes. Moreover, and as reflected in the comments made at that meeting and the communications provided with this letter, the proposed changes, as currently written, will almost certainly produce a result that will both adversely affect the character of Niwot, and be antithetical to the Boulder Valley Comp Plan and the specific purposes for which the NRCD was established in that Plan, i.e., the establishment and expansion of a vibrant commercial district in the "old town" part of Niwot. See, e.g., EC 1.06 and NIW 1.03.

In addition, and equally troubling, the proposed changes violate two of the principles which were to guide any Code changes, to wit:

Dale Case, Director
January 28, 2019
Page 2

Drawing on examples of existing conditions that have been described by the community members as enhancing the character of the District; and

Limit[ing] the creation of non-conforming structures and uses following the Code update.

As to the first principle, the Niwot Inn, located in Block 5, has been praised in numerous public comments as just the type of commercial development that should be encouraged in the NRCD; in fact, it has been roundly praised as a “jewel”. Community members have also cited Blocks 3 and 4 as representing the type of development that should occur within the NRCD. But the proposed Code changes would operate as a bar to this type of development in Blocks 1, 2, 5, and 6.

In addition, the proposed Code changes would significantly increase, not limit, the number of non-conforming structures and uses in the District. As some owners of commercial property in the District have pointed out, when all of the proposed changes are taken together 45% of the 29 properties in the District will be rendered non-conforming.

Also, the proposed Code changes, by significantly limiting the square footage which can be developed in Blocks 5 and 6, run counter to the County’s stated goal of increasing a diversity of housing stock, especially affordable housing.

Of further note, an issue that appeared to be driving the Code changes was the use of the alleys, especially in Block 5. The proposed Code changes do not address the alleys in any substantive manner and the comments made at last week’s meeting relating to use of the alleys created confusion, as it was implied that although such use that might be allowed as a result of Land Use approvals, access might not actually be available unless and until the alleys are improved in some as yet undetermined manner. The alley situation should be clarified by the proposed Code changes, not pushed off to some later date.

My clients and the other owners of commercial properties in the NRDC are not opposed across the board to any and all changes to LUC Article 4-116, and in fact have offered their own suggested modifications which are noted on the last two attached pages. But they do want to insure that the goals of maintaining and expanding a vibrant commercial center in Niwot, as reflected in the Comp Plan and existing land use practices, are not effectively barred by any changes that are ultimately adopted. They also believe that the review processes sought to be imposed by the proposed Code changes will do a far better job of furthering the goals of the Comp Plan than unprecedented rigid limitations on developable square footage.

Finally, I would ask that you and/or Jacey Cerda, who has also been copied on this letter, provide copies of this letter and the attachments to the members of the Planning Commission and Board of County Commissioners.

Very truly yours,

Dale Case, Director
January 28, 2019
Page 3

DIETZE AND DAVIS, P.C.

A handwritten signature in black ink, appearing to read 'Robyn W. Kube', followed by a long horizontal line.

Robyn W. Kube

RWK/hs
Attachments

c: Clients (w/attachments, via email only)
Jacey Cerda, Esquire (w/attachments, via email only)



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 Dyne, 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

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 fluid and cursive, with the first name "Leslie" being the most prominent.

Leslie Wright Lacy
Assistant County Attorney

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

From: [Case, Dale](#)
To: [Ruano, Jose](#); [Grimm, Denise](#); [Wobus, Nicole](#); [Hackett, Richard](#)
Subject: Fwd: Scan From Osmosis Architecture
Date: Friday, March 8, 2019 11:15:47 PM
Attachments: [doc20190308172049.pdf](#)
[ATP - \[redacted\].docx](#)

Begin forwarded message:

From: Anne Postle <apostle@osmosisarchitecture.com>
Date: March 8, 2019 at 5:36:31 PM MST
To: Boulder County Board of Commissioners
 <commissioners@bouldercounty.org>, Dale Case <dcase@bouldercounty.org>
Cc: 'Robyn Kube' <RobKube@dietzedavis.com>, Tony Santelli
 <a.santelli@comcast.net>, Tim and Mary Coonce
 <mcoonce@porchfronthomes.com>, 'Tim Coonce'
 <tcoonce@porchfronthomes.com>, 'Trec52' <trec52@gmail.com>, 'Tom Stanko'
 <tom@harringtonstanko.com>, 'Tim Harrington' <tim@harringtonstanko.com>,
 <corneliaswl@gmail.com>, 'Catherine McHale' <mchale.c@icloud.com>,
 Carlson & Moore LLC Biff Warren Warren <biff@niwotlaw.com>, 'Cotton
 Burden' <cotton@burdeninc.com>
Subject: FW: Scan From Osmosis Architecture

Dear Commissioners,

Please review the attached drawings. They show three different possibilities for development on my property on 2nd Avenue.

