

AGENDA
LARIMER COUNTY PLANNING COMMISSION
Wednesday, April 20, 2016/6:30 P.M./Commissioners' Hearing Room

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. PUBLIC COMMENT ON THE COUNTY LAND USE CODE
- D. PUBLIC COMMENT REGARDING OTHER RELEVANT LAND USE MATTERS NOT ON THE AGENDA
- E. APPROVAL OF THE MINUTES FOR THE MARCH 16, 2016 MEETING.
- F. AMENDMENTS TO AGENDA
- G. ITEMS:

- 1. MOUNTAIN WHITEWATER DESCENTS AMENDED SPECIAL REVIEW #16-Z2002

Staff Contact: Karin Madson

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- 2. PEAK VIEW ESTATES CONSERVATION DEVELOPMENT #14-S3231

Staff Contact: Karin Madson

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- 3. WINDJAMMER ROADHOUSE SPECIAL EXCEPTION #15-Z1995

Staff Contact: Karin Madson

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H. REPORT FROM STAFF

I. ADJOURN

NEXT MEETINGS: Wednesday, May 11, 2016: BCC/Planning Commission worksession
Wednesday, May 18, 2016: Planning Commission hearing

3. TITLE: Windjammer Roadhouse Special Exception

REQUEST: Special Exception for approval to:
1. Continue to use the existing “beer garden” to serve food and beverages, including alcohol.
2. Provide outdoor musical performance entertainment during the summer months in the “beer garden” area.
3. Allow the business to hold charitable auctions on the premises periodically.

LOCATION: 34-05-70; located on the west side of County Road 31 & north of North Shore Drive.

APPLICANT/ PROPERTY OWNER: Christopher L. and Lisa M. Miller
3431 S County Road 31
Loveland, CO 80537

STAFF CONTACTS: Karin Madson, Planning
Doug Ryan, Health
Clint Jones, Engineering

FILE #: 15-Z1995

NOTICE GIVEN: Posting in the officially designated area of the Larimer County Courthouse Offices no less than twenty-four hours in advance of the hearing.

SITE DATA:

Parcel Number(s)	05340-00-025
Total Development Area:	1.05 acres
Existing Land Use:	Restaurant and Bar
Proposed Land Use:	Restaurant and Bar with outdoor patio
Existing Zoning:	T-Tourist
Adjacent Zoning:	
North & West:	T-Tourist and E-1 Estate

South:	T-Tourist and E-1 Estate
East:	E-1 Estate
Adjacent Land Uses:	Mixture of residential, commercial and recreational.
Services:	
Access:	S County Rd 31
Water:	North Carter Lake Water
Sewer:	On-lot septic
Fire Protection:	Loveland Rural Fire Protection
No. Trips Generated by Use:	not determined

PROJECT DESCRIPTION/BACKGROUND:

The current use of the property is a "bar/tavern" based on the approved liquor license for a tavern. The history of the property is as follows:

- In 1963 the property was zoned O-Open and that zoning allowed all uses not otherwise prohibited, including a restaurant.
- Assessor records indicate the structure on the property was built in 1965. According the applicant it was an ice cream parlor.
- In 1968 (File #33-68) the property was rezoned from O-Open to T-Tourist. The T-Tourist zoning district at that time restricted the serving of food and beverages to "within a building". No outside patio uses were allowed.
- The applicant submitted a photo from 1973 which does not show an outside patio. We can assume the patio was constructed after this date.
- According the applicant the property was transitioned to a bar/tavern around 1974-1976.
- In 1991 the County issued a liquor license issued for a restaurant (Could have been earlier, but nothing prior to this in the Clerk's current file).
- In 1995 the liquor license changed from restaurant to tavern (current license designation).
- In 1992 (File #92-0071) the T-Tourist zoning district was changed to allow outside patio by special review. Prior to this date an outdoor patio was not allowed. There is no of record of a Special Review having been completed.

Places serving food and beverages for consumption within a building, which may also include an adjoining accessory patio area.

Special Review required for: places serving food and beverages for consumption off the premises, or in an area outside a building, which area does not meet the definition of an "accessory patio area."

Accessory patio area - any outside, open to the air, courtyard type are for use which is incidental to, subordinate to, and devoted exclusively to the main use of the premises, and which meets the following requirements:

- a. Does not contain any separate, outside food or beverage station.
- b. Does not permit any live or recorded entertainment or use any amplified sound system on the patio area,
- c. No food or beverage service after 10 pm.

- d. *Has requires and received approval from the County Building Inspection Division,*
 - e. *Complies with all the requirements of the applicable fire protection authority,*
 - f. *Complies with the applicable requirements of the State Liquor Enforcement Division, and*
 - g. *Said patio area is located at least 250 feet from any residentially zoned property outside the Urban Growth Area.*
- In 2001 the Land Use Code (LUC) would have allowed an outdoor patio or other serving area for either a Restaurant or Nightclub by Special Review. Again, there is no record of Special Review approval during this time.
 - In 2007 the LUC was amended. The uses Bar/Tavern (changed from nightclub) and Restaurant allowed an outdoor patio or other serving area by Minor Special Review. There is no record of Minor Special Review approval during this time.
 - In 2010 the LUC was again amended (current code). The LUC also allows a restaurant with an outdoor patio or serving area component as an accessory use to a restaurant by Minor Special Review approval.
 - The current Land Use Code allows a bar/tavern in the T-Tourist zoning district by Special Review, which would make the current indoor use of the property non-conforming. A Bar/Tavern allows music, live entertainment and/or dancing.
 - The LUC also requires Minor Special Review for an outdoor patio or serving area for a Bar/Tavern and restricting that use to the B-Business, C-Commercial, I-Industrial and RFLB-Red Feather Lakes Business zoning districts. An outdoor patio or serving area is not allowed in the T-Tourist zoning district.
 - The current owners purchased the property in 2014, believing its current use to be acceptable.

The current Windjammer Roadhouse Bar & Grill Special Exception request consists of three components:

1. To continue to use the existing “beer garden” to serve food and beverages, including alcohol.
2. To provide outdoor musical performance entertainment during the summer months in the “beer garden” area.
3. To allow the business to hold charitable auctions on the premises periodically.

The business currently operates from 11 am to 9 pm weekdays, and 11 am to 10 pm on weekends during the winter months (November to March). During the summer months when outdoor music is proposed (April to October) the business operates 11 am to 9 pm weekdays, and 11 am to 10 pm on weekends. There are 12 year round employees and 20+/- employees during the summer months.

The applicant has included some noise mitigation strategies including the construction of a sound stage, limiting the volume through the use of a sound meter and the use of sound board materials. No other physical changes are proposed for the property.

REVIEW CRITERIA AND ANALYSIS:

To approve a Special Exception application, the County Commissioners must consider the following review criteria and find that each criterion has been met or determined to be inapplicable:

A. The proposed use will be compatible with existing and allowed land uses in the surrounding area and will be in harmony with the neighborhood; Existing uses in the vicinity include the Northshore RV & Store and residences. The area zoned T-Tourist is limited to a few properties nearby and which are currently developed with residences and the Northshore RV & Store. Other properties in the area are zoned E-1 Estate. Most of the nearby properties are developed with single family residences.

The T-Tourist zoning district would allow an outdoor patio that does not include an outdoor music venue as an accessory to a restaurant by Minor Special Review. The zoning district does not allow a bar/tavern accessory outdoor patio where music, live entertainment and/or dancing may be provided. Similarly, the T-Tourist zoning district does not allow for a Community Hall type of use, where events may include music performances. The main issue is the impacts the music venue portion of the request would have on the surrounding residential properties. The public hearings on this application will likely be a source of important additional information that will need to be considered with regard to the compatibility of this project with the surrounding neighborhood.

B. The recommendations from referral agencies have been considered. The comments from referral agencies have been considered and are incorporated in this review and staff report. Please refer to the referral comments attached and the discussion below.

C. The proposed use will not result in a substantial adverse impact on other property in the vicinity of the subject property; The main issues that have been identified are with noise, being a combination of the outdoor music and the loud motorcycles that frequent the venue. The charitable auctions are described as occurring with charitable bike/motorcycle rides.

Doug Ryan, Health Department, provided comments (dated Dec. 2, 2015 and Feb. 18, 2016) regarding the County Noise Ordinance as it relates to this application. Please refer to his memos for full details. The main issues identified are:

- The noise ordinance decibel standards are expressed as maximum A-weighted measurements and not averages or ranges. While it is useful to report measured sound levels in terms of a range, compliance with the county's ordinance is determined in terms of the maximum level measured.
- The nighttime decibel limit at a property line is 50 dBA, which is lower than the estimated post-mitigation levels. The Special Exception request does not appear to specify hours of operation, but I assume that the bands would play into the evening. Additional mitigation would be necessary for evening hours.

- The sound study estimates that the sound barrier for the stage and patio areas will provide a 30% sound level reduction at the property lines. It is important to note that sound blocking materials are only effective if the sound barrier breaks the line of sight between the sound source and the residential property. The sound study does not quantify if the barriers will meet that test. In this regard, it can be helpful to present representative cross sections to illustrate the sound barrier placement and performance in a noise mitigation report.
- The test used a PA system that produced sound levels of 85-95 dBA in front of the stage. It would be helpful to hear from the applicant if that is an accurate representation of the outdoor music they plan.
- The sound study does not discuss crowd noise. Noise from the audience is noted in many complaints about outdoor music venues. It would be helpful if the sound study could address this additional noise source.
- The sound study does not indicate if the neighbors were present or notified of during the tests. We did suggest that they be notified at the sketch plan meeting. Their participation at the public hearings will be important in evaluating the issue of a potential noise disturbance, and so their comments on the test would be useful.

Several neighbors that were mailed notice of the application provided input regarding the proposal most often identifying noise impacts. A petition to “not grant” approval of the proposed application was received from the majority of these neighbors. Other neighbors and customers of the business provided comments and a petition in support of the business. Comments include enjoying the local, outdoor setting, enjoying a nearby place to eat and drink and that the business is felt by some to be an asset to the mountain community. All of the comments received are included in this agenda packet.

D. The applicant has demonstrated that this project can and will comply with all applicable requirements of this code;

Section 8 Standards for All Development

Section 8.1 Adequate Public Facilities

Sub-Section 8.1.1 Sewage Disposal Level of Service Standards: Application materials indicate that business is served by an on-site septic system. Comments from Doug Ryan, Health Department, (refer to memos dated Dec. 2, 2015 and Feb. 18, 2016) indicated that the exact location of that system is not identified. This information will need to be incorporated into a site plan to ensure that it is not affected by parking or traffic areas.

Sub-Section 8.1.2 Domestic Water Level of Service Standards: Water service is provided by the North Carter Lake Water District. No changes are proposed to the existing water service.

Sub-Section 8.1.3 Drainage Level of Service Standards: The Engineering Department (refer to the memo from Clint Jones, dated Dec. 2, 2015) indicates that the drainage memo submitted is adequate for the existing site layout.

Sub-Section 8.1.4 Fire Protection & Emergency Medical Level of Service Standards: The Loveland Fire Rescue Authority provides fire protection services to the site. The district provided comments (refer to memo from Carrie Dann, dated Dec. 9, 2015) with regard to Fire Code requirements & building permit requirements for the sound stage and beer garden occupant load. This information would need to be provided at the building permit review.

Sub-Section 8.1.5 Road Capacity and Level of Service Standards: The Engineering Department (refer to the memo from Clint Jones, dated Dec. 2, 2015 and follow-up email dated Feb. 9, 2016) provided comments regarding right-of-way dedication, the need to abandon and access point on County Road 31 and the need for more information to indicate that the site can function properly. This information has not been received to the point.

Section 8.2 Wetland Areas: There are no wetland areas on this site.

Section 8.3 Hazard Areas: Geologic and wildfire hazards for this area are low.

Section 8.4 Wildlife: No adverse wildlife impacts are anticipated.

Section 8.5 Landscaping: No landscaping was identified. Should the beer garden area be approved the applicant will be required to submit a Site Plan Review application that includes required landscaping.

Section 8.6 Private Local Access Road and Parking Standards: The Engineering Department (refer to the memo from Clint Jones, dated Dec. 2, 2015 and follow-up email dated) provided comments regarding right-of-way dedication, the need to abandon and access point on County Road 31 and the need for more information to indicate that the site can function properly. This information has not been received to the point.

Section 8.8 Irrigation: There are no irrigation facilities.

Section 8.13 Commercial Mineral Deposits: There are no commercial mineral deposits.

Section 8.15 Site Lighting: No new lighting is proposed.

- E. There is reasonable justification for the use being at the proposed location rather than in a municipality or where zoning would allow the use by right or by special review;** This Special Exception request is a request to expand the existing bar/restaurant business by expanding that use outside of the building to include an outdoor patio, outdoor music performances and charitable auctions associated with bike/motorcycle runs. If this request is not approved, the existing bar/restaurant use within the building may remain. Several individuals have expressed support for the business, noting that it serves as a local gathering spot and serves local camping areas.
- F. The nature of the proposed use and its operations are such that there are significant benefits to the public to be located where proposed;** This issue will need to be addressed at the hearing. There are both perceived beneficial and detrimental features to this business in this location. It is located in an area in which there are many residential neighbors and one other business next door. The uses proposed on the property have the potential to negatively affect adjacent properties if adequate measures are not taken to mitigate the impacts. The business provides a service to nearby residents, campers, boaters, and other tourists.
- G. The proposed use is consistent with the county master plan.** The T-Tourist zoning district does not allow a bar/tavern accessory outdoor patio where music, live entertainment and/or dancing may be provided. Similarly, the T-Tourist zoning district does not allow for a Community Hall type of use, where events may include music performances. Because neither of these uses are allowed Staff has concluded that the use is inconsistent with the Master Plan because it may have detrimental impacts on surrounding residential properties.

OTHER REVIEW AGENCY COMMENTS:

Loveland Fire Rescue Authority – comments from Carie Dann address requirements for construction of the sound stage, the beer garden occupant load, corrections needed for the submitted materials and Special Events.

Building Department – comments from Stan Griep indicate Building Permit requirements. Building permits are required for the sound stage structure and any modifications to the existing building. In addition handicapped accessibility needs to be addressed.

MAJOR ISSUES AND CONCERNS:

The Development Review Team has noted several unresolved concerns with the application as proposed. The most significant issue being noise impacts on surrounding residential properties. In addition, the applicant has been asked to confirm that the site has the ability to function adequately from an Engineering standpoint, including the need

to address the access point(s), right-of-way dedication, and the location and adequacy of drive isles, parking areas, septic system, etc.

Noise remains a significant issue. Staff does not support approval of the application unless the applicant demonstrates that the venue has the ability to be compatible with the neighborhood and meet the standards in the Noise Ordinance. If the proposal were to be modified to eliminate the outdoor music portion of the request, Staff could likely support approval of an outdoor serving/eating area without music. An application for an outdoor patio that is accessory to a restaurant and that does not include an outdoor music venue would be allowed by Minor Special Review in the T-Tourist zoning district.

The portion of the request that includes charitable auctions also has the potential to create noise nuisance issues. Little information was provided regarding the frequency, number of attendees or other details associated with this proposed activity. Therefore the Development Review Team does not currently support approval of those type of events.

DEVELOPMENT SERVICES TEAM FINDINGS:

The Development Services Team recommends to the Larimer County Planning Commission the adoption of the following findings with respect to this proposed Special Exception:

- A. The proposed use may not be compatible with existing and allowed land uses in the surrounding area and may not be in harmony with the neighborhood;
- B. The recommendations from referral agencies have been considered;
- C. The proposed use might result in a substantial adverse impact on other property in the vicinity of the subject property;
- D. The applicant has not demonstrated that this project can and will comply with all applicable requirements of this code;
- E. There is reasonable justification for the use being at the proposed location rather than in a municipality, county approved growth management area, or where zoning would allow the use by right;
- F. The nature of the proposed use and its operations are such that there may be benefits to the public to be located where proposed. In addition, the proposed use has the potential to be detrimental to nearby residences; and
- G. The proposed use is not consistent with the county master plan.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team **does not support the Windjammer Roadhouse Special Exception, file #15-Z1995** as proposed.

The Development Services Review Team **does support a portion of the Windjammer Roadhouse Special Exception request, file #15-Z1995**, to include an accessory outdoor seating area including outdoor food and drink service in addition to the existing restaurant and bar with the following conditions:

1. No outdoor music of any kind is allowed on the property.
2. Requests to hold charity auctions at the property (including those with fewer than 300 people at any one time) shall be evaluated through the Special Events process as outlined in Section 7 of the Larimer County Land Use Code. No other outdoor events are allowed.
3. Failure to comply with any conditions of this approval may result in reconsideration of the use and possible revocation of the approval by the Board of Commissioners.
4. The applicant shall submit a Site Plan Review application for review and approval within 90 days of approval. The Site Plan Review application shall address the comments outlined in the memo from Clint Jones, dated Dec. 2, 2015, including right-of-way dedication, the access along County Road 31, and show that the site has the ability to function properly. The site plan shall be based off of survey data and should include property dimensions, existing and proposed right-of-way, roads, buildings, the septic system, drive isle locations and dimensions, and setbacks.
5. The requirements of the Loveland Fire Rescue Authority as outlined in the memo from Carrie Dann, dated Dec. 9, 2015 shall be met at building permit submittal.

SUGGESTED MOTION:

I move that the Planning Commission recommend to the Board of County Commissioners:

Denial of the **Windjammer Roadhouse Special Exception** request, file #15-Z1995

-OR-

Approval of a portion of the **Windjammer Roadhouse Special Exception** request, file #15-Z1995, to include an accessory outdoor seating area including outdoor food and drink service in addition to the existing restaurant and bar subject to the condition(s) as outlined above.

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

SUBJECT: Project Description 05340-00-025

1. Summary:

The Special Exception review for the Windjammer Roadhouse Bar & Grill consists of three (3) areas of consideration.

- i. A special exception approval for the Windjammer Roadhouse Bar & Grill to continue the use of the existing "Beer Garden" to serve patrons with food and beverage service, to include alcohol.
- ii. A special exception approval for the Windjammer Roadhouse Bar & Grill to provide patrons with outdoor musical performance entertainment during the summer months, which would run in conjunction with current county campground and marina operating months and hours.
- iii. A special exception approval for the Windjammer Roadhouse Bar & Grill to hold charitable auctions on the premises.

2. Review Criteria:

- a. The Windjammer Roadhouse Bar & Grill was originally built around 1964. To the best of our knowledge from historical records, it was first established as an ice cream parlor and around 1974-1976 transitioned to a bar/tavern.
- b. The business is current zoned T-Tourist.
- c. Prior to the purchase of the property from the previous owner, we observed the operation for two (2) years. Following our purchase in 2014, our operation has been consistent with that of previous owners, to include the use of the "Beer Garden" and providing patrons with outdoor musical performances during the summer months.
- d. During our process of changing operating licenses (alcohol and liquor board and food sales) it was never discovered nor brought to our attention there may be a non-conforming issue in regards to the zoning of the property.

3. Existing Conditions:

- a. The current use of the Windjammer Roadhouse Bar & Grill is a bar and restaurant with an outdoor serving patio.
- b. There is only one (1) main building currently on the property consisting of 2,437 square feet.
- c. Surrounding properties consist of one (1) T-Tourist property, NorthShore RV, and rural residential property to the west and north.

4. Operation:

- a. The Windjammer Roadhouse Bar & Grill operates 11am to 9pm weekdays and 11am to 10pm weekends during the winter months (November thru March).
- b. The Windjammer Roadhouse Bar & Grill operates 11am to 9pm weekdays and 8am to 10pm weekends during the summer months (April thru October).
- c. The Windjammer Roadhouse Bar & Grill operates with 12 employees on a regular basis, however increases to +/- 20 employees during the summer months.

SUBJECT: Project Description 05340-00-025

- d. To mitigate noise levels of the outside music performances during the summer months and to comply with ordinance 97-03, the Windjammer Roadhouse Bar & Grill is proposing to construct a sound stage with acoustical barriers. Sound tests performed 7 November 2015 will be available approximately 13 November 2015 to evaluate if the ordinance levels can be met.
- e. The proposed sound stage is 288 square feet.
- f. Special events outside of normal operations are the charitable auctions held during the summer months in conjunction with charitable bike/motorcycle rides.

5. Infrastructure:

- a. The Windjammer Roadhouse Bar & Grill currently has no storm water detention or retention ponds and easements.
- b. All existing utilities and easements remain in effect throughout this review without changes.

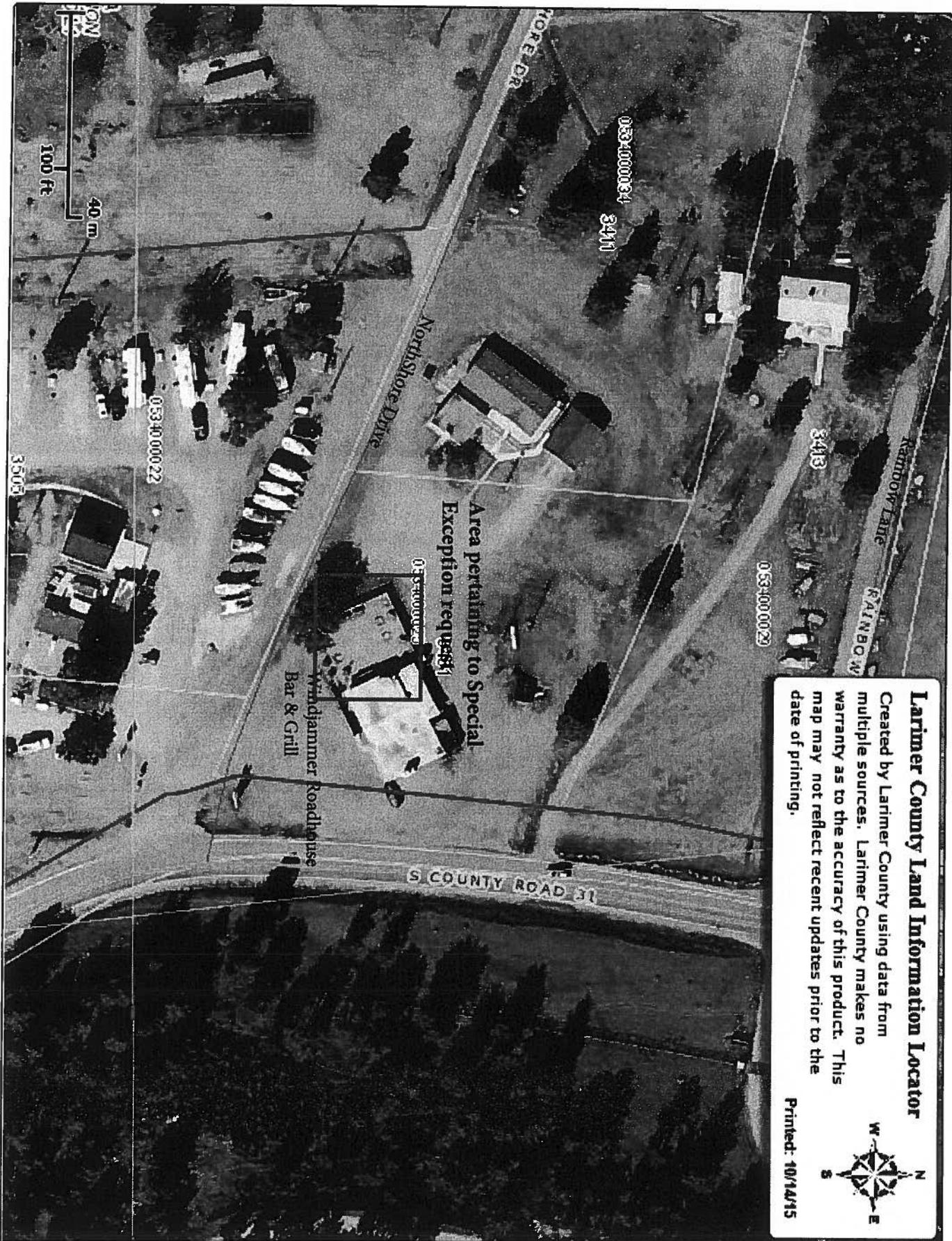
6. Proposed Changes and Improvements:

- a. The proposed sound stage is 288 square feet. Outer dimension is 12' x 24'. Location of the proposed sound stage is located in the map(s) contained in tab 7.
- b. The use of the proposed sound stage is to mitigate noise to the neighbors of the Windjammer Roadhouse Bar & Grill.

