

SUBJECT: **ORDINANCE 1851, SERIES 2023 – AN ORDINANCE AMENDING
TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE CAPPING THE
MAXIMUM NUMBER OF GASOLINE AND AUTOMOBILE
SERVICE STATIONS LOCATED WITHIN THE CITY OF
LOUISVILLE – 2nd READING, PUBLIC HEARING (advertised *Daily
Camera* 2/26/23)**

DATE: **MARCH 21, 2023**

PRESENTED BY: **ROB ZUCCARO, AICP, COMMUNITY DEVELOPMENT
DIRECTOR**

SUMMARY:

Proposed Ordinance No. 1851, Series 2023 (see Attachment No. 1) would create the following limitations and requirements for new and existing gasoline and automobile service stations:

- Limit the number of existing or approved gasoline and automobile service stations to six (current number of existing and approved stations), with an exception to allow an increase to a limit of seven stations if the seventh station is part of a new, large single-user retail center.
- Require 1,000-foot spacing of new gasoline and automobile service stations from existing stations, with an exception if the new station is part of a new, large single-user retail center.
- Automatically expire Planned Unit Developments (PUD) and Special Review Use (SRU) approvals for gasoline and automobile service stations that do not pull building permits within three years following approval.
- Automatically expire any PUD and SRU approval of an existing gasoline or automobile service station that discontinues use for one year.
- Require installation of electric vehicle (EV) fast charging stations for any expanded, modified or new gasoline or automobile service station equaling 20% of the number of gasoline pumps at the stations, with no fewer than two such charging stations.

As part of passage of first reading of the ordinance on February 21, 2023, City Council requested that the Economic Vitality Committee (EVC) and Louisville Sustainability Advisory Board (LSAB) review the proposal prior to second reading. The EVC reviewed the ordinance and took public comments on March 10. The EVC discussed the ordinance but did not make formal recommendation. LSAB reviewed the ordinance on March 15 and voted six in favor with one abstention to recommend approval of the ordinance with the following two conditions:

1. *We recommend reducing the cap on the number of gasoline stations to five gasoline stations in the event that the recently approved sixth gasoline station does not come to fruition.*

2. *We recommend eliminating the exception for a seventh gasoline station as part of a market place development.*

LSAB provided a letter to summarize their recommendation, included as Attachment No. 7, and note in their recommendation that they do not believe that this ordinance should be a high priority for the City as it relates to carbon reduction goals.

BACKGROUND:

On November 1, 2022, the City Council adopted Ordinance 1843, Series 2022 as an emergency ordinance, setting a moratorium on the submittal of land use applications for new gasoline or automobile service stations (see Attachment No. 2). City Council initiated the moratorium following the submittal of a citizen-initiated petition that would ban new gasoline and automobile service stations in all zone districts and not allow building permits for new facilities within 2.5 miles of any existing facility (see Attachment No. 3). The moratorium is in effect until September 30, 2023. The City Clerk approved the form of the petition on October 24, 2022 and the moratorium expiration date of September 30, 2023 was set to provide time to allow the petitioners to gather signatures and an election to take place if the petitioners obtain adequate signatures. The City Council has since added to their 2023 work plan consideration of a city-initiated ordinance regulating new gasoline and automobile service stations. While the petitioners could continue with their initiative, a City-adopted ordinance could address many of the petitioners concerns.

The Louisville Municipal Code uses both “Gasoline Service Stations” and “Automobile Service Stations” as terms to denote businesses that sell gasoline and motor fuels.

Sec. 17.08.200 - Gasoline service station means a building or premises on or in which the principal use is the retail sale of gasoline, oil or other fuel for motor vehicles; and which may include, as an incidental use only, facilities used for the polishing, greasing, washing or otherwise cleaning or light servicing of motor vehicles; but may not include liquefied-petroleum-gas-distribution facilities, facilities for major repairs of motor vehicles, or rental operations.

Sec. 17.72.130 - An automobile service station shall be a retail place of business engaged in the sale of motor fuels and in supplying goods and services generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorists' needs. Major automotive repairs, painting, body and fender work are prohibited.

The Municipal Code limits “Gasoline Service Stations” to certain commercially and industrially zoned districts (B-O, C-N, C-C, C-B, and I districts) and only allows facilities in those districts through Special Review Use approval. The Planned Community Zone District (PCZD) lists “Automobile Service Stations” as permitted uses in areas

designated as Commercial and Office unless restricted through a General Development Plan. Facilities located in the PCZD district are subject to specific development and performance standards outlined in [LMC Sec. 17.12.130](#). “Automobile Service Stations” are distinct from automobile repair and service businesses that do not sell motor fuels (e.g. general auto repair, oil change services, and tire sales and repair).

Currently, there are five gasoline and automobile service stations operating within the city and one that recently received approval at 525 S. McCaslin Boulevard. The ordinance will allow construction and operation of the new station on McCaslin Boulevard, provided they apply for their building permit prior to expiration of the Planned Unit Development (PUD).

ANALYSIS:

Banning or limiting new gasoline service stations is a growing trend for local municipalities due to health and environmental concerns with the continued use of gasoline powered vehicles and equipment. Early adopters of bans include Petaluma, Santa Rosa, and Sonoma County in California. Last year, the City of Broomfield passed an ordinance banning new gasoline stations within 1,000 feet of an existing gasoline station. Gasoline station bans may also be seen as promoting the use of Electric Vehicles (EVs), thus, reducing vehicle emissions and encouraging low-carbon and cleaner energy options for transportation. In 2019, the City of Louisville established the following clean energy and carbon emission reduction goals (City Council Resolution No. 25, Series 2019):

1. Meet all of Louisville's municipal electric needs with 100% carbon -free sources by 2025.
2. Reduce core municipal Green House Gas (GHG) emissions annually below the 2016 baseline through 2025.
3. Generate 75% of Louisville' s residential and commercial/industrial electric needs from carbon-free sources by 2030.
4. Reduce core community GHG emissions annually below the 2016 baseline through 2030.

The proposal for a cap but not a full ban on new gasoline and automobile service stations is in recognition that there will continue to be some demand for gasoline and automobile service stations as more EVs enter the market and gasoline vehicles are transitioned out of the market over time. The ordinance also includes an exception for a new large single-use retailer that may require a new gasoline or automobile service station as part of their business model for a new development. This exception would allow flexibility in recognition of a potentially valuable economic development opportunity for the City.

PUBLIC COMMENT:

Public comments are included as Attachment No. 4.

SUBJECT: ORDINANCE NO. 1851, SERIES 2023

DATE: MARCH 21, 2023

PAGE 4 OF 4

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission reviewed the original proposal on February 9, 2023 and recommends approval of the ordinance with conditions, which have been included in attached ordinance. The Planning Commission minutes and resolution are attached. The link below provides access to the video of the Planning Commission Hearing. The item starts at 37:50 minutes in the video and ends at 2 hours 44:30 minutes:

<https://www.youtube.com/watch?v=E6gWEvViSb8>

STAFF RECOMMENDATION:

Staff recommends approval of Ordinance 1851, Series 2023 as drafted.









PROGRAM/SUB-PROGRAM IMPACT:

The proposal meets the Community Design Program goal to “Sustain an inclusive, family-friendly community with a small town atmosphere.”

ATTACHMENTS:

1. Proposed Ordinance No. 1851, Series 2023
2. Ordinance No. 1843, Series 2022
3. Gas Station Initiative Petition
4. Public Comments
5. Planning Commission Minutes
6. Planning Commission Resolution No. 6, Series 2023
7. LSAB Recommendation Letter

STRATEGIC PLAN IMPACT:

<input type="checkbox"/>		Financial Stewardship & Asset Management	<input type="checkbox"/>		Reliable Core Services
<input checked="" type="checkbox"/>		Vibrant Economic Climate	<input type="checkbox"/>		Quality Programs & Amenities
<input checked="" type="checkbox"/>		Engaged Community	<input type="checkbox"/>		Healthy Workforce
<input type="checkbox"/>		Supportive Technology	<input type="checkbox"/>		Collaborative Regional Partner

**ORDINANCE NO. 1851
SERIES 2023**

**AN ORDINANCE AMENDING TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE
CAPPING THE MAXIMUM NUMBER OF GASOLINE AND AUTOMOBILE SERVICE
STATIONS LOCATED WITHIN THE CITY OF LOUISVILLE**

WHEREAS, the City of Louisville is committed to protecting the health, safety, and welfare of its citizens, and safeguarding the environment and wildlife resources; and

WHEREAS, the City Council believes it has not only the authority but the responsibility to plan for and regulate the use of land within the City in order to best protect and promote the health, safety, and welfare of present and future inhabitants and residents of the City, and to guide future growth, development, and distribution of land uses within the City; and

WHEREAS, the City regulates the use of land by those ordinances codified in Title 17 of the Louisville Municipal Code; and

WHEREAS, on November 1, 2022, the City Council approved Emergency Ordinance 1843, Series 2022 providing for a temporary moratorium on the submission, acceptance, processing, or approval of any land use application, or issuance of any special use permit, related to the use of property within the City as a gasoline service station or an automobile service stations; and

WHEREAS, as of October 1, 2022, the Colorado Energy Office reports there are 66,599 electric vehicles (EVs) registered in Colorado, 11.71 per 1,000 people, and 9,198 EVs in Boulder County, 27.1 EV's per 1,000 people; and

WHEREAS, according to the Colorado Energy Office, EV ownership is currently increasing both statewide and in Boulder County, and in the past six months 8.62% of new vehicle registrations in Boulder County were for EVs; and

WHEREAS, the City Council recognizes this trend in EV sales will likely impact the continued viability of gasoline service stations within the City, and thus impact the appropriate mix of land uses within the City; and

WHEREAS, the City Council finds and determines it is of critical importance to the City and its residents that the City Council examine the important policy considerations presented by gasoline service stations and automobile service stations in the overall mix of land uses within the City, and that any decisions made be applied to applications that may be filed in the future to develop or construct gasoline service stations or automobile service stations; and

WHEREAS, the City of Louisville remains committed to its adopted goals to reduce energy consumption, increase clean energy sources, and support the transition to a low-carbon

community as outlined in the Sustainability Action Plan and Resolution 25, Series 2019, “A Resolution Setting Clean Energy and Carbon Reduction Goals”.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:

Section 1. Louisville Municipal Code Chapter 17.16 – General Regulations is hereby amended with the addition of a new Section 17.16.340 to read as follows:

Section 17.16.340. – Limitation on New Gasoline and Automobile Service Stations

- A. The number of gasoline or automobile service stations within the city shall be limited to six (6). Such limitation shall include the combined number of existing gasoline and automobile service stations and those not constructed but approved through a planned unit development land use application that has not expired pursuant to Subsections B or C. This limitation may be increased up to seven (7) gasoline and automobile service stations if approved through a new land use application for a single-user retail center of eighty thousand (80,000) or more square feet that includes a gasoline or automobile service station as an accessory part of the retail center on the same or adjoining parcel.
- B. An approved planned unit development, and when applicable, an approved special review use, for a gasoline or automobile service station shall expire and become void if a building permit is not issued within thirty six (36) months after city council approval of the plan.
- C. If an existing gasoline or service station is discontinued from use for a period of twelve (12) months then further use of the property as a gasoline or automobile service station shall require authorization through a planned unit development, and when applicable, a special review use approval, meeting current city standards for such use.
- D. If at the time of a land use application for a gasoline service station there are fewer than six (6) gasoline service stations operating or approved in the city, the city shall review new applications in the order in which complete land use applications are received.
- E. Any new gasoline or automobile service station shall be spaced from any existing or approved gasoline or automobile service station by a minimum of one thousand (1,000) ft. as measured from the nearest point of each property boundary. This requirement may be waived if the proposed gasoline or automobile service station is approved through a new land use application for a single-use retail center of eighty thousand (80,000) or more square feet that includes a gasoline or automobile service station as an integral part of the retail center on the same or adjoining parcel.
- F. Any new gasoline or automobile service station, or an expansion or modification to a gasoline or automobile station, shall require the installation of level three direct current (DC) or better electric vehicle charging stations. The minimum number of level three DC

charging stations shall be equal to 20% of the number of gasoline pumps installed rounded to the nearest whole number, and no fewer than two charging stations. These charging stations may be credited against, but not fully replace, the minimum total number of EV Installed, Ready, and Capable stations required under Section 17.20.170 of this code.

- G. The City of Louisville Planning Division (Planning) shall maintain the list of operating or approved gasoline or automobile service stations and their locations within the city.

Section 2. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 3. The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, PASSED ON FIRST READING AND ORDERED PUBLISHED this 21st day of February, 2023.

Dennis Maloney, Mayor

ATTEST:

Meredyth Muth, City Clerk

APPROVED AS TO FORM:

Kelly PC, City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING, this 21st day of March, 2023.

Dennis Maloney, Mayor

ATTEST:

Meredyth Muth, City Clerk

**ORDINANCE NO. 1843
SERIES 2022**

**AN EMERGENCY ORDINANCE PROVIDING FOR A TEMPORARY MORATORIUM
ON THE SUBMISSION, ACCEPTANCE, PROCESSING, OR APPROVAL OF ANY
LAND USE APPLICATION, OR ISSUANCE OF ANY SPECIAL USE PERMIT,
RELATED TO THE USE OF PROPERTY WITHIN THE CITY AS A GASOLINE
SERVICE STATION OR AN AUTOMOBILE SERVICE STATION**

WHEREAS, the City of Louisville is committed to protecting the health, safety, and welfare of its citizens, and safeguarding the environment and wildlife resources; and

WHEREAS, the City Council believes it has not only the authority but the responsibility to plan for and regulate the use of land within the City in order to best protect and promote the health, safety, and welfare of present and future inhabitants and residents of the City, and to guide future growth, development, and distribution of land uses within the City; and

WHEREAS, the City regulates the use of land by those ordinances codified in Title 17 of the Louisville Municipal Code; and

WHEREAS, the City regulates the construction of buildings and other structures within the City by those codes adopted in Title 15 of the Louisville Municipal Code; and

WHEREAS, on October 24, 2022, the City Clerk approved the form of an initiative petition for an Initiative Ordinance that, if approved by the City Council or the City's electors, would prohibit gasoline service stations and automobile service stations in all zone districts within the City and prohibit issuance of a building permit for construction of a gasoline service station within 2.5 miles of an existing gasoline service station; and

WHEREAS, as of October 1, 2022, the Colorado Energy Office reports there are 66,599 electric vehicles (EVs) registered in Colorado, 11.71 per 1,000 people, and 9,198 EVs in Boulder County, 27.1 EV's per 1,000 people; and

WHEREAS, according to the Colorado Energy Office, EV ownership is currently increasing both statewide and in Boulder County, and in the past six months 8.62% of new vehicle registrations in Boulder County were for EVs; and

WHEREAS, the City Council recognizes this trend in EV sales will likely impact the continued viability of gasoline service stations within the City, and thus impact the appropriate mix of land uses within the City; and

WHEREAS, the City Council finds and determines it is of critical importance to the City and its residents that the City Council examine the important policy considerations presented by gasoline service stations and automobile service stations in the overall mix of land uses within the

City, and that any decisions made be applied to applications that may be filed in the future to develop or construct gasoline service stations or automobile service stations; and

WHEREAS, the City of Louisville remains committed to its adopted goals to reduce energy consumption, increase clean energy sources, and support the transition to a low-carbon community as outlined in the Sustainability Action Plan and Resolution 25, Series 2019, “A Resolution Setting Clean Energy and Carbon Reduction Goals”; and

WHEREAS, the City Council further finds and determines it is equally important for the Initiative Ordinance, should the petition be signed by the required number of registered electors and ultimately approved by the City Council or the City’s voters, to be applied to applications that may be filed in the future to develop or construct gasoline service stations or automobile service stations; and

WHEREAS, the City Clerk has estimated that, should the petition proposing the Initiative Ordinance be signed by the required number of registered electors and the same is submitted to the City’s registered electors at a special election, such process could take until the end of September of 2023; and

WHEREAS, the imposition of a temporary moratorium as set forth herein is reasonable, necessary, and no longer in duration than is needed to allow the City Council and staff to investigate whether new regulations concerning gasoline service stations or automobile service stations should be enacted to protect and preserve the public health, safety, and welfare, or in the alternative, for the City’s registered electors to have the opportunity to vote on the Initiated Ordinance contained in the initiative petition; and

WHEREAS, property owners within the City will not be unfairly prejudiced by the imposition of the temporary moratorium imposed by this ordinance, as gasoline service stations and automobile service stations are not uses by right within any zone district within the City; and

WHEREAS, the U.S. Supreme Court and the Colorado Supreme Court recognize that, in the field of land use regulation, temporary moratoria of reasonable duration are often employed to preserve the status quo in a particular area while developing a long-term plan for development and while evaluating the sufficiency of current regulations; indeed, in countering the incentive of property owners to develop their property quickly to avoid the consequences of an impending land use plan for the jurisdiction, moratoria are a crucial tool for local governments and, therefore, pursuant to express and implied authority granted by the Colorado Revised Statutes and multiple Colorado and federal appellate decisions upholding temporary moratoria on land use applications while amendments are considered, the City Council has the legal authority to adopt the temporary moratorium set forth herein; and

WHEREAS, the City Council finds and declares it has the power and authority to adopt this ordinance pursuant to Amendment 64, C.R.S. § 29-20-101, *et seq.* (the Local Government Land Use Control Enabling Act), C.R.S. § 31-23-301, *et seq.* (concerning municipal zoning

powers), C.R.S. § 31-15-103 (concerning municipal police powers), C.R.S. § 31-15-401 (concerning municipal police powers), C.R.S. § 31-15-501 (concerning municipal authority to regulate businesses), Article XX of the Colorado Constitution (concerning municipal home rule), and the City of Louisville Home Rule Charter; and

WHEREAS, an emergency exists because the City Council finds and determines that, in light of the foregoing recitals and findings, circumstances warrant the immediate enactment of this ordinance and imposition of the moratorium set forth herein to protect the public health, safety, and welfare, and to avoid development that may contravene the City's efforts to protect the health, safety, and welfare or the registered electors' efforts to utilize the initiative process to enact legislation, and it is of critical importance to the City and its residents that any regulations adopted by the City Council or approved by the City's registered electors concerning gasoline service stations or automobile service stations be applied to all future applications for such uses within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:

Section 1. The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the City Council.

Section 2. Upon the effective date of this ordinance, and until **September 30, 2023**, no application for land use approval, including but not limited to any zoning, subdivision, or site plan application, filed by or on behalf of any landowner the purpose of which includes development, construction, expansion, reconstruction, or relocation of a gasoline service station or automobile service station shall be received, reviewed, approved or otherwise acted upon, unless otherwise provided in this ordinance. For purposes of this moratorium, an automobile service station shall be considered synonymous with gasoline service station as defined in Section 17.08.200 of the Louisville Municipal Code.

Section 3. The restrictions contained in this ordinance shall not be construed to affect any applications for a use by special review, or other land use approval for a gasoline service station or automobile service station for which complete applications were filed prior to the effective date of this ordinance.

Section 4. Any person who submitted a complete application for a use by special review, or other land use approval for a gasoline service station or automobile service station prior to the effective date of this ordinance, and who believes that application of the temporary moratorium to such application would be legally invalid, may file with the City Council a request for an exemption from the moratorium. The request shall be in writing and fully set forth the reasons why the exemption should be granted. The City Council may grant the exemption if it finds that application of the moratorium would be legally invalid under the facts presented.

Section 5. The temporary moratorium imposed upon receipt of applications as set forth in this ordinance is temporary in nature and may be repealed by subsequent legislative enactment. The temporary moratorium established by this ordinance shall terminate on **September 30, 2023**, unless sooner repealed.

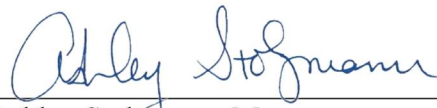
Section 6. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 7. The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 8. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 9. The City Council herewith finds, determines and declares that this ordinance is genuinely and urgently necessary for the immediate preservation of the public health, safety and welfare in order to avoid development that may contravene the City's efforts to protect the health, safety, and welfare or the registered electors' efforts to utilize the initiative process to enact legislation, and it is thus of critical importance to the City and its residents that any regulations adopted by the City Council or approved by the City's registered electors concerning gasoline service stations or automobile service stations be applied to all future applications for such uses within the City. Therefore, City Council herewith further finds, determines and declares that it is necessary for this ordinance to take effect immediately upon adoption, provided the same has been adopted and signed by the Mayor and approved by two-thirds of the entire City Council.