- Option 1 is best for Niwot, but not allowed due to the proposed FAR restrictions.
- Option 2 is allowed, and is a viable project, but will not please the neighbors, or allow for any possibility of commercial or retail use.
- Option 3 is a study ONLY of what a reasonable 1.25 FAR looks like. No one would expect every site to benefit from a 1.25 FAR, and the commercial property owners are requesting NO FAR requirements within the NRCD. That said, an FAR of 1.25 would most likely occur on a smaller lot, or a corner lot. This model shows a 1.25 FAR on 280 2nd Avenue, but I would never do this because I have no intention of tearing down the historic building. **The 1.25 FAR exhibit created by Land use that uses the Southpaw site is deceptive and misleading!**

Even though my preferred option does not meet the proposed FAR of .6, if you combine all of my sites, the FAR is under .6. The proposed FAR restrictions do not allow for the fact that parking is shared on different sites.

I hope you understand the gravity of the situation. When the NRCD property owners would rather extend a painful moratorium, than see these regulations approved and experience the pain for decades, it warrants attention.

Sincerely,

Anne Postle, Architect
osmosis art and architecture



OPTION 1-PREFERRED, BUT NOT ALLOWED

- . NEW BUILDING CLOSE TO 2ND AVENUE
- . COMMERCIAL SPACE FIRST FLOOR
- . RESIDENTIAL OR OFFICE ABOVE
- . 50' SETBACK TO ALLEY FOR NEW BUILDING
- . LANDSCAPE SCREEN & FENCE ALONG ALLEY
- . FAR WITH THIS BUILDING: .7 TO .84
- . NEW BUILDING IS SMALLER THAN SLATER BUILDING AND NIWOT INN, SAME HT. AS INN
- . **NOT ALLOWED UNDER PROPOSED RULES!**





OPTION 2-ALLOWED, BUT NOT PREFERRED

- . NEW BUILDINGS CLOSE TO ALLEY
- . ALL RESIDENTIAL
- . 5' SETBACK TO ALLEY FIRST FLOOR
- . 25' SETBACK ABOVE 15' HT.
- . ALLEY ACCESS FOR GARAGES
- . FAR PROPOSED: .6
- . **ALLOWED UNDER PROPOSED RULES!**