7. Traffic and Access:

No changes to the current traffic and access is necessary for this special exception review.

Lisa and Chris Miller
Owners

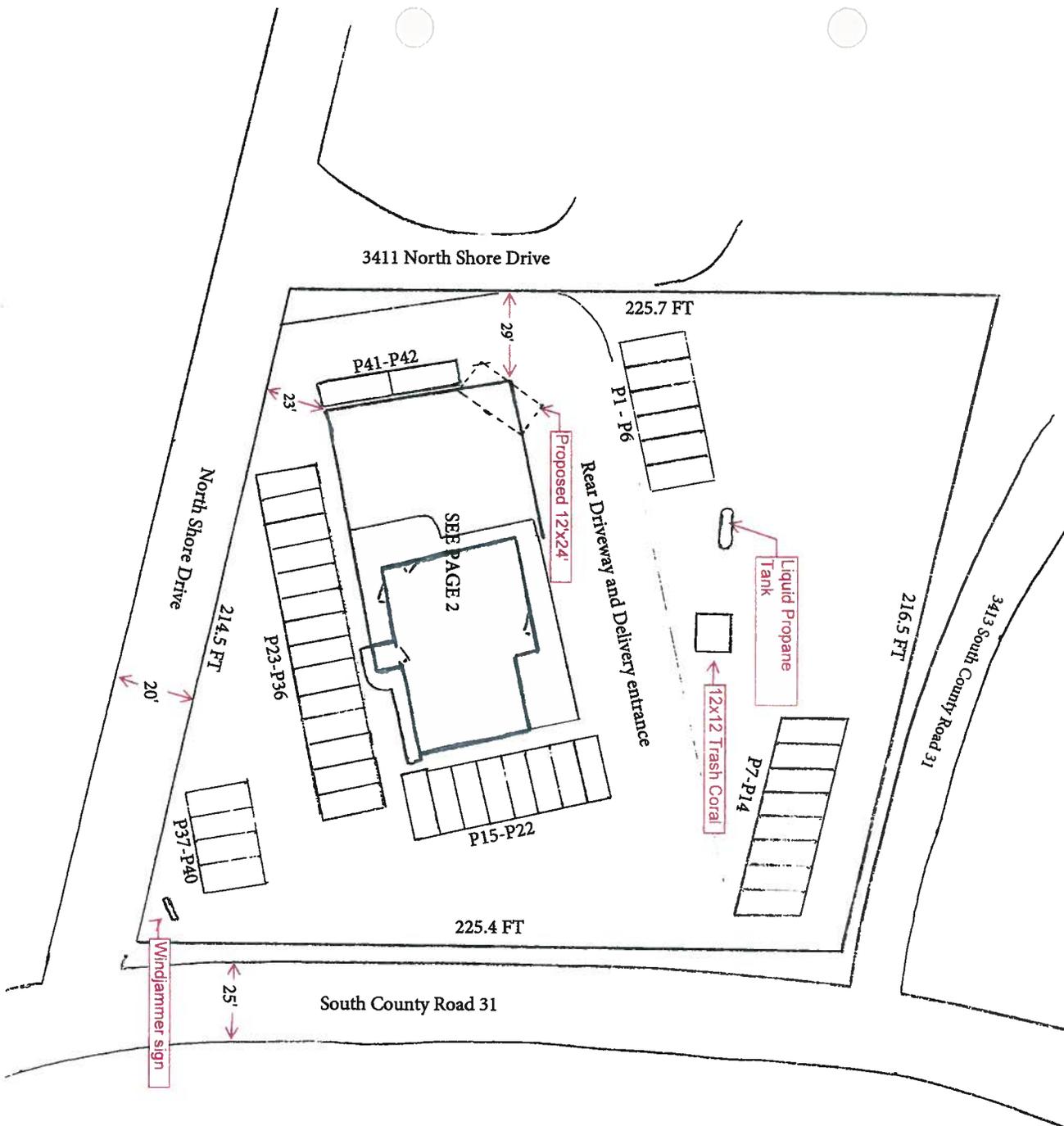


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PRELIMINARY SITE PLAN Page 1

WINDJAMMER ROADHOUSE BAR & GRILL

Parcel No.: 05340-00-025

Scale 1/32

Lot Size: 1.05 acres

45,032 sq feet

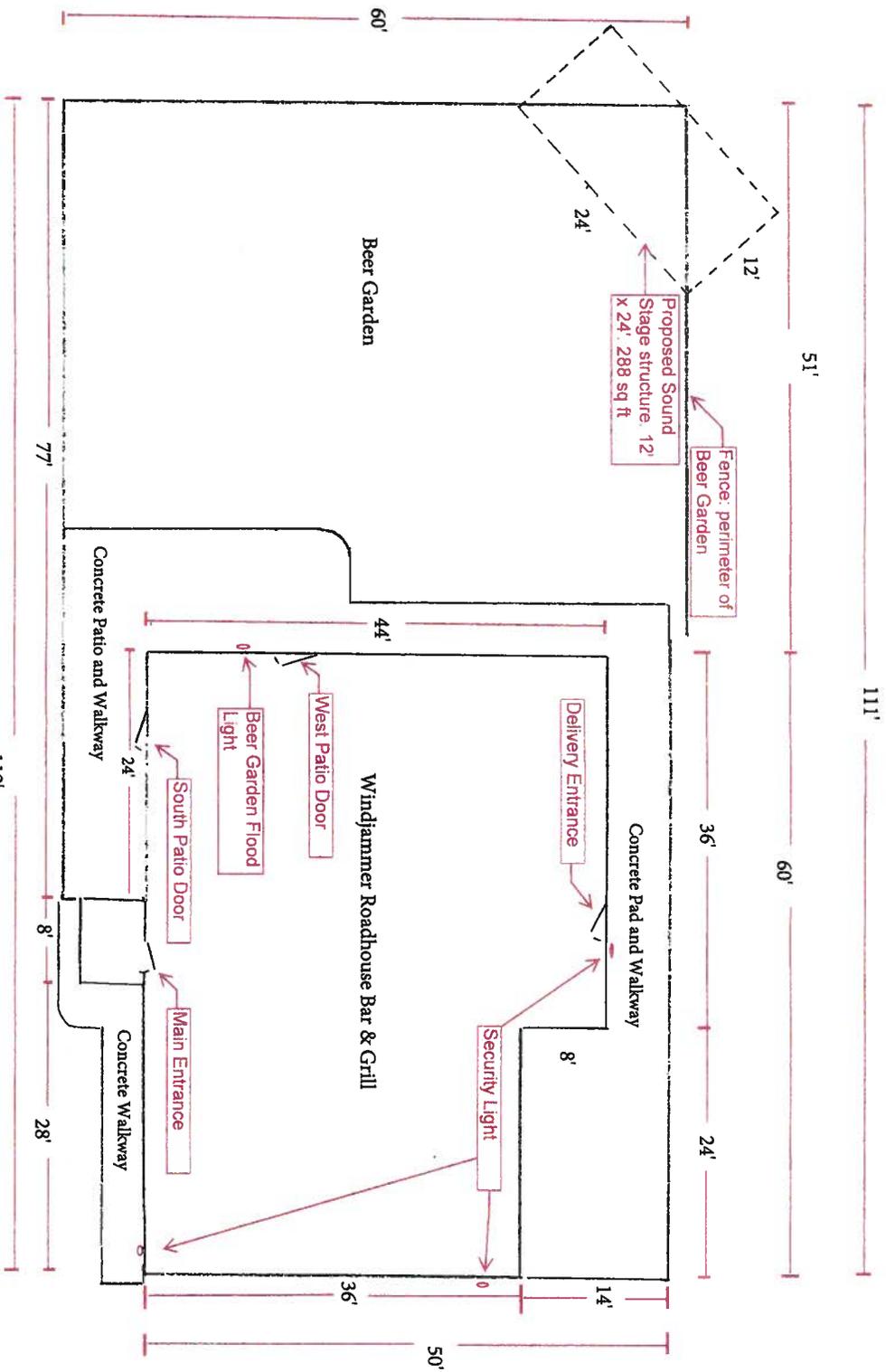
Main Building: 2,437 sq feet

Proposed Structure: 288 sq feet

- Parking:
- P1-P6 8x23
 - P7-P14 8x23
 - P15-P22 8x23
 - P23-P36 8x23
 - P37-P40 8x23
 - P41-P42 8x23

Parking and Driveway material: Road base gravel

Vehicle Access, Emergency Access
from CR31 and North Shore Drive



NE
A

113'

PRELIMINARY SITE PLAN

PAGE 2

WINDJAMMER ROADHOUSE BAR & GRILL

Parcel No.: 05340-00-025

Scale 3/32

Main Building: 2,437 sq ft

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

SUBJECT: Preliminary Site Plan 05340-00-025

1. Drawing Title and Project Name: Windjammer Roadhouse Bar & Grill; 05340-00-025.
2. Applicant Information:
 - a. Christopher L Miller
 - b. 3431 South County Road 31, Loveland, CO 80537
 - c. 303-961-3081
3. Owner Information:
 - a. Lisa and Christopher L Miller
 - b. 3911 Rainbow Lane, Loveland, CO 80537
 - c. 303-961-3081 or 970-566-3794
4. North Arrow and Scale:
5. Site Data:
 - a. Lot Size: 1.05 acres
 - b. Square footage of new structure: 288 sq ft
 - c. Square footage of existing structures: 2,437 sq ft
 - d. Proposed number and type of use(s)
 - i. Existing structure is designated as a Bar & Grill/Tavern.
 - ii. New structure is to be used as a sound stage for outdoor music performances.
 - e. Number of parking spaces required and provided for:
 - i. Handicapped - 2
 - ii. Regular - 24+
 - f. Distance between property lines and all existing and proposed buildings and structures.
 - i. See tab 7 and 8.
 - g. Project boundary annotated with distances
 - h. Setbacks
 - i. Off-site property information
6. Existing and Proposed Location of:
 - a. The main building of the Windjammer Roadhouse Bar & Grill is the only structure currently on the property.
 - b. The special exception review submittal is to include an outdoor use area, "Beer Garden", which will be allowed to serve food and beverage, to include alcohol in that area.
 - c. In addition the special exception review, outdoor use area, to include the construction of an outdoor stage area for musical performances during the summer months.
7. Engineering Items:
 - a. Exterior and access opening from the building are identified in site plans contained in tab 7.
 - b. Vehicular access is from South County Road 31.
 - c. Emergency Vehicular access is from South County Road 31.
 - d. There are no proposed road right of way dedications for this submittal.

SUBJECT: Preliminary Site Plan 05340-00-025

8. Drainage and Erosion report and Plan

- a. Drainage takes place on a natural basis with the contour of the hill plateau.
- b. Drainage flows from the north side of the building in a west to east direction towards CR31. Then flowing along CR31 to the south. (see map)
- c. Drainage flows from the south side of the building in a southern direction towards NorthShore Drive and then west to east towards CR31 continuing on to the south. (see map)
- d. All property around the Windjammer Roadhouse Bar & Grill is gravel or compacted soils. Erosion control is mitigated by added to the road base as needed throughout the year.

9. Fire Protection Plan

- a. Fire protection is currently provided for by Loveland/Berthoud rural fire departments.
- b. The Windjammer Roadhouse Bar & Grill, internal fire protection consists of a kitchen hood and fire suppression system and hand held fire extinguishers throughout the building.

10. Sewage Disposal Report

The Windjammer Roadhouse Bar & Grill sewage disposal is an on-site septic and leach field system. Latest permit and drawings are contained in tab 13. Septic tanks are serviced every other month or as needed during the summer months.

11. Site Lighting.

- a. Current lighting (exterior) consists of three security lights which illuminate the perimeter from dusk to dawn.
- b. The 'Beer Garden' has one (1) 120v/200w flood lamp that illuminates the Beer Garden when necessary. All other lighting within the Beer Garden is solar powered.
- c. Lighting for the proposed sound stage has not been determined at the time of this submittal.

Lisa and Chris Miller
Owners

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

SUBJECT: Special Exception; Drainage and Erosion Control Report and Plan
05340-00-025

1. Drainage takes place on a natural basis with the contour of the hill plateau.
2. Drainage flows from the north side of the building in a west to east direction towards CR31. Then flowing along CR31 to the south. (see map)
3. Drainage flows from the south side of the building in a southern direction towards NorthShore Drive and then west to east towards CR31 continuing on to the south. (see map)
4. All property around the Windjammer Roadhouse Bar & Grill is gravel or compacted soils. Erosion control is mitigated by added to the road base as needed throughout the year.

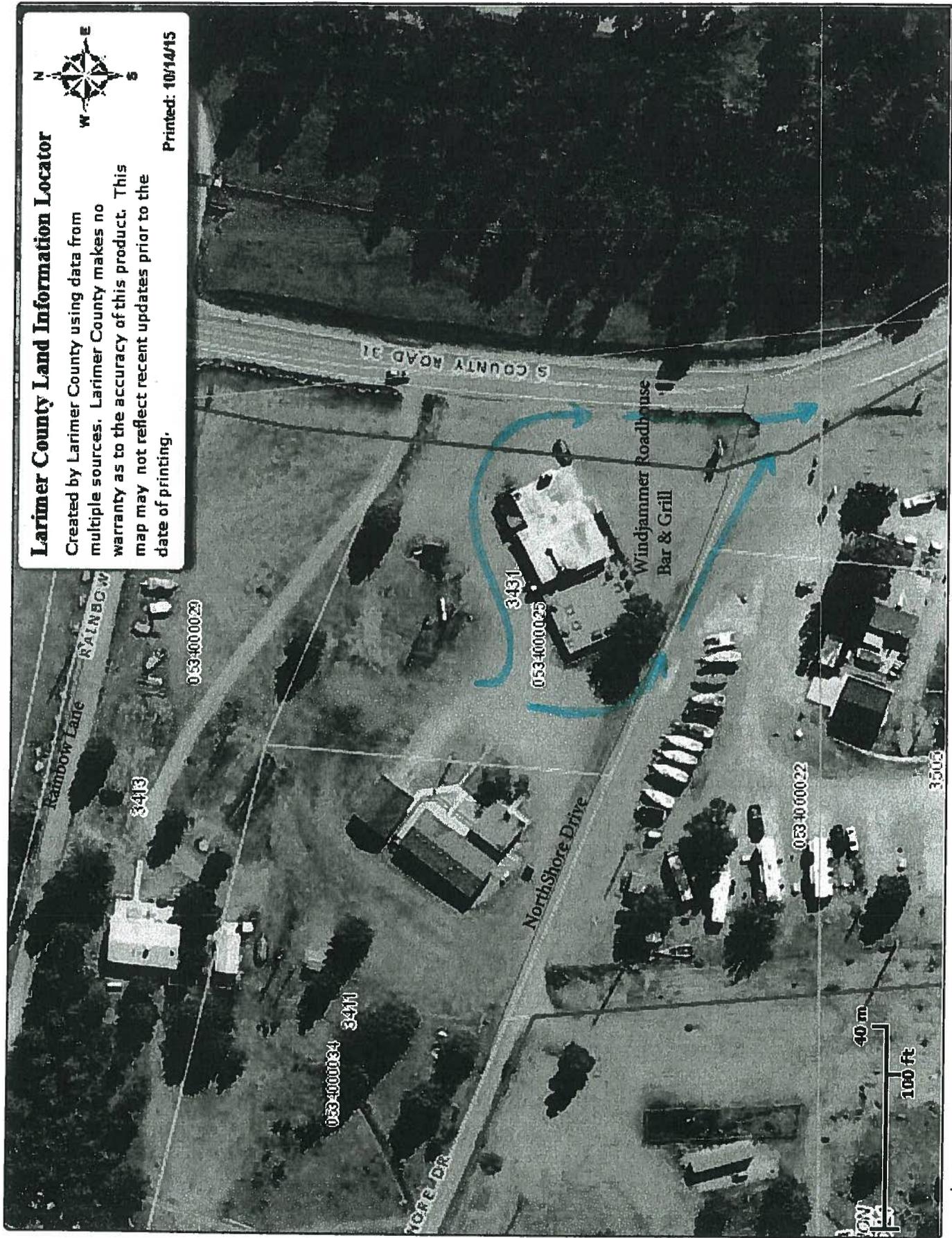
Lisa and Chris Miller
Owners

Item #13

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0534000025

Item #13 Drainage & Erosion Control



Karin Madson <madsonkc@co.larimer.co.us>

Windjammer Special Exception File#15-Z1995

Miller, Christopher L CIV NG COARNG (US) <christopher.l.miller80.civ@mail.mil> Wed, Feb 3, 2016 at 11:37 AM
To: Karin Madson <kmadson@larimer.org>

Karin

Enclosed is the sound test and abatement for the noise study. I have also been in contact with Behrens and Associates, Environmental Noise Control, regarding the test results. They have suggested the ENC-STC25 acoustical blankets as the barrier, however an ENC-STC35 acoustical blanket is coming to the market but I do not have the product data for this as of yet.

The remainder of this email will focus on the responses to document: 151112085641.pdf. If you need this in a formal letterhead format I can type that up for the file. Each sub paragraph below will reference a specific memo.

a. Windjammer Roadhouse SE (Doug Ryan-Health and Environment).

i. Noise. Noise abatement testing and solutions can be found in Sound test_abatement_Windjammer.pdf.

ii. Septic System. The current septic system is located within the center of the existing bear garden and is not effected by right-of-way, drainage or parking. Only foot traffic is above the absorption field.

iii. Food Service Plan and Review. Within the special exception process there are no plans to remodel or expand the facilities from what is currently being requested (beer garden use only). The outdoor patio will not change from its existing footprint, nor will the interior of the Windjammer proper. Wait stations are located within the building and only food service (delivery) to the customer is provided. To my knowledge, during the latest health/environment inspection, the inspector was aware of patrons having a meal within the beer garden and no issues were noted.

b. Windjammer-Special Exception (Clint Jones-Engineering Department).

i. Transportation/Access. Properly executed Deed of Dedication at the time of final approval. This needs to be explained to the owners. I am not sure what this means.

ii. Transportation/Access. Access along CR31 needs to be

abandoned. I am not sure how to resolve this request. Distance from corner of building to edge of county road does not leave proper distance to place any type of barrier. In addition I believe the access along CR31 has existed from the Windjammer's inception (1964).

iii. A majority of the comments seem to be tailored to a 'new' commercial property and not an existing commercial property that has been in existence for 50+ years. As noted in the memo, engineering does not consider a patio a traffic generating use. It is better described as a place for patrons to congregate outside rather than indoors.

c. Windjammer Roadhouse SE (Jim Frick-Road and Bridge Department).

i. I do not believe the special exception request approval is going to generate any additional traffic to the facility. That is not our purpose in seeking the special exception.

d. Windjammer Roadhouse SE (Stan Griep-Building Department).

i. Building Permit. I understand the need for the building permit if the sound stage proposal with the special exception was approved.

ii. Code Analysis. I do not understand the need for the code analysis, being the special exception request has no bearing on the main structure of the Windjammer. No remodeling or expansion of the main building is within the request.

iii. Alterations. No alterations to the existing main building are being planned or included in the special exception request. The proposed sound stage is 60 feet from the main structure.

iv. Handicapped Accessibility. Approved options need to be discussed with the building department.

e. Windjammer Roadhouse SE (Lori Hodges-Emergency Management).

i. There are no Emergency Management concerns.

f. Windjammer Roadhouse SE (Carie Dann-LFRA).

i. Propane tank. The propane tank serves a dual purpose. It is used to heat the restaurant and provides gas for the kitchen appliances.

g. Neighborhood letters.

i. Terry and Cassie Carlstrom. The only comment that needs to

be addressed is the notation of the 'dumpster'. The dumpster in question is not owned by the Windjammer but is leased by the homeowners residing on Cactus Court.

ii. Bill and Peggy Martin. No comments required.

iii. Phil and Kristie Huff, Tom and Iris Orlandino and Phillip and B.J. Nikkel. We are trying to satisfy all the residents within the vicinity of the Windjammer and mitigate noise to the best of our ability.

I believe the above covers the issues immediately at hand. If you feel it is necessary for us to have a face to face meeting to continue please let me know and I can be available at any time. There are certainly some issues that I would like to discuss but not within this format.

Chris L. Miller

Windjammer Roadhouse

720-250-3111 (o)

303-961-3081 (c)

From: Karin Madson [mailto:kmadson@larimer.org]
Sent: Tuesday, January 26, 2016 10:16 AM
To: Miller, Christopher L CIV NG COARNG (US) <christopher.l.miller80.civ@mail.mil>
Cc: Ryan, Doug <dryan@larimer.org>
Subject: [Non-DoD Source] Fwd: Windjammer Special Exception File#15-Z1995

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

Chris,

I am forwarding an email from Doug Ryan regarding the noise study information that is needed for your application review. We look forward to receiving this information on or before Feb. 8 as stated in my last email.

If you need anything or have any questions please let me know.

Thanks, Karin

Karin Madson, AICP

Larimer County Community Development
Planning Department
PO Box 1190
200 W. Oak St.
Fort Collins, CO 80522

970.498.7692
fax 970.498.7711

----- Forwarded message -----

From: **Doug Ryan** <ryandl@co.larimer.co.us < Caution-mailto:ryandl@co.larimer.co.us > >
Date: Tue, Jan 26, 2016 at 10:10 AM
Subject: Re: Windjammer Special Exception File#15-Z1995
To: Karin Madson <kmadson@larimer.org < Caution-mailto:kmadson@larimer.org > >
Cc: bjnikkel@gmail.com < Caution-mailto:bjnikkel@gmail.com >

Thanks Karin,

I did have conversation with B.J. Nikkel yesterday. I'll look out for the noise study, although it should come to your office for routing first.

To the point of who does the noise study, I explained that my understanding is that the applicant has the responsibility to demonstrate that the proposal complies with county standards. In this case I anticipate that some significant mitigation measures would be needed, and so any initial noise measurements would need to be augmented by adding mitigation measures and then modeling or predicting how those measures would impact the sound readings at the adjacent residential properties. That process of selecting and testing the mitigation measures is part of the design and application process that only the applicant can provide. Our office will review the noise study and mitigation plan once it is received and provide comments at that point. Our expectation is that the study will be prepared by a qualified consultant and provide detailed information about sound levels in order to allow reasonable conclusions.

Doug Ryan

Larimer County Department of Health and Environment
1525 Blue Spruce Drive
Fort Collins CO 80524

(970) 498-6777 < tel:%28970%29%20498-6777 >
ryandl@co.larimer.co.us < Caution-mailto:ryandl@co.larimer.co.us >

On Mon, Jan 25, 2016 at 1:15 PM, Karin Madson <kmadson@larimer.org < Caution-mailto:kmadson@larimer.org > > wrote:

Joe O'Bryan
Recording/Live Sound Engineer
Keptone Music Workshop
273B East 29th St.
Loveland, CO 80538
970-308-1186

Client:
Windjammer (outdoor stage/patio)-Lisa and Chris
3431 North County Rd 31
Loveland, CO 80537

Reported Issue: Patio Volume cannot exceed 55db at the property line (Class A readings)

Current Situation: Test Results

Sound levels pushed from a 1500 watt PA system from the designated "band area" at typical band performance volume (all readings taken with a decibel meter set for Class A reading)

- @ 10' from performance area approx 85-95db
- @ front patio edge approx 65-70db
- @ front edge of parking lot (near business sign) approx 55-60db
- @ immediately behind stage (behind patio fence) approx 75-80db
- @ building edge (behind patio fence) approx 70-75db
- @ rear property line (behind patio fence-in direction of neighboring home) approx 65-75db
- @ side property line (behind patio fence-in direction of neighboring home) approx 65-75db

Proposed Solution:

1. Install ½" Soundboard around the perimeter of the patio area (attached to existing fence)
2. Build a small pitched roof over the "stage area" with ½" soundboard to project sound inward to the patio and away from the neighbors

3. Build a small raised stage with a minimum of 1/2" rigid foam insulation beneath the stage to reduce the amount of low frequencies traveling to the surrounding area
4. Install a Noise Meter (Sound Alert from Noise Meters Inc) with a light near the edge of the patio area. The noise meter will be set to have the light go off for anything over 65db indicating the music will need to be turned down in order to be at 55db or less at the property line.