INTRODUCED, READ, PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE BY TWO-THIRDS OF THE ENTIRE CITY COUNCIL, AND ORDERED PUBLISHED this 1st day of November, 2022.



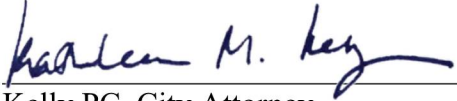
Ashley Stolzmann, Mayor

ATTEST:

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Meredyth Muth, City Clerk

APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to read 'Kelly PC', written over a horizontal line.

Kelly PC, City Attorney

**WARNING:
IT IS AGAINST THE LAW:**

For anyone to sign any initiative petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to knowingly sign a petition when not a registered elector who is eligible to vote on the measure.

DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED ELECTOR AND ELIGIBLE TO VOTE ON THIS MEASURE. TO BE A REGISTERED ELECTOR, YOU MUST BE A CITIZEN OF COLORADO AND A RESIDENT OF LOUISVILLE AND REGISTERED TO VOTE.

Do not sign this petition unless you have read or have had read to you the proposed initiative measure or the summary in its entirety and understand its meaning.

INITIATIVE PETITION REPRESENTATIVES	
Tiffany Boyd 550 Grant Avenue Louisville, Colorado 80027	Joshua Cooperman 216 Griffith Street Louisville, Colorado 80027

INITIATIVE SUMMARY

Summary of Ordinance No. XXX, Series 202X, which is the subject of this initiative petition:

This proposed citizen initiated ordinance amends Title 17 of the Louisville Municipal Code to make gasoline service stations and automobile service stations a prohibited use in all zone districts in the City. It also amends Title 15 of the Louisville Municipal Code to prohibit the construction of a new gasoline station or the expansion, reconstruction, or relocation of an existing gasoline service station within $2\frac{1}{2}$ miles of an existing gasoline service station.

INITIATIVE ORDINANCE

This petition requests that the ordinance presented be submitted to a vote of the people if not passed by the City Council (City Charter Article 7). The ordinance reads as follows.

Ordinance No. XXX, Series 202X

ORDINANCE PROHIBITING NEW GASOLINE SERVICE STATIONS IN THE CITY OF LOUISVILLE

WHEREAS, the combustion of fossil fuels such as gasoline is the primary driver of anthropogenic climate change; and

WHEREAS, approximately one fifth of Louisville’s greenhouse gas emissions stem from the combustion of fossil fuels for transportation; and

WHEREAS, according to the scientific consensus on climate change, a rapid reduction in greenhouse gas emissions is necessary to mitigate the effects of climate change; and

WHEREAS, the effects of climate change are already severely impacting communities worldwide, including Louisville; and

WHEREAS, the City’s Resolution Number 25 Series 2019 and the City’s Sustainability Action Plan call for “reduc[ing] core community greenhouse gas emissions annually below the 2016 baseline through 2030”; and

WHEREAS, the City’s Sustainability Action Plan sets the goal of “increas[ing] the use of carbon-free energy and transition[ing] away from fossil fuels”; and

WHEREAS, the federal government, the Colorado state government, and the City of Louisville have made commitments to support and set goals to achieve a rapid transition from fossil fuel vehicles to electric vehicles; and

WHEREAS, the City’s Sustainability Action Plan sets the goals of “provid[ing] and maintain[ing] sustainable and safe transportation choices for all Louisville residents to enhance community connectivity while reducing environmental impact”; and

WHEREAS, the City’s Sustainability Action Plan sets the external objective of “support[ing] the public adoption of electric vehicles”; and

WHEREAS, the transition from fossil fuel vehicles to electric vehicles will result in the vast majority of gasoline service stations becoming obsolete in the near future; and

WHEREAS, remediating obsolete gasoline service stations presents a significant cost to local governments and communities; and

WHEREAS, Louisville’s Comprehensive Plan lists as a core community value “A Healthy, Vibrant, and Sustainable Economy” in which “the City is committed to a strong and supportive business climate which fosters a healthy and vibrant local and regional economy for today and for the future”; and

WHEREAS, Louisville’s Comprehensive Plan lists as a core community value “Sustainable Practices for the Economy, Community, and the Environment” in which the community “challenges [its] government, residents, property owners, and [its] business owners to be innovative with sustainable practices so the needs of today are met without compromising the needs of future generations”; and

WHEREAS, the combustion products of gasoline and the fugitive emissions from gasoline service stations contribute significantly to the formation of ground-level ozone air pollution; and

WHEREAS, ground-level ozone air pollution poses significant respiratory health risks especially for children and the elderly; and

WHEREAS, much of Colorado’s Front Range, from Fort Collins to Castle Rock including Louisville, is a federally designated region of severe nonattainment for ground-level ozone air pollution; and

WHEREAS, climate change and air pollution from the combustion products of gasoline are significant drivers of the current unprecedented loss of biodiversity; and

WHEREAS, Louisville’s Comprehensive Plan lists as a core community value “Ecological Diversity” promoted “through . . . [the City’s] development . . . regulations”; and

WHEREAS, the City’s Sustainability Action Plan sets the goals of “mitigat[ing] the impact of the built environment and human behavior on our natural systems and improv[ing] the health and resiliency of Louisville’s ecosystems”; and

WHEREAS, the City’s Sustainability Action Plan sets the internal objective of “identify[ing] opportunities to enhance policies related to ecological health” by “further integrat[ing] ecosystem health and biodiversity factors in City plans and policies”; and

WHEREAS, the City’s Sustainability Action Plan sets the external objective of “minimiz[ing] the volume of pollutants entering Louisville’s terrestrial and aquatic ecosystems”; and

WHEREAS, the City of Louisville’s stated mission is “to protect, preserve, and enhance the quality of life in our community”.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:

Section 1. Section 15.04.200 of the Louisville Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 15.04.200 Gasoline Service Stations

Construction of a new gasoline service station will not be permitted within $2\frac{1}{2}$ miles of an existing gasoline service station. Expansion, reconstruction, or relocation of an existing gasoline service station will not be permitted within $2\frac{1}{2}$ miles of an existing gasoline service station.

Section 2. Section 17.12.030 of the Louisville Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 17.12.030. - Use groups

In each zoning district, any use group category not expressly permitted shall be deemed excluded. If there is a question pertaining to interpretation of any specific use as to whether it does or does not come within the following express use groups, any applicant may apply to the board of zoning adjustment for the determination of whether a specific use is expressly permitted. In the following table, uses expressly permitted are designated “yes,” uses prohibited are designated “no,” and uses permitted by special review are designated “R.” For uses designated “A,” “A, R,” and “No, A, R” see explanatory notes in subsection 17.42.020(C) Use group categories expressly permitted within the AO-T zone district and uses permitted by special review within the AO-T zone district are designated in sections 17.13.020 and 17.13.030 of this title.

Use Groups	A	A-O	B-O	*	R-RR	SF-R	SF-E	R-R	SF-LD	R-M	R-H	C-N	C-C	C-B	I	**	*** MU-R	**** OS
38	Gasoline Service Stations	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No
38	Gasoline Service Stations	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No
38	Gasoline Service Stations	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No

Section 3. Section 17.72.090 of the Louisville Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 17.72.090. - Commercial and office.

A. *Generally.* This section is intended to promote the development of well-planned shopping centers and facilities that provide a variety of shopping, professional, business, cultural and entertainment facilities designed to create an attractive and pleasant shopping atmosphere.

B. *Uses permitted.* The following commercial and noncommercial uses may be permitted within any planning area designated “commercial” on the adopted planned community development general plan:

1. Any retail trade or service business;
2. Professional, business and administrative offices;
3. Motels and hotels;
4. Cultural facilities, such as museums, theaters, art galleries and churches;
5. Pedestrian plazas and pedestrian ways, including such amenities as outdoor art exhibit facilities, statuary, fountains and landscaping features;
6. Outdoor specialty uses, including sidewalk cafes and outdoor marketplaces to provide unique congregating places for sales and shopper interests;
7. Recreational facilities, both indoors and outdoors, such as ice skating and roller skating rinks which may be designed as integral parts of a center;
8. Restaurants, both indoor and drive-in types, food-to-go facilities, sidewalk cafes;
9. Hospitals and medical clinics;
10. Transportation terminals, parking lots and parking buildings;
11. Animal hospitals and clinics;
- ~~12. Automobile service stations, subject to prescribed performance and development standards;~~
- ~~12. 13.~~ Nursing and rest homes;
- ~~13. 14.~~ Small and large child care centers;
- ~~14. 15.~~ Financial offices, including banks and savings and loans;
- ~~15. 16.~~ Accessory structures and uses necessary and customarily incidental to the uses listed in this section;
- ~~16. 17.~~ Governmental and public facilities;
- ~~17. 18.~~ Research/office and corporate uses, and facilities for the manufacturing, fabrication, processing, or assembly of scientific or technical products, or other products, if such uses are compatible with surrounding areas. In addition, such facilities shall be completely enclosed and any noise, smoke, dust, odor, or other environmental contamination produced by such facilities, confined to the lot upon which such facilities are located and controlled in accordance with all applicable city, state, or federal regulations;
- ~~18. 19.~~ Other uses as established by the city council as found to be specifically compatible for commercial and office planning areas.
- ~~19. 20.~~ Limited wholesale sales as defined in section 17.08.262 of this title are allowed as a special review use.
- ~~20. 21.~~ Retail marijuana stores, retail marijuana testing facilities, medical marijuana centers and medical marijuana testing facilities, except the foregoing uses are not allowed in any mixed use lot that includes a residential use.
- ~~21. 22.~~ Reserved.
- ~~22. 23.~~ Health or athletic clubs, spas, dance studios, and fitness studios.

C. *Special review uses.* The following commercial and noncommercial uses may be permitted by special review pursuant to chapter 17.40 within any planning area designated commercial on the adopted planned community development general plan:

1. Mobile food court.
2. Banquet or reception hall.

Section 4. Section 17.72.100 of the Louisville Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 17.72.100. - Industrial uses permitted.

The following industrial and nonindustrial uses may be permitted within any planning area designated “industrial” on the adopted planned community development general plan:

A. All those uses permitted in the I industrial zone of the city;

~~B. Automobile service stations, subject to prescribed performance and development standards;~~

~~B. C.~~ Other uses as established by the city council for industrial planning areas;

~~C. D.~~ Governmental and public facilities.