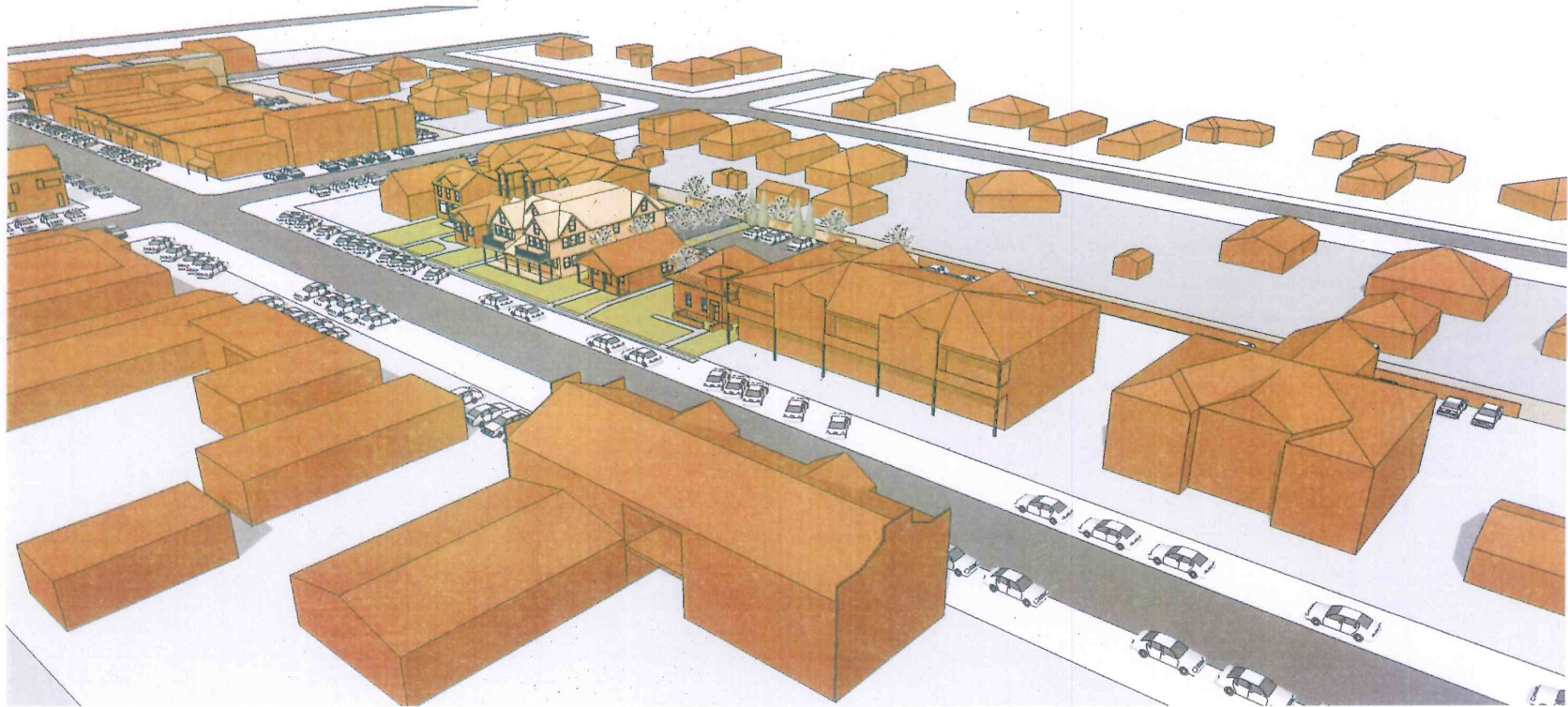




OPTION 3: 1.25 FAR STUDY ONLY

- . NEW BUILDING ON 280 2ND, CLOSE TO STREET
- . COMMERCIAL ON FIRST FLOOR
- . RESIDENTIAL OR OFFICE ABOVE
- . 50' SETBACK TO ALLEY
- . LANDSCAPE SCREEN & FENCE ALONG ALLEY
- . FAR WITH THIS BUILDING: 1.25
- . NEW BUILDING IS SMALLER THAN SLATER BUILDING AND NIWOT IN, SAME HT. AS INN
- . **NOT ALLOWED UNDER PROPOSED RULES!**





OPTION 1: PREFERRED OPTION FOR 240, 280 AND 290 2ND AVENUE

From: [Anne Postle](#)
To: [Boulder County Board of Commissioners](#); [Case, Dale](#)
Cc: [Tony Santelli](#); [Tim and Mary Coonce](#); tcoonce@porchfronthomes.com; trec52@gmail.com; tom@harringtonstanko.com; [Tim Harrington](#); [Cornelia Sawle](#); bob@vonscolorado.com; brian@masseq.com; brad@bradfordheap.com; [Bruce W. Warren](#); xanaru@icloud.com; cotton@burdeninc.com; RobKube@dietzedavis.com; [Laura Skaggs](#)
Subject: Support vs. Opposition Map
Date: Saturday, March 9, 2019 1:11:24 PM
Attachments: [Niwot Support vs. Opposed MAP-compressed.pdf](#)
[ATT00001.htm](#)

Dear Commissioners and Dale,

See attached map. This was prepared using only the information included in the Planning Commission public comment file on the County website. It shows clearly what the Niwot Community desires as the outcome of this process. It also shows which opinions matter to Boulder County Land Use, and which opinions don't. As Commercial Property owners in the NRCD, we hope this will concern you as it concerns us.

Respectfully,

Anne and Jim Postle

Bob Von Eschen

Tim and Mary Coonce

Brian Bair

Bradford Heap

Cornelia Sawle

Tony Santelli

Niwot Community
Service Area Map

**Public
SUPPORT**

vs.

**Public
OPPOSITION**

to Boulder County's
Proposed Code Changes

**Public comments in FAVOR
of new restrictions:**

- 55 out of 275 comments = in favor.
- Of those 55, 42 are from thirteen 3rd Avenue neighbors concerned primarily with alley use.

**Public comments OPPOSED
to new restrictions:**

- 220 out of 275 comments = opposed
- Of those 220, 61 are from NRCD1 property owners primarily in favor of alley access for the 2nd Avenue property owners.

 Public comments from outside
of Niwot - not shown on map

From: [Mary Fairfield](#)
To: [Boulder County Board of Commissioners](#); +dcase@bouldercounty.org; +dgrimm@bouldercounty.org
Subject: Niwot Moratorium
Date: Monday, March 11, 2019 7:48:24 AM

Dear Boulder County Commissioners,

I am a new resident of Niwot, having sold my North Boulder home last spring and consequently purchasing a new home in Niwot. One of the many reasons I love the town of Niwot is the commercial downtown. And now, within a short period of time, it seems that downtown area is becoming less vibrant as businesses are closing their doors due to the imposed moratorium. I am in the process of learning more about the moratorium but I am already seeing the negative impact.

As a new homeowner in Niwot, I wonder how long before my property value decreases if the downtown continues to lose businesses. It is hard to imagine the residents of Niwot wanting to lose their wonderful downtown, one of the main reasons I moved to Niwot.