Expected Results:

The addition of the aforementioned sound abatement materials should be expected to reduce sound levels at the business property line by 30% bringing the estimated decibel levels to 46db – 53db. The addition of the "noise meter" will enable performers and the owners/staff to quickly monitor the decibel levels at the edge of the patio insuring that the sound levels are staying below 55db at the property line.

Behrens and Associates, Inc.

Environmental Noise Control

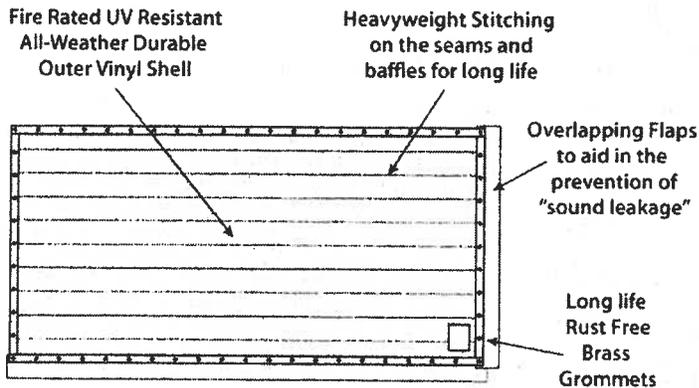
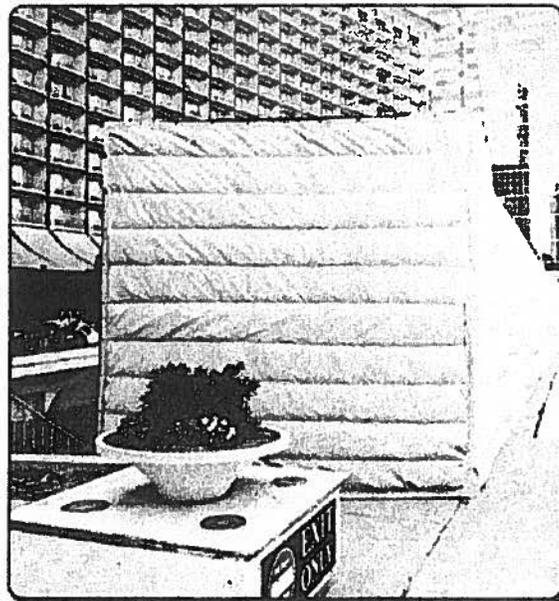
ENC STC-25 ACOUSTICAL BARRIER BLANKET

ENC Style STC-25 Acoustical Barrier Blanket

The ENC-25 Acoustical Blankets are manufactured using state of the art acoustical composite materials and design. The ENC-25 Acoustical Blankets are designed to provide optimum sound control for both blocking and absorbing unwanted noise. The ENC-25 Acoustical Blankets have been tested by an independent acoustical laboratory per ASTM E-90 and ASTM E 413 requirements and have a verified sound transmission loss rating of an STC-25.

Fabricated from poly-vinyl-chloride coated outer shells and our specially developed inner composite construction including two layers of acoustical absorber material with an X-5 septum barrier, these blankets have been both laboratory and field tested to achieve optimum performance for both the blocking and absorption of unwanted noise. They have proven extremely effective for withstanding the elements of nature and extensive handling. They also conform to California Construction Codes.

We stock ENC-25 Acoustical Blankets in standard sizes including 10' X 10' and 8' X 20' but we can manufacture them to any configuration and size required. Stock acoustical blanket colors include beige, gray and black with custom colors available in most primary colors.



Custom sizes and colors available

ENC STC-25 Acoustical Barrier Blanket Product Specifications

- Oil and UV resistant + anti-fungal Poly-vinyl-chloride outer shell
- Flame retardant to California Fire Marshall F-419 D1 spec
- After flame: 2 second.
- Length of char: 3.5.
- Weight: 0.92 lbs. per square foot.
- Working temperature: -40 degrees to +200 degrees F
- Conforms to California Construction Codes.
- Sound Transmission Class in accordance with ASTM E-413.

SOUND TRANSMISSION LOSS DATA (dB)

1/2 Octave Band Center Frequency	63 Hz	80 Hz	100 Hz	125 Hz	160 Hz	200 Hz	250 Hz	315 Hz	400 Hz	500 Hz
Transmission Loss	8 dB	10 dB	11 dB	10 dB	7 dB	7 dB	11 dB	17 dB	23 dB	28 dB
1/2 Octave Band Center Frequency	630 Hz	800 Hz	1000 Hz	1250 Hz	1600 Hz	2000 Hz	2500 Hz	3150 Hz	4000 Hz	5000 Hz
Transmission Loss	33 dB	36 dB	39 dB	41 dB	41 dB	40 dB	41 dB	44 dB	46 dB	50 dB

**STC
25**

TEXAS
10111 East Barkhead Road
Aledo, TX 76008
Phone 817 441-5558
Fax: 817 441-5561

PENNSYLVANIA
1215 Henderson Ave.
Washington, PA 15301
Phone: 724 208-0145

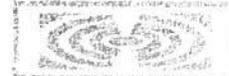
**CORPORATE OFFICE
CALIFORNIA**
13806 Inglewood Avenue
Hawthorne, CA 90250
Phone: 310 879-8033
Fax: 310 331-1538

COLORADO
1400 16th St., Suite 400
Denver, CO 80202
(303) 818-5322

LOUISIANA
1442 Hawn Avenue, Suite 1B
Shreveport, LA 71107
Phone: 817 441-5558
Fax: 817 441-5561

Field Office:
Napa California Office
(707) 252-9019

**ENVIRONMENTAL
NOISE CONTROL, INC.**



Please visit our web sites: www.drillingnoisecontrol.com www.environmental-noise-control.com

Sound Level Alert with Alarm

Built-in LEDs alert user when sound level is too high or too low

Features:

- Bright LEDs (red flashing or green) alert user when sound level is too high or too low – LEDs can be read from 30m (100ft)
- Continuous Monitoring of Sound Level
- Ideal for industrial, hospital, auditoriums, schools and other areas where there is a need for being alerted when sound level reaches set point
- Meets ANSI Type 2 and EN 60651 accuracy, specs compliant to OSHA
- User settable high or low limit (30 to 130dB) indication with output to drive external relay module
- Wall, desk or tripod mount
- Microphone rotates 180° for desired placement. Optional 15ft (5m) microphone extension cable for remote monitoring
- Complete with AC adaptor, microphone wind cover, wall, desk or tripod mount (optional Tripod TR100)



Applications:

- Industrial, Hospitals, Classrooms, and special quiet zones – When the sound level exceeds the HI set point the RED LEDs flash and can be seen from 100 ft (30m).
- Speakers/Educators/Instructors, Auditoriums and Theaters – The user can set the SL130 so the RED LEDs flash when the sound level is below the LO set point where people in the audience may not be able to hear. When the sound level is above the LO set point, the GREEN LEDs indicate the sound level is acceptable. The user can reverse the Red and Green LEDs activation per user color preference.



Selectable two-colored LEDs (Green and Red) alert user when reading is above or below setpoint



Recessed rear panel controls for setting Range, AC Weighting, Fast/Slow Response, Limit, Clock and Start/stop Times



Optional DC Alarm Relay module with 9 foot (3m) cable

CE

Specifications	Display	4.6 x 3.125" multifunction LCD
	Frequency bandwidth	31.5 Hz to 8 kHz
	Microphone	0.5" Electret Condenser Microphone (removable)
	Measurement ranges	30 to 80dB, 60 to 110dB, 80 to 130dB
	Frequency weighting	A and C (Programmable)
	Response time	Fast (125ms) / Slow (1s) (Programmable)
	Resolution	0.1dB
	Alarm output	3.5mm Mono Phone Plug, Maximum: 3.4mA @ 5 VDC
	Minimum Output	Voltage: 2.5 VDC
	Power	AC/DC Adaptor for full functions; 8xAA batteries for monitoring function only without LED alert
	CE/Warranty	CE approved / 1 year warranty
Dimensions / Weight	8.75x7.1x1.25" / 0.63 lbs. (22x18x3.2mm / 285g)	

Ordering Information:

- SL130G** Sound Level LED Alert, 110VAC Adaptor
SL130G-NIST ..Sound Level LED Alert with NIST certificate

Accessories

- SL125** Remote Microphone cable 15' (4.5m)
SL124 DC Alarm Relay Module 9 foot cable (3m)
SL123 AC Alarm Relay Module 9 foot cable (3m)
TR100 Tripod (for meters with Tripod mount feature)
407766 Sound Level Calibrator, 94/114dB

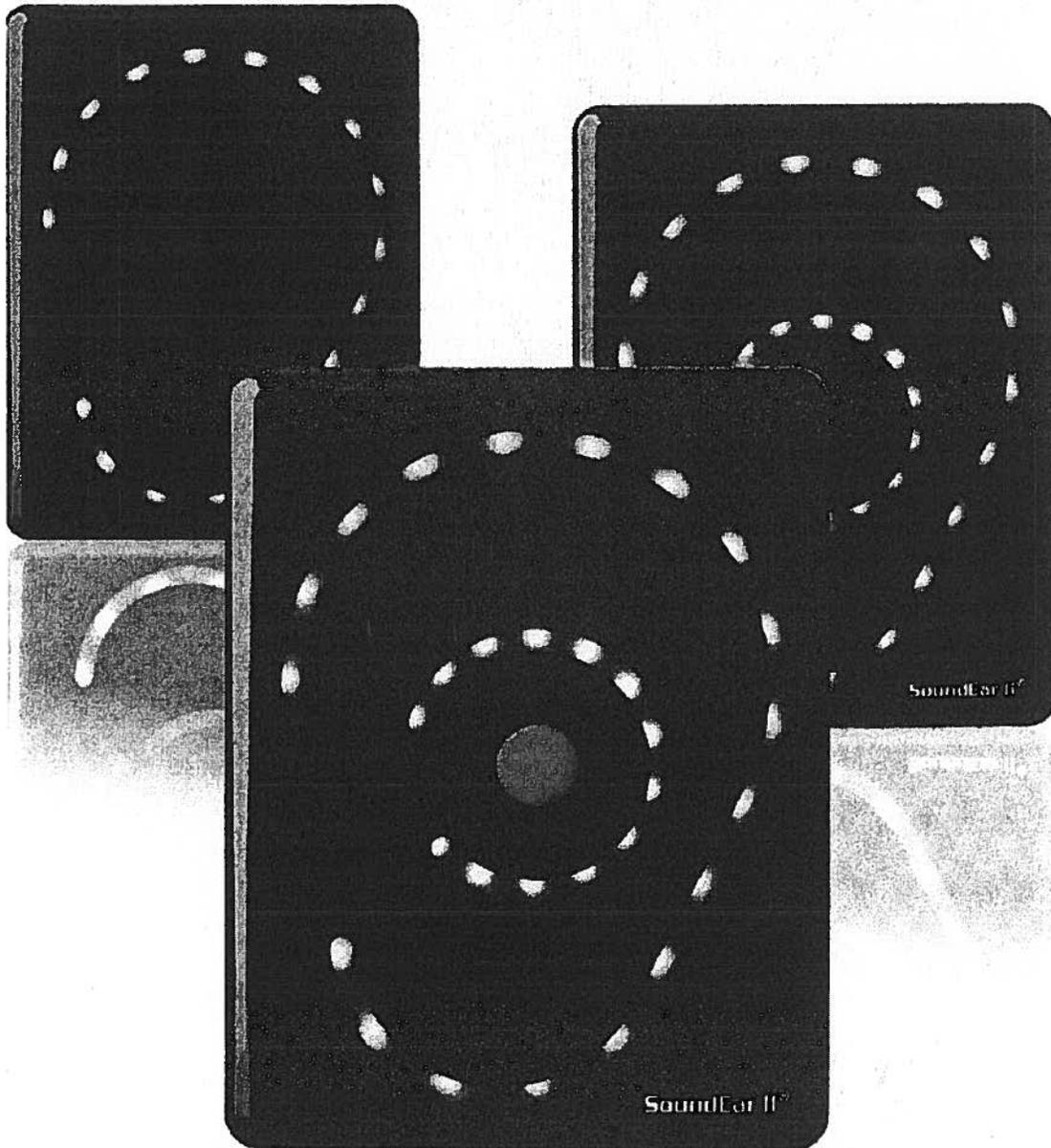
"Make mine an Extech!"
www.extech.com



NoiseMeters Inc

SoundEar II[®]

The sound of a good working environment



Home > Products > Noise Warning Signs > SoundEar > SoundEar II > Applications > Entertainment Noise

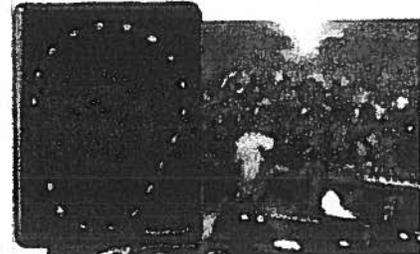
SoundEar II Noise Warning Sign

Noise Sign | Data Logging | Applications | Installation | Options

Music Noise Monitoring

Music from clubs, discos and even restaurants and hotels can cause problems for local residents and be at dangerous levels for staff. The SoundEar II Noise Sign is the perfect solution to keeping control of the noise and monitoring the effectiveness of controls.

- Club, disco, nightclub and restaurant noise monitoring
- Protect bar and club staff from dangerous noise levels
- Avoid noise complaints from residents
- Inform DJ or live band when the levels are too high



Entertainment Noise

The **SoundEar II Noise Warning Sign** can be set to light first the yellow and then the red lights when the noise level is above the set limit. See the **SoundEar II web page** for more information on the sign itself.

One of the major problems of controlling noise levels in clubs is that of **human perception**. If the music is to somebody's taste it will not sound so annoying as to whom it is not. On top of this, after just a short time being exposed to high levels the ear becomes less sensitive so it is very difficult to decide whether the level is too high without the use of a noise level measuring device such as the SoundEar.

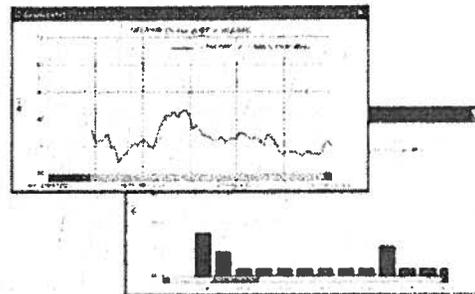
The SoundEar is mounted on the wall using a single screw and plugs into the power using the adapter provided. It is very quick and easy to install.

Evidence of Compliance - Data Logging

The data logging module for the SoundEar stores the average sound level every five minutes, giving evidence of compliance (or non-compliance) with limits set. If you need to see how the levels have been in your absence then this is the ideal option.

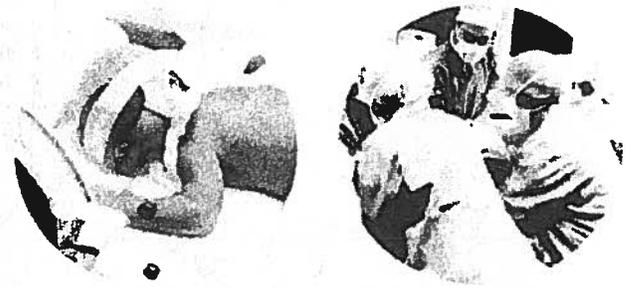
The recordings can be downloaded to a computer using the SoundLog software that is included with the logging module.

Please see the **Data Logging web page** for more information.



SoundEar II®

The sound of a good working environment



Many hospital patients complain about too much noise. This includes noise from medical equipment, staff and visitors, closing doors etc.

Research has shown that noise levels above 50 dB(A) delay recovery and rehabilitation periods, thereby causing patients to stay for an unnecessary, longer period of time due to bad acoustic and sound environments within modern hospitals.

Hospitals of the future focus on lower noise levels. Not only does a good acoustic environment facilitate recovery, it also leads to better sleep patterns and higher levels of patient and staff well-being.

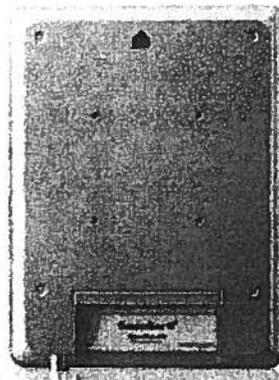
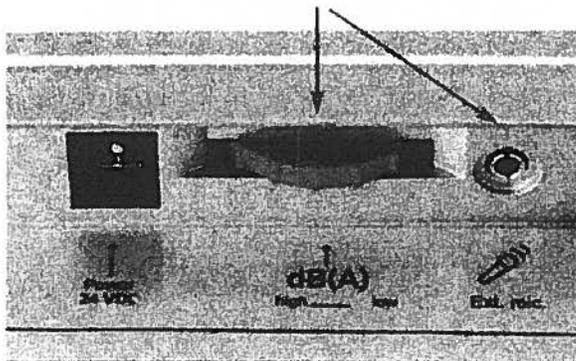
Let SoundEar II® help you save money by reducing patient hospitalization periods and staff sickness absence.

SoundEar II® is mounted onto a wall, showing the noise level in an easy to understand manner, and it gives a warning whenever the noise level gets too high. SoundEar II® is a good system to utilize in particularly sensitive hospital areas:

- Neonatal units
- Operating rooms
- Recover rooms
- Rooms with several beds
- Quiet areas
- Waiting rooms

You can pre-set your SoundEar II® to provide a visual warning sign consisting of a flashing red light at 16 different noise limits ranging from 40 to 115 dB(A). Use the red wheel at the bottom of the device to select the desired noise limit. Our website contains information on suitable noise limits.

SoundEar II® can be connected to an external microphone.



Technical Data

Standards: 60601-1 Medical electrical equipment
Part 1: General requirements for Basic safety and essential performance.
60601-1-2: Medical electrical equipment
Part 1-2: General requirements for basic safety and essential performance.

Mechanical features:

Cabinet: Shockproof acrylic
Measurements: length: 256mm,
width: 205mm, height: 46mm
Weight: 1.5 kg

Electrical features:

Power supply: 24 V DC

Temperature: During operation: 0°C to 50°C
Storage: -20°C to 60°C

Dampness and dust:

IP42

Measurement parameters:

Frequency: 20Hz to 16kHz
Scope of measurement: 40dB to 115dB
Frequency weighting: A
Time weighting: Slow (1 sec)
Deviation: ±3dB

SoundLog

A data log that saves measurements for up to four weeks is available for the SoundEar II® system. SoundEar II® measures sounds and the measurements are saved by the data log. The computer program delivered along with the data log allows the measurements from the last four weeks to be shown in a printable graph.

NoiseMeters Inc

Tel: 888 206 4377
Email: info@noisemeters.com
Web: www.noisemeters.com

Miller, Christopher L CIV NG COARNG (US)

Permit # 22

From: Doug Ryan <ryandl@co.larimer.co.us>
Sent: Monday, October 12, 2015 1:25 PM
To: Miller, Christopher L CIV NG COARNG (US)
Cc: Madson, Karin
Subject: Septic System File for Windjammer
Attachments: Windjammer Sewer System.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

This email was sent from a non-Department of Defense email account, and contained active links. All links are disabled, and require you to copy and paste the address to a Web browser. Please verify the identity of the sender, and confirm authenticity of all links contained within the message.

Christopher,

It was nice to meet with you this morning.

Attached is the permit for the repair sewer system installed at the Windjammer in 1992. The map on the second page is our inspector's as-built drawing. It shows two sewer lines coming out of the building (I think the upper one is to a grease trap). Both lines then flow into a 1,000 gallon tank, and then to a 500 gallon tank. Just below the 500 gallon tank is a diverter valve that transfers wastewater from the older leach field to the new 42x30 leach field. It appears to me that the diverter valve is designed to be able to transfer wastewater to either of the fields. That must mean that the older leach field had some capacity, but could not handle the entire load.

As we talked about this morning, that leach fields need to be protected from vehicle traffic or parking.

Doug Ryan
Larimer County Department of Health and Environment
1525 Blue Spruce Drive
Fort Collins CO 80524

(970) 498-6777

ryandl@co.larimer.co.us <Caution-mailto:ryandl@co.larimer.co.us >

APPLICATION AND PERMIT FOR INDIVIDUAL SEWAGE DISPOSAL SYSTEM



LARIMER COUNTY COLORADO

LARIMER COUNTY HEALTH DEPARTMENT
363 Jefferson Street
FORT COLLINS, COLORADO 80524

ENTERED

MICROFILMED

Environmental Health
(303) 221-7496

1. $\frac{1}{4}$, $\frac{1}{4}$, $\frac{1}{4}$, S. 34 T. 5 R. 70
2. Subdivision _____
3. Lot _____ Block _____ Filing _____ Zoned _____
4. New System _____ Repair New Vault _____
5. Address/Location 3421 Willow Lake Rd
6. Owner of Record Jammerbourg Address _____ Ph. (970) 4634
7. Agent _____ Address _____ Ph. _____
8. System Contractor Self Address _____ Ph. _____
9. Building Type Commercial Basement Bathroom _____ Design Capacity _____
10. Lot Size _____ Slope _____ Perc. Rate/H.C. _____ Depth to Bedrock _____
11. Depth to water Table _____ Potable Water Supply well Aquifer _____
12. Water District _____
13. Sanitation District > 40041
14. Nearest Location of Public Sewer To Building _____
15. Exhibits check: Plot Plan _____ Eng. Geol. Report _____ Engineers Design _____
16. Owner/Agent Signature Kied L. Watson Date _____
17. Engineer Signature _____ P.E. Reg. # _____ Date _____
18. Fee of \$ 75.00 payable at time Permit is issued. + 25.00 for copy fee - pd. 8/19/92
19. Plot plan on reverse of this form.