~~D. E.~~ Retail marijuana products manufacturing facilities, retail marijuana testing facilities, retail marijuana cultivation facilities, medical marijuana-infused products manufacturing facilities, and medical marijuana testing facilities, except the foregoing uses are not allowed in any mixed use lot that includes a residential use.

Section 5. Section 17.72.130 of the Louisville Municipal Code is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

Sec. 17.72.130. - Automobile service station standards.

Automobile service stations are not permitted in a planned community zone district.

~~The following performance and development standards shall apply to all permitted automobile service station uses within a planned community zone district:~~

~~A. *Uses permitted.* An automobile service station shall be a retail place of business engaged in the sale of motor fuels and in supplying goods and services generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorists’ needs. Major automotive repairs, painting, body and fender work are prohibited.~~

~~B. *Building line regulations.* Building setback lines for all structures shall be 20 feet from the ultimate street right-of-way line, except canopy roofs over pump islands and lighting fixtures may be cantilevered to within five feet of the ultimate street right-of-way line.~~

~~C. *Exterior displays and trash and storage.* No displays or storage of merchandise, automobiles, parts or refuse shall be located closer than 20 feet from the ultimate street right-of-way line, and all trash and refuse shall be stored in a building or within an area enclosed by a wall at least six feet high.~~

~~D. *Lighting.* All lighting shall be designed and located so as to confine direct rays to the premises.~~

~~E. *Outside activity.* All activities, other than the sale of motor fuels and the normal services incidental thereto, are prohibited outside of the main building.~~

~~F. *Screening.* A masonry wall shall be installed and maintained along property lines where the premises abut a residential area. Such wall shall have a total height of not less than six feet, except within 20 feet of any ultimate street right-of-way line, where the height shall be not less than three feet nor more than 3½ feet.~~

~~G. *Landscaping.*~~

~~1. Boundary landscaping is required for a minimum depth of five feet along all property lines abutting streets, except for the area required for street openings.~~

~~2. Any landscaped area shall be separated from an adjacent vehicular area by a wall or curb at least six inches higher than the adjacent vehicular area.~~

~~3. Permanent watering facilities shall be provided for all landscaped areas.~~

~~4. Required landscaping shall be maintained in a neat, clean and healthy condition. This shall include proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary, and the regular watering of all plantings.~~

Section 6. If any portion of this ordinance is held to be invalid for any reason, such decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 7. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

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INITIATIVE SUMMARY

Summary of Ordinance No. XXX, Series 202X, which is the subject of this initiative petition:

This proposed citizen initiated ordinance amends Title 17 of the Louisville Municipal Code to make gasoline service stations and automobile service stations a prohibited use in all zone districts in the City. It also amends Title 15 of the Louisville Municipal Code to prohibit the construction of a new gasoline station or the expansion, reconstruction, or relocation of an existing gasoline service station within 2½ miles of an existing gasoline service station.

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27	Signature	Printed Name		
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Do not sign this petition unless you have read or have had read to you the proposed initiative measure or the summary in its entirety and understand its meaning.

INITIATIVE SUMMARY

Summary of Ordinance No. XXX, Series 202X, which is the subject of this initiative petition:

This proposed citizen initiated ordinance amends Title 17 of the Louisville Municipal Code to make gasoline service stations and automobile service stations a prohibited use in all zone districts in the City. It also amends Title 15 of the Louisville Municipal Code to prohibit the construction of a new gasoline station or the expansion, reconstruction, or relocation of an existing gasoline service station within 2½ miles of an existing gasoline service station.

71	Signature	Printed Name		
	Residence Address (Street Number and Name)	City	County	Date Signed
72	Signature	Printed Name		
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73	Signature	Printed Name		
	Residence Address (Street Number and Name)	City	County	Date Signed
74	Signature	Printed Name		
	Residence Address (Street Number and Name)	City	County	Date Signed
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76	Signature	Printed Name		
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81	Signature	Printed Name		
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96	Signature	Printed Name		
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	Residence Address (Street Number and Name)	City	County	Date Signed
100	Signature	Printed Name		
	Residence Address (Street Number and Name)	City	County	Date Signed

AFFIDAVIT OF CIRCULATOR

Affiant's Printed Name

Residence Address

City

County

Date Signed

- a. That the affiant has read and understands the laws governing the circulation of petition;
- b. That the affiant was eighteen years of age or older at the time the section of the petition was circulated and signed by the listed electors;
- c. That the affiant circulated the section of the petition;
- d. That each signature thereon was affixed in the affiant's presence;
- e. That each signature thereon is the signature of the person whose name it purports to be;
- f. That, to the best of the affiant's knowledge and belief, each of the persons signing the petition section was, at the time of signing, a registered elector; and
- g. That the affiant has not paid or will not in the future pay and that the affiant believes that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix the signer's signature to the petition.

Affiant's Signed Name

Subscribed and sworn to me in the county of _____, State of Colorado,
this day ____ of _____, 2022

Notary's Official Signature_____
Commission Expiration

Rob Zuccaro

Subject: FW: Banning New Gas Stations

Importance: High

From: Emma Weber
Sent: Thursday, February 9, 2023 3:29 PM
To: Planning <planning@Louisvilleco.gov>
Subject: Banning New Gas Stations

Dear legislators,

I'm writing to advocate for strengthening the ordinance of the citizen's initiative to ban new gasoline stations in Louisville. The ordinance should be strengthened as follows in order to best mitigate Louisville's contribution to climate-change-causing emissions.

1. Eliminate the exception for a seventh gasoline station.
2. Reduce the cap to five if the Murphy Express is not built.
3. Reduce the cap by one each time an existing gasoline station closes.
4. Prohibit gasoline stations in the Phillips 66 Rural Special District.

Thank you for considering these vital changes.

Thank you,
Emma Weber

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Rob Zuccaro

Subject: FW: Comments on ordinance limiting gas stations in Louisville

Importance: High

From: Joshua Cooperman
Sent: Thursday, February 9, 2023 10:05 AM
To: Planning Commission <PlanningCommission@louisvilleco.gov>
Subject: Comments on ordinance limiting gas stations in Louisville

Dear members of the Louisville Planning Commission,

This evening you will consider an ordinance that limits the number of gasoline stations in Louisville. I have argued on a variety of occasions in a variety of settings for limiting the number of gasoline stations in Louisville. My primary arguments have always hinged on the urgent need to mitigate climate change, principally by phasing out fossil fuels.

While I fully support limiting the number of gasoline stations in Louisville, I maintain that the current ordinance does not provide for sufficiently strong limitations on the number of gasoline stations. Accordingly, I request that the Planning Commission recommend that the ordinance be strengthened as follows.

1. Eliminate the exception for a seventh gasoline station as part of a marketplace development.
2. Reduce the cap to five in the event that the recently approved Murphy Express is not built.
3. Reduce the cap by one each time an existing gasoline station closes.
4. Prohibit gasoline stations in the Phillips 66 Rural Special District.

I look forward to commenting further this evening and listening to your deliberations. Thank you for reading and considering my thoughts.

Best,
Josh

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Rob Zuccaro

Subject: FW: Gas Stations in Louisville

Importance: High

From: Annie Parnell

Sent: Thursday, February 9, 2023 9:00 AM

To: Planning <planning@Louisvilleco.gov>

Subject: Gas Stations in Louisville

To the members of the Planning Commission of Louisville, CO:

My name is Channah Horst and I and my family have lived here in Louisville since August of 2000. We live at 136 Hoover Avenue.

I strongly support and encourage you to not allow the further construction of fossil fuel refueling stations (gas) in our community. All of us, not just the citizens of our community, need to move quickly away from fossil fuel consumption.

If you are a climate denier then my plea falls on deaf ears. If you acknowledge the peril our planet is in then it is your responsibility to do what you can to help us make changes in the way we live. In other words--do not make it easier for me and my fellow residents to keep using gasoline.

I am asking you to:

1. Eliminate the exception for a seventh gasoline station.
2. Reduce the cap to five if the Murphy Express is not built.
3. Reduce the cap by one each time an existing gasoline station closes.
4. Prohibit gasoline stations in the Phillips 66 Rural Special District.

Thank you for taking the time to read my email.

Regards,

C. Horst

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Rob Zuccaro

Subject: FW: EVC Agenda Packet for March 10 @ 1:30 PM

From: Eric Lund <eric@louisvillechamber.com>

Sent: Friday, March 10, 2023 12:14 PM

To: Austin Brown <abrown@louisvilleco.gov>; Christopher Leh <leh@louisvilleco.gov>; Deb Fahey <dfahey@louisvilleco.gov>; Maxine Most <mmost@louisvilleco.gov>; Tina Lyda <tlyda@lehlawgroup.com>

Cc: Jeff Durbin <jdurbin@louisvilleco.gov>; Megan Davis <mdavis@louisvilleco.gov>; Rob Zuccaro <rzuccaro@louisvilleco.gov>; Rick Kron <rickkronco@gmail.com>; Mark Oberholzer <ober129@gmail.com>

Subject: RE: EVC Agenda Packet for March 10 @ 1:30 PM

Thank you,

The Louisville Chamber of Commerce would typically support having an open and free market to decide these types of issues. Our next Board Meeting is in two weeks and we do not have a formal position regarding the gas stations ordinance.

However, I am sure that we would support not having a limitation on future business growth and development whether it is building electric charging stations or gas stations. If you limit the number of gas stations then competition could become an issue as our local residents will likely have to pay higher prices if open market competition is blocked by an ordinance of this type. I am not sure that there is a benefit by limiting the number of gas stations which typically also include retail stores and would be interested to understand the thought behind how this ordinance helps to support local businesses and our residents in the area.

Those are my personal thoughts regarding the ordinance and I look forward to a better understanding of the reasoning for this ordinance.

Sincerely,

Eric J Lund

Executive Director

Louisville Chamber of Commerce



619-992-8989



eric@louisvillechamber.com



www.louisvillechamber.com



901 Main St Ste. A



From: Austin Brown <abrown@louisvilleco.gov>

Sent: Thursday, March 9, 2023 5:01 PM

To: Christopher Leh <leh@louisvilleco.gov>; Deb Fahey <dfahey@louisvilleco.gov>; Maxine Most

<mmost@louisvilleco.gov>; Tina Lyda <tlyda@lehlawgroup.com>

Cc: Jeff Durbin <jdurbin@louisvilleco.gov>; Megan Davis <mdavis@louisvilleco.gov>; Rob Zuccaro <rzuccaro@louisvilleco.gov>; Rick Kron <rickkronco@gmail.com>; Mark Oberholzer ; [Eric Lund](#)

Subject: RE: EVC Agenda Packet for March 10 @ 1:30 PM

Hi All,

Passing along two public comment emails that staff received regarding tomorrow's discussion of the gas station ordinance. Please see attached.