I hope a reasonable compromise can be reached to help support our local businesses and maintain a vibrant, thriving downtown for Niwot and Boulder County.

Respectfully,

Mary Fairfield
Niwot homeowner

Mary Eaton Fairfield
303 956 3230 mobile

From: [Wufoo](#)
To: [Boulder County Board of Commissioners](#)
Subject: Contact County Commissioners [#991] - [Name: Langdon, Bradley] Re: Niwot Moratorium
Date: Monday, March 11, 2019 12:13:24 AM

Name * Bradley Langdon

Email * bradlangdon@gmail.com

Address or General Area (optional) ☐ 280 Third Ave
Niwot, CO 80544

Phone Number (optional) (303) 652-2723

Subject * Niwot Moratorium

Comments, Question or Feedback * Please read attached Word document

Attach a File (optional)



[10_march_2019_comments_to_county_commissioners.docx](#)

6.79 KB • DOCX

Please check box below *

- I acknowledge receipt of the Open Records Notification

Mailed Comments

Dear Commissioner:

We encourage the County Commissioners to uphold the findings of the County Commissioners of 1996 after they came to Niwot and toured the alley in 1996. At that time, they recognized the unique characteristics of the alley as a buffer between the commercial and residential districts. They then instructed staff to conduct the Niwot Alley Study. This study produced guidelines (see below) for developing the commercial district and these guidelines were used in the reviews and subsequent development of the Slater Building and Niwot Inn. These buildings are respected and appreciated by the business and residential communities, alike. Both contribute foot traffic and pedestrian space to the downtown and enhance the character of Niwot while affording the residential district some privacy.

1. Where physically possible, Second Avenue or another primary road, should be used to access a property instead of an alley. The roads are better designed to handle traffic flow and are maintained by Boulder County. The County recognizes the fact that lot-line to lot-line development on Second Avenue, west of Franklin requires access from the alley.

2. Parking at the rear of a lot is an historical precedent in Niwot that is still appropriate today. Some lots which are already built-out depend on rear-lot parking. As such, based upon the NRCD regulations, the County will generally support rear lot parking for new businesses. In the block identified as Area 3 in this study, newly created parking areas should not have direct traffic flow from the lot to the alley. In addition, the parking area should be screened from the view of adjacent residents as much as possible through the use of fences and vegetation.