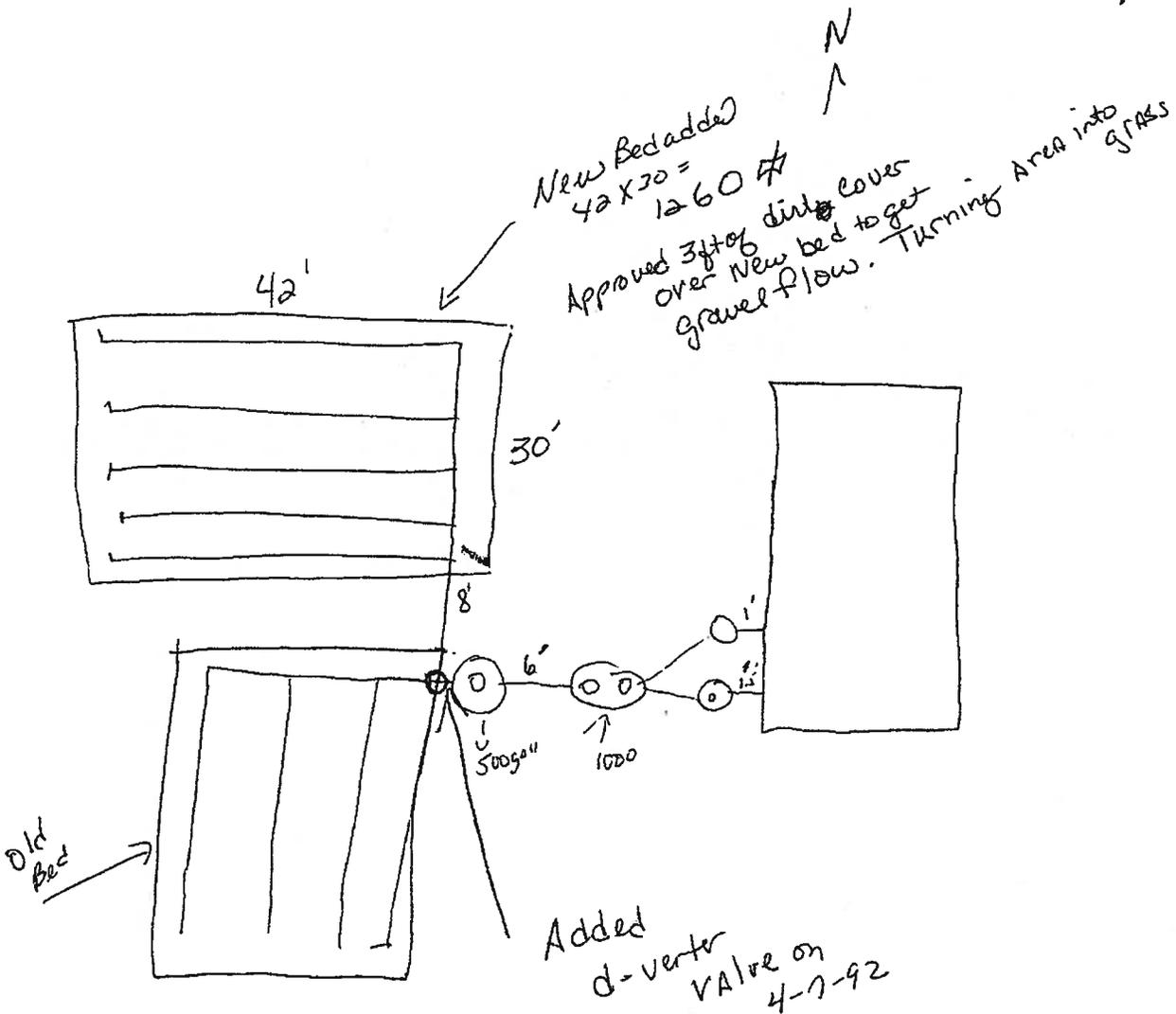
Receipt # 03112 BP# _____

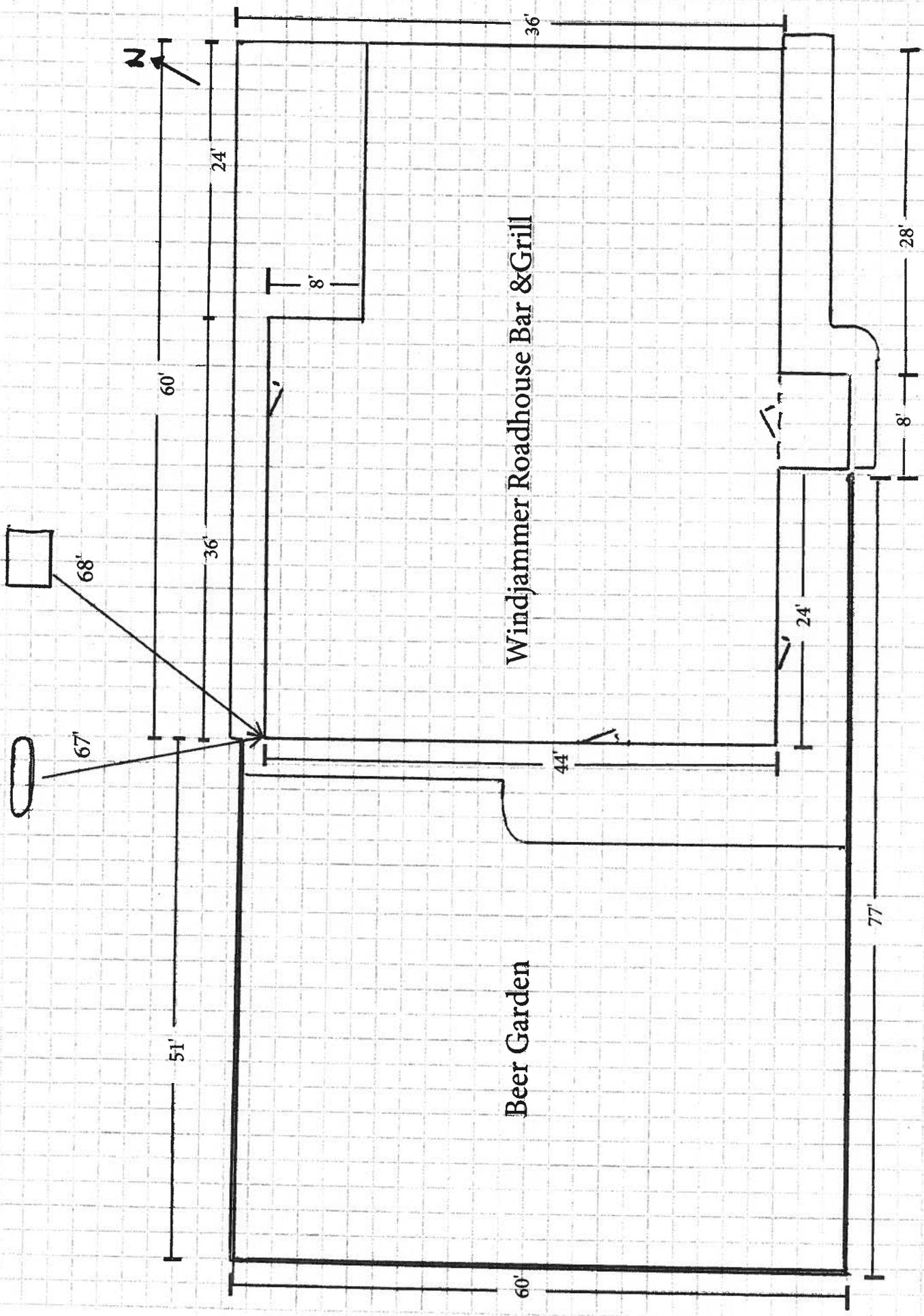
Permission is hereby granted to the owner or his agent to perform the work indicated below in accordance with the Larimer County Individual Sewage Disposal Regulations and is conditional upon the final installation approval of the Larimer County Health Department. This permit is to remain in full force for the duration of the Larimer County Building Permit, or 120 days after its issuance, where applicable, providing it is not revoked for non-compliance. The issuance of this permit does not constitute assumption by the Department or its employees of liability for the failure or inadequacy of the sewage disposal system.

20. Type and design of System Keep existing septic tank and add 110 gallon of absorption bed. Minimum all health Dept. consent from fig 2 of L.C.H.D. S.P. (Design Code R2(1))
21. Maintenance Schedule Area work as needed. Every 3-4 yrs.
22. Please notify the department 24 hours in advance of backfilling to obtain final inspection for issuance of "Occupancy Certificate".

Approval Signature	Date	Approval Signature	Date
23. Site Inspection: <u>Sue Schewe</u>	<u>4-1-92</u>	Sanitation District:	_____
24. Preliminary: <u>Sue Schewe R.P.S.</u>	<u>7-1-92</u>	Occupancy Permit Signed:	_____
25. Final Inspection: <u>Sue Schewe R.P.S.</u>	<u>4-7-92</u>	And Transmitted By:	_____

Route: white - owner; pink - system contractor; Tag Copy - File.





Windjammer Roadhouse Bar & Grill

Beer Garden

Windjammer Roadhouse Bar & Grill 05340-00-025



Windjammer Roadhouse
Bar & Grill

Proposed Sound Stage
structure. 12' Deep x 24'
Wide x 12" High Front /
8' High Rear

Beer Garden

Windjammer Roadhouse Bar & Grill 05340-00-025

51'

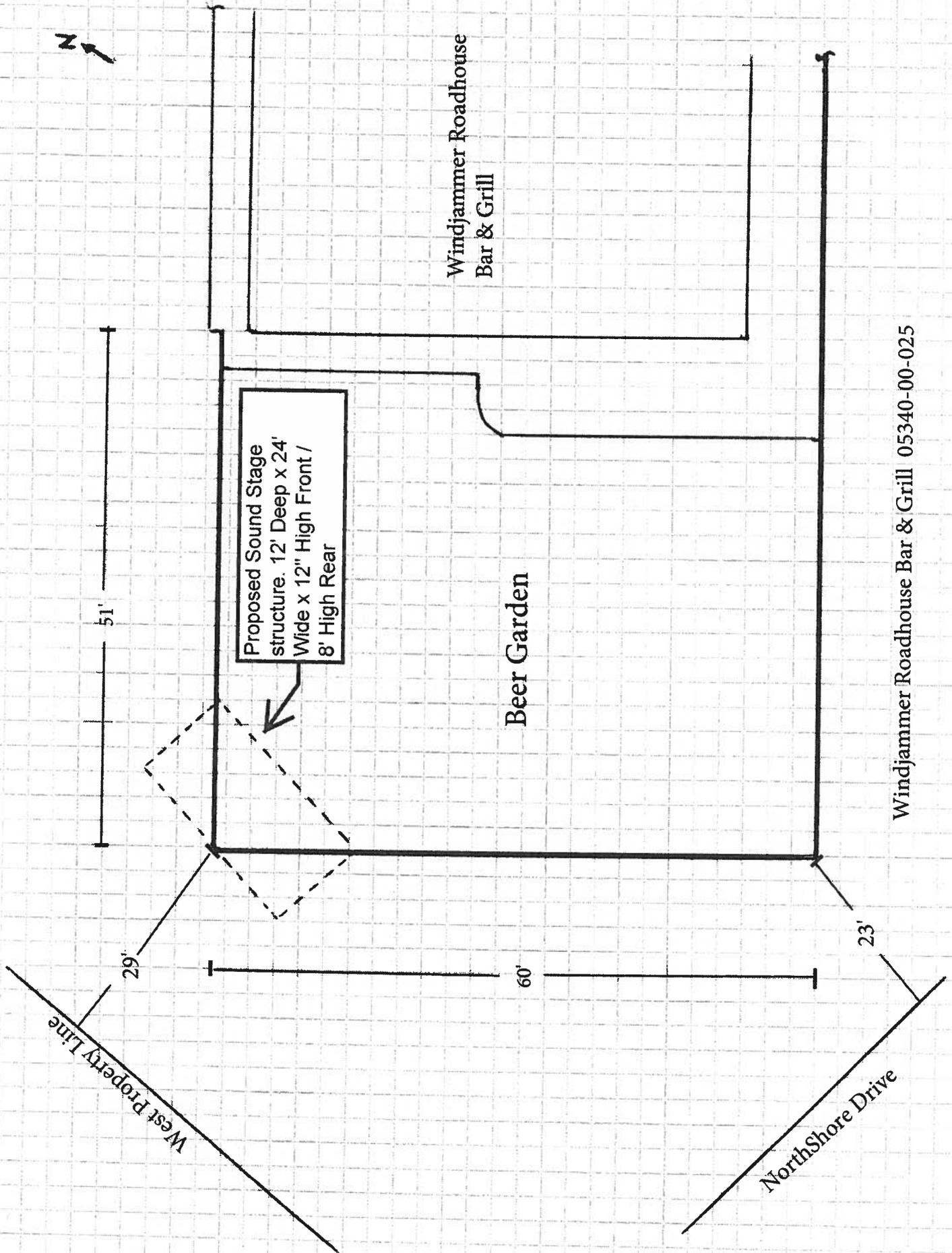
29'

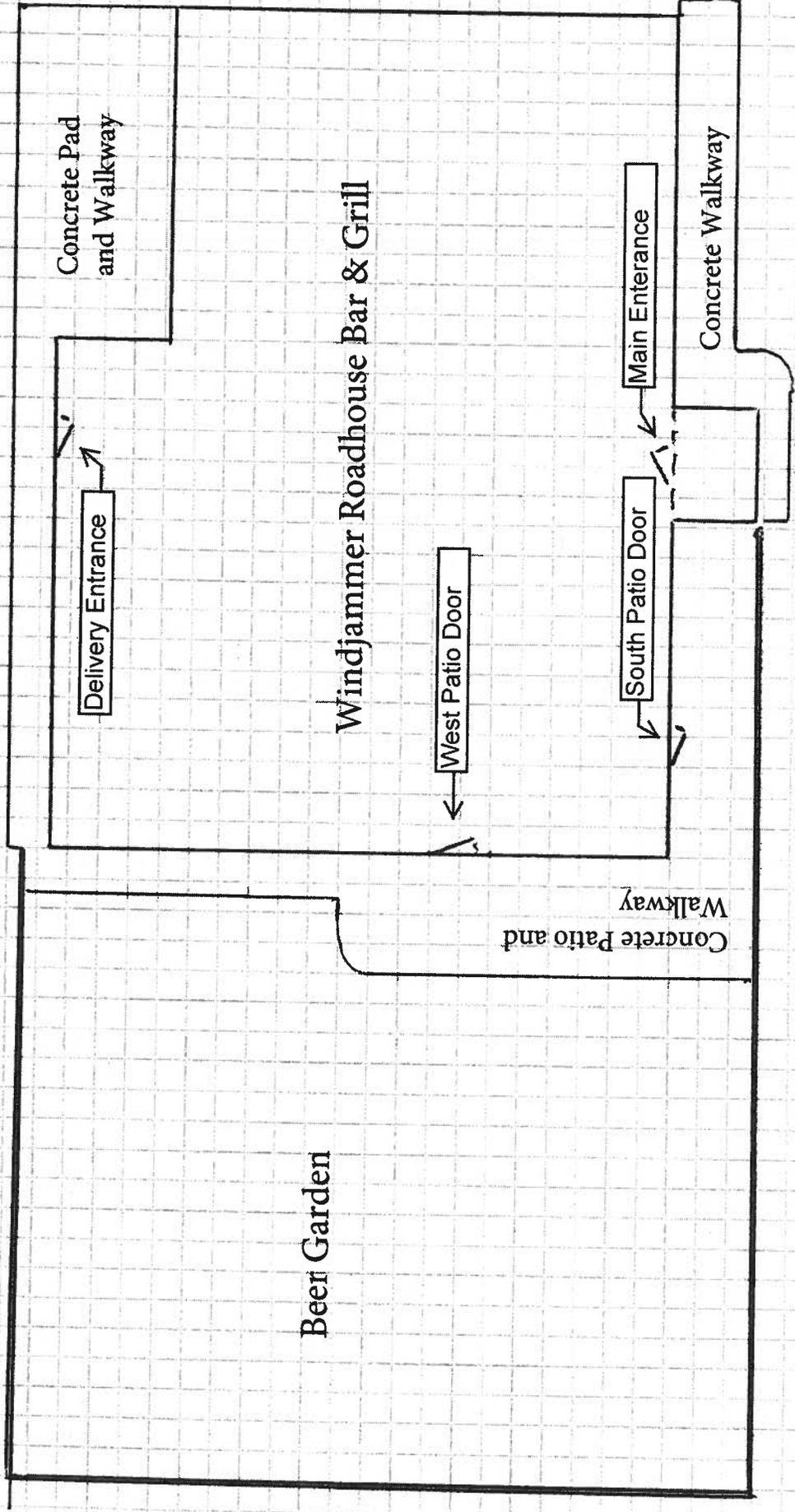
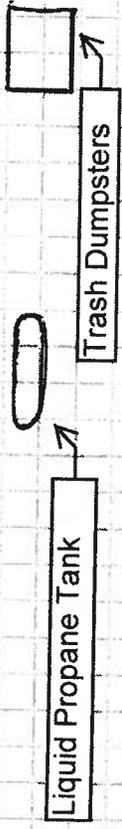
60'

23'

West Property Line

NorthShore Drive





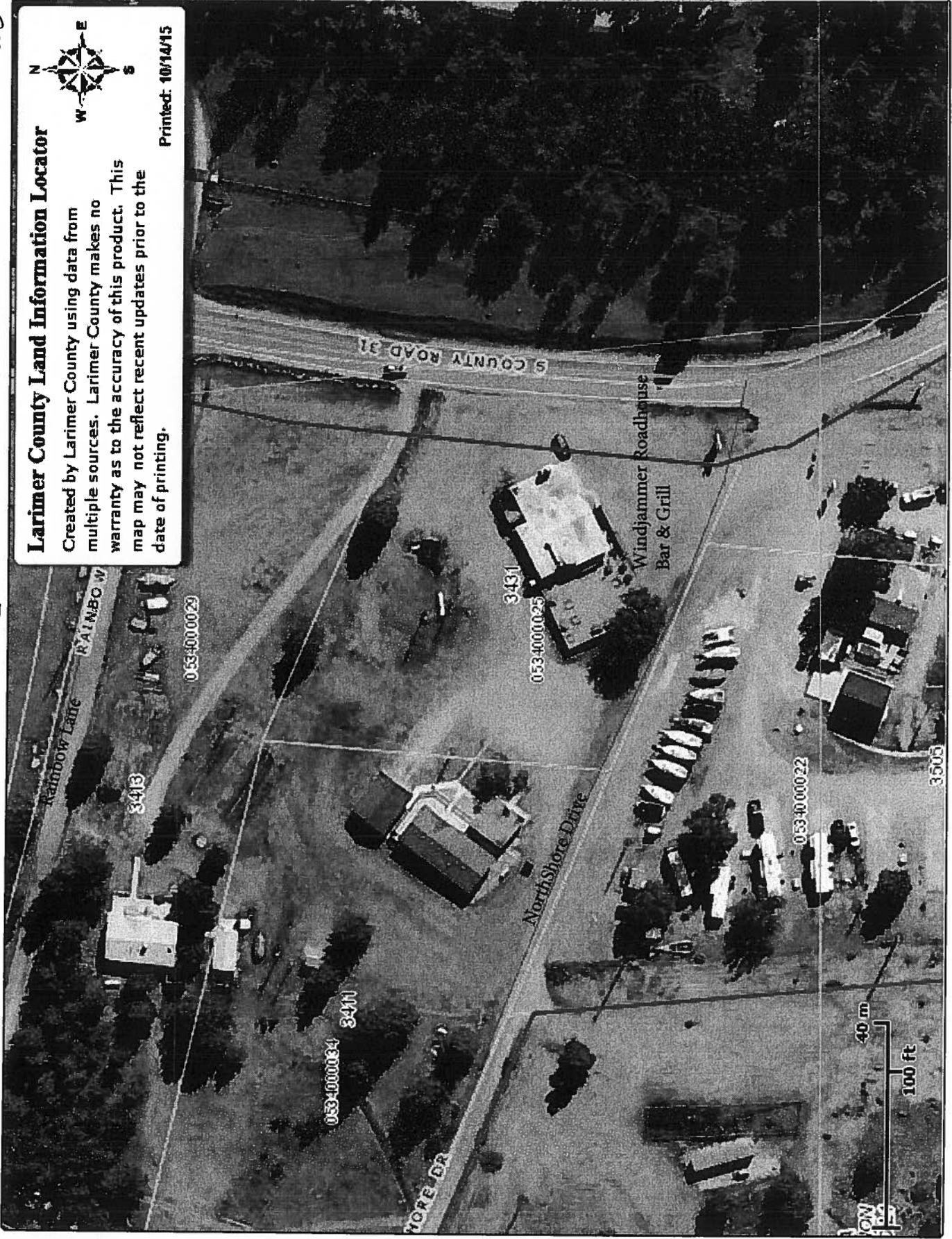
Windjammer Roadhouse Bar & Grill 05340-00-025

1 Tenn #8 @ 534-000-025

Larimer County Land Information Locator

Created by Larimer County using data from multiple sources. Larimer County makes no warranty as to the accuracy of this product. This map may not reflect recent updates prior to the date of printing.

Printed: 10/14/15



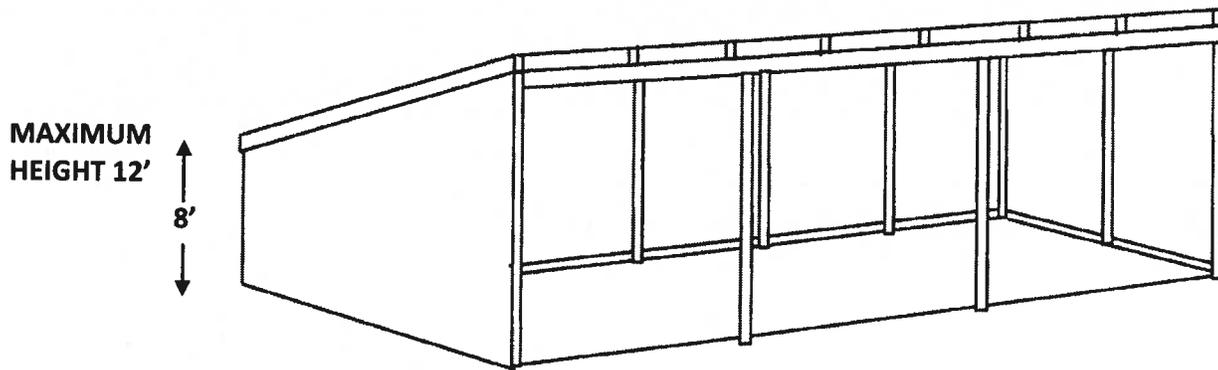


PLANNING AND BUILDING DIVISION

P.O. Box 1190
Fort Collins, CO 80522-1190
Planning Department (970) 498-7683
Building Department (970) 498-7700

LOAFING SHED

Sound stage structure w/ interior acoustical barriers

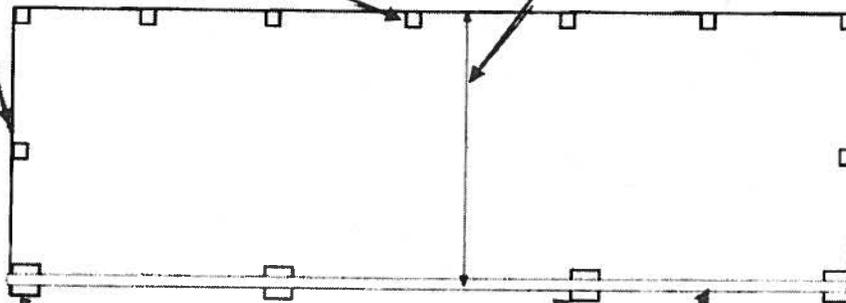


MAXIMUM
HEIGHT 12'

8'

Minimum 4x4 treated wood
post spaced 6' on center

2x10 rafters for Red Feather, Estes
Park & areas above 7000'
2x8 for areas below 7000'
Spaced 3' on center

