

November 2, 2015
Windjammer Roadhouse & Grill Neighborhood meeting
Reason: Code enforcement and Zoning issues
Start time 6:16 pm
End Time 7:30 pm

6:16 pm Chris Miller opened meeting explaining the reason behind meeting and introducing the Larimer County representatives attending the meeting.

Cause for meeting:

1. According to Larimer County zoning department the "Beer Garden" located on the west side of the building was not properly permitted by the previous owners. The current zoning does not allow for outside liquor and food sales nor live music performances.
2. Due to a Complaint(s) filed with Larimer county code compliance for regarding to noise compliance the Windjammer is not allowed to hold outdoor live music performances until further notice.

Larimer County Representatives:

Tony Brooks - Code Compliance
Karin Madson - Planning & Zoning
Rob Helmick - Planning & Zoning

Karin Madson explained to attendee's the processes for code compliance and Zoning compliance.

Owner Chris Miller displayed slides showing property lines for the business location. Mr. Miller showed the area of the property that is under special exception review of the planning department. Mr. Miller explained a compromise to both issues to the attendees pertaining to the noise complaints.

1. Noise decibel meter
2. Outdoor bands April-October 7pm - 10pm (same operating schedule as campgrounds and marina).

Mr. Miller asked attendees for a raise of hands in favor of or opposed to the use of the "Beer Garden".

There was a majority vote by attendees in favor.

6:30 Chris Miller opened the floor to questions

Scott (Last name)

Question 1: What is the noise ordinance?

Code compliance states that between the hours of 7am and 7pm noise levels cannot go above 55 dba. Noise levels between 7pm and 7am cannot go above 50 dba.

Answer 1: Mr. Miller also explained how the Windjammer planes to adhere to the noise ordinance rules and regulations using a portable decibel meter (2).

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Scott requested the noise ordinance be reexamined by the county.

Jim Gararri (Sp?)

Question 2: What would be the frequency of bands between the months of April and October?

Answer 2: Lisa Miller explained that the music would run 4 days a week. Thursday - Sunday. Evening bands on Thursdays, Fridays, and Saturdays outside depending on weather. Bands on Sundays on patio weather permitting. Mrs. Miller also stated that the frequency is open for compromise.

Mike Dieter

Question 3: Is the noise level requested enforced throughout the county?

Answer 3: County representative, Karin Madson answered stated question.

BJ Nikkel - In opposition

Question 4: Where you aware of the zoning issues in the beer garden when you purchased the property?

Answer 4: Chris Miller answered this question by stating that the Millers were Unaware of the zoning issues due to the fact that the business was purchased as a whole. The business name and LLC was purchased as one. The liquor authority did NOT bring it to attention when the request for license transfer was submitted and approved. The zoning issues were brought to light when repair of an existing fence on the property was about to take place. Nor was it brought to our attention when the food sales license was issued or during recent restaurant health inspection.

BJ Nikkel then stated her opposition to allowing a "Concert" venue at the Windjammer location. This attendee repeatedly referred to the live music supplied by the establishment as a "concert" venue. It was pointed out more than once by several other people that the Windjammer Roadhouse is NOT a Concert venue.

BJ Nikkel also stated that the previous owners never had live music in the beer garden to the west of the property and requested that music only be played occasionally inside of the establishment.

Several neighbors disputed that fact that live music had never been played before at the Windjammer.

Kim Sybrandts (Owner of North Show RV park and Outdoor venue) spoke in defense of BJ on her concerns stating that she understands and supports the opinion that the Windjammer Roadhouse should only hold indoor entertainment because that is what the area is zoned for.

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Mrs. Sybrandts has owned the RV Park and newly outdoor venue for 30 years.

Question 5: Is 55 dba a practical level where live music is involved?

Answer 5: Chris Miller stated that they are in process of gaining approval to test the decibel meters. Until a sound level test can be done he cannot honestly answer that question.

Dick Hughs

Question 6: Have you looked at other venues to see how they mitigate the sound from live music?

Answer 6: Chris Miller answered "Yes" to this question explaining that he is in the process of implementing different ideas that have been observed at different locations. One idea is to build a "sound Box" structure to deflect sound from the west and north mountain directly behind the beer garden.

It was suggested that a sound technician be hired to help with the process.

Tammy Cook (Rock Hill road)

Question 7: There are three levels for decibel reading, A,B & C. What level is the county requesting you comply to?

Answer 7: Chris Miller stated it was level A

Berry (Last Name)

Question 8: Permitting the outdoor venue is approved what are the suggested parameters

Answer 8: Chris Miller explained the use of the decibel meters, the sound box to deflect the noise and the seasonal days and times of future live music in the beer garden.

Joann Tremel (Von Trail)

Question 9: How long is the application process and is it going to affect summer revenue for the establishment.

Answer 9: County rep Karin Madson answered question stating that the process will take at least 4 months as long as everything is done in a timely fashion.

7:15 Chris Miller brought to attention the Charity auctions that are held at the Windjammer Roadhouse during the Poker runs and memorial runs during the year. Mr. Miller asked for a show of hands for or against the use of the property for charity auctions.

The Vote was a majority in favor of the charity auctions

7:20 Chris Miller opened the floor for discussion

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Kathleen Carol compared the current issue to people buying property next to an airport and then start complaining about the noise level and demanding that the airport be moved to suit them. Mrs. Carrol stated that the Windjammer has been an established part of the mountain long before any of the complainers.