CC: Dale Case
Land Use

RECEIVED
County Commissioners Office

MAR 07 2019

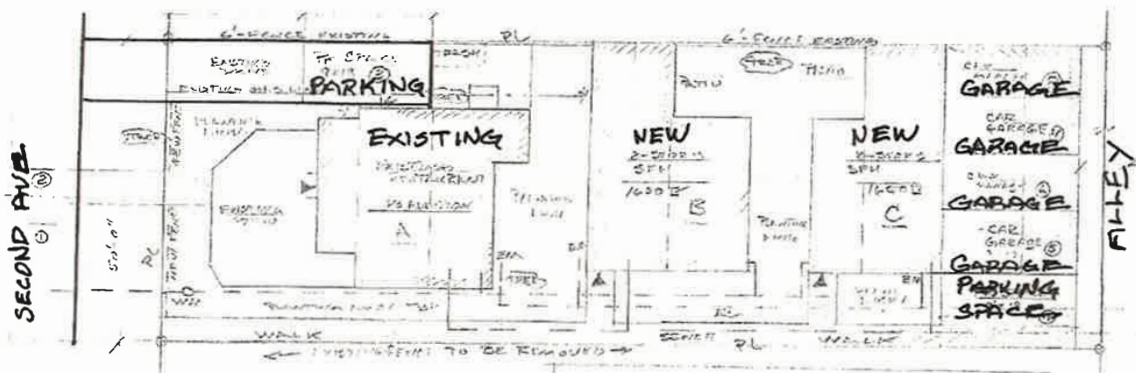
1996 NIWOT ALLEY STUDY GUIDELINES

REC'D BY ACM
TIME _____

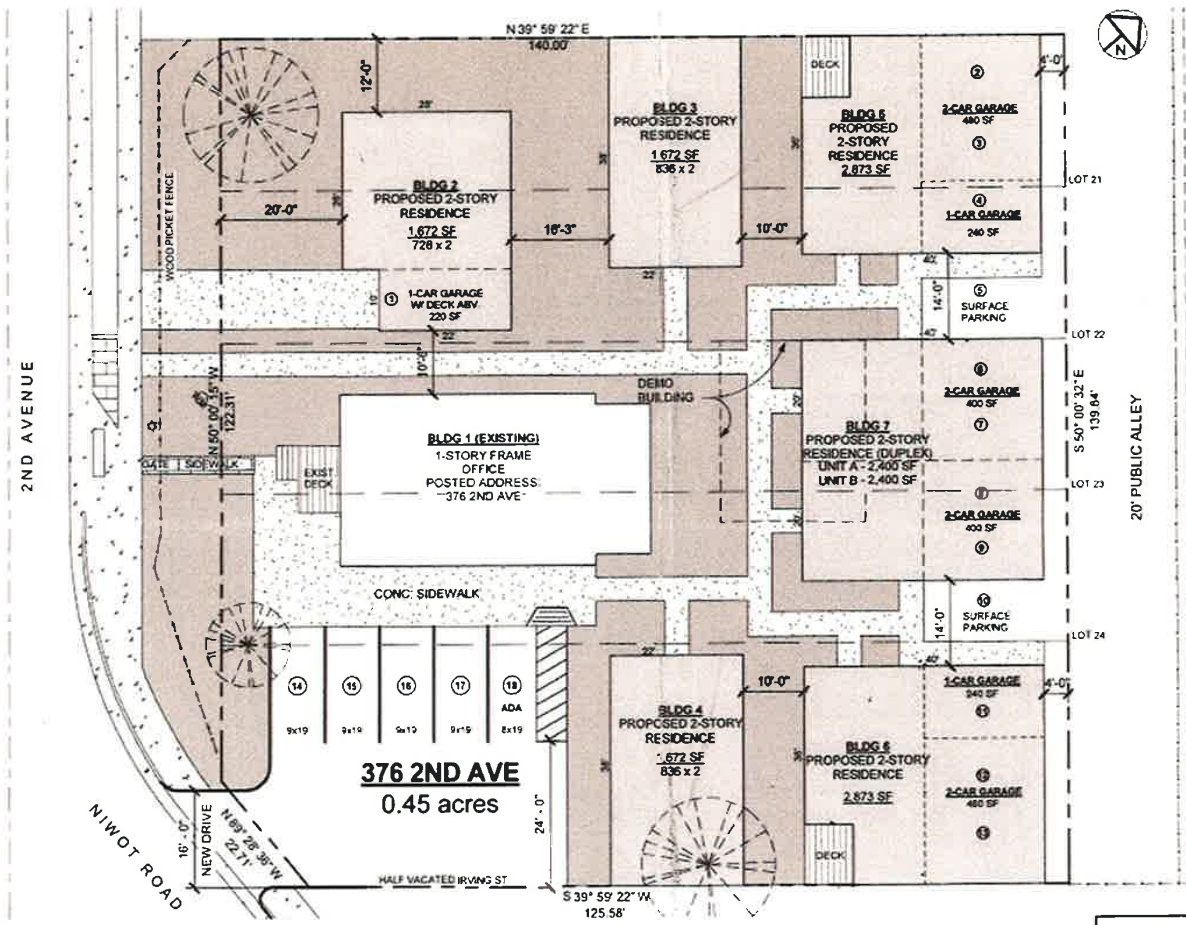
It should be noted that the reasoning behind the Niwot Alley Study is still relevant: "2nd Avenue or another primary road, should be used to access a property instead of an alley. The roads are better designed to handle traffic flow and are maintained by Boulder County". This is still true today.

Unfortunately, the new zoning regulations are an attempt by staff, under pressure from land developers, to subvert the previously established guidelines. Under the guise of "pedestrian safety concerns" the regulations are encouraging use of the alley to access commercial properties. Land developers have been championing this pedestrian safety issue without any facts to substantiate it. In the Planning Commission's meeting, County staff admitted that they had investigated records regarding incidents between vehicles and pedestrians in Niwot and none were found. Not one. The Planning Commission only agreed to the revised regulations after the item regarding accessing the alley was stricken from the proposed regulations. Please support their ruling.

If one examines the land developer's plans for these properties, the rationale for opening the alley to commercial traffic is clear. (See below) Note that there is no reduction in the number of driveways off Second Avenue, but an increase in driveways. And two of the driveways require cars to back over the 2nd Ave. sidewalk. So much for pedestrian safety.