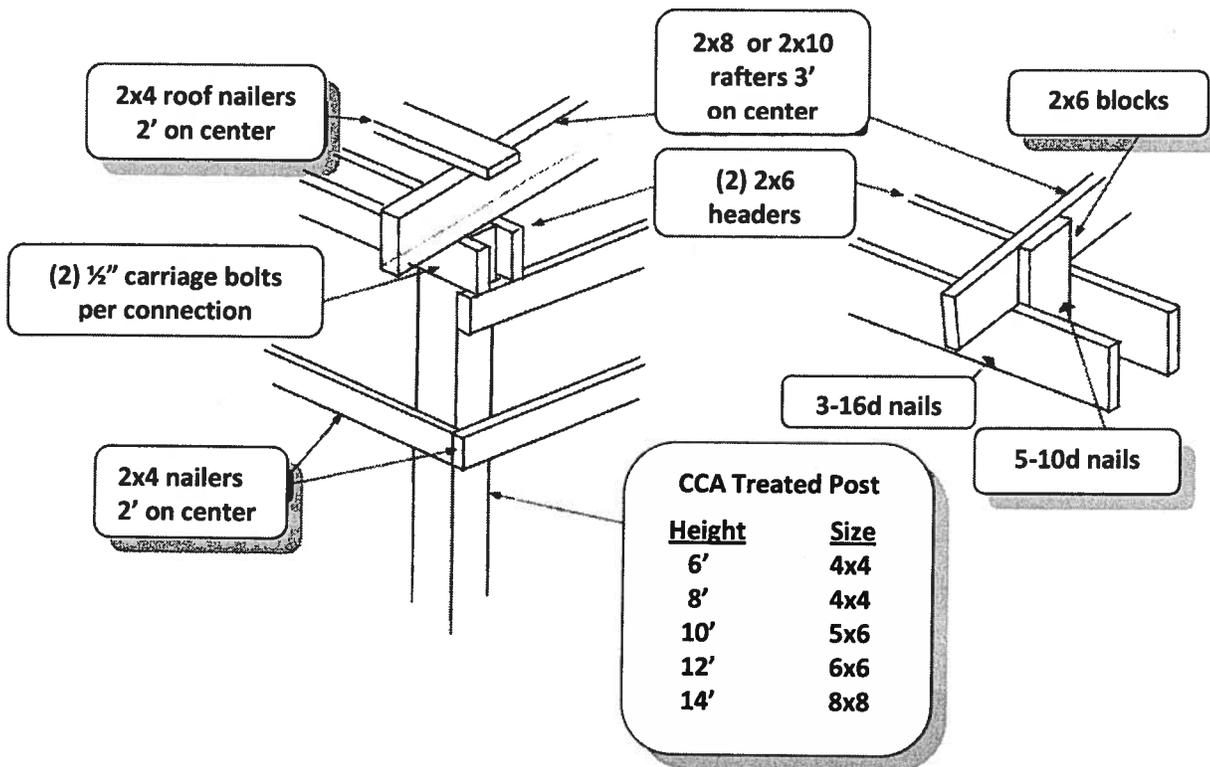
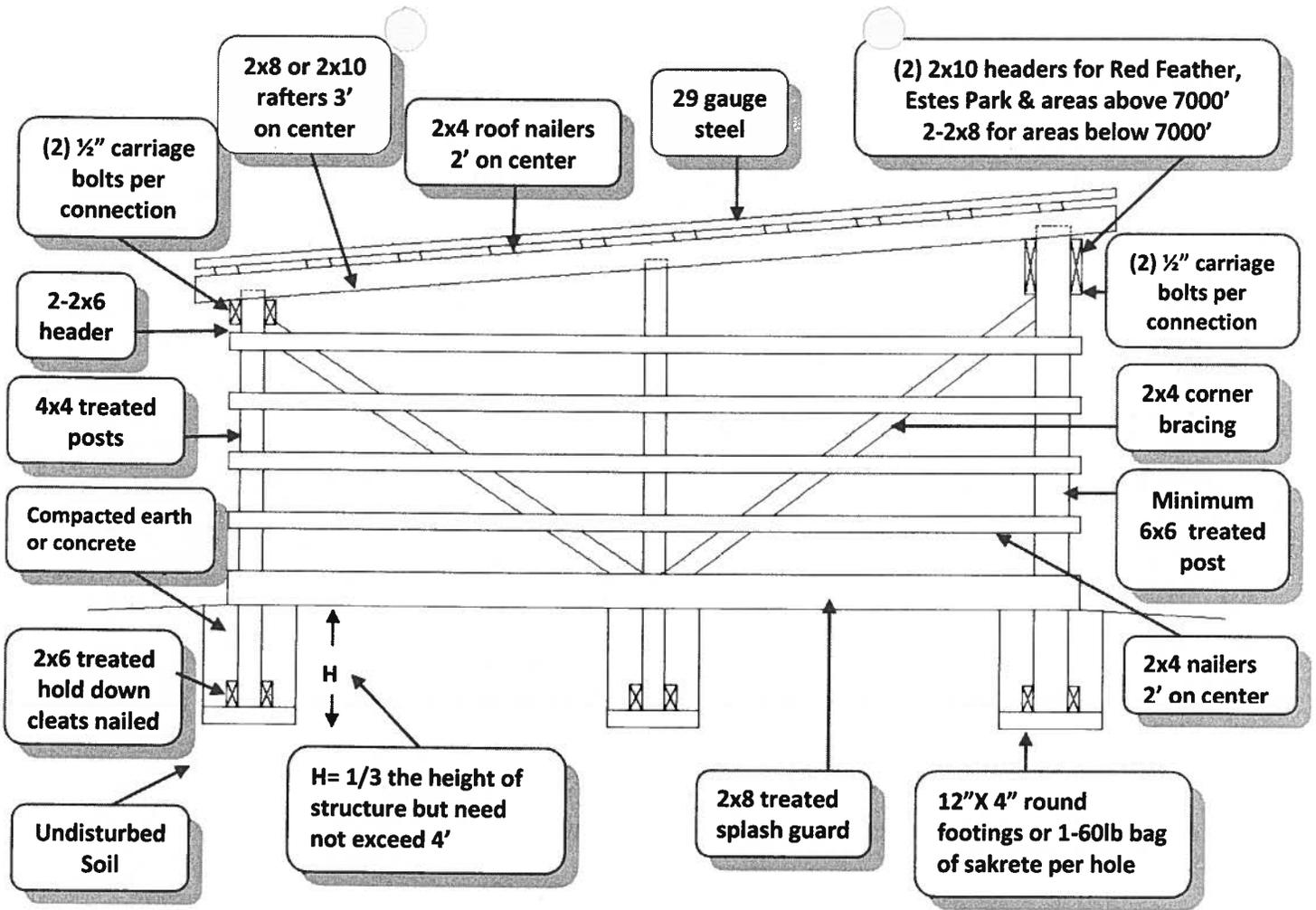


12' not
to vary

Minimum 6x6 or 6" round treated
post spaced 12' on center

(2) 2x10 headers for Red Feather, Estes Park &
areas above 7000'
(2) 2x8 for areas below 7000'

continued on next page



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 plans to adhere to the noise ordinance rules and regulations using a portable decibel meter (2).

Windjammer Roadhouse & Grill Neighborhood meeting

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.

Windjammer Roadhouse & Grill Neighborhood meeting

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

Windjammer Roadhouse & Grill Neighborhood meeting

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.

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

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

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

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**

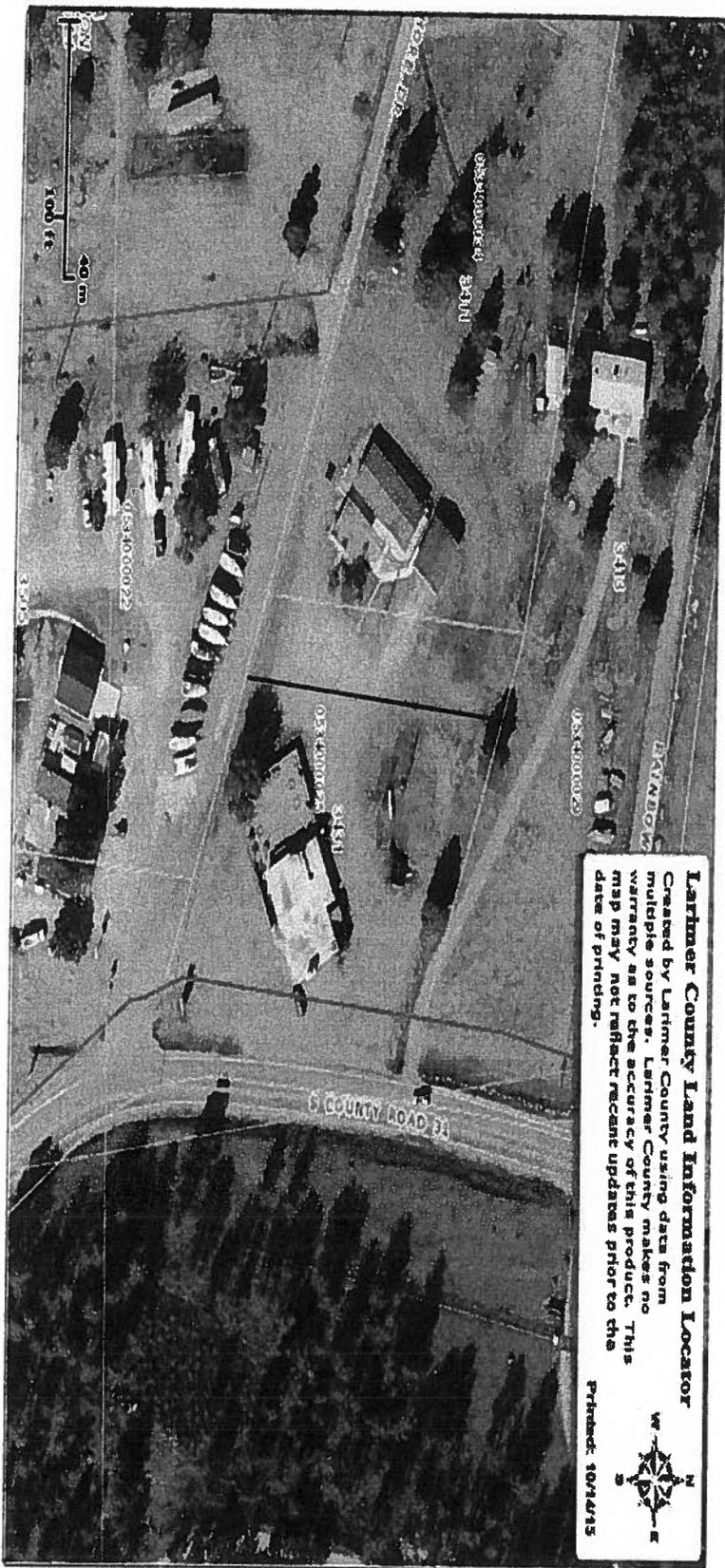
Windjammer Roadhouse
Bar & Grill

Neighborhood Meeting

2 November 2015

6 PM

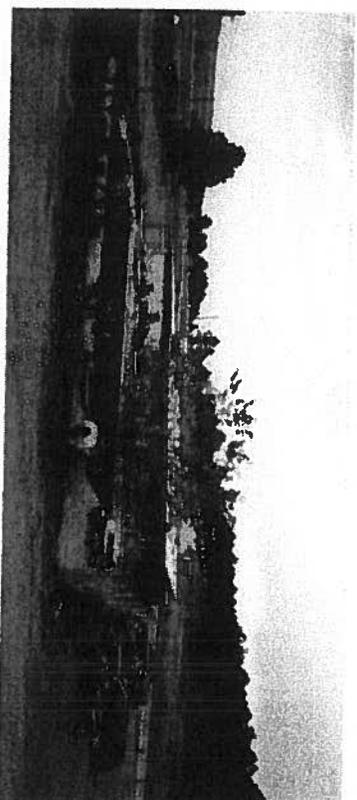
Windjammer Roadhouse Bar & Grill



Discussion Points

Continuation of food and beverage service, to include alcohol, within the boundaries of the beer garden.

Historical photos show this has been taking place since 1980 and prior.



Discussion Points

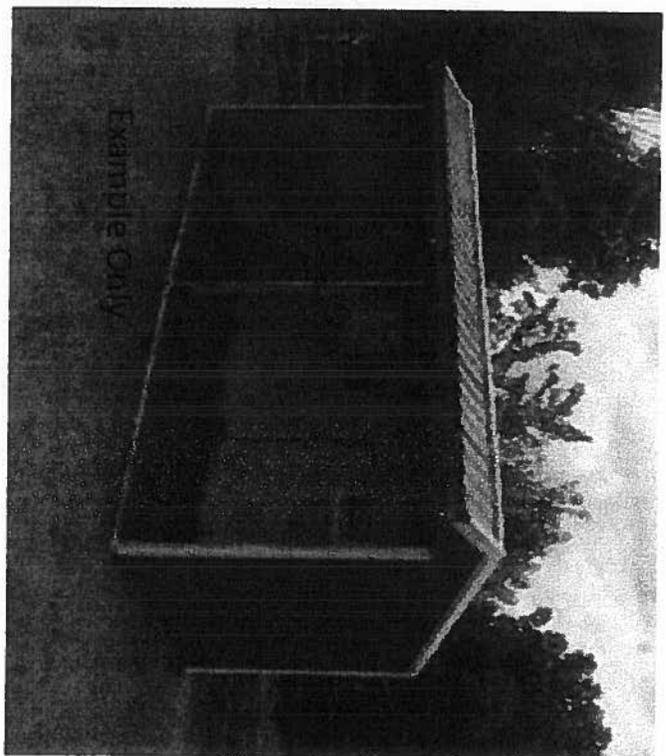
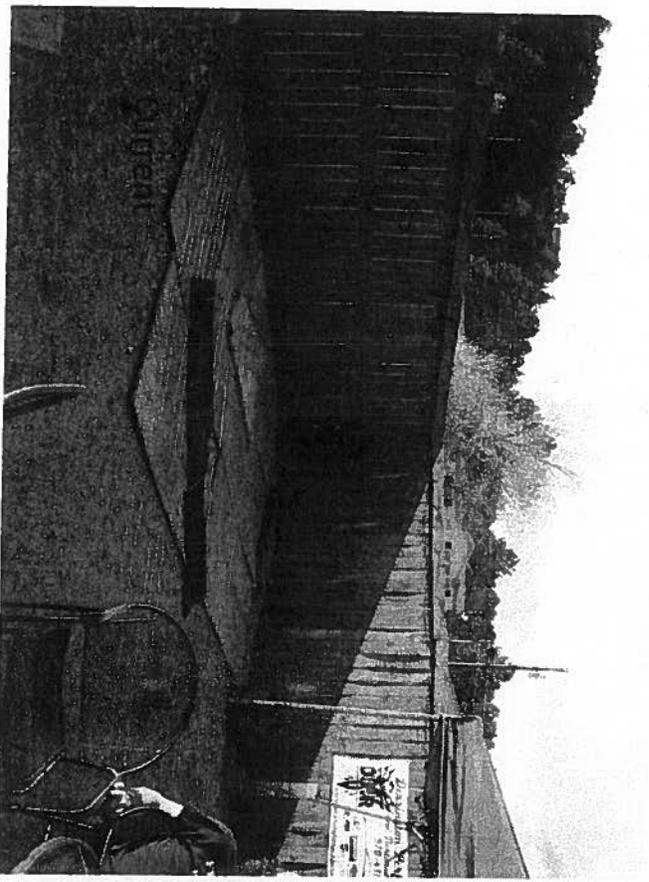
Outside Music Performances

Compliance with Ordinance No. 97-03; Noise Levels in Unincorporated Larimer County.

Construction of outside sound stage to mitigate noise levels to the North and West of the beer garden.

Seasonal Dates and Hours outside musical performances can take place in conjunction with Larimer County Campground and Marina.

Sound Stage Option



Discussion Points

Charity Auctions

To hold charity auctions in conjunction with charity bike rides during the summer months. This is normally during the months of April through October.

Neighborhood Concerns

NAME	ADDRESS	SIGNATURE
1 Marlene Henneberg	9101 Four Wheel Dr ^{Loveland} 80537	Marlene Henneberg
2 Lynette Hansher	9101 Four Wheel Dr Loveland	Lynette Hansher
3 DENNIS HENNEBERG	9101 FOUR WHEEL DR	Dennis Henneberg
4 MARTINI TREML	3812 FAUN TRAIL	Must B D
5 GREGORY MYLES	8701 ROCK HILL RD.	Gregory Myles
6 TAMMIE COLE	8701 Rock Hill RD	Tammie Cole
7 RUE MELBOURNE	8701 Rock Hill RD	Rue Melburn
8 E. T. THATCHER	3911 RAINBOW LAKE	E. T. Thatcher
9 James H. Casper	8712 RAZA ROAD	James H. Casper
10 Rainda Stephens	3754 Hwy 34 ^{Loveland}	Rainda Stephens
11 Sued Guinn	8821 5th St SW ^{Loveland}	Sued Guinn
12 Cassie Truax	2821 5th St SW Loveland	Cassie Truax
13 Judy Bonifant	1554 Shiloh St NW ^{Loveland}	Judy Bonifant
14 Dorothy Johnson	4601 Primrose Wood Lane	Dorothy Johnson
15 Carolyn Cole	4061 Rain Bow Lane	Carolyn Cole
16 Norm & Linda Smith	3912 Faun Tr.	Norm & Linda Smith

	NAME	ADDRESS	SIGNATURE
17	Jed Shepard	6201 Four Wheel Dr	Jed Shepard
18	Teryl Shepard	"	"
19	Staci Swift	2212 Eagle Dr.	Staci Swift
20	Grand Kethum Howell	8701 Cottontail Rd.	Kethum Howell P.O. Box 7, Rye
21	Bonnie Staggord	3413 S CR 31	Bonnie Staggord
22	Dave Watson	4100 Stone P	Dave Watson
23	PAUL BOERGEN	9829 REPAIRS WAY	Paul Bergen
24	Patricia Wayne Seale	9001 Four Wheel Dr	Patricia Seale
25	Judy Hughes.	3200 Rainbow Ln	Judy Hughes
26	DICK HUGHES	"	Dick Hughes
27	Kevin Madath	3225 South Gentry Rd 31	Kevin Madath
28	Sineg Pehl	1443 Duke Dr	Sineg Pehl
29	Leona Pehl	1443 Duke Dr	Leona Pehl
30	Bee Hiles	1485 Chur Dr	Bee Hiles
31	Tom Phadino	3050 Rainbow Lane	Tom Phadino
32	Jimmy & Karen Peepo	3030 Rainbow Ln	Jimmy & Karen Peepo

	NAME	ADDRESS	SIGNATURE
33	Keslie & Norm Gayder	3505 Rainbow Ln Loveland	
34	Ferry & Kym Sybrandts	3505 SEC # 31	
35	BRETT & AUSSIE GROSSING	4300 WHEATFRONT DR. LOVELAND	
36	Michael & Tonya Dexter	4100 Lakeland Dr. Loveland	
37	Ivy DONMILERS	4010 ONE WIND AT-1 WINDMILL	
38	JAC LUND	4377 FAUNTTL LAKELAND	
39	DANA INMAN	4377 FAUNTTL LAKELAND	
40	Sharon & Scott McDonigal	9016 Cotton tail Rd Loveland	
41	DON & CONNIE STACHOWIAK	1441 SHELBY DR. BERTHOUS	
42	Bruce & Peggy Mastin	3305 CHACTUS LOVELAND	
43	Bobby & Fern Gustafson	4001 FAUN TAIL ROAD	
44	BQ & Paul Muelko	3201 Cactus Ct	
45	Delicia & Pat Williams	4893 Basswood Dr. Loveland	
46	AET SILVERSTEIN	6004 W Country KS 4	
47	Al Sipes	3501 Ranch Road	
48	LOGAN DERRENGTON	6754 W HAWAY 34 LOVELAND	

NAME

ERIK JOHNSON

Address

321 Mc Colm St Berthoud

Signature





DEPARTMENT OF HEALTH AND ENVIRONMENT

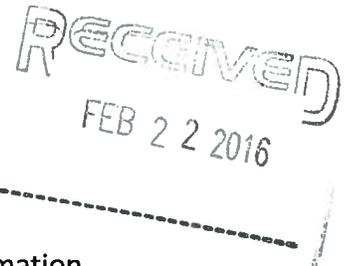
1525 Blue Spruce Drive
Fort Collins, Colorado 80524-2004
General Health (970) 498-6700
Environmental Health (970) 498-6775
Fax (970) 498-6772

To: Karin Madson
Larimer County Planning Department

From: Doug Ryan *Doug Ryan*

Date: February 18, 2016

Subject: Windjammer Roadhouse SE – Response to Additional Information



The Windjammer Roadhouse Special Exception is a proposal to allow an outdoor patio use with outdoor music during the summer months, and to allow charitable auctions on the premises. My original comments are dated December 2, 2015. My memo today addresses the additional information provided by the applicant about noise.

As we noted previously, noise is an important issue for outdoor music venues. Larimer County has adopted a noise ordinance intended to protect residential properties. The text is available online at <http://larimer.org/policies/noise.htm>.

There are two provisions in the ordinance that are relevant to consider for this application. Section 5 of the ordinance specifies that the maximum sound level at an adjacent residential property line cannot exceed 50 decibels on measured on the "A" scale (dBA) for the nighttime hours of 7:00 PM to 7:00 AM, or 55 dBA during daytime hours. Section 4 of the ordinance prohibits a noise disturbance. The definition of a noise disturbance includes sound ... *of such a volume, frequency and/or intensity that it unreasonably interferes with the enjoyment of life, quiet, comfort or outdoor recreation of an individual of ordinary sensitivity and habit.* Both the decibel limit, and the noise disturbance definition are useful for evaluating compatibility under the land use code standards for a special exception. The decibel limit is an objective standard that can be measured, while the noise disturbance issue is more subjective and relates to public comments that the Planning Commission and Commissioners consider.

In response to the noise issue, the applicant commissioned a sound study from Joe O'Bryan at the Keptone Music Workshop. The report from that study indicates that a sound level test was performed on the property using a 1500 watt public address speaker system. It indicates that music volume in front of the proposed stage area was 85-95 dBA. Measurements taken at the west and north property lines were reported as 65-75 dBA. Measurement at the southeast property line were 55-60 dBA.

The property line measurements were higher than the 50 and 55 dBA nighttime/daytime maximum sound levels specified in the ordinance. In response, the sound study proposed a four-part solution that includes: installing ½" soundboard around the perimeter of the patio area; constructing a pitched roof over the stage area with ½" soundboard; installing rigid foam insulation beneath the stage to reduce low frequency sound traveling to the surrounding area; and installing a permanent noise meter with a warning light to indicated excessive noise. The Kepton Music Workshop report estimates that these measures would reduce sound levels at the property line by 30%, bringing the mitigated levels down to 46 to 53 dBA, and that the noise meter would alert performers and staff of the need to reduce levels if the band was too loud.

The applicant's sound study is useful for estimating the sound impacts. I would note some concerns at this stage of the review that the applicant may wish to address or clarify either before or at the Planning Commission hearing. Those issues are:

1. The noise ordinance decibel standards are expressed as *maximum* A-weighted measurements and not averages or ranges. While it is useful to report measured sound levels in terms of a range, compliance with the county's ordinance is determined in terms of the maximum level measured.
2. The nighttime decibel limit at a property line is 50 dBA, which is lower than the estimated post-mitigation levels. The Special Exception request does not appear to specify hours of operation, but I assume that the bands would play into the evening. Additional mitigation would be necessary for evening hours.
3. The sound study estimates that the sound barrier for the stage and patio areas will provide a 30% sound level reduction at the property lines. It is important to note that sound blocking materials are only effective if the sound barrier breaks the line of sight between the sound source and the residential property. The sound study does not quantify if the barriers will meet that test. In this regard, it can be helpful to present representative cross sections to illustrate the sound barrier placement and performance in a noise mitigation report.
4. The test used a PA system that produced sound levels of 85-95 dBA in front of the stage. It would be helpful to hear from the applicant if that is an accurate representation of the outdoor music they plan.
5. The sound study does not discuss crowd noise. Noise from the audience is noted in many complaints about outdoor music venues. It would be helpful if the sound study could address this additional noise source.
6. The sound study does not indicated if the neighbors were present or notified of during the tests. We did suggest that they be notified at the sketch plan meeting. Their participation at the public hearings will be important in evaluating the issue of a potential noise disturbance, and so their comments on the test would be useful.

Thank you for the opportunity to comment. I can be reached at (970) 498-6777 if there are questions about any of these issues.

cc: Christopher and Lisa Miller



DEPARTMENT OF HEALTH AND ENVIRONMENT

1525 Blue Spruce Drive
Fort Collins, Colorado 80524-2004
General Health (970) 498-6700
Environmental Health (970) 498-6775
Fax (970) 498-6772

To: Karin Madson
Larimer County Planning Department

From: Doug Ryan *Doug Ryan*

Date: December 2, 2015

Subject: Windjammer Roadhouse SE



The Windjammer Roadhouse Special Exception is a proposal to allow an outdoor patio use with outdoor music during the summer months, and to allow charitable auctions on the premises.

Noise. Based on the initial citizen complaints, staff consultation with the applicant, and notes from the neighborhood meeting it is clear than concerns about noise associated with the outdoor music use is one of the main compatibility issue that needs to be considered.

The application materials correctly point out that the outdoor music venue would be subject to the County's noise ordinance. The ordinance is intended to protect residential properties. It is available online at <http://larimer.org/policies/noise.htm>.