Thanks,
Austin

Austin Brown
Economic Vitality Specialist
City of Louisville
303-335-4529
abrown@louisvilleco.gov



From: Austin Brown

Sent: Friday, March 3, 2023 3:31 PM

To: 'Christopher Leh' <leh@louisvilleco.gov>; Deb Fahey <dfahey@louisvilleco.gov>; Maxine Most <mmost@louisvilleco.gov>; Tina Lyda <>

Cc: Jeff Durbin <jdurbin@louisvilleco.gov>; Megan Davis <mdavis@louisvilleco.gov>; Rob Zuccaro <rzuccaro@louisvilleco.gov>; Rick Kron <; Mark Oberholzer <

>; Eric Lund <eric@louisvillechamber.com>

Subject: EVC Agenda Packet for March 10 @ 1:30 PM

Hi All,

Attached is the agenda packet for the next regular Economic Vitality Committee meeting, which is scheduled for Friday, March 10 @ 1:30 PM. Please contact me directly if you have any questions ahead of Friday's meeting.

Thanks,
Austin

Austin Brown
Economic Vitality Specialist
City of Louisville
303-335-4529
abrown@louisvilleco.gov

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Rob Zuccaro

Subject: FW: A few points on gas stations.

From: tamar krantz <>
Sent: Wednesday, March 15, 2023 4:14 PM
To: Kayla Betzold <kbetzold@louisvilleco.gov>
Subject: A few points on gas stations.

Hi Kayla,

Can you please share this with LSAB members before the public discussion tonight?.

Dear LSAB members. Thanks so much for holding a public discussion on the gas station ordinance. I am writing this as a resident. I do not represent the planning commission.

I won't be able to attend tonight, but I hoped to comment if any of the points below from previous discussions come up again tonight. If these items come up, I hope you will consider them in context of the additional research and details I share below.

Thanks.

Tamar Krantz
Ward 3

(1) A gas station cap will do nothing to reduce global warming.

It was noted that reducing gas stations won't reduce GHG. Fair point that a gas station itself doesn't produce GHG. (The cars do that when they burn the fuel.) But, gas stations are still emission sources.

An average gas station with 150,000 gallons per year throughput will produce 0.2 to 1.1 tons per year of Non methane VOCs. (including emissions from filling, breathing, refueling, and spillage, depending on control methods). Non-methane VOCs are not listed by the widely used GHG protocol which uses the IPCC (intergovernmental panel for climate change) methods for calculating GHG emissions.

VOC emissions produce ground level ozone (with Nox and sunlight). While ozone is short-lived in the atmosphere, it does trap heat. In my opinion, the fugitive gas station emissions from one gas station would have the same contribution to ground-level ozone as about 100 average cars driving for a year. (Using CDPHE model for fugitive emissions and various assumptions about average Total HC from vehicles)

(2) A cap would not do anything to protect human health.

The public brought up human health concerns but some questioned the significance.

As mentioned above, fugitive emissions from gas stations lead to ground level ozone. The main problem with ozone is not the fact that it traps heat, but the fact that it is highly reactive, and penetrates deep into our lungs. We are in a severe nonattainment area for ozone, according to the NAAQS, health-based standards. Therefore

anything we can do to reduce VOC emission sources is helpful.

We have to also realize that the 0.2 to 1.1 tons per year of VOCs estimated above includes 25 to 58 pounds of hazardous air pollutants (BTEX). There are many studies linking working at a gas station to cancer risk. California recommends 50 to 300 foot setbacks from gas stations for sensitive uses like daycares or hospitals depending upon gas station throughput and other factors.

(3) The city has better sustainability actions to take.

Someone noted that this is not the best focus for sustainability efforts. I strongly agree that when possible, we should quantify environmental impacts of policy decisions. I do believe that this ordinance will have a positive environmental impact.

I offer this comparison to the work plan item, "Prohibit the sale and use of gasoline powered landscape equipment." The city would need to eliminate 800 lawn mowers (assuming gas powered 3.5 HP 4-stroke overhead valve lawn mowers, each operating 24 hours per year) to equal the fugitive VOC emissions from one gas station. (Based on USEPA emission factor, and 1 TPY VOC per gas station as described above).

(4) Newer gas stations are cleaner than older gas stations.

This assumption probably requires more research.

It may be true that the risk of leaks from eroding underground storage tanks is reduced by installing new underground storage tanks but I am not sure that this justifies a new gas station.

Between 1992 and 2022 there have been 14 petroleum release reports from Louisville gas stations (Department of Labor & Employment, Division of Oil & Public Safety). Common spills are from overflowing gas at the pump. It might be worth reading these reports to see if there is a connection between new and old stations and spills and whether or not any releases occurred from UST.

I would assume that new and old gas stations would have the same emission control requirements therefore similar air emissions.

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From: [Emily Hogan](#)
To: [Kayla Betzold](#)
Subject: FW: Louisville Sustainability Advisory Board Wants to Hear from You!
Date: Wednesday, March 8, 2023 9:41:31 AM

FYI – thanks!

Emily Hogan (She/Her/Hers)
Assistant City Manager
City of Louisville
(In office – Mon, Tues, & Thurs, WFH – Weds & Fri)
303-335-4528 (office)
720-668-2658 (cell)
ehogan@louisvilleco.gov

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From: Katherine Richardson
Sent: Tuesday, March 7, 2023 3:34 PM
To: Citizen Inquiries <info@louisvilleco.gov>
Subject: Re: Louisville Sustainability Advisory Board Wants to Hear from You!

We are not in Louisville as we are waiting for our house plan to be finalized and submitted to the city. I would like to make suggestion that as more and more EVs are added to our roads. We need to encourage the existing gas stations to provide more and more multiuse (Tesla, Ford, etc) chargers to their offerings. That way we may avoid the lines and sign up times at these chargers.

In addition, we need some chargers at parking garages and curbside areas.

We should encourage apartment complexes to add destination chargers for their tenants.

Regards,

Katherine Richardson
835 Trail Ridge Drive
Louisville, CO 80027

303-809-7184

On Mar 7, 2023, at 4:25 PM, City of Louisville <info@louisvilleco.gov> wrote:

[View this email in your browser](#)



LSAB Wants to Hear from You!

The Louisville Sustainability Advisory Board (LSAB) invites the community to comment on a proposed Ordinance limiting the number of gas stations in Louisville during its March meeting on **Wednesday, March 15 @ 6:30 PM at City Hall (749 Main Street) or via [Zoom](#)**. LSAB wishes to provide an opportunity for the community to comment prior to the March 21 public hearing at City Council.

Louisville City Council will hold a public hearing for the second reading of [Ordinance No. 1851, Series 2023](#) on Tuesday March 21. This ordinance would cap the number of gasoline and automobile service stations within Louisville to six facilities. The ordinance also requires a minimum number of EV fast charging stations for any new or expanding gasoline or automobile service station to be at least 1,000 feet from any existing station, and any abandoned facility would lose its zoning approval if the use is discontinued for 12 months. The ordinance provides an exception to allow a seventh gasoline or automobile service station and an exception to the spacing requirement if the new facility is part of a new single-user retail center of 80,000 SF or more.

The first reading of this ordinance was held on Tuesday, February 21. Additional information on Ordinance No. 1851, Series 2023 is available [online](#).



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City of Louisville
749 Main Street
Louisville, CO 80027

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From: kengambon@gmail.com
To: [Austin Brown](#); [Kayla Betzold](#)
Subject: FW: Louisville EVC Wants Your Input!
Date: Wednesday, March 8, 2023 12:35:21 PM

Louisville continues to lose businesses every year and I don't understand why you would stop ANY economic growth in Louisville with this kind of ordinance. We have so many empty buildings in the TECH center, along the McCaslin Blvd corridor and now with Medtronic's moved to Lafayette – two buildings being emptied along Dillon Road and 2 new empty buildings on highway 42/95 street just north of Dillon Road.

Economics will determine IF another gas station is viable and useful and if NOT it will not be built or will close quickly if your electric car push puts it out of business. If you want to do something useful, establish strategies and plans to grow the commercial economic base in Louisville and measure your success every year and report to citizens how successful you have been.

Gas stations must have a 'going out of business' strategy and funded plan that requires all buried gas tanks to be removed and soil reconditioned as your EV strategy successfully forces them to close eventually.

Ken Gambon

From: City of Louisville, CO <LouisvilleCO@public.govdelivery.com>

Sent: Friday, March 3, 2023 1:11 PM

To: [kengambon](#)

Subject: Louisville EVC Wants Your Input!

Louisville EVC Wants Your Input!

Post Date: 03/03/2023 1:10 PM

Louisville City Council's Economic Vitality Committee (EVC) invites the business community to comment on a proposed Ordinance limiting the number of gas stations in Louisville during its March meeting on **Friday, March 10 @ 1:30 PM**. The EVC wishes to provide an opportunity for the business community to comment prior to the March 21 public hearing at City Council.

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The first reading of this ordinance was held on Tuesday, February 21. Additional information on Ordinance No. 1851, Series 2023 is available [online](#).

[Click here for more information](#)

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Austin Brown

From: Mike Deborski
Sent: Friday, March 3, 2023 10:37 AM
To: Austin Brown; City Council
Cc: Eric Lund
Subject: Fuel Station Ordinance

Thank you Austin for this reach out to our business community on such an impacting ordinance on many levels. I hope that you have the means to make contact with our entire business community. I do intend to share my concerns and hope the concerns of our business community, Chamber of Commerce and DBA are not just heard but truly acted upon by our city council.

I look forward to the meeting.

Michael Deborski
303-666-8240 Office before 3 P
720-312-5285 Cell After 3 P

From: City of Louisville <info@louisvilleco.gov>
Sent: Wednesday, March 1, 2023 3:14 PM
To: Mike Deborski <> **Subject:** Louisville EVC
Wants Your Input!



CITY OF LOUISVILLE
**ECONOMIC
VITALITY**

We're here to help your
business thrive.



Louisville EVC Wants Your Input!