Lefty's



The Meisner Property

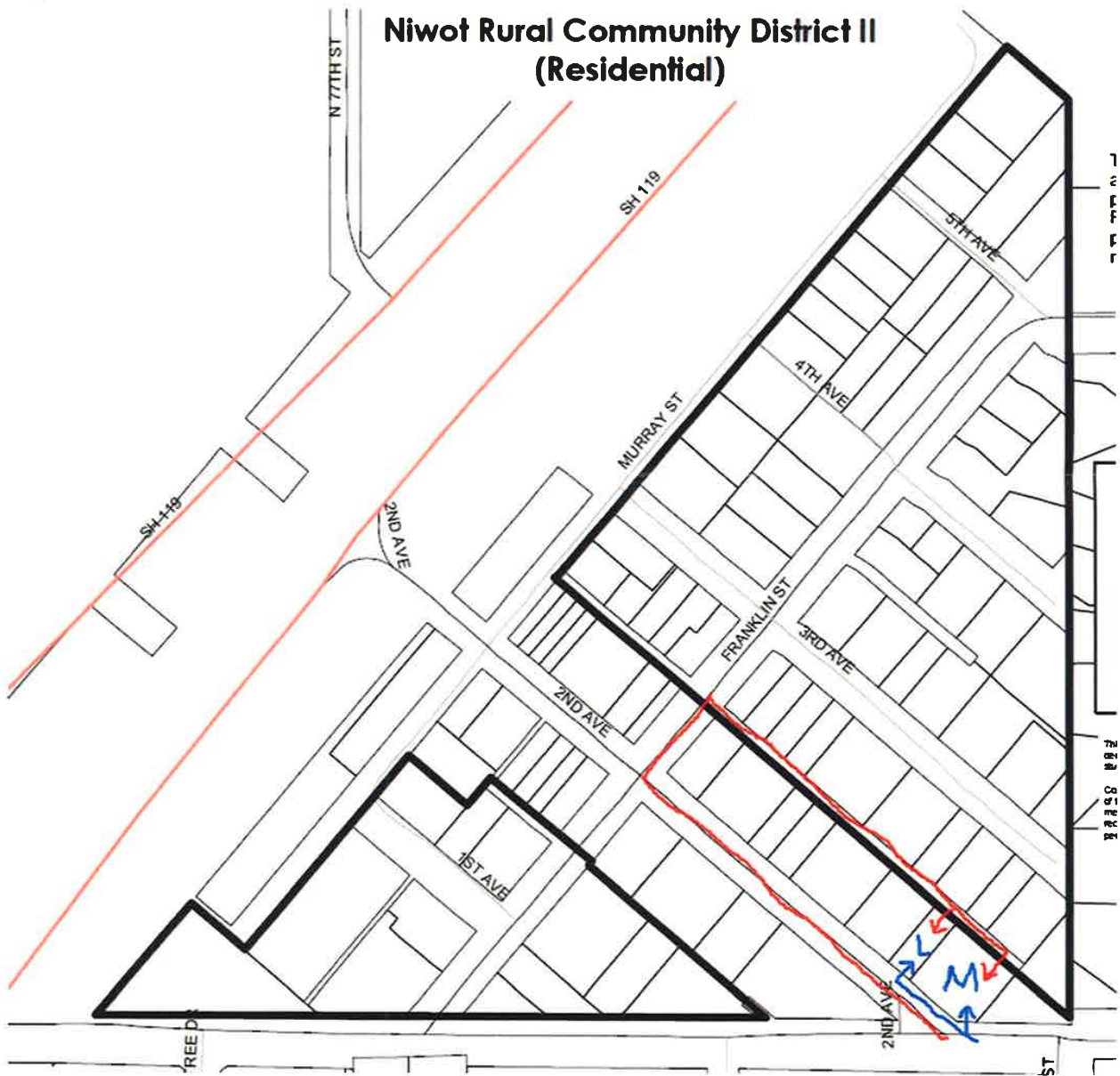
It is clear the land developers are attempting to turn the dead-end alley into another Avenue for which it is ill equipped. The County's own transportation guidelines call for a 30-foot right-of-way for two-way access. (See below) A 20' alley which is restricted in places to 16' by telephone poles and 18' by Colterra's encroachment at the corner of Franklin Ave and the alley, does not meet the County's own access design standards.

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'	

Routing vehicles off Niwot Road, down Second Ave., thru a 4-way stop, down Franklin Ave and then up a dead-end alley, instead of utilizing an existing direct access driveway off of Niwot Road is not good planning! Staff has suggested that the alley would host 200 trips a day in contrast to the 20 trips a week we currently experience? (see county map)



Blue is the current, historic access off Niwot Rd. to the Meisner & Lefty Properties, Red is the proposed route by staff and developer. And bold black line clearly identifies the residential zone which includes the alley – not the other way around.

What is also evident from these plans and the already built South Paw Commons, seen below, is that these developments do not enhance the character of Old Town Niwot, they do not create foot traffic or a pedestrian friendly environment for the downtown business district, nor do they respect the adjacent residential neighborhood.




