

Boulder County commissioners table Niwot land use code changes, extend development moratorium

By Cassa Niedringhaus

Staff Writer

Boulder Daily Camera

Posted: Tue Mar 12 23:11:35 MDT 2019

Boulder County commissioners on Tuesday voted unanimously to table [proposed land use code changes](#) that would apply to development and redevelopment of downtown Niwot-area properties, as well as to extend a [moratorium on development](#) in the Niwot Rural Community District.

At the conclusion of a contentious public hearing, in which dozens of residents and business owners commented, commissioners voted to table the matter and extend the moratorium until April 23 to allow for more staff work on the proposed changes.

"Trying to have a collaborative process where everyone is a little bit unhappy and everybody is a little bit happy is a better place to be than where no one is happy about anything," Commissioner Deb Gardner said, noting the displeasure of many who commented Tuesday.

The proposed changes would restrict the scale and bulk of development, including setting lot coverage and floor-area ratio limits. The changes would provide more clarity on density and design parameters, the appropriate mix of uses and the interface between commercial and residential areas — "key deficiencies" in the current code, county staff said in a memo to commissioners.

Commissioner Elise Jones said the moratorium, which was approved in September and extended in October, is a heavy-handed way to go about the process. She said it wouldn't be her inclination to extend it, but she ultimately joined other commissioners in voting for the extension to give the process more time.

One of the issues for some residents who commented Tuesday was the use of an alley between commercial buildings on Second Avenue and residences on Third Avenue. Residents on Third Avenue repeated concerns they've shared at past meetings that moving vehicular traffic from Second Avenue and into the alley would reduce their quality of life and the value of their homes.

"Forcing new traffic into the alley will have consequences which are almost entirely negative," Frank Goodknight said.

Added Adam Snow, whose parents live on Third Avenue: "My parents have worked on our home for decades to make our home our sanctuary. My parents aren't the only ones. What would you do?"

However, staff noted, and commissioners supported, that the alley is a public thoroughfare.

"The reality is that we need to open up that alley," Jones said. "That only makes sense."

Business owners and others said the proposed regulations, particularly the floor-area ratio limits, would stifle business and development in Niwot.

"Niwot has stagnated," Damien D'Apolito said. "When you stagnate, you die. It's time for Niwot to be able to grow."

Both sides accused the other spreading misinformation or outright lies, and some said the process had opened a rift in the community.

D'Apolito joined others in advocating that all voices were heard, and that they were not drowned out by Third Avenue residents.

"I don't feel, as a lot of people have said, that the entirety of the Niwot community is being heard," D'Apolito said. "I'd like to see this process continue."

Catherine McHale, Niwot's economic development director, said Niwot is a fragile ecosystem that needs balance to survive. She said Niwot needs development regulations that are balanced to allow for the economic viability of projects.

In talking with commercial real estate brokers and potential businesses, she said, they're not sure Niwot will be open for business in the future.

"(The proposed regulations) make development non-viable commercially. ... I would urge you not to approve these proposals," she said.

The commissioners were not set on the issue of the floor-area ratio limits Tuesday, though Commissioner Matt Jones expressed a desire to keep Niwot a quaint place that's not overbuilt.

"For me, that mass is getting big," Matt Jones said. "I think the (floor-area ratio) has value and the fact it was set based on past practices and current structures, I think helps us get to what might be a reasonable place."

In tabling the matter, commissioners directed county staff to come back with further analysis of a number of issues, including the ramifications of the floor-area ratio, parking requirements, lighting requirements and the process by which they would address the issue of use of the alley.

Cassa Niedringhaus: 303-473-1106, cniedringhaus@dailycamera.com