Louisville City Council's Economic Vitality Committee (EVC) invites the business community to comment on a proposed Ordinance limiting the number of gas stations in Louisville during its March meeting on **Friday, March 10 @ 1:30 PM**. The EVC wishes to provide an opportunity for the business community to comment prior to the March 21 public hearing at City Council.



Louisville City Council Economic Vitality Committee March Meeting

Friday, March 10

1:30 PM

Louisville City Hall (749 Main Street)

Louisville City Council will hold a public hearing for the second reading of [Ordinance No. 1851, Series 2023](#) on Tuesday March 21. This ordinance would cap the number of gasoline and automobile service stations within Louisville to six facilities. The ordinance also requires a minimum number of EV fast charging stations for any new or expanding gasoline or automobile service station to be at least 1,000 feet from any existing station, and any abandoned facility would lose its zoning approval if the use is discontinued for 12 months. The ordinance provides an exception to allow a seventh gasoline or automobile service station and an exception to the spacing requirement if the new facility is part of a new single-user retail center of 80,000 SF or more.

The first reading of this ordinance was held on Tuesday, February 21. Additional information on Ordinance No. 1851, Series 2023 is available [online](#).



Austin Brown

Economic Vitality Specialist

303-335-4529

abrown@louisvilleco.gov

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Austin Brown

From: kengambon
Sent: Wednesday, March 8, 2023 12:35 PM
To: Austin Brown; Kayla Betzold
Subject: FW: Louisville EVC Wants Your Input!

Louisville continues to lose businesses every year and I don't understand why you would stop ANY economic growth in Louisville with this kind of ordinance. We have so many empty buildings in the TECH center, along the McCaslin Blvd corridor and now with Medtronic's moved to Lafayette – two buildings being emptied along Dillon Road and 2 new empty buildings on highway 42/95 street just north of Dillon Road.

Economics will determine IF another gas station is viable and useful and if NOT it will not be built or will close quickly if your electric car push puts it out of business. If you want to do something useful, establish strategies and plans to grow the commercial economic base in Louisville and measure your success every year and report to citizens how successful you have been.

Gas stations must have a 'going out of business' strategy and funded plan that requires all buried gas tanks to be removed and soil reconditioned as your EV strategy successfully forces them to close eventually.

Ken Gambon

From: City of Louisville, CO <LouisvilleCO@public.govdelivery.com>
Sent: Friday, March 3, 2023 1:11 PM
To: kengambon@gmail.com
Subject: Louisville EVC Wants Your Input!

Louisville EVC Wants Your Input!

Post Date: 03/03/2023 1:10 PM

Louisville City Council's Economic Vitality Committee (EVC) invites the business community to comment on a proposed Ordinance limiting the number of gas stations in Louisville during its March meeting on **Friday, March 10 @ 1:30 PM**. The EVC wishes to provide an opportunity for the business community to comment prior to the March 21 public hearing at City Council.

Louisville City Council will hold a public hearing for the second reading of [Ordinance No. 1851, Series 2023](#) on Tuesday March 21. This ordinance would cap the number of gasoline and automobile service stations within Louisville to six facilities. The ordinance also requires a minimum number of EV fast charging stations for any new or expanding gasoline or automobile service station to be at least 1,000 feet from any existing station, and any abandoned facility would lose its zoning approval if the use is discontinued for 12 months. The ordinance provides an exception to allow a seventh gasoline or automobile service station and an exception to the spacing requirement if the new facility is part of a new single-user retail center of 80,000 SF or more.

The first reading of this ordinance was held on Tuesday, February 21. Additional information on Ordinance No. 1851, Series 2023 is available [online](#).

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Main St, Louisville, CO 80027



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Austin Brown

From: Katie Lacz
Sent: Friday, March 10, 2023 10:57 AM
To: Austin Brown
Subject: My support for the gas station cap ordinance

You don't often get email from lacz.katie@gmail.com. [Learn why this is important](#)

To the Economic Vitality Committee,

I am a resident of Louisville, not far off of McCaslin and near Fireside Elementary. I had hoped to attend today's meeting at 1:30, but my 5-year-old daughter is home sick today. Therefore, I'd like to express via email my strong support for the ordinance putting a cap on the number of gas stations in Louisville. We are in a climate crisis, and we need to wean ourselves off of reliance on fossil fuels as soon as possible -- the Marshall Fire shows what kind of extreme weather is in our future, and I want to do everything possible to mitigate the worst effects of climate change. I do this for my daughter and son, and for the entire rising generation, which deserves a livable planet. Thank you for taking this action in an effort to continue to be leaders in sustainability here in Louisville.

Sincerely,

Katie Lacz
874 W. Mulberry St.

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From: [Walter M Sharp, SETVG](#)
To: [City Council](#)
Subject: public comment ORDINANCE 1851, SERIES 2023
Date: Wednesday, March 15, 2023 8:53:08 PM

[Some people who received this message don't often get email from walter@setventuresgroup.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

I recently became aware of ORDINANCE 1851, SERIES 2023 – AN ORDINANCE AMENDING TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE CAPPING THE MAXIMUM NUMBER OF GASOLINE AND AUTOMOBILE SERVICE STATIONS from tonight's SUSTAINABILITY ADVISORY BOARD agenda.

I suggest the Council consider the implications, if any, this Ordinance may have on New hydrogen zero emission vehicle refueling, servicing, and repair.

Existing gasoline stations, may be repurposed (over time) for hydrogen refueling providing available space and safety requirements can be met.

Alternatively stand-alone hydrogen refueling stations may be appropriate.