SOUTH PAW COMMONS from 2ND AVE



from the alley

We hope the commissioners will insist that the new regulations incorporate the directives of the Niwot Alley Study of 1996 to insure the remaining developable lots on 2nd Ave are developed to preserve the "semi-rural" character of our town and not turn it into a run of the mill, high density subdivision. We would ask that you direct staff to preserve the alley as a buffer between commercial and residential communities as envisioned by the commissioners in 1996. It set a precedent that has served the community well for the last 24 years. Thank you.

Sincerely,


Jim, Kim, Amy & Quinn Kalinski

343 3rd Avenue

Referral Responses



Land Use

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

February 26, 2019

Docket DC-18-0004: Amendments to Niwot Rural Community District (Article 4-116)
and related Land Use Code provisions

Request: Review of draft Land Use Code amendments to Niwot Rural Community District regulations (article 4-116) of the Boulder County Land Use Code.

(Staff: Dale Case, Director; Mike Thomas, County Engineer; Denise Grimm, Principle Planner; Jose Ruano, Planner I; Nicole Wobus, Long Range Planning Manager; Laura Weinstein, Planner I)

Dear Stakeholder/Interested Party,

A need was identified to update the Niwot Rural Community District I (NRCD) Land Use Code provisions (Article 4-116) to ensure they are sufficient to protect and promote public health, safety, and welfare, and maintain the unique character of the Niwot community by appropriately balancing changes in development and growth with the present and future needs of the community. On Sept. 20, 2018, the Board of County Commissioners (BOCC) authorized staff (via [Resolution 2018-112](#)) to review and update the NRCD regulations. Staff has studied existing conditions and drafted regulatory changes based on planning best practices, community engagement outcomes, and an understanding of the unique circumstances of the NRCD. The proposed Code amendments are intended to reflect that the district will develop and evolve and are designed to clarify expectations and permit flexibility while protecting the essence of what makes the NRCD I distinct.

On Feb. 20, 2019, the Planning Commission recommended that the BOCC approve the proposed Land Use Code text amendments to Article 4-116 and associated provisions of the Boulder County Land Use Code Docket DC-18-0004 as presented in Attachment A., with some additional direction. Please refer to the hearing recording for details at:
<https://bouldercountyco.igm2.com/Citizens/default.aspx>.

Summary of Proposed Text Amendments

The draft amendments to the Land Use Code are organized by section and include the following:

- **Section A:** Replaces the current “Introduction” section of Article 4-116 with Purpose and District Description.
- **Section B:** Includes revisions to use categories to match current use definitions used elsewhere in the Land Use Code. Specifies maximum number of dwelling units allowed for “mixed-use” and add a definition for Mixed-Use within the main body of the Land Use Code (a new Article 4-518).
- **Section C:** Reduces the maximum building height within 25 feet of the rear setback in certain cases. Adds new provisions for Lot Coverage and Floor Area Ratio (FAR). Allows for a reduced front setback in certain cases. Considers interior parcel lines perpendicular to 2nd Avenue, a side yard (to allow for more buildable area on corner lots than currently allowed).
- **Section D:** Provides greater clarity and flexibility in parking requirements including potential reductions in requirements for properties promoting use of multi-modal transportation, those with small residential units, and those with shared parking agreements.

Deb Gardner County Commissioner

Elise Jones County Commissioner

Matt Jones County Commissioner

- **Section E:** Adds provisions related to access and mobility to address safety and the community's desire for improved walkability. Encourages dedication of lot area to landscaping and low-water use greenspaces.
- **Section F:** Includes existing requirements for the Historic District of the NRCD.
- **Section G:** Increases requirements for community engagement for projects larger than a certain scale and assembles all process-related provisions into one location within Article 4-116.
- **Section H:** Revises the description of, and requirements for the Niwot Design Review Committee, and references the role of the Historic Preservation Advisory Board (HPAB).
- **Section I:** Adds an appendix to include information and background on the designated Historic District and the Contributing and Non-contributing structures.

Attachments:

Attachment	Description
A	Proposed Amended Land Use Code Language
B	Article 4-116, Current NRCD Regulations
C	Table Comparing Current vs. Proposed Code

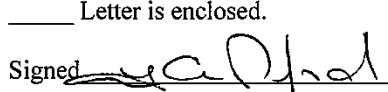
The draft of the proposed text amendments is attached to this letter for your review. You may also view the proposed draft text amendments and future revisions in our office or online at: <https://www.bouldercounty.org/property-and-land/land-use/planning/land-use-code-update/dc-18-0004/>

The docket review process for the proposed amendments will include a public hearing before the BOCC on March 12, 2019. Public comments will be taken at the hearing. Confirmation of hearing dates and times will be published online at the link above and in local newspapers.

The Land Use staff and County Commissioners value comments from individuals and referral agencies. Please check the appropriate response below or send a letter or email with your comments. All comments will be made part of the public record. If you have any questions regarding this docket, please contact us at (303) 441-3930 or jruano@bouldercounty.org.