There are two provisions in the ordinance that are relevant to consider here. Section 5 of the ordinance specifies that the maximum sound level at the residential property line cannot exceed 50 decibels on measured on the "A" scale (dBA) evening hours, or 55 dBA during daytime house. Section 4 of the ordinance prohibits a noise disturbance. The definition of a noise disturbance includes sound ... *of such a volume, frequency and/or intensity that it unreasonably interferes with the enjoyment of life, quiet, comfort or outdoor recreation of an individual of ordinary sensitivity and habit.*

Based on our Department's experience, and on complaints from nearby residents, I would anticipate that a regular band setup at the outdoor patio would produce noise that is louder than the decibel standards in the ordinance at the adjacent property lines.

The project description indicates that a noise study and noise mitigation plan will be presented in order to demonstrate that the outdoor music will comply with the ordinance. We would offer to help review that study and mitigation plan if it becomes available.

Septic System. The Windjammer Roadhouse uses a septic system that was installed under a repair permit issued by our Department in 1992. I provided a copy of that permit – including an

as built drawing showing its approximate location – to the applicant. It is our understanding that if a Special Exception is granted an administrative site plan review will be required to deal with technical issues such as right-of-way, drainage, and parking. At that stage, the location of the septic system will need to be incorporated onto the site plan in order to verify that the absorption fields are protected and not located in vehicle traffic or parking areas.

Food Service Plan Review. The Windjammer is licensed as a Colorado Retail Food Establishment. Our Department inspects restaurants in the County and performs plan review for remodeled or expanded facilities. Any changes to the outdoor patio or interior that involve wait stations or other food service functions need to be reviewed by our office prior to construction. We are available to consult with the applicant on the plan review process.

Thank you for the opportunity to comment. I can be reached at (970) 498-6777 if there are questions about any of these issues.

cc: Christopher and Lisa Miller



Karin Madson <madsonkc@co.larimer.co.us>

Windjammer Roadhouse SE comments

Clinton Jones <cdjones@larimer.org>

Tue, Feb 9, 2016 at 8:05 AM

Reply-To: cdjones@larimer.org

To: Karin Madson <kmadson@larimer.org>

Karin,

The applicant did not address any of my comments in my original memo dated 12/2/2015. If the applicant has questions or is confused about any of my comments, they can contact me to set up a face to face meeting.

Thanks

Clint

Clint Jones, PE
Larimer County Engineering Department
200 W. Oak St., Suite 3000
PO Box 1190
Fort Collins, CO 80521-1190
Phone: (970) 498-5727



ENGINEERING DEPARTMENT

Post Office Box 1190
Fort Collins, Colorado 80522-1190

(970) 498-5700
FAX (970) 498-7986

MEMORANDUM

TO: Karin Madson, Larimer County Planning Department

FROM: Clint Jones, Larimer County Engineering Department *CS*

DATE: December 2, 2015

SUBJECT: Windjammer- Special Exception

Project Description/Background:

This is a Special Exception to continue operation of an outdoor patio including music during summer months. As part of the approval the applicant would also like to hold charitable auctions on the premises. The site is located on the north west corner of CR31 and North Shore Drive, north of Carter Lake.

Review Criteria:

The intent of the special exception is to provide all of the information that is needed to ensure that the development complies with all of the requirements of the Larimer County Land Use Code (LCLUC). The materials submitted need to provide adequate information to accurately assess the drainage and transportation aspects for the site and how these aspects may impact the surrounding area. Larimer County Engineering Department development review staff members have reviewed the materials that were submitted to our office under these guidelines and per the criteria found in the Larimer County Land Use Code (LCLUC), Larimer County Rural Area Road Standards (LCRARS), Larimer County Urban Area Street Standards (LCUASS), Larimer County Stormwater Design Standards (LCSDS), and pertinent Intergovernmental Agreements.

Transportation/Access Issues:

1. This project has frontage on County Road 31. The Larimer County Transportation Plan, adopted in November of 2006, functionally classifies CR31 as a minor collector that requires an 80 foot right-of-way (40 foot half right-of-way). According to Section 9.7.4 of the LCLUC, right-of-way dedication for this project must be accomplished by a properly executed Deed of Dedication at the time of final approval. The existing and any proposed dedicated right-of-way necessary to meet these requirements must be delineated on the preliminary and final plans.
2. Per Section 8.1.5.E of the LCLUC and Appendix F of the LCRARS, this site is presumed to have an insignificant impact on the roadway system and will be exempt from the paving traffic impact study requirements since this proposed development will create less than 30 trips per day.
3. The access along County Road 31 will need to be abandoned and a defined access point will need to be provided on North Shore Drive. The new access will need to meet the access spacing requirements of Table 10-1 in the Larimer County Rural Area Road Standards.
4. In order to show that the site can function properly, a more detailed site plan will be required. The site plan needs to be based off of survey data and should include property dimensions, existing and

proposed right-of-way, roads, buildings, the septic system, drive isle locations and dimensions, and setbacks.

5. The applicant should contact the Loveland Rural Fire Protection to ensure that the building and internal street layout is adequate for their purposes.

Drainage/Floodplain/Erosion Control Issues:

1. The submitted drainage memo adequately addresses our concerns for the existing site layout. The applicant should keep in mind that a drainage report prepared by an Engineer may be required if significant improvements are proposed with the next submittal.

Fees and Permits:

1. Per Section 9.5 and 9.6 of the LCLUC, Engineering Staff would like to notify the applicant that Transportation Capital Expansion Fees will not be required since we do not consider a patio a traffic generating use.
2. Any access construction on CR31, or work in the County right-of-way, will require an Access or Right-of-Way Construction Permit from this office. Access information and permits can be obtained by contacting Erich Purcell at (970) 498-5733.

Staff Recommendation:

Once the above comments have been addressed, the Larimer County Engineering Department would support an approval of this application.

Please feel free to contact me at (970) 498-5727 or e-mail me at cdjones@larimer.org if you have any questions. Thank you.

cc: Christopher/Lisa Miller, 3431 S County Road 31, Loveland CO 80537
file



Karin Madson <madsonkc@co.larimer.co.us>

Windjammer Roadhouse Special Exception 15-Z1995 Comments

Stan Griep <sgriep@larimer.org>
To: Karin Madson <kmadson@larimer.org>
Cc: Eric Fried <efried@larimer.org>

Mon, Feb 8, 2016 at 7:45 AM

Hi Karin,

My original comments have not changed on this project. How the occupant load of the outdoor patio will be handled must still be addressed by the project Architect. If those attending events on the patio must exit through the main structure, it could easily cause big problems for the current number of exits provided and their layout.

Stan

Stan V. Griep
Plans Examiner (Part-Time)
Larimer County Building Department
Ft. Collins, CO 80522-1190
Phone: (970) 498-7714
Fax: (970) 498-7667

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COMM-REQ 2012_IBC_EMAIL.pdf

110K



Karin Madson <madsonkc@co.larimer.co.us>

Windjammer Roadhouse Special Exception 15-Z1995 Comments

Stan Griep <sgriep@larimer.org>

Mon, Nov 23, 2015 at 9:31 AM

To: Karin Madson <kmadson@larimer.org>, windjammerroadhouse@comcast.net

Hi Karin and Mr & Mrs Miller,

Below are our Building Department comments concerning this Special Exception Project Review;

1. A Building Permit is required for the Sound Stage Structure. All plans for the proposed structure, including its foundation and anchorage system, shall be designed and wet stamped by a Colorado Registered Structural Engineer.
2. We will need a Code Analysis/Study by a Colorado Licensed Architect for the entire facility addressing the proposed uses. The Study/Analysis will need to address the effects such uses will have upon the main structure and the overall exiting availability and layout and occupant loads, as well as looking at the toilet facilities available to be sure they are adequate for the occupant loads served at the worst case/highest occupant load scenario times.
3. Should alterations be required to the existing structures on the property due to the proposed changes of use, a Building Permit will be required for those as well. A Colorado Licensed Architect will be required to wet stamp plans for any such required alterations. Colorado Registered Engineers (structural, mechanical, electrical, etc..) may be required as well depending upon the scope of the work to be done.
4. Handicapped accessibility shall be well detailed upon the plans submitted for Building Permit review for all public accessible areas. This includes Accessible Routes and Accessible Facilities on the project site.

I am attaching our handout for plans required for new commercial structures as a guide to typical plans submittal requirements.

Please feel free to contact me with any questions on the above comments.

Respectfully submitted,

Stan

*Stan V. Griep
Lead & Commercial Plans Examiner
Larimer County Building Department
Ft. Collins, CO 80522-1190
Phone: (970) 498-7714
Fax: (970) 498-7667*

>

 **COMM-REQ 2012_IBC_EMAIL.pdf**
110K



COMMUNITY DEVELOPMENT DIVISION

Post Office Box 1190
Fort Collins, Colorado 80522-1190
Planning (970) 498-7683 Building (970) 498-7700
Planning Fax (970) 498-7711 Building Fax (970) 498-7667
www.larimer.org/planning

Wednesday, November 18, 2015

LARIMER COUNTY - LORI HODGES
EMERGENCY MANAGEMENT

Enclosed is a proposal for a Special Exception that has been submitted to the Planning Department for review. Please review and comment as applicable.

Proposal Enclosed: WINDJAMMER ROADHOUSE SE
Case Number: 15-Z1995
Comments Due By: Wednesday, December 09, 2015

NOTE: As a recipient of this referral, the Planning Department asks that you please respond to this mailing by Wednesday, December 09, 2015. If comments are not received by Wednesday, December 09, 2015, the Planning Department will assume that you or your agency have no conflict or comment on the submitted plan. If additional time is needed to respond to this mailing, please advise the staff planner no later than Wednesday, December 09, 2015 with a request for additional time and an estimated time for the response. Please note that comments received after Wednesday, December 09, 2015 may not be able to be incorporated into the staff recommendations.

Meeting Type: Larimer CO Planning Commission
Meeting Location: Larimer County Courthouse Offices, Hearing Room - 1st Floor, 200 West Oak Street, Fort Collins, Colorado.
Meeting Date: Unscheduled
Meeting Time: Unscheduled 6:30

Please send your comments to the planner listed below and to the applicant at the following address:

MILLER CHRISTOPHER L/LISA M
3431 S COUNTY ROAD 31
LOVELAND CO 80537
WINDJAMMERROADHOUSE@COMCAST.NET

Karin Madson
Planner II
970-498-7692
kmadson@larimer.org

No Emergency Management Concerns -

L. Hodges, OEM



Karin Madson <madsonkc@co.larimer.co.us>

Windjammer Roadhouse SE (Case # 15-Z1995)

4 messages

Jim Frick <frickj@co.larimer.co.us>

Mon, Nov 23, 2015 at 1:23 PM

To: Karin Madson <kmadson@larimer.org>

Hello Karin,

After reviewing to proposal for case # 15-Z1995 we have a concern and a request before approving this proposal. If this addition to the Windjammer is going to generate any additional traffic to the area and facility we would require improvements to the North Shore (CR 31) paved approach. This approach is narrow with no radius currently. Any questions please feel free to contact me.

Thanks,

Jim

—
Jim Frick
Non-Paved Roads Group Manager
Road and Bridge Department
2643 Midpoint Drive, Suite C
P.O. Box 1190
Fort Collins, CO 80522-1190
970-498-5663
970-498-5678 Fax

Karin Madson <kmadson@larimer.org>

Mon, Nov 23, 2015 at 1:34 PM

To: Clint Jones <cdjones@larimer.org>

FYI.

I believe you indicated that we don't consider a patio a traffic generating use? Is that correct?

Karin Madson, AICP

Larimer County Community Development
Planning Department
PO Box 1190
200 W. Oak St.
Fort Collins, CO 80522

970.498.7692

fax 970.498.7711

[Quoted text hidden]

Clinton Jones <cdjones@larimer.org>

Tue, Nov 24, 2015 at 10:29 AM

Reply-To: cdjones@larimer.org

To: Karin Madson <kmadson@larimer.org>

That's correct Karin.

[Quoted text hidden]

—
Clint Jones, PE

Larimer County Engineering Department
200 W. Oak St., Suite 3000
PO Box 1190
Fort Collins, CO 80521-1190
Phone: (970) 498-5727

Karin Madson <kmadson@larimer.org>
To: Jim Frick <frickj@co.larimer.co.us>

Tue, Nov 24, 2015 at 10:41 AM

Good morning Jim,
The Engineering Dept does not consider the addition of a patio to be a traffic generating addition.
Thanks, Karin

Karin Madson, AICP

Larimer County Community Development
Planning Department
PO Box 1190
200 W. Oak St.
Fort Collins, CO 80522

970.498.7692
fax 970.498.7711

[Quoted text hidden]



Loveland Fire Rescue Authority
Community Safety Division
410 East 5th Street
Loveland, Colorado 80537
Phone (970) 962-2537

TO: Karin Madson, Planner II

FROM: Carie Dann, Deputy Fire Marshal, Loveland Fire Rescue Authority, phone 970.962.2518, email carie.dann@cityofloveland.org

RE: Windjammer Roadhouse SE (15-Z1995)

CC: Lisa and Christopher Miller, Owners

DATE: December 9, 2015

These comments pertain to a Special Exception request for the business for the following:

- *Continue the use of an outdoor beer garden to serve food and beverages, including alcohol. An outdoor patio and beer garden has been in existence for several years but was never approved through Larimer County.*
- *Provide outdoor musical performances during the summer months. This includes construction of a 288-SF sound stage.*
- *Conduct charitable auctions on the premises.*

The property is located within the Loveland Fire Rescue Authority jurisdiction.

The existing structure is 2,437 SF. The restaurant has a kitchen hood extinguishing system and portable fire extinguishers.

LFRA approves of this Special Exception application, provided General Requirements and Corrections/Clarifications are met and/or corrected, as is applicable.

GENERAL REQUIREMENTS

1. LFRA requires that a building permit be issued for construction of the sound stage, as well for approval of the existing beer garden/patio area, since it was built without permit or approval. LFRA, along with the Larimer County Building Department, will review plans for issuance of two building

permits (each jurisdiction will issue one building permit). This is to ensure that patrons in the beer garden have safe, compliant exiting from the building.

2. Because the beer garden occupant load exceeds 10 occupants, a licensed design professional is required to submit the building permit drawings.

CORRECTIONS/CLARIFICATIONS

3. Please correct 9.a. under Fire Protection Plan to Loveland Fire Rescue Authority. The property is located within the LFRA jurisdiction; Berthoud Fire Department provides automatic aid when necessary.
4. Please clarify if the propane tank shown on Page 1 is used to heat the restaurant.
5. The kitchen hood extinguishing system is required to be inspected every six months by a licensed fire-suppression contractor.
6. The owner should confirm with the Larimer County Clerk and Recorder if special events permits are needed for auctions or other charity events.



Karin Madson <madsonkc@co.larimer.co.us>

Windjammer Roadhouse File #15-CC0124

Lori McCallum <Lori.McCallum@viavisolutions.com>

Wed, Oct 28, 2015 at 7:16 AM

To: "kmadson@larimer.org" <kmadson@larimer.org>

Cc: Lori McCallum <Lori.McCallum@viavisolutions.com>, "McCallum, Kevin (kevin.mccallum@hpe.com)" <kevin.mccallum@hpe.com>

Hello Karin,

My husband, Kevin McCallum, and I live at 3500 Rainbow Lane - just above the Windjammer. We received the invitation for the neighborhood meeting but, unfortunately, we will be out of town and unable to attend.

Kevin and I both want to express our **STRONG** support for the Windjammer's proposal to continue utilizing the beer garden as an outdoor venue. The Millers have turned the Windjammer around in the short time they have owned it. The food is great, the staff is wonderful, the entire place has been cleaned up, updated, and Lisa and Chris Miller run a very tight ship.

The Windjammer is a beacon for the residents in this area to meet and get to know one another; a real community center. The outdoor events Lisa held this summer always had a good attendance and Lisa and her team do a great job of ensuring people have a good time while following the rules. We enjoy, and look forward to, a meal in the beer garden and listening to music. We routinely bring our family and friends to the Windjammer to do the same. Lots of places have music, but at the Windjammer they keep the volume down so you can still carry on a conversation even when the band is playing. Our grandson loves the music!

We fully support the Millers' project and would love to see this proposal approved so they can build a stage and continue to hold music events, not to mention the impact to the community from the various charity events hosted by the Windjammer.

Please do not hesitate to contact us if you have questions or if we can be of any further help. Our home number is (970) 278-1258.

Thanks,

Lori McCallum

Director, Global Client Services

Office 303-416-9606

Cell 970-443-9094

Oct. 30, 2015

Dear Sheriff,

My husband and I have lived at Carter Lake for almost 20 years and have seen the Windjammer go thru several owners, some better than others. At one time I believe there was a high level of gang and drug activity and now that is simply not true.

Lisa and Chris have done an exceptional job of cleaning and updating the building as well as the menu.

The weekend bands during the summer were an added bonus and I believe the music was never too loud and did not disrupt the campers who should have thought of the free music as a bonus to their trip. In my opinion if you camp in a neighborhood you should expect some noise from the nearby houses. Our property is directly across from Eagle camp ground so if we have our music on during the summer with the house windows open I am sure the campers can hear it.

With respect to the Windjammer outdoor patio, that looks awesome now by the way, there is one issue which I imagine can be a source of concern. In the past the patio was enclosed by a higher fence. At this time there is a gate that opens into the parking lot. That said, I am sure there are folks with a cocktail who believe it is OK to walk from the patio out onto the parking lot since there is no barrier and no signage. Before closing the entire outdoor patio, perhaps an easy fix would be to lock that gate at all times and post signs like "no alcohol beyond this point", so that people realize they are indeed leaving the bar. And/or raise the level of fencing around the entire patio area, without detracting too much from the great view and overall ambiance.

As a long time resident, the Windjammer has served as a gathering place for many events and as a mini town hall in bad times, like when we had fires out this way. Dozens of men gathered there to go help a friend defend his home during one of the larger fires.

There will always be careless people who drink and think it is OK to drive back to town or out to the interstate, for us folks on the hill we depend on the Windjammer to serve our very local needs and appreciate having this 50+ business in our neighborhood.

Life wouldn't be the same on the hill without JAMMING at the JAMMER!!

Thank you for your time.

Respectfully,

A handwritten signature in blue ink that reads "Mary K. Estes". The signature is fluid and cursive, with a long horizontal line extending to the right.

Mrs. Mary Estes
9201 Prairie Way
Loveland, CO 80537

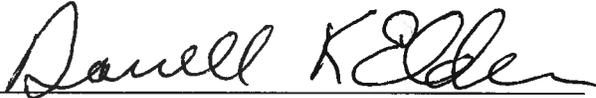
October 30, 2015

RE: Support of the Windjammer located at Carter Lake

The Windjammer is a nice attraction not only to the residents of the various communities that reside near Carter Lake but also to the many tourists that frequent the area. It is the only place nearby that provides a full menu that not only is inexpensive but also very tasty.

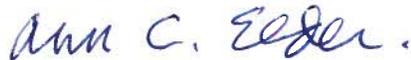
This letter is written in support of the continued service for the Windjammer owners.

Signed,



Darrell K. Elder

premises located at 3513 Ranch Road
Loveland, Colorado
80537



Ann C. Elder

TO: LARIMER COUNTY PLANNING
FROM: J.D. & CAROL BOTHUN
3615 RAINBOW RIDGE

WE HAVE NOTICED THE VOLUME
OF CONCERTS HAS INCREASED
THIS PAST SUMMER (2015)

PLEASE KEEP IT DOWN

MUSIC SHOULD BE OVER BY
10:00 PM OR 10:30 AT THE
LATEST.

WINDJAMMER SHOULD ALWAYS
REMINDE THEIR CLIENTEL
THAT THE NEIGHBORS
HEAR THE LOUD PIPES
AND TO RIDE CONSERVATIVELY
IN THE NEIGHBOR HOOD.

thank you,

J.D. & Carol Bothun
970-669-7159



Karin Madson <madsonkc@co.larimer.co.us>

WEB: Re:Windjammer Roadhouse SE 15-Z1995

tccjcecho@gmail.com <tccjcecho@gmail.com>

Sun, Dec 6, 2015 at 9:23 AM

To: kmadson@larimer.org

This message was sent by a visitor to the Virtual Courthouse.

Name: Terryand Cassie Carlstrom

Email: tccjcecho@gmail.com

Phone: 970-690-3158

We have lived at our address for 22 years (a quarter mile) just North of the bar. We are on County Road 31 which is the main road going to the bar. There has never been any issue with anything concerning the bar such as noise, traffic, music or whatever we don't even know that it is there unless we drive by. The new owner has tried to clean up the appearance of the place, but as we understand was told to take down a new fence that hid all of the equipment on the north side of the bldg. Now that just doesn't make sense. Therefore we vote yes to all special exceptions and approvals requested by the property owner. Of more concern to us is the neighbors dumpster located on county land, it sits on my fence line on the S/E of my land. Garbage blows in my pasture and across the highway, bears and animals are always climbing in because lids are left open, and lights shine in our windows through all hours of the night with people using it. Thank You for this opportunity to voice our concerns. Terry & Cassie Carlstrom

Page sent from: <https://www.google.com/>

Date/time: 12/06/2015 - 9:23 AM

User located at: 10.200.1.20



Karin Madson <madsonkc@co.larimer.co.us>

WEB: Re: Windjammer Roadhouse Special Exception

pegmartin45@gmail.com <pegmartin45@gmail.com>

Mon, Dec 14, 2015 at 2:45 PM

To: kmadson@larimer.org

This message was sent by a visitor to the Virtual Courthouse.

Name: Bill and Peggy Martin
Email: pegmartin45@gmail.com
Phone: 970-391-1745

We are in favor of allowing the Windjammer Bar & Grill to have live music in the beer garden during the summer months and for the beer garden to be approved. We live just north of the Windjammer and frankly enjoy the music that we do hear during the summer months. We feel that the current owners have done a great job of maintaining the appearance and overall improvement of this establishment since they have purchased it. It has been there for over 50 years and have always had outdoor events since we have resided there.

We have lived there almost 10 years and it was only once that the music seemed too loud. I'm sure they are willing to control that but to take that away from a business owner would certainly impair their business. We are strongly in favor of keeping local businesses going in our community that serve our local residence and especially this one.

Sincerely, Bill and Peggy Martin

Page sent from: http://larimer.org/planning/planning/current_applications.cfm

Date/time: 12/14/2015 - 2:44 PM
User located at: 10.200.1.20



Karin Madson <madsonkc@co.larimer.co.us>

Windjammer Roadhouse SE 15-Z1993 - neighbor comments

Philip Huff <philip.huff@gmail.com>
To: kmadson@larimer.org

Tue, Dec 15, 2015 at 10:03 AM

Hi,

We are Phil and Kristie Huff who own a home at 3100 Rainbow Lane, Loveland, CO. This home has been in Kristie's family since the early 1960's and predates most existing homes in the area. Kristie spent her childhood summers living at a rustic cabin which has been succeeded by a 1800 square foot home with large garage / boat storage building. A deck surrounds the home on three sides and has an unobstructed sound corridor looking down on the Windjammer Roadhouse. This is the long axis of them home and so all activities on the deck, Kitchen, Master bedroom and Living Room are subject to sounds from that location. It is currently possible to hear voices from the outside patio area of the Windjammer in the summer. Certainly the loud and aggressive sounds of motorcycle arrival and departures are unabated and can, late in the summer evenings, be quite startling.

The WindJammer Roadhouse is and has been a part of the landscape for 3100 Rainbow Lane for many years and while distracting and unpleasant on weekends this has been accepted at current levels. What would not be desired would be a large increase in either the number of loud evenings or in the volume. Currently we are in residence mostly on weekends and during some 3 or 4 week periods during the summer. The addition of a heavily attended venue would have a high percentage impact on our enjoyment of 3100 Rainbow Lane.

We are, therefore, in opposition to the granting of the proposed 15-Z1995 exemption.

Phil and Kristie Huff



Karin Madson <madsonkc@co.larimer.co.us>

Windjammer special exception

iris orlandino <orlandinocarterlake@lpbroadband.net>
Reply-To: orlandinocarterlake@lpbroadband.net
To: kmadson@larimer.org, laffemn@co.larimer.co.us

Tue, Dec 22, 2015 at 8:52 PM

Hello Karin and Matt,

Please be aware that the meeting held at the Windjammer on November 2, 2015 was open to supporters and friends of the Millers rather than the 8 homes that the special exception directly impacts. Although you heard support from the Millers friends and supporters, the majority of the 8 home owners directly impacted oppose the exception.