In addition, hydrogen and/or battery electric zero emission vehicle repair facilities will, by necessity, have a preference to provide 'refueling' services for service and repair customers as well as the general public.

~~~~~

With deep appreciation for your time and consideration in these matters,  
Walter

\*\*\*

Walter M. Sharp  
Founder & Chief Collaboration Architect  
SET Ventures Group, LLC  
dba Sharper Energy Technologies  
Littleton CO USA  
+1 720.232.1089

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**From:** [tamar krantz](#)  
**To:** [City Council](#)  
**Subject:** Gas Station Ordinance Air Impacts  
**Date:** Thursday, March 16, 2023 10:38:54 PM  
**Attachments:** [Louisville Gas station emissions and equivalents.xlsx](#)  
[Petroleum Release Events in Colorado Oil Public Safety.csv](#)

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Dear City Council Members,

Thanks for asking for community input about the gas station ordinance. I am writing as a resident not representing the Planning Commission.

I listened to many comments during the EVC and LSAB meeting discounting the impact of a gas station cap. Even members of LSAB claimed that reducing the number of gas stations is not going to have a significant sustainability benefit compared to other measures on the table for Louisville. I have not heard the basis for these assumptions.

I heard during the LSAB meeting that Louisville is considering a program to support the purchase of electric bicycles. This would be a wonderful way to reduce vehicle miles traveled in Louisville. I also saw in the city work plan that Louisville is considering a program to "Prohibit the sale and use of gasoline powered landscape equipment." Eliminating even one gas station will have more impact than either of these programs in terms of hydrocarbon emissions.

The average Louisville gas station reports about 4 tons of VOC per year. We would need to replace the annual usage of 300 cars with e-bikes to reduce the amount of VOC added by an average Louisville gas station. Alternatively, we would have the same effect if we were to eliminate every gas powered lawn mower in Louisville. If this ordinance prevents one gas station, it is worthy of the effort.

I am including a more detailed explanation below and spreadsheets with calculations.

Many residents have expressed that a gas station cap is a move in the right direction to achieve Colorado and Louisville's climate goals. The GHG reduction benefit is more indirect because it is part of a long term reduction in gas-powered vehicle miles traveled. The detriments of gas stations will become more apparent as we get closer to a complete phase out of gas-powered cars. I realize that the VOC reduction benefits of a gas station cap are only part of the reason you should approve this ordinance.

Tamar Krantz  
Ward 3

Assumption

(1) The average Louisville gas station reports 4 tons of VOC per year.

Gas stations produce emissions from filling, breathing, refilling, and spillage. Breathing is the emissions from storage tank vents that occur as temperature and pressure changes. In a nonattainment area, gas stations must report emissions of VOCs if they exceed 1 ton per year.

Air Pollution Emissions Notices (APEN) from four Louisville gas stations were available. No actual data has been reported for the gas station on 96th Street, so I took the average annual emissions from four gas stations. King Soopers gas station reported 7.4 tons and the small gas station on Pine street reported 0.7 tons. This data is shown on the first sheet "Louisville Gas station emissions". The average is calculated in cell D10. There is an example APEN shown on the sheet titled "King Soopers".

To verify this data, I used the model which calculates VOC emissions based on throughput. Using the reported actual throughput reported in the APENs The VOC emissions come back a little less. The model is shown on the second sheet "Emissions calculator from CDPHE". The average from the modeled data is shown in cell E10. Currently this sheet includes the throughput for the king soopers station of 3,156,263 gallons. Calculations are based on Stage 1 vapor recovery systems. (Stage 2 systems, on the pumps, are not required in Colorado.)

On another note, the average Louisville gas station produces 370 pounds of total HAPs (cancer causing BTEX) per year. There are many studies linking working at a gas station to cancer risk. California recommends 50 to 300 foot setbacks from gas stations for sensitive uses like daycares or hospitals. (Distance depends upon gas station throughput and other factors). Gas stations are not required to report emissions of hazardous air pollutants (HAPS) under 250 pounds. Therefore the APENs do not show emissions data for all HAPs.

As you know, VOCs are not GHGs, but VOC emissions produce ground level ozone (with Nox and sunlight). While ozone is short-lived in the atmosphere, it does trap heat. The main problem with ozone is the fact that it is highly reactive, and penetrates deep into our lungs. We are in a severe nonattainment area for ozone, according to the NAAQS, health-based standards.

(2) We would need to replace the annual usage of 300 cars with e-bikes to reduce the amount of VOC added by an average Louisville gas station.

I estimated that one car driving for a year produces 0.013 tons of total hydrocarbons per year. I assumed that an average car drives 14,263 miles per year. I also assumed that the average Louisville car is a light duty vehicle manufactured between the year 2000 and 2023. Emission factors for hydrocarbons vary significantly for different types and sizes of vehicles.

These emission factors are shown on sheet titled “emissions by year” . I averaged the emission factors for light duty cars from the year 2000 to 2023 to come up with 0.84 grams per mile. This would be greater if we factored in cars that are older than 2000 or included light duty trucks.

The sheet titled “vehicle emissions” shows how I arrived at the assumption that 300 cars driving for a year would emit nearly 4 tons of total hydrocarbon, which is equal to the amount of VOC emissions from one average gas station. Cell B11 shows this calculation. (HC to VOC is near 1:1 ratio).

(3) We would need to eliminate every home gas powered lawn mower in Louisville to reduce the equivalent of one gas station’s fugitive emissions.

The sheet title “Lawn Mowers” shows how I arrived at approximately 4 tons per year for all of our lawn mowers.

I assumed that there are 5,880 lawn mowers in Louisville based on 8,400 households and an average ownership rate of 0.63 mowers per household. Assuming that 0.7 of those are gas powered (as opposed to electric), there are 3,704 gas powered lawn mowers in Louisville. The links for these assumptions are shown in column D.

Obviously there is much variety in home lawn mower types. I did calculations for a 3.5 HP mower because I read that the average HP of a mid range push rotary lawn mower is 3.5. I assumed 24 hours per year operating time based on 4 months a year at 1.5 hours per week. I arrived at 2.47 pounds per year per mower using the emission factor from EPA of 13.39 grams/hp-hr.

The emission factors are shown on sheet “lawn mower EF”. You can see that this is for an overhead valve 4 stroke engine. I am not an expert on lawn equipment so I relied on google searches. Again, this is a ballpark, order of magnitude estimate. It would be easy to substitute another emission factor into the spreadsheet. Emissions would increase significantly if we had assumed a large portion of 2-stroke lawn mowers. Since these are being phased out, I did not include them in the calculations.

Please note that I sent an email to LSAB in which I estimated a gas station produces about 1 ton per year VOC. That was based on a 4-fold underestimation of throughput. I have since found actual data reports from our gas stations. These data points can be fine tuned. Please look at data before accepting claims of environmental impact or lack of impact.

Finally, I'm attaching a spreadsheet with petroleum release events in Louisville. Another drawback to gas stations are accidental releases.



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Table 4. Emissions and BSFCs for Class I Nonhandheld Small SI Engines (< 225cc)\*

| Engine Tech Type                                  | HC<br>g/hp-hr | CO<br>g/hp-hr | NO <sub>x</sub><br>g/hp-hr | PM<br>g/hp-hr | BSFC<br>lb/hp-hr |
|---------------------------------------------------|---------------|---------------|----------------------------|---------------|------------------|
| G2N1 (gas 2-stroke nonhandheld Class I, baseline) | 207.92        | 485.81        | 0.29                       | 7.7           | 0.870            |
| G4N1S (side-valve, 4-stroke, baseline)            | 38.99         | 430.84        | 2.00                       | 0.06          | 1.365            |
| G4N1O (overhead-valve, 4-stroke, baseline)        | 13.39         | 408.84        | 1.80                       | 0.06          | 0.991            |
| G4N1S1 (Phase 1 side-valve, 4-stroke)             | 8.40          | 353.69        | 3.60                       | 0.06          | 0.921            |
| G4N1O1 (Phase 1 overhead-valve, 4-stroke)         | 8.40          | 351.16        | 3.24                       | 0.06          | 0.781            |
| G4N1S2 (Phase 2 side-valve, 4-stroke)             | 7.68          | 288.24        | 1.92                       | 0.26          | 0.921            |
| G4N1O2 (Phase 2 overhead valve, 4-stroke)         | 6.51          | 293.01        | 2.45                       | 0.04          | 0.781            |
| G4N1S3 (Phase 3 side-valve, 4-stroke)             | 4.18          | 238.45        | 1.04                       | 0.18          | 0.921            |
| G4N1O3 (Phase 3 overhead valve, 4-stroke)         | 3.80          | 242.40        | 1.42                       | 0.04          | 0.781            |

\* Assigned NONROAD hp range: 3-6 hp

Table 5. Emissions and BSFCs for Class II Nonhandheld Small SI Engines (≥ 225cc)\*

| Engine Tech Type                                   | HC<br>g/hp-hr | CO<br>g/hp-hr | NO <sub>x</sub><br>g/hp-hr | PM<br>g/hp-hr | BSFC<br>lb/hp-hr |
|----------------------------------------------------|---------------|---------------|----------------------------|---------------|------------------|
| G2N2 (gas 2-stroke nonhandheld Class II, baseline) | 207.92        | 485.81        | 0.29                       | 7.7           | 0.870            |
| G4N2S (side-valve, 4-stroke, baseline)             | 9.66          | 430.84        | 2.06                       | 0.06          | 0.937            |
| G4N2O (overhead-valve, 4-stroke, baseline)         | 5.20          | 408.84        | 3.50                       | 0.06          | 0.937            |
| G4N2S1 (Phase 1 side-valve, 4-stroke)              | 5.50          | 387.02        | 4.50                       | 0.06          | 0.868            |
| G4N2O1 (Phase 1 overhead valve, 4-stroke)          | 5.20          | 352.57        | 3.50                       | 0.06          | 0.740            |
| G4N2O2 (Phase 2 overhead valve, 4-stroke)          | 4.16          | 352.57        | 2.77                       | 0.06          | 0.740            |
| G4N23a (Phase 3 overhead-valve, 4-stroke)          | 3.17          | 321.94        | 1.01                       | 0.06          | 0.735            |

\* Assigned NONROAD hp range: 6-25 hp

Spark-Ignition Engines > 25 hp

| Release Nu | Event ID | Facility ID | Site Name                     | Address     | City       | Zip   | State | County  | Status | Release Date | Closure_Date | No Further Contact | Phone                   | Email       | Latitude | Longitude | Latitude, L | Release So | Release Ca      | Reimburse       | Release Record Link                                                                                   |
|------------|----------|-------------|-------------------------------|-------------|------------|-------|-------|---------|--------|--------------|--------------|--------------------|-------------------------|-------------|----------|-----------|-------------|------------|-----------------|-----------------|-------------------------------------------------------------------------------------------------------|
| REL-00322  | 518      | 7679        | CDOT Superior                 | 7979 Marsl  | Louisville | 80027 | CO    | Boulder | Closed | 5/12/1992    | 1/19/1995    | Pre-RBCA           | Edgar Ethir (303) 318-4 | cdle_ops_   | 39.96224 | -105.178  | 39.962239   | -105.178   | 105             |                 | <a href="https://socgov18.force.com/s/release/a183hi">https://socgov18.force.com/s/release/a183hi</a> |
| REL-00467  | 7429     | 9244        | 7-Eleven #18698               | 1110 S Bou  | Louisville | 80027 | CO    | Boulder | Closed | 4/23/1999    | 7/11/2007    | Tier II            | Vinny Seco (303) 318-8  | vinny.seco  | 39.98675 | -105.131  | 39.986748   | Dispenser  |                 |                 | <a href="https://socgov18.force.com/s/release/a183hi">https://socgov18.force.com/s/release/a183hi</a> |
| REL-00574  | 11333    | 19051       | Former Young Northern Mac     | 100 Courte  | Louisville | 80027 | CO    | Boulder | Closed | 1/3/2011     | 1/4/2011     | Tier I             | Tim Kelley (303) 318-4  | cdle_ops_   | 39.97515 | -105.128  | 39.975149   | -105.127   | 772             |                 | <a href="https://socgov18.force.com/s/release/a183hi">https://socgov18.force.com/s/release/a183hi</a> |
