

## **Niwot LID Advisory Committee Meeting Minutes**

March 5, 2019  
Mountain View Fire & Rescue Station  
8500 Niwot Road, Niwot, CO

The meeting was called to order at approximately 7:00 pm.

**Members Present:** Laura Skaggs, Jim Eastman, Scott Firle, Anne Postle, Bruce Rabeler, Mary Coonce, Lisa Rivard, Cornelia Sawle

**Guests:** Tony Santelli, Catherine McHale

**Staff:** Joan Barilla, Mark Ruzzin

### **Approval of Minutes:**

The board considered the minutes of the February 5, 2019 meeting.

**ACTION:** Scott moved to approve the minutes from the February 5, 2019 meeting; Anne seconded the motion and it passed unanimously with the understanding that additional clarification would be written in as requested.

### **Introduction and Orientation- New Committee Members:**

Three new members, Mary Coonce, Lisa Rivard and Cornelia Sawle joined the Advisory Committee for their first meeting. Laura lead the introduction as committee members and staff provided background about themselves and their time on the committee. In addition to the introductions, Laura also discussed the charge of the committee as advisors to the county commissioners and defined tasks of the LID. She also mentioned the strategic plan and relayed that the group may meet as a whole in the coming months to review the plan once the new members have attended a few more meetings. Mark provided information about how LID business is communicated to the commissioners by the staff liaison via weekly meetings. He also stated there is a great deal of trust between the commissioners and the committee in support of the work being performed.

Jim lead a discussion about the LID role as “funders,” not “doers” to help describe the part the LID plays in contributing to the Niwot community, and Tony Santelli provided input from a sponsor’s point of view. Bruce discussed his role as Treasurer and offered to provide the history of how money has been spent over the years.

### **Treasurer’s Report:**

Bruce presented the monthly Treasurer’s Report to the committee and provided an explanation to the new members about specifics with the overall budget and supporting documents. He highlighted the February “Other” category on the Sales Tax 3-year Comparison Report as being much higher than the expected amount. It was explained potential overpayments have happened in the past and the LID expects some of this money may need to be returned to the state. Lisa asked about oversight of the sales tax revenue and whose responsibility it is to alert the LID about problems and resolutions. Mark explained that county financial staff also supports the LID and communicates with the Department of Revenue. Joan will follow-up with those staff members and ask about the questionable February 2018 “Other” amount.

The discussion then turned to the fairly flat 2018 revenue collection; food service was down, but retail was up.

In 2019, the board has approved expenditures totaling \$38,401.11, and with no funding requests tonight, \$94,425.89 remains in the budget.

With respect to the LID's reserve, the reserve sits at about \$109,000; if the LID does see collections of about \$180,000 in 2018, the reserve will bump back up to about \$129,000.

Bruce, Mark and Joan have scheduled a meeting with Boulder County Budget Analyst Dawn Bashford-Page to review the clarification of the county financial policy and its impact on the reimbursement process. LID funding and reimbursement form updates will also be discussed. They will report back to the committee at the next meeting.

**Funding Requests:**

No funding requests were submitted at this meeting.

**New Business:**

Catherine McHale presented the Niwot Marketing Report and provided new committee members with an explanation of her role as part economic development director and part marketing director. She relayed 2018 began with a low vacancy rate, but the second half of the year created some challenges due to the moratorium which made investors and businesses cautious. She continues to look for more consumer facing businesses and is pleased to be co-hosting a luncheon with Jim Ditzel for commercial brokers to get them excited about Niwot. She next explained her work with existing businesses within the district by fostering good relationships through encouraging discussion by offering in-person meetings, facilitating workshops and creating a nurture list to help keep them located in the town.

The marketing strategy will continue to drive home a broader baseline as to why Niwot is a great place through various items such as goody bags and giveaways in addition to continuing to set up informational booths at events. The Small Town, Big Heart campaign is moving along, and Catherine presented the committee with a mock-up of a new illustration. The illustration was created from local photography of the area and she encouraged the committee to provide her with feedback about it. Social/digital media continues to be a big part of the marketing strategy, including great success with the weekly email newsletter and a video showcasing the town on Facebook. Because of the success and low cost, Catherine would like to create more videos to post on social media. Print media also continues to be used, advertising in several publications around the county. Bruce asked what those publications are; Catherine will follow-up with a list. The committee expressed interest in the vacancy report provided and discussed the various properties on the list. There is hope a new restaurant or two may be coming to town and support was expressed among the committee members that other vacancies will be filled by sales tax generating businesses. Laura thanked Catherine for the very good report.