Please return responses to the above address by **March 5, 2019**. Late responses will be reviewed as the process permits.

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

Signed  PRINTED Name L. Ann Penfold
 Agency or Address Mt. View Fire Rescue



Land Use

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

February 26, 2019

Docket DC-18-0004: Amendments to Niwot Rural Community District (Article 4-116) and related Land Use Code provisions

Request: Review of draft Land Use Code amendments to Niwot Rural Community District regulations (article 4-116) of the Boulder County Land Use Code.

(Staff: Dale Case, Director; Mike Thomas, County Engineer; Denise Grimm, Principle Planner; Jose Ruano, Planner I; Nicole Wobus, Long Range Planning Manager; Laura Weinstein, Planner I)

Dear Stakeholder/Interested Party,

A need was identified to update the Niwot Rural Community District I (NRCD) Land Use Code provisions (Article 4-116) to ensure they are sufficient to protect and promote public health, safety, and welfare, and maintain the unique character of the Niwot community by appropriately balancing changes in development and growth with the present and future needs of the community. On Sept. 20, 2018, the Board of County Commissioners (BOCC) authorized staff (via [Resolution 2018-112](#)) to review and update the NRCD regulations. Staff has studied existing conditions and drafted regulatory changes based on planning best practices, community engagement outcomes, and an understanding of the unique circumstances of the NRCD. The proposed Code amendments are intended to reflect that the district will develop and evolve and are designed to clarify expectations and permit flexibility while protecting the essence of what makes the NRCD I distinct.

On Feb. 20, 2019, the Planning Commission recommended that the BOCC approve the proposed Land Use Code text amendments to Article 4-116 and associated provisions of the Boulder County Land Use Code Docket DC-18-0004 as presented in Attachment A., with some additional direction. Please refer to the hearing recording for details at: <https://bouldercountyco.ig2.com/Citizens/default.aspx>.

Summary of Proposed Text Amendments

The draft amendments to the Land Use Code are organized by section and include the following:

- **Section A:** Replaces the current “Introduction” section of Article 4-116 with Purpose and District Description.
- **Section B:** Includes revisions to use categories to match current use definitions used elsewhere in the Land Use Code. Specifies maximum number of dwelling units allowed for “mixed-use” and add a definition for Mixed-Use within the main body of the Land Use Code (a new Article 4-518).
- **Section C:** Reduces the maximum building height within 25 feet of the rear setback in certain cases. Adds new provisions for Lot Coverage and Floor Area Ratio (FAR). Allows for a reduced front setback in certain cases. Considers interior parcel lines perpendicular to 2nd Avenue, a side yard (to allow for more buildable area on corner lots than currently allowed).
- **Section D:** Provides greater clarity and flexibility in parking requirements including potential reductions in requirements for properties promoting use of multi-modal transportation, those with small residential units, and those with shared parking agreements.

Deb Gardner County Commissioner

Elise Jones County Commissioner

Matt Jones County Commissioner

- **Section E:** Adds provisions related to access and mobility to address safety and the community's desire for improved walkability. Encourages dedication of lot area to landscaping and low-water use greenspaces.
- **Section F:** Includes existing requirements for the Historic District of the NRCD.
- **Section G:** Increases requirements for community engagement for projects larger than a certain scale and assembles all process-related provisions into one location within Article 4-116.
- **Section H:** Revises the description of, and requirements for the Niwot Design Review Committee, and references the role of the Historic Preservation Advisory Board (HPAB).
- **Section I:** Adds an appendix to include information and background on the designated Historic District and the Contributing and Non-contributing structures.

Attachments:

Attachment	Description
A	Proposed Amended Land Use Code Language
B	Article 4-116, Current NRCD Regulations
C	Table Comparing Current vs. Proposed Code

The draft of the proposed text amendments is attached to this letter for your review. You may also view the proposed draft text amendments and future revisions in our office or online at: <https://www.bouldercounty.org/property-and-land/land-use/planning/land-use-code-update/dc-18-0004/>

The docket review process for the proposed amendments will include a public hearing before the BOCC on March 12, 2019. Public comments will be taken at the hearing. Confirmation of hearing dates and times will be published online at the link above and in local newspapers.

The Land Use staff and County Commissioners value comments from individuals and referral agencies. Please check the appropriate response below or send a letter or email with your comments. All comments will be made part of the public record. If you have any questions regarding this docket, please contact us at (303) 441-3930 or jruano@bouldercounty.org.

Please return responses to the above address by **March 5, 2019**. Late responses will be reviewed as the process permits.

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

Signed Karen Behnc PRINTED Name Karen Behnc
 Agency or Address Niwot Sanitation District