Paul Boerger (house on the Hill) stated that he is happy with how the place is being maintained and ran.

Mr. Boerger suggested opening up a line of communication with the owners Chris and Lisa Miller before going to the county. He has had many conversations with the Miller's in the past and they have always been very welcoming to open communication. Mr. Boerger also suggested planting trees as a sound buffer for the live music.

Mike Dieter pointed out that there are many other areas of the mountain that have a very high level of noise including but not limited to the RV Park, the marina, the camp grounds and several personal houses that have parties on the weekends. If the Windjammer has to comply with the noise ordinance then the whole mountain should follow suit.

Several people expressed their gratitude to the Millers for cleaning up the property and doing a good job of putting a family friendly touch to the establishment.

7:30pm meeting was closed

Note taker: Rainia Stephens

Windjammer Roadhouse Bar & Grill
3431 S CR31
Loveland, CO 80537

SUBJECT: Owners Response to Neighborhood Meeting 05340-00-025

1. Summary:

The Special Exception review for the Windjammer Roadhouse Bar & Grill required a neighborhood meeting, which was conducted on 2 November 2015. The following information is the Owners response to the meeting.

2. Question 1: What is the noise ordinance?

- a. Code compliance states that between the hours of 7am and 7pm noise levels cannot exceed 55 dBA. Noise levels between 7pm and 7am cannot exceed 50dBA.

R1. We plan to use portable decibel meters in the future to adhere to the ordinance if the special exception is granted. The portable meters were on hand at the neighborhood meeting for review.

R2. We have also consulted with a sound engineer, as of 7 November, and a dBA meter is available with visual warning so that if the set parameters of the meter are exceeded the band and/or owners are aware that adjustments are necessary.

3. Question 2: What is the frequency of bands between the months of April and October?

- a. Lisa Miller explained that the music would run 4 days a week. Thursday - Sunday. Evening bands on Thursdays, Fridays, and Saturdays outside depending on weather. Bands on Sundays on patio weather permitting. Mrs. Miller also stated that the frequency is open for compromise.

R1. We currently have a band on Thursday Evenings from 6-9 from May – Sep and we would like to continue this. We are willing to end the music at 8 p.m. if the neighbors feel strongly about this.

R2. We currently have a band every Friday Evening in the Beer Garden from 7-10 p.m. We are willing to change this to have bands on the 2nd and 4th Friday of the Month from Memorial Day through Labor Day from 7-10 p.m.

R3. We currently have a band on Saturday Evenings in the Beer Garden from 7-10 p.m., we are willing to change our Saturday evening music to the hours of 6-9 p.m. in the Beer Garden.

R4. We currently have live music in the Beer Garden on Sunday afternoons anywhere from 2-6 p.m. depending on the activity i.e. auction, benefit etc., and would like to continue this. This would not necessarily be a weekly event.

R5. We currently have live music in the Beer Garden on both Memorial and Labor Day from approximately 2-5 p.m. or 3-6 p.m., and would like to continue this as all the neighbors and campers like to start and end their holiday weekend this way.

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4. Question 3: Is the noise ordinance enforced throughout the county?
a. Karin Madson, Larimer County, answered the question. Yes.

R1. No response from the owners necessary.

5. Question 4: Where you aware of the zoning issues in the beer garden when you purchased the property?

a. Chris Miller answered this question by stating that the Millers were Unaware of the zoning issues due to the fact that the business was purchased as a whole. The business name and LLC was purchased as one. The liquor authority did NOT bring it to our attention when the request for license transfer was submitted and approved. The zoning issues were brought to light when repair of an existing fence on the property was about to take place. Nor was it brought to our attention when the food sales license was issued or during recent restaurant health inspection.

R1. No additional response from the owners is necessary.

6. Question 5: Is 55 dBA a practical level where live music is involved?

a. Chris Miller stated that they are in process of gaining approval to test the decibel meters. Until a sound level test can be done he cannot honestly answer that question.

R1. We have consulted with a sound engineer to see if the dBA levels are achievable. On 7 November, we met with the engineer at the Windjammer Roadhouse Bar & Grill. We discussed possible construction of the sound stage and noise mitigation materials that are best for the issue at hand. Preliminary sounds tests were performed and measurements taken at the property lines in accordance with the ordinance. The sound engineer is planning on giving us the preliminary findings along with suggestions by 13 November 2015. The meeting ended on a very positive note that the levels being required by the county should be achievable.

7. Question 6: Have you looked at other venues to see how they mitigate the sound from live music?

a. Chris Miller answered "Yes" to this question explaining that he is in the process of implementing different ideas that have been observed at different locations. One idea is to build a "sound Box" structure to deflect sound from the west and north mountain directly behind the beer garden.

R1. See response in paragraph 6 above; question 5.

8. Question 7: There are three levels for decibel reading, A,B & C. What level is the county requesting you comply to?

a. Answer 7: Chris Miller stated it was level A

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- 9. Question 8: Permitting the outdoor venue is approved what are the suggested parameters**
 - a. Chris Miller explained the use of the decibel meters, the sound box to deflect the noise and the seasonal days and times of future live music in the beer garden.**

R1. See responses in paragraph 3, question 2 above.

- 10. Question 9: How long is the application process and is it going to affect summer revenue for the establishment.**
 - a. County rep Karin Madson answered question stating that the process will take at least 4 months as long as everything is done in a timely fashion.**

**Lisa and Chris Miller
Owners**