**Old Business:**

Mark reminded the committee the Boulder County Comprehensive Plan comment period was still open, and submissions could be made as an individual or as a group.

Mark then reminded the committee the comment period regarding the moratorium and proposed revisions to the NRC Land Use regulations was soon closing. He explained to new members, the committee passed and submitted a resolution to the commissioners in opposition of the moratorium last October. Anne and Tony put forth a proposal to add an addendum to the October LID Resolution for submission to the commissioners before the close of the current comment period. Their proposed addendum raised the argument that the revised codes would be detrimental to businesses in the community and the failure to address alley access will continue to create unacceptable risk to pedestrian safety on 2<sup>nd</sup> Avenue.

Laura reminder members to consider the language presented as a member of the LID. Scott asked for information about what happened with pedestrian/vehicle interactions and what was the catalyst for the proposal to open up the alley and eliminate curb cuts. Tony explained there have been numerous close calls reported to him by others relating to pedestrian/vehicles around this area and the moratorium highlighted the historical development of the area requiring curb cuts, not alley access. He also stated commercial property owners, with alley access, will pay for the eliminations of the curb cuts and believes the problem should be fixed before a catastrophic incident occurs. Jim discussed the idea that more visibility is needed if the curb cuts remain which may include additional landscaping and tree trimming or removal. Anne stated the business community is asking the commissioners to continue the moratorium and revisit the old codes because they are better than the newly proposed ones. Lisa, Cornelia and Mary all expressed concerns over safety in the area relating to pedestrian, car and truck interactions.

Bruce stated he was torn about this proposal and looking for middle ground. He doesn't agree with the current codes but was having a difficult time separating his personal feelings from his role as a committee member. He's not sure it's the committee's place to make a statement and is in a place between the various groups on this complex issue. Ideally, he would like to find middle ground but doesn't feel this resolution is it. He will either recuse himself or not vote for it. Laura stated she feels some pieces of the code changes have made progress and the resolution should support some of the recommendations moving forward. Scott, as an LID member, feels the code changes impact funding and the ability for action in the community. He thinks it's appropriate for the LID to have a voice because it impacts what we do.

Anne and Tony then discussed a document drafted and agreed to by the business community which proposes additional revisions to the code proposed by Land Use. Several committee members and Mark worked on fine tuning the language of a new draft resolution. As the meeting was ending, it became apparent the resolution language needed to continue to be refined and the business community proposal be provided to all members before a final draft of the resolution could be voted on. Laura asked if a vote could be taken via email and Mark stated this was acceptable. The meeting was adjourned with next steps to include finalizing a draft of the LID resolution, presenting it to the committee for review and a vote by email. If the resolution is passed, it will then be sent to the commissioners by the LID Chair.

The meeting was adjourned at approximately 9:30 p.m.

**Post Meeting- Thursday, March 7, 2019:**

Laura received votes via email from eight committee members on the final draft resolution regarding the proposed revisions to the NRCD Land Use Codes.

**ACTION:** The final vote tally, 6 aye, (Laura, Mary, Jim, Scott, Cornelia and Lisa), 1 nay (Bruce) and 1 recuse (Anne). The resolution was accepted and forwarded to the commissioners along with the revised recommendations from the commercial property owners.

**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 2<sup>nd</sup> 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 2<sup>nd</sup> Avenue, or behind Commercial. First floor adjacent to 2<sup>nd</sup> 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 2<sup>nd</sup> Avenue)

- Side setback 0' required
- Setback on corner lots to Franklin: 0'.

**Pedestrian Safety/Alley Access east of Franklin:**

- To improve the safety of 2<sup>nd</sup> Avenue sidewalks, full alley access for Commercial property owners to be granted by May 15<sup>th</sup>. 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 2<sup>nd</sup> 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.