We have lived in our home since 1995 and none of the former owners of the Windjammer had live music outside. We do not want to hear live music from our home and we do not want the value of our property to go down as a result of it.

We do not support live music outside of the Windjammer and oppose the special exception.

Thank you for your consideration.

Tom and Iris Orlandino

3050 Rainbow Ln

Loveland, CO 80537

970-593-0098

January 6, 2016

To Larimer County Planners and County Commissioners:

My husband Phil and I have lived at our house in Larimer County on Cactus Court since 1983. We are writing to share our concerns and to ask Larimer County to not grant a special exception for the Windjammer bar's current zoning status. We request that you not permit and approve the outdoor patio for use as a "beer garden" either.

We own about 4 acres and our home is about a block away from the Windjammer bar. From our deck you can hear a person talking in a normal voice at the Windjammer. This mountain region is a "natural amphitheater" next to Larimer County Park at Carter Lake. All sound, noise and vibrations are naturally amplified as a result of the geography. As a result, we hear everything that goes on outdoors at the bar because of our proximity and because of the mountainous terrain where we live. Sound waves have no choice but to bounce back and forth between the hillsides until they eventually dissipate. If sounds are continual, they continually reverberate or echo. Also, depending on how windy it is and the wind's direction, any sound or noise is pushed in a particular direction.

For us, the continual "sounds" we experienced throughout a good part of 2015 from the Windjammer bar became noise pollution. It was disruptive and stopped us from peacefully enjoying our homes and the quiet, and solitude that we moved here to enjoy. It diminished the livability of our homes and property, and it was detrimental to our wellbeing. That's because what is "music" to some, is "noise" to others. We simply could not escape it and we always knew more was coming.

As you probably know, the Windjammer bar was sold to the current owners in 2014. After a complaint was made in March 2015, Larimer County got in touch with the bar owners, Chris and Lisa Miller in April 2015. They found the Windjammer was not in compliance in various ways. The County advised that they needed to seek a special exception for doing outdoor events.

The Millers ignored the County planner's advice and instead of pursuing the special exception, in May 2015 they proceeded to advertise outdoor events in their "beer garden" which they knew had also been determined to be an illegal patio that was constructed. They not only disregarded the County, but also their neighbors and created a noisy, hostile environment for our neighborhood.

Good neighbors keep noise to themselves. That's because the impact of environmental noise is known to be adverse for people. Because of the continual noise pollution from the Windjammer throughout a good portion of 2015, we were regularly forced to keep our windows closed, even though we would've preferred to keep them open. At times we had to turn our TV up in order to drown out the

noise from the bar. It was hard to escape the thump-thump-thumping of the amplified bass beat vibrating and pulsating outdoors and throughout our house.

We measured decibel levels regularly from the deck of our home and the noise associated with the amplified outdoor concerts and patio parties consistently exceeded the County's acceptable daytime and nighttime decibel levels.

This greatly diminished the desirability of living in this longstanding rural family neighborhood, which is next to a couple of different campgrounds run by Larimer County Parks at Carter Lake. I can't imagine that noise pollution is attractive to campers who come to Larimer County Park to escape from the city with their families, to enjoy the peace and quiet.

Larimer County's Noise Ordinance 97-03 is a good reminder of why there are regulations for noise. It states:

The Board of County Commissioners of Larimer County, Colorado, finds and declares that noise in excess of the limits provided in this Ordinance is a major source of environmental pollution which represents a threat to the serenity and quality of life in Larimer County, and excess noise often has an adverse physiological and psychological effect on human beings, thus contributing to an economic loss to the community.

We would ask that before the County *even considers* granting a special exception, that you require the Millers' to hire professional sound engineers specializing in environmental noise pollution control to do a complete assessment and "noise abatement study" at their expense to determine if there is any way to mitigate the environmental pollution. You should also require that results must also be shared with the County and those of us directly impacted.

The volume, frequency, intensity and vibrations from noise pollution at the bar unreasonably interfered with our enjoyment of our home and it detracted from the comfort and recreation we would ordinarily enjoy, were it not for having to try to find a way to block it or escape it, only to know it would quickly return.

We purchased our home and property and live in this area because it's rural and it's a beautiful, serene setting near a lake in the mountains. We chose to live here, as did most of our neighbors, because it's away from the noise of the city. We enjoy the peace and quiet associated with living near the county park and we enjoy the solitude associated with living in a rural setting. We enjoy seeing eagles, hawks, deer and other wildlife that have coexisted with us for decades. The noise pollution created must surely be as disruptive to them as it is to us.

While we appreciated Larimer County's efforts to do a mailing to encourage "discussion" between the owners of the Windjammer and those of us who are their neighbors who are directly impacted, it was a wasted effort because the

Millers' had no intent of truly engaging in a dialogue to truly hear our concerns. Instead, they invited all their friends and patrons to attend the meeting. We attended in good faith only to find a quick series of "staged votes" taking place.

Afterwards, we asked for several things from the County. We asked for logs showing the complaints about the bar made throughout 2015 and the County's various interactions regarding the Millers. We asked for the mailing list that the County used to notify residents who are "directly impacted." Finally, we asked for the "sign in sheet" of people who actually attended the "neighborhood meeting."

We did so because we didn't recognize the majority of people in attendance at the "neighborhood meeting." We found they were NOT people on the county's mailing list of those directly impacted. They attended as friends of the Millers or were patrons of the bar. So, instead of engaging in real dialogue with their neighbors who are subject to the noise pollution they create, they invited friends and patrons to attend the meeting so they could stage a series of votes to portray for the County planners that "they had huge support" for their plans. The report the County posted online is also misleading. It's biased because it was written by a friend of the bar owners.

With all due respect we found all of that incredibly deceptive. While friends and patrons might be in favor of a special exception, they don't have to live with the ongoing noise pollution. They simply drive home. **The majority of actual residents directly impacted are not in favor of the County granting a special exception to the current zoning of the bar because of the noise pollution.**

We found that according to the logs, the County originally engaged in this in March 2015, because of a complaint by my neighbor about illegally building another concrete patio and fence without a permit. This neighbor who lives even closer, is a disabled veteran and suffers from PTSD.

The County then engaged with the Millers in April 2015. At that time they inquired about doing "outdoor events" and the County advised them that the bar wasn't zoned for that, and also that their outdoor patio was never permitted. In spite of being properly advised of all this, the Millers proceeded to make plans for having outdoor events on the illegal patio, and began advertising the concerts and "beer garden" on their website. At the neighborhood meeting, their "excuse" for proceeding without approval was that they "didn't know when they purchased the bar that it wasn't zoned for outdoor events." They didn't tell us the rest of the story, how the County advised them how to proceed – and they ignored it.

We can all live with some occasional noise from our neighbors – whether it's a generator, chain saw, lawn mower, dogs barking – or even if someone wants to host an outdoor event at their home. We've tolerated the "poker runs" each Windjammer bar owner held over the years, which are disruptive, but we knew they were temporary, just as we tolerate the bicycle races each year on CR 31,

which are disruptive, because we know they are temporary. We want others to enjoy the beauty of where we live. We just don't want permanent disruptions.

What the Millers did in moving the operations of the bar outside was indeed disruptive because it subjected us to the ongoing noise that goes along with people drinking at outdoor concert events. We understand the Millers' want to make money with their business and we wish them every possible success, but the profitability of their venture should not be at their neighbors' expense and wellbeing, nor should it diminish the livability of our homes/property. While we sympathize if the Millers' didn't understand the zoning or know the outdoor patio wasn't permitted, the fact is, in purchasing the bar, that was their responsibility.

While the Miller's may now exhibit regrets for how they mishandled this, we don't trust that they would do anything differently if the County granted the special exception. **More importantly, because of the geography of where we live, we believe it's impossible to mitigate the effects of the noise pollution from continual outdoor events.**

Besides the noise, it's also important to consider the effects of the "outdoor party atmosphere" and how that could impact the families raising children who live in our neighborhood. With all due respect, the Windjammer bar is not a "model of good behavior" that neighborhood children should be continually exposed to. That's another reason why the activities should be kept indoors.

We chose to live here to enjoy the peace, quiet and solitude of living in a pine forest near Larimer County Park, near Carter Lake, and while we knew the bar was there, the activities were largely kept indoors, up until when the Millers departed from that and began hosting outdoor events four nights/two days/week.

We believe that denying the special exception for the Windjammer bar and not permitting the outdoor patio for food/liquor consumption, will best protect us, and our neighbors, so we may continue to peacefully enjoy our homes/property and to preserve the livability of our neighborhood. We respectfully urge you to retain the current zoning of the bar as it is - with its activities contained indoors. We rely upon you to protect us, and our quality of life, and to protect the livability of our home and the serenity of our neighborhood.

Thank you for your time and for hearing us on this issue. Feel free to call if you have any questions.

Sincerely,

Philip and B.J. Nikkel
3201 Cactus Court
Loveland, CO 80537
970-217-8994 cell



Karin Madson <madsonkc@co.larimer.co.us>

Windjammer Special Exception File#15-Z1995

BJ Nikkel <bjnikkel@gmail.com>

Mon, Jan 25, 2016 at 12:34 PM

To: Karin Madson <kmadson@larimer.org>

Cc: Matthew Lafferty <laffermn@co.larimer.co.us>, Phil Nikkel <phil.nikkel@gmail.com>, Tom Donnelly <donnelt@co.larimer.co.us>, Lew Gaiter <gaiterl@co.larimer.co.us>, Steve Johnson <johnsosw@co.larimer.co.us>

Thanks for sending the attached information, Karin.

I spoke with Doug Ryan with the County's Department of Health and Environment and he indicated he'd be happy to share all of the results of the "noise study" that the Windjammer owners are doing. I don't have his email address, so will you forward this email on to him?

As I told Doug, I think it would serve the public much interest better if Larimer County hired the company that could do an actual noise pollution study. They could simply charge a fee as part of the application process and be the neutral party to handle this as part of your process.

There is otherwise a perceived conflict of interest because the applicant who stands to benefit from the results not only chooses the company, but they directs them in what they are paying them to do. In addition, they may or may not share all of the results.

I'm sure the County wants the public to rely on the information being presented as having integrity, as being unbiased, and we want to make sure that every aspect of the report is transparent and made available.

The only way to ensure that, is if Larimer County stands as the neutral party who hires a sound engineering company to do an actual noise abatement study, done by professional sound engineers specializing in environmental noise.

Doing so, would lend credibly to the entire process and would also ensure a quality study that residents could rely on, would be done.

Sincerely,
B.J. Nikkel

Rep. B.J. Nikkel
970-217-8994

[Quoted text hidden]

FEB 12 2016

COMMISSIONERS OFFICE

To Larimer County Planning Staff and County Commissioners,

My name is Audrey Bocock. I'm a wheelchair bound veteran of Operation Enduring Freedom and Operation Iraqi Freedom. I served as a medic and was on my way to becoming a doctor when I suffered a traumatic brain injury. I also have post- traumatic stress syndrome as a result of serving in these operations.

I bought a home at Carter Lake because of the beauty and peacefulness of the area. My legal access runs behind the bar up to my house. I knew the bar was next door, but when I purchased my home, the bar was being managed properly and I had no problem with its management because they confined their activities mostly to the indoors. They occasionally had a "poker run" but they never played music outdoors beyond that. They were good neighbors.

After the Windjammer changed hands in 2014 things began to change. I tried to have a good relationship with the owners, but they began turning the bar into something it is not. What they are changing it into is not the best thing for my neighborhood and it not best for me. After they started having bands play outdoors, the noise became unbearable and the clientele became a terrible nuisance throughout 2015.

Because of my medical conditions, stress, bright lights and noise affect me very adversely. That's why I bought my home where it is located – because it was peaceful and quiet. But the noise from the bar got so bad during 2015 that it has adversely affected my health and has caused me to have even more emergency visits to the hospital.

On top of the noise, there are other bad things happening at the Windjammer, which are not good for our neighborhood and adds to the stress as well.

Because I live so close, I see a lot of what goes on and I have to look out for myself too. I regularly observe people smoking pot and am aware of other drug-related issues at the Windjammer. A few weekends ago, I had a friend over and we heard a young female screaming for someone to help her. Since I'm wheelchair bound, my friend went down to the bar only to find a man raping a young woman on the outside patio. His presence stopped the attack. My friend told me a gentleman that worked at the bar came out when

my friend went to help and he said something to the effect of it's ok we've got it. There were no police called.

As a result of living right next door to the Windjammer and the outdoor patio, people from the bar wander around and end up on my property, too. I have to regularly run lewd people off my property.

In addition, because of my medical condition, I need to have emergency access year round up my legal access. I recently had to call the Sheriff's department because the Miller's had someone snowplow behind the bar, which is also my legal access, and they shoved the snow up and across my driveway, which blocked it. I have talked with them repeatedly, asking them to NOT block my emergency access because it can be a life or death situation for me. It seems to fall on deaf ears, however.

I ask you to please deny the special exception for the bar. Do not allow the zoning to be changed to allow for any outdoor activities at the bar. It's become a nightmare for me because of what the Millers have turned it into, which it was NOT when I first moved here. I would ask Larimer County to please help protect my ability to quietly enjoy my home.

Sincerely,

Audrey Boccock

A handwritten signature in black ink, appearing to read 'AB', with a long horizontal flourish extending to the right.

Larimer County Commissioners, Community Development and Planning Officials

Enclosed is a petition signed by a majority of full time residing residents that received the notification of the November 2, 2015 meeting at the Windjamer Roadhouse Bar & Grill that would be directly impacted by the granting of a Zoning "Special Exception."

PETITION

Directly Affected Residents OPPOSE a Special Exception to the Bar/Tavern Zoning of the Windjammer

We the undersigned residents who are "directly affected" by the potential change of the zoning of the Windjammer Bar, petition Larimer County to not grant the "Special Exception" to the current long standing "Bar/Tavern" zoning of the Windjammer.

Granting a Special Exception will adversely affect the disirability, livability and peaceful enjoyment of our homes, and our neighborhood. It would not be compatible with existing and allowed uses in the surrounding and adjacent areas, nor would it be in harmony with our neighborhood as outlined in Larimer County Guidelines and Noise Ordinance 97-03 which states:

"The Board of County Commissioners of Larimer County, finds and declares that noise in excess of limits provided in this Ordinance is a major source of environmental pollution which represents a threat to the serenity and quality of life in Larimer County, and excess noise often has an adverse physiological and psychological effect on human beings, thus contrubuting to an economic loss to the community."

	PRINTED NAME	PROPERTY ADDRESS	ZIP CODE	SIGNATURE	Date
1	Tom & Iris Orlando	3050 Rainbow	80537	<i>[Signature]</i>	1-27-16
2	JIM PIERRO	3030 RAINBOW LANE	80537	<i>[Signature]</i>	1-27-16
3	KAREN PIERRO	3030 RAINBOW LN	80537	<i>[Signature]</i>	1/27/16
4	Mia Pierro	3030 rainbowln	80537	<i>[Signature]</i>	1/27/16
5	Chris Nikkel	3201 Cactus Ct	80537	<i>[Signature]</i>	1/27/16
6	PHIL NIKKEL	3201 Cactus Ct	80537	<i>[Signature]</i>	1/27/16
7	BJ NIKKEL	3201 cactus Ct	80537	<i>[Signature]</i>	1/27/16
8	RICHARD HUGHES	3200 RAINBOW LN	80537	<i>[Signature]</i>	1/27/16
9	JUDITH HUGHES	3200 RAINBOW LN	80537	<i>[Signature]</i>	1/27/16
10	AUPREY BOGCK	3411 North Shore Dr	80537	<i>[Signature]</i>	1/28/16
11	Helen Wilcox	9715 Prairie Way	80537	<i>[Signature]</i>	1/28/16
12	Alden Stafford	3413 C.R. 31	80537	<i>[Signature]</i>	1-28-16
13	JOSEPH JEFFRIES	3614 RAINBOW RIDGE	80537	<i>[Signature]</i>	1-28-16
14	DIANNE JEFFRIES	3614 RAINBOW RIDGE	80537	<i>[Signature]</i>	1/28/16
15	J.D. BOTHUN	3615 RAINBOW RIDGE	80537	<i>[Signature]</i>	1/28/16

PETITION

Directly Affected Residents OPPOSE a Special Exception to the Bar/Tavern Zoning of the Windjammer

Page 2

	PRINTED NAME	PROPERTY ADDRESS	ZIP CODE	SIGNATURE	Date
16	Carol Bothun	3615 Rainbow Ridge	80537	<i>Carol Bothun</i>	1/28
17	Craig Miller	3501 Rainbow Ridge	80537	<i>Craig Miller</i>	1/29
18	Ting Ting Miller	3501 Rainbow Ridge		<i>Ting Ting Miller</i>	1/29
19	Ryan Page	3200 Rainbow Ln	80537	<i>Ryan Page</i>	2/5
20	Bonnie Stafford	34135 CR 31	80537	<i>Bonnie Stafford</i>	2/6/16
21	FRANK A PARRISH	3410 S CR 31	80537	<i>Frank Parrish</i>	
22	Lisa C PARRISH	" "	80537	<i>Lisa C Parrish</i>	2-6-16
23	DOROTHY W CARLSON	" " "	80537	<i>Dorothy W Carlson</i>	2-6-16
24	Taryn Parrish	" " "	80537	<i>Taryn Parrish</i>	2-6-16
25	David Carlson	3410 S. CR 31	80537	<i>David J. Carlson</i>	2/6/16
26	Carol Carlson	" " " "	"	<i>Carol Carlson (by APD)</i>	2/6/16
27					
28					
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35					

To Larimer County Planning Staff and County Commissioners

In November we attended a meeting at the Windjammer Bar as a result of a letter we received with a Larimer County letterhead from Karin Madson. I contacted Karin prior to the meeting and inquired about the format of the meeting and if someone from the county would be present. She advised me that she would be present, the meeting would be informal and conducted by the business owner.

The business owner would be informing us of his plans and what changes he was requesting from the county in his business zoning and use. He would also listen to feedback from the neighborhood residents that would be impacted by any such changes that received notification of the meeting from Larimer County.

Of the 48 individuals that signed the attendance sheet for the meeting, only eight of them had received a notification letter from Larimer County. It would seem obvious that the other 40 attendants were in some fashion invited by the business owner for support, even though **they would not be impacted in any way by changes** in use or zoning of this establishment.

This gathering resulted in a meeting planned for an exchange of constructive dialog into a "**Pep Rally**" for Mr. & Mrs. Miller. Feedback and valid questions by the eight area residents that received notification from the county were *outnumbered 5 to 1*. Those eight property owners questions, concerns and comments were **shouted down and ridiculed** by the other 40 attendants **not directly effected** or invited by the county process..

As a result of that experience, I felt the proper action was to wait and voice my concerns at the public hearing when it was scheduled. *Do to recent developments I feel the process is requiring input prior to any hearing.*

Any interpretation that a majority of the residents in the area are in favor of the granting of the exception is disingenuous as it is not based on input from or an actual sampling of the residents actually effected by the granting of any exception. Not to be left out are the campers in the camp grounds that come for a quiet weekend of camping away from city noise that have no way of expressing their concerns.

It is also true and well known the the Windjammer has developed into a major attraction for motorcycles in the warm weather seasons of the year. This is when the camp grounds are generally full of boaters and campers. Larimer county spent a considerable amount of tax dollars over the last few years to expand the camping area around Carter Lake. I am sure its goal was to improve and enlarge its camping and boating areas for some peaceful time away from the city life.

Unfortunately a substantial number of the motorcycle operators feel it's necessary the rev their engines and when leaving the Windjammer, rev out to demonstrate the loud exhaust sound each is capable of. This loud sound is amplified by the hills surrounding Carter lake. This action increased significantly during 2015. I feel this increase is a direct result of law enforcement in the area are busy the the camping and boating visitors, they have no time to address the issue. I live a quarter a mile from the county road and can hear them easily as though they are close by. It has to be substantially worse down by the campgrounds. This activity increased considerably during 2015.

It would seem to be a fact that CR 31 is stretched to the limit for safety with traffic volume. A lot of the traffic issues are on the weekend with recreation driving. The bicycles, camping trailers, motor homes and boats arriving and leaving the lake and camp grounds are at this point in competition with the 100's of motorcycles for road space on the weekends. Before this issue of a Special Exception had come up, I had decided before the spring of 2016 to contact the sheriff's department and county officials for some action to control the environmental noise and traffic problems.

We have owned our property in Larimer County for over 25 years and moved here for its quiet close to nature environment and scenery. We have used the Carter Lake and its camp grounds for 50 years. We appreciate the improvements Larimer County has made in its Carter Lake camping and boating facilities over those 50 years as we are sure many campers and boaters do.

We have also patronized the Windjammer over that time and want the current owners to succeed in their business. In the past, band performances were inside where a small dance floor was in place. The outside area held several horseshoe pits and picnic tables for use by patrons of the business. Family, friends and I have played horseshoes there many times.

We, however do not feel it is just to have that success to be at our neighbors and our expense. Therefore we cannot support and, I know many of our neighbors that are directly impacted by a change *do not support a Special Exception* approval. It would be severe negative impact on the value of our property and our quality of life in Larimer County

Sincerely,



Richard Hughes
Judith Hughes

970 622 8146

KARIN MADSON

FROM DENNIS HENNEBERG



DENNIS W. HENNEBERG
9101 FOUR WHEEL DR
LOVELAND, CO 80537

970 776 8480 HOME
" 481 4761 CELL

We the under signed residents of the Carter Lake area would like to express our concern regarding the " Special Exception " allowing the Windjammer to continue serving food and alcohol in the outdoor patio area. We consider this to be our local getaway to enjoy something to eat and a cold drink and enjoy the outdoor setting, fresh air and the company of friends and neighbors. Nearly everyone in the vicinity goes to the Windjammer at one time or another and we can't imagine the possibility that it could cease to exist and force us to drive 10 + miles and not have the mountain atmosphere and friends that we now enjoy.

In regard to the outdoor music. It is very enjoyable and we would love to see it continue provided the Larimer county noise limits can be met and reach a happy medium for everyone.

This outdoor service has been here for for 35 + years and now we have a couple area residents complaining. I'm sure if the couple people complaining had set down with the owners of the Windjammer, they could have reached a solution like most good neighbors on our mountain. Please don't allow a couple people spoil the outdoor setting we all enjoy.

printed name	street address	signature	years residence
DENNIS HENNEBERG	9101 FOUR WHEEL DR.	Dennis Henneberg	17 yrs
Marlene Henneberg	9101 Four Wheel Dr.	Marlene Henneberg	17 yrs
Louis H. Branch	4125 Fawn trail	Louis H. Branch	1 1/2 yrs
Sandy Branch	4125 Fawn trail	Sandy Branch	1 1/2 yrs
William Rager Teri	9233 Prairie Way	Teri Rager	2 1/2 yrs
WILLIAM RAGER	9233 PRAIRIE WAY	William Rager	2 1/2 yrs
Jim Carter	8712 RANCH RD	Jim Carter	75 yrs
Leslie Stacy	8700 RANCH RD	Leslie Stacy	6 yrs.
Larry Stacy	8700 RANCH Rd.	Larry Stacy	6 yrs.
Rita Watterud	8713 Sunflower Rd	Rita Watterud	58 yrs
Glenn Watterud	8713 Sunflower Rd	Glenn Watterud	30 yrs
Bob Watterud	8713 Sunflower Rd	Bob Watterud	35 yrs
Jim Lytle	8809 Cottontail Rd	Jim Lytle	13 yrs
Scott McGonigal	9016 Cottontail Rd	Scott McGonigal	3 1/2 years
Sherry McGonigal	9016 Cottontail Rd	Sherry McGonigal	3 1/2 years
Mike Walters	8916 Fourwheel Dr	Mike Walters	11 yrs

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printed name	street address	signature	years residence
Russell Rogers	12707 Pole Hill Rd	<i>[Signature]</i>	1 1/2 yrs
Luci Rogers	12707 Pole Hill Rd	<i>[Signature]</i>	1 1/2 yrs
* TERRY SYBRANDTS	3505 SCR #31	<i>[Signature]</i>	12 yrs
Kevin Hildreth	PO Box 611	<i>[Signature]</i>	40 YRS
ROBERT ESTES	9201 PRAIRIE WAY	<i>[Signature]</i>	20 YEAR
ALAN YOUNG	1582 QUILLAN GULCH RD	<i>[Signature]</i>	15 YRS.
Debbie Ken	1582 Quillan Gulch Rd	<i>[Signature]</i>	2 yrs
Ed Brunsma	1326 N. Carter Dr. Rd.	ED BRUNSM A	46 YRS.
Scott C Roehon	3912 Lakefront Dr.	SCOTT C ROEHON	2 1/2 yrs
CHULT PEDERSEN	3400 MOUNTAIN AVE	Chuck Pedersen	35 yrs
Lynn Baalman	308 Lakritz St	Berthoud CO Baalman	2.5
Derrick JONES	308 LAKRITZ ST	Berthoud CO	2.5
LEWIS WINNINGHAM	466 SEDONA HILLS DR.	LOVELAND CO	16 YRS
Randy Coble	9616 Cottontail Rd	LOVELAND CO	20 yrs
Mary & Bob ESTES	9201 Prairie Way	Lid Mary & Bob	20 yrs
Julie Mann & Wade Clemons	4400 Fern Trail	Julie Mann	1.5 yrs

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② JERRY KOCH / JEANNE McGRATH	3700 FAUN TRAIL	Jerry Koch Jeanne McGrath	20
GREG MYLES	8701 ROCK HILL RD	Greg Myles	.75
Tammy Cook	8701 Rock Hill RD	Tammy Cook	.75
Albert L. Sipes	3501 Ranch Rd	Albert L. Sipes	15
Cathy Sipes	3501 Ranch Rd	Cathy Sipes	15
Laurie Irwin	8809 COTTONTAIL RD	Laurie Irwin	15
Robert Buchholz	8801 Cottontail Rd	Robert Buchholz	6
Judy Walters	8916 Fourwheel	Judy Walters	11
DWAYNE SCHLOSSER	3500 RANCH RD	Dwayne Schlosser	22
GREG EISENTRANT	8727 RANCH RD	Greg Eisenrant	18
Ed Rios	4005 FAUN TR.	Ed Rios	17
Charles A. MEIERLE	4115 ^{HOLLIS} ^{RD 31} HOMALOSS	Charles A. Meierle	
MARTIN TREHC	3812 FAUN TRC	Martin Trehc	15
HELEN MELBOURNE	8701 ROCK HILL RD	Helen Melbourne	.75
Donald Waldberger	4011 So City Rd 31	Donald Waldberger	28

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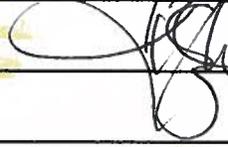
printed name	street address	signature	years residence
TIMOTHY STINGLACOMB	N. SHORES #4		1 yr
Michael Christy	3207 Indian Blvd Dr		25 yr
Kevin Hildreth	3320 South city Rd 31		50
Gayle Talley	16256 W CRD 18E Loveland Co.		11 years
GLEN PINNARD	CROOKED "P" RANCH		2 years
Darryl Gustafson	4001 Fourwheel TR 80537		35 yr
LARRY L. HANNEMAN	8801 SOWFLOWER Rd		30 + years
Susan Hanneman	8801 Sowflower Rd		30 + years
Kimberly Mansfield	1350 SCR 29		14 yrs.
THOMAS Kolo	1350 South C. Rd 29 - Thomas kolo		30 yr.
Terry Green	4001 Fourwheel RR		4 yr
XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
JOHN SEABERRY	2517 S. County Road 29		5 years
Sky Seaberry	2517 S. County Rd. 29		6 years

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printed name	street address	signature	years residence
Jon Becker	208 McCalm ST ^{Beathood, CO} 80513		2
MIKE TALLEY	16256 WCR IYE		10+
* Sybrandts	3505 SCR #31		10+

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printed name	street address	signature	years residence
MARGARET SCHOTANES	525 Southview RD, Berthoud	<i>Margaret Schotanes</i>	30
JAMES SCHOTANES	525 SOUTHVIEW RD	<i>James Schotanes</i>	30 YEARS

TOTAL 67

CARTER LAKE AREA

We the under signed would like to express our concern regarding the " Special Exception " allowing the Windjammer to continue serving food and alcohol in the outdoor patio area. We consider this to be our getaway to enjoy something to eat and a cold drink and enjoy the outdoor setting, fresh air and the company of friends and neighbors. Nearly everyone in the vicinity goes to the Windjammer at one time or another and we can't imagine the possibility that it could cease to exist and force us to drive 10 + miles and not have the mountain atmosphere and friends that we now enjoy.

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printed name	street address	signature	years residence
LARRY LUEBCKE	LITTLETON, CO 10952 W Bellwood Pl	Larry Luebcke	35
Lynne Luebcke	" "	Lynne Luebcke	35
Syd Stumper	2241 1/2 St. Anne Ln Larimer Co	Syd Stumper	31
Rainia Stephens	908 SW 21st Street	Rainia Stephens	37
Jacob YOUNG	1582 Quillin Gulch Rd	Jacob Young	3
P. Michael Brewer	2318 BRECKENRIDGE CT	P. Michael Brewer	19
BERNIE & DEB MILLER	1907 Grays Peak	LOVELAND	(4)
Ron Carnon	51995 Arness Rd	Kenai AK	
John Macdonald	733 St. J. n. Ln.	John Macdonald	15
Allisa Allen	719 22nd St SW Loveland, Co.	Allisa Allen	42
Jim Allen	719 22nd St SW Loveland	Jim Allen	21
Doug Kile	303-673-1342 21433 E Lehigh Ave	Doug Kile	10
Judy Kile	21453 E. Lehigh Ave Aurora, Co	Judy Kile ⁴¹⁷⁰ Eastman ^{guy}	
Rick Minor	2948 Bowline Pl Longmont Co	80503	10
Winslow Taylor	10226 SPINNAKER LN, LAURENCE, CO	80501	15
Janet McHarty	16362 11th St. Mead	Janet McHarty	8
THOMAS MORITZ	5403 RABBIT CR RD	Tom Moritz	11
Mike Rauh	401-1/2 Lilac Ln Fort Collins, CO	Mike Rauh	3.5

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printed name	street address	signature	
Cindy Smith	81 Smith Bridge Rd	Bellvue Co	Cindy Smith
LARVE MITCHELL	2555 SAPPARE ST.	LONGMONT CO	[Signature]
Cassandra Truax	2821 5 th St SW	Loveland Co	[Signature]
Lavonne Boersma	4342 N Monroe Ave	Loveland Co	Lavonne Boersma
Kathleen Dorsey	1492 Sailercrest Ct	Fort Collins Co	Kathleen Dorsey
Adelys Schell	2143 Wright Ct	Longmont Co	[Signature]
JOHN SPREITZER	6100 TIMBER RUN	LOVELAND, CO	[Signature]
Natalie Young	7126 Woodglenn Ln	Fort Collins Co 80525	Natalie Young
Dustin Young	7126 Woodglenn Ln	Fort Collins, Co 80525	[Signature]
Allemanda Ringer	7126 Woodglenn Ln	Fort Collins, Co 80525	Allemanda Ringer
Devin Ringer	7126 Woodglenn Ln	Fort Collins, Co 80525	DEVIN RINGER
Ryan Bredenstiner	1310 Jennifer Ct	Loveland, CO	Ryan Bredenstiner
Rachael Davis	574 E. 27 th St	Loveland, CO 80538	[Signature]
Judy Gesumaria	2640 Farisita Dr.	Loveland, CO 80538	Judy Gesumaria
MICHAEL SAUNDERS	1109 SPENCER ST.	LONGMONT, CO 80503	[Signature]
JOANN TREML	3812 FAWNTRL	LOVELAND, CO 80537	[Signature]

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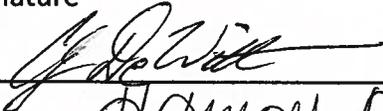
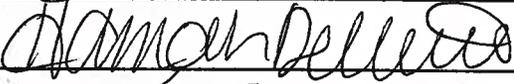
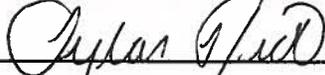
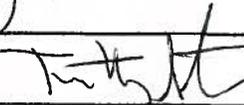
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printed name	street address	signature
June Hanson	5600 W. 3rd St. Greeley Co.	June Hanson
ROBERT GESUMARIA	2640 FARISITA DR WLD Co	Robert Gesumaria
Ashlee Hamsher	698 Eagle Dr WLD Co	Ashlee Hamsher
Kyle Smith	1275 W Prospect Rd Ft Collins	Kyle Smith
Danny Hamsher	17598 Barrion Cr Firestone Colo	Danny Hamsher
JOHN STRASSER	26019 WCR RD GILL CO	John Strasser
Tory Hanson	4613 PENDLETON AVE EVANS CO	Tory Hanson
LORI STRASSER	26017 WCR RD GILL CO	Lori Strasser
Terri Hanson	4613 Pendleton Ave Evans CO	Terri Hanson
Tami Fisher	1942 27th St Greeley Co	Tami Fisher
Joy Callough	5225 Newton St Denver Co	Joy Callough
Cindy Freeze	" " " "	Cindy Freeze
Cary Dorsey	1492 Sailcrest Ct Ft Collins	Cary Dorsey
Manuel Salano	5172 Fallgold Ct WLD	Manuel Salano
Larry Hultman	2903 Heawatha Greeley	Larry Hultman
Mike Smith	81 Smith Bridge Rd Bellevue Co	Mike Smith

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In regard to the outdoor music. It is very enjoyable and we would love to see it continue provided the Larimer county noise limits can be met and reach a happy medium for everyone.

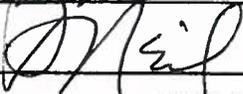
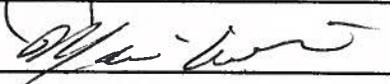
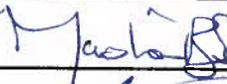
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printed name	street address	signature
Clay DeWitt	3369 Schmickle Rd, Marion, IA	
Hannah DeWitt	3369 Schmickle Rd, Marion, IA	
Kathy Cordle	1433 Westshore Dr., Loveland, CO	
Michael Boggs	15924 S Wandcrest Dr, Pine, CO	
Miguel Vargas	4856 w gillip Denver, CO	
Art Silbaugh	6204 W CR 4 Berthoud, CO	
Kendy Starck	12445 Edinburgh Dr Loveland CO	
Amy Starck	12445 Edinburgh Dr Loveland	
DIANA STARCK	105 SW. 50th St Loveland	
SCOTT STARCK	105 SW. 50th St. Loveland	
Tylar Riek	104 51st Ave Greeley, CO	
TIM STINCHCOMB	5632 CORINTH DR CO SPRINGS, CO 80923	
Gayle Gulley	16256 W. C. Rd. 18E Loveland, Loveland	
John D'Amico	314 Wash Ave. Berthoud, CO 80513	
Nery Sme	314 Wark Ave Berthoud CO	
Tzel Spritzer	6109 timber run Loveland CO,	
Bret Merichs	7100 WCR 20 Loveland CO	
Vincent Aquino	Loveland	
Jared Guinn	2821 5th St SW Loveland CO	

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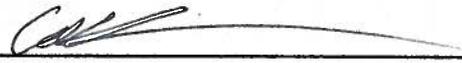
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printed name	street address	signature
Abel Zaper	1331 Cleveland	
DAVE NEIL	637 Modena Ct, Lubad	
Marvin Wilson	2301 Cherry Ave Greeley	
Evan Biteman	5521 WCR 38E Ft Collins	
Marsha Biteman	5521 WCR 38E ft Collins Co	
BRAD WIREY	498 WEST 5TH ST LOVELAND, CO	
Robert Rowland	1100 E 17TH AVE Longmont CO. 80501	
Alvin Nelson	15555 N 98rd St, Longmont	
Steven Elmes	2363 Keystone Ct.	
Thomas Korman	4524 Keelson Court	
Aaron Sylvester	523 S. Emerson St.	
David Harper	3070 S. LAKEVIEW TR.	DAVID HARPER
USA Plunkett	9641 N. 63rd St. Longmont 80503	USA Plunkett
JOHN McHUGH	2000 S. CR 29 LOVELAND CO 80537	

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printed name	street address	signature
CODY VILLEGAS	1131 2nd St SE Loveland	
Becky Dickerson	3280 Boulder Cir Bronfield Co	Rebecca M Dickerson
Scott T. Newson	49602 Nalle Monroe Loveland	Scott Newson
Gina Laey	517 Ruby Ave Loveland Co	Gina Laey
MEG MARSHALL	6850 W. US Hwy 34 Loveland Co	M. Marshall
JOHN PENALVER	PO Box 1263 Loveland, Co 80539	John Penaver
JAY ADRIANES	676 Yuma Ct Loveland, Co. 80537	Jay Adrianes
FRANK PFAB	420 E 57th St, Loveland Co 80538	Frank Pfab
Allan Curtis	1437 Denver Ave Loveland Co 80537	Allan Curtis
Nicole North	420 E. 57th St Loveland, Co 80538	Nicole North
Tina Coercia	2301 15th Ave Loveland Co 80503	Tina Coercia
Francisco Gonzalez	2301 15th Ave Loveland Co 80503	Francisco Gonzalez

WINDJAMMER SPECIAL EXCEPTION REVIEW...CONTINUED

PRINTED NAME:

ADDRESS:

SIGNATURE:

Connie McLeod	4203 W 30 th + Greeley	Connie McLeod
JANICE HARMS	2125 72ND AVE CT GREELEY	Janice Harms
Kathy Ratten	4984 W 6 th St Greeley	Kathy Ratten
Kristi Johnson	4912 W 2nd St Rd Greeley	Kristi Johnson
Dorothy Butler		
Dorothy Butler	2490 Boise Ave Loveland	Dorothy Butler
KATHY ELLIOTT	3313 72 Ave Greeley	Kathy Elliott
Don Holtz	2158 Country Club Pkwy - Milliken	Don Holtz
Jana Carpenter	4631 W 21 st St Greeley	Jana Carpenter
LIZ FISHER	5423 W 7 th St Rd Greeley Co	
ELIZABETH Smith	109 Smith Bridge Rd Bellvue, CO	Elizabeth Smith
Bryce Smith	81 Smith Bridge Rd Bellvue, CO	Bryce Smith
Julia Robinson	1225 W Prospect Rd #E203 Fort Collins, CO	Julia Robinson

TOTAL 101

NON CARTER LAKE



Karin Madson <madsonkc@co.larimer.co.us>

Windjammer #15-Z1995

1 message

Barry Gustafson <barry@advantageinsllc.com>

Tue, Mar 15, 2016 at 12:36 PM

To: kmadson@larimer.org

Cc: barry@advantageinsllc.com

Karin & to whom it may concern,

I moved to Colorado in 1978 & built a home by Cater Lake in 1981. The Windjammer has been there way before I moved to Colorado.

It has always been owned & operated by a local person or family and serves as a good local place to eat & have a drink. I am fully in support to have it continue as it is used today and limited hours (for bands outside) as proposed by the county.

It is not fair to the owners of any business to have neighbors buy a home by an existing business then complain about noise & traffic. (Not in my back yard) People never should have bought a home there if they don't like noise of business & traffic on a public roadway.

Let them run their business as it has been for many decades

Sincerely,

Barry Gustafson

4001 Fawn Trail

Loveland, Co 80537

970-290-1922



Karin Madson <madsonkc@co.larimer.co.us>

April 20 hearing - Windjammer special exception

iris orlandino <orlandinocarterlake@lpbroadband.net>

Mon, Mar 21, 2016 at 8:13 PM

Reply-To: orlandinocarterlake@lpbroadband.net

To: kmadson@larimer.org

Hello Karin,

Please include our written comments as we are unable to attend the hearing.

We have lived approximately 1,000 feet from the west side of the Windjammer for 21 years. Last summer was our first experience with the live music from the outdoor patio. The noise was excessive and included 4 days and/or evenings of loud music and loud cheering and yelling from individuals on the patio. We were not able to sit outside and enjoy our own patio and we had to close our windows if we did not want to hear the noise from inside our home.

Prior to last summer, this has always been a typically quiet area in the summer with the only noise being the coming and going of the motor cycles. Last summer, the constant noise of the music and patrons at the bar impacted our enjoyment of our quiet mountain neighborhood. In the past, there was the occasional charitable auction that wasn't an issue for us. The music was always inside and the noise level was not excessive outside. We don't mind having 1-3 charitable functions during the year.

Another concern we have is the potential for the residential property values to go down due to the noise of the outdoor patio and music during the summer.

Please consider this our opposing of the special exception due to the noise levels, impact to our enjoyment of our mountain property, and potential decrease of the property values. We highly oppose the approval of this special exception.

Sincerely,

Tom and Iris Orlandino
3050 Rainbow Ln
Loveland, CO 80537
970-593-0098

03/18/16
Mary Estes
9201 Prairie Way
Loveland, CO 80537



Dear Ms. Madson:

I am writing in support of the Windjammer's outdoor patio.

The Millers have done an excellent job keeping this iconic location clean and friendly for locals, campers and bikers. During the last 20 years, all previous owners have served food and drinks outside on the patio, hosted bands and all has been fine. I see no reason for this zoning change to be passed.

Carter Lake has always been a busy area in the summer and will continue to be so. The Windjammer provides a great place for lunch and dinner when no other options exist for locals as well as campers especially since the county took away the full kitchen from the marina.

As a local resident for 20 years, active voter and tax payer I request that the Windjammer be left as it is and Ms. Nikkel's complaint be dropped as a **frivolous request** wasting the zoning commission's valuable time.

Will Ms. Nikkels' next complaint be against Harleys being too loud?

Thank you,

A handwritten signature in black ink that reads "Mary Estes". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Mary Estes



Karin Madson <madsonkc@co.larimer.co.us>

WEB: Re: Windjammer Roadhouse Special Exception

1 message

mrclmx@gmail.com <mrclmx@gmail.com>

Sat, Mar 26, 2016 at 8:37 PM

To: kmadson@larimer.org

This message was sent by a visitor to the Virtual Courthouse.

Name: Marc Lomax

Email: mrclmx@gmail.com

Phone: 303-466-8595

It would be a shame to close down this well established restaurant for the simple indication that some self entitled person want the noise decreased or is attempting to change her property value out of pure greed. I cannot believe that some people will put personal hardship on others out of their own greed. Please do not support the closing of this fine establishment.

Page sent from: http://www.larimer.org/planning/planning/current_applications.cfm

Date/time: 03/26/2016 - 8:37 PM

User located at: 10.200.1.20



Karin Madson <madsonkc@co.larimer.co.us>

Fwd: FW: Letters opposing special exception to Windjammer bar zoning

Matthew Lafferty <laffermn@co.larimer.co.us>
To: "Madson, Karin" <kmadson@larimer.org>

Thu, Mar 31, 2016 at 9:10 AM

Karin

Please respond to Nancy on this as I don't know the answer.

Thanks you

Matt

----- Forwarded message -----

From: **Nancy L Wallace** <nwallace@frii.com>
Date: Thu, Mar 31, 2016 at 9:02 AM
Subject: FW: Letters opposing special exception to Windjammer bar zoning
To: "Matt Lafferty (E-mail 2)" <mlafferty@larimer.org>

Matt,

I assume the whole PC and staff received these? Nancy

-----Original Message-----

From: BJ Nikkel [mailto:bjnikkel@gmail.com]
Sent: Thursday, March 31, 2016 8:28 AM
To: nwallace@frii.com
Subject: Letters opposing special exception to Windjammer bar zoning

Good morning Nancy,

I've attached a letter expressing to Planning Department and County Commissioners why my husband and I oppose the special exception to the Windjammer bar's zoning status.

My neighbors have also put together a petition where the majority of homeowners and families in our neighborhood oppose the special exception - these are the folks whom the county deemed "directly impacted" by the Windjammer's noise pollution. Together, we oppose the special exception to the bar because of the extreme noise that we were subjected to last year.

You will likely be given a copy of our petition by planning department, and if you don't see it, let me know. I can then ask Dick Hughes, who put the petition together and got signatures of the majority of our neighbors who are directly impacted by the new bar owners actions, to send a copy to you. We could have expanded that to include many others, but chose to stick to those who are directly impacted.

You will also likely see a petition by folks supporting the special exception - keep in mind, these are not people who are directly impacted and don't necessarily even live in the area. They are largely friends, family or clients of the bar.

The petition to "Save the Windjammer" is an overly dramatic, emotional diversion from the true facts which are that the majority of neighbors directly affected are simply opposing a "special exception" to the bar's current zoning status.

Nobody is trying to "shut down" the bar or "close down their business." We simply do not want outdoor amplified bands with loud sub-woofers continuously playing every night - along with loud nightly parties on the bar's illegal patio, which was never permitted or approved by the county. We have no problem with the bar co-existing peacefully in our neighborhood as they did before the new owners purchased it and willfully chose to ignore its zoning status. We'd like them to keep their business indoors.

I've been asked by my neighbor, Audrey Boccock, who made the initial complaint to the county about the noise and other

illegal activities at the Windjammer, to give you her letter also. It is attached.

Audrey is a wheelchair bound disabled veteran with a Traumatic Brain Injury she suffered in the last Gulf War and she also suffers from PTSD as a result of her injuries, too. She's very articulate and smart and she has suffered a lot as a result of the extreme noise she is subjected to living across the driveway from the bar. She was a Medic and also served as a Sound Quality Technician for the military, which essentially was a position that she made decisions about environmental noise pollution that affect our military members adversely. She has a keen knowledge about the issue. Please read her letter and if you'd like to talk with her I can give you her phone number. I believe she will attend the April 20 hearing.

Please also read my attached letter explaining the details of how all of this came about last year, what I found out from county records and why my husband and I oppose it - and if you'd like to talk about it please give me a call.

I would respectfully ask you to vote No on the special exception for the Windjammer on April 20th, because the effects of the noise and adverse affects would be detrimental to so many of us.

See the two attachments.

Sincerely,
B.J. Nikkel
970-217-8994 cell

2 attachments



1-11-16 Letter to Larimer County Planners and Commissioners - (3).docx

28K



Audrey Bocock Letter (1).pdf

43K

April 4, 2016

To Whom It May Concern:

This is in regards to Windjammer Roadhouse Special Exception, file #15-Z1995.

I went down for the neighborhood meeting. I spoke to two people that did not even live in the area that were there to support the bar. That is all well and good, but if they don't live in the area in question, do they even have a say?

Through the years we have camped the Carter Lake area, frequented the Windjammer, the store, & the marina. We have always enjoyed it.

We have lived by the Windjammer for sixteen years. There are others that have lived there a lot longer than we have and we have all peacefully coexisted.

In that time we have tried to be good neighbors to all the owners that have been there. We have always donated parking on our land for their events. Due to recent circumstances we have been concerned for the liability. We have had no trespassing signs up and have put up more.

We have never minded the music from the bar or the motorcycles. But ,if things are expanded, we are concerned about the parking, trespassers, and people leaving their dogs tied up outside or left in their vehicles all day and all night while they either work in the bar or party.

We would like to know how wanting a special exception for an outdoor patio and outdoor music went to a SAVE THE WINDJAMMER petition. It is very misleading to the general public. We had a neighborhood meeting and the Millers have been to MS Audrey Bocock's residence so they cannot justify saying there are "a couple people who won't sit down and talk to them". Others have called the bar.

We are concerned about some overzealous customer retaliating against the neighbors because of the wording in the petition.

We do not wish the Millers to fail, but it appears their business is doing just fine the way it is without any special exceptions.

Thank you for the chance to voice our opinion,

Alden & Bonnie Stafford

3413 South County Road 31

Loveland, CO 80537