| REL-00264  | 10759    | 18689       | ConocoPhillips Campus         | 1 Storage T | Louisville | 80027 | CO    | Boulder | Closed | 12/4/2008    | 1/2/2009     | Tier I             | Tina Sando (303) 318-4  | cdle_ops_   | 39.77378 | -104.858  | 39.77378    | -104.857   | 867             |                 | <a href="https://socgov18.force.com/s/release/a183hi">https://socgov18.force.com/s/release/a183hi</a> |
| REL-01248  | 353      | 12559       | Varra Co Site                 | 2115 S 96t  | Louisville | 80027 | CO    | Boulder | Closed | 4/12/1993    | 11/2/1994    | Pre-RBCA           | Ed Larock (303) 318-4   | cdle_ops_   | 39.94962 | -105.128  | 39.949622   | -105.128   | 097             |                 | <a href="https://socgov18.force.com/s/release/a183hi">https://socgov18.force.com/s/release/a183hi</a> |
| REL-00800  | 2336     | 1484        | Western Gas - Louisville      | Dillon Rd 1 | Louisville | 80027 | CO    | Boulder | Closed | 8/11/1992    | 9/25/1992    | Pre-RBCA           | Edgar Ethir (303) 318-4 | cdle_ops_   | 39.95793 | -105.142  | 39.95793    | -105.142   | 371             |                 | <a href="https://socgov18.force.com/s/release/a183hi">https://socgov18.force.com/s/release/a183hi</a> |
| REL-00622  | 11539    | 14291       | Golden Concrete Co            | 1125 Short  | Louisville | 80027 | CO    | Boulder | Closed | 10/28/2011   | 11/15/2011   | Tier I             | Erik Gesser (303) 318-4 | cdle_ops_   | 39.98088 | -105.129  | 39.980876   | -105.128   | 57              |                 | <a href="https://socgov18.force.com/s/release/a183hi">https://socgov18.force.com/s/release/a183hi</a> |
| REL-00514  | 10738    | 4887        | 7-Eleven #27728               | 300 S Mcca  | Louisville | 80027 | CO    | Boulder | Closed | 10/16/2008   | 11/25/2008   | Tier I             | Tim Kelley (303) 318-4  | cdle_ops_   | 39.96572 | -105.163  | 39.965723   | -105.162   | 696             |                 | <a href="https://socgov18.force.com/s/release/a183hi">https://socgov18.force.com/s/release/a183hi</a> |
| REL-00015  | 11192    | 4887        | 7-Eleven #27728               | 300 S Mcca  | Louisville | 80027 | CO    | Boulder | Closed | 6/28/2010    | 9/7/2010     | Tier I             | Tim Kelley (303) 318-4  | cdle_ops_   | 39.96572 | -105.163  | 39.965723   | -105.162   | 6               | Physical Damage | <a href="https://socgov18.force.com/s/release/a183hi">https://socgov18.force.com/s/release/a183hi</a> |
| REL-00015  | 11664    | 4887        | 7-Eleven #27728               | 300 S Mcca  | Louisville | 80027 | CO    | Boulder | Closed | 6/4/2012     | 8/13/2012    | Tier I             | Tim Kelley (303) 318-4  | cdle_ops_   | 39.96572 | -105.163  | 39.965723   | -105.162   | 6               | Other           | <a href="https://socgov18.force.com/s/release/a183hi">https://socgov18.force.com/s/release/a183hi</a> |
| REL-00015  | 5130     | 4887        | 7-Eleven #27728               | 300 S Mcca  | Louisville | 80027 | CO    | Boulder | Closed | 5/23/1991    | 8/6/1997     | Pre-RBCA           | Dennis Hot (303) 318-4  | cdle_ops_   | 39.96572 | -105.163  | 39.965723   | -105.162   | 696             |                 | <a href="https://socgov18.force.com/s/release/a183hi">https://socgov18.force.com/s/release/a183hi</a> |
| REL-00192  | 11319    | 3197        | Corner Store - CO0003         | 1135 E Sou  | Louisville | 80027 | CO    | Boulder | Closed | 12/7/2010    | 12/12/2013   | Tier II            | Tim Kelley (303) 318-4  | cdle_ops_   | 39.98725 | -105.129  | 39.987249   | -105.129   | 2               | Other           | <a href="https://socgov18.force.com/s/release/a183hi">https://socgov18.force.com/s/release/a183hi</a> |
| REL-00254  | 13905    | 3197        | Corner Store - CO0003         | 1135 E Sou  | Louisville | 80027 | CO    | Boulder | Closed | 10/15/2020   | 3/9/2022     | Tier II            | Patrick Law (303) 318-4 | cdle_ops_   | 39.98725 | -105.129  | 39.987249   | Submersibl | Physical Damage |                 | <a href="https://socgov18.force.com/s/release/a183hi">https://socgov18.force.com/s/release/a183hi</a> |
| REL-00282  | 13158    | 19475       | Sid Copeland Treatment Plan   | 1955 N Wa   | Louisville | 80027 | CO    | Boulder | Closed |              | 10/16/2018   | Tier I             | Kyle Campl (303) 945-8  | kyle.campl  | 39.99258 | -105.155  | 39.992575   | -105.155   | 2               | Other           | <a href="https://socgov18.force.com/s/release/a183hi">https://socgov18.force.com/s/release/a183hi</a> |
| REL-00313  | 8032     | 5478        | Charter Behavioral Health Sys | 2255 S 88t  | Louisville | 80027 | CO    | Boulder | Closed |              |              | Administra         | Scott Wint (303) 318-4  | cdle_ops_   | 39.95182 | -105.148  | 39.951816   | -105.148   | 263             |                 | <a href="https://socgov18.force.com/s/release/a183hi">https://socgov18.force.com/s/release/a183hi</a> |
| REL-01123  | 2745     | 4231        | Storage Technology Corp       | 2270 S 88t  | Louisville | 80027 | CO    | Boulder | Closed | 10/15/1988   | 7/15/2003    | Tier I             | Dennis Hot (303) 318-4  | cdle_ops_   | 39.94083 | -105.133  | 39.94083    | -105.133   | 33              |                 | <a href="https://socgov18.force.com/s/release/a183hi">https://socgov18.force.com/s/release/a183hi</a> |
| REL-00800  | 10634    | 5435        | Louisville 66                 | 701 Main S  | Louisville | 80027 | CO    | Boulder | Closed | 6/2/2008     |              | Administra         | Tim Kelley (303) 318-4  | cdle_ops_   | 39.97707 | -105.132  | 39.977071   | -105.132   | 242             |                 | <a href="https://socgov18.force.com/s/release/a183hi">https://socgov18.force.com/s/release/a183hi</a> |
| REL-00800  | 7799     | 5435        | Louisville 66                 | 701 Main S  | Louisville | 80027 | CO    | Boulder | Closed | 6/2/2008     | 6/1/2015     | Tier II            | Vinny Seco (303) 318-8  | vinny.seco  | 39.97707 | -105.132  | 39.977071   | -105.132   | 242             |                 | <a href="https://socgov18.force.com/s/release/a183hi">https://socgov18.force.com/s/release/a183hi</a> |
| REL-01106  | 11021    | 6321        | Stairs Inc                    | 543 S Pierc | Louisville | 80027 | CO    | Boulder | Closed |              |              | Administra         | Tim Kelley (303) 318-4  | cdle_ops_   | 39.96228 | -105.122  | 39.962275   | -105.122   | 4               | Other           | <a href="https://socgov18.force.com/s/release/a183hi">https://socgov18.force.com/s/release/a183hi</a> |
| REL-00282  | 12366    | 2619        | City Of Louisville Waste Wate | 1555 Empii  | Louisville | 80027 | CO    | Boulder | Closed | 10/9/2015    | 2/2/2016     | Tier I             | Michelle Hr (720) 326-1 | michelle.hr | 39.97822 | -105.12   | 39.978218   | -105.119   | 9               | Other           | <a href="https://socgov18.force.com/s/release/a183hi">https://socgov18.force.com/s/release/a183hi</a> |
| REL-00735  | 13575    | 3903        | KLT Gas & Grocery             | 947 Pine St | Louisville | 80027 | CO    | Boulder | Closed | 10/23/2019   | 4/28/2020    | Tier I             | Kyle Campl (303) 945-8  | kyle.campl  | 39.97693 | -105.131  | 39.976927   | -105.131   | 2               | Physical Damage | <a href="https://socgov18.force.com/s/release/a183hi">https://socgov18.force.com/s/release/a183hi</a> |
| REL-01254  | 7515     | 3903        | KLT Gas & Grocery             | 947 Pine St | Louisville | 80027 | CO    | Boulder | Closed | 6/15/1999    | 3/21/2000    | Pre-RBCA           | Robert Sho (303) 318-4  | cdle_ops_   | 39.97693 | -105.131  | 39.976927   | -105.131   | 222             |                 | <a href="https://socgov18.force.com/s/release/a183hi">https://socgov18.force.com/s/release/a183hi</a> |
| REL-00120  | 6007     | 6779        | My Goods Market #6529         | 191 S McC   | Louisville | 80027 | CO    | Boulder | Closed | 8/21/1997    |              | Administra         | Craig Work (303) 318-4  | cdle_ops_   | 39.96925 | -105.164  | 39.969254   | -105.164   | 289             |                 | <a href="https://socgov18.force.com/s/release/a183hi">https://socgov18.force.com/s/release/a183hi</a> |

Closing Statement by Staff:

None is heard.

Discussion by Commissioners:

**Krantz** says she is in support of this proposal and thanks the public comment.

**Osterman** supports the resolution and applauds all the neighborhood effort.

**Choi** says he is in support as well. He appreciates the homeowners coming together without having an HOA.

**Moline** is in support of this and thanks the neighborhood for all the hard work done.

**Howe** thanks staff for working on this with the neighborhood and the citizens collaborating with City staff.

**Brauneis** says he is in favor of this. He is excited that the neighbors were able to come together even with different design standards.

**Moline** moves and **Krantz** seconds a motion to approve Resolution 5, 2023.

Motion passes unanimously by a roll call vote.

**B. Municipal Code Amendment – Gasoline and Automobile Service**

**Station Cap** – Adoption of Resolution 6, Series 2023 recommending approval of an ordinance amending Title 17 of the Louisville Municipal Code capping the maximum number of gasoline and automobile service stations located within the City of Louisville.

Case Planner: Rob Zuccaro, Director of Community Development

Applicant: City of Louisville

Cathern Smith, 608 West St

**Smith** says her public comment is regarding a preference for not giving her address when giving public comment. She has been stalked in the past and there is nothing she is aware of by the law that forces her to give her address. She is happy to say she is a resident of Louisville and is willing to say what ward she lives in. She thinks that should be the general rule for public comment procedure.

All notice was met as required and there is no commissioner conflict of interest.

Staff Presentation:

**Zuccaro** gives background on this proposal. On November 1, 2022, the City adopted a moratorium on new land use applications. This will be expiring on September 30, 2023. That adoption was in response to a citizen initiative to ban new gasoline and automobile service stations. The moratorium does not affect the Murphy Express on McCaslin Blvd because it only affects new PUD and SRU applications. Earlier this year, City Council adopted their 2023 work plan and they asked staff to initiate an ordinance to regulate gasoline and automobile service stations. He mentions that new gasoline and automobile service stations can cause health and environmental concerns and can prevent the usage of electric vehicles.

Staff is proposing a limit of six facilities. There are currently five developed facilities and then there is the Murphy Express. If a facility has an approved PUD/SRU and they do not get a building permit within three years of approval, that PUD/SRU will expire. If an existing gasoline or automobile service station discontinues use for 12 months, they will lose their PUD/SRU approval. This ordinance will also require a 1,000 ft spacing between facilities. Staff is proposing an exception to the number and spacing for a new large retail center (at least 80,000 s.f.) that would include a gasoline or automobile service station that would be an integral part of the center.

**Staff Recommendation:**

Staff is recommending approval of Resolution 6, Series 2023.

**Commissioner Questions of Staff:**

**Choi** says in the proposed language, it talks about gasoline, oil, or other fuel for motor vehicles. There is some ambiguity in motor vehicles. Does the proposed language prevent the development of a hydrogen fueling station?

**Zuccaro** says we did not consider alternative fuel types and allowing those outside of gasoline. This would have a cap on any type of fuel station for an automobile.

**Brauneis** asks if electricity is considered a fuel.

**Zuccaro** says a charging station is not considered a fuel.

**Choi** asks what the reasoning is for the 1,000 ft separation.

**Zuccaro** says the petitioners' proposal was 2.5 miles of separation. Their proposal is strictly a ban versus staff's which is not. Staff proposes 1,000 ft because if there is not an existing gas station in a part of town, staff would not be opposed to having one there where it can serve the resident's needs. Many times gas stations tend to cluster in proximity so we think having a standard separation would be best.

**Osterman** asks about placing the cap at six and if there was any analysis done in order to figure that six was the appropriate amount.

**Zuccaro** says the main reasoning was to accommodate what we have now. We could not come up with a per capita demand. Many gas stations serve more than just the residents of our city. Staff anticipates an eventual phasing out of gas stations but staff just doesn't know how long that will take.

**Krantz** asks if he can explain the exception for the retail center. Is there any development like this coming up in the near future?

**Zuccaro** says we cannot talk about pending applications but we do not have a pending application that affected the creation of this exception. The City has been interested in recruiting that type of business in the past. At this time, we do not want to completely ban gasoline stations that could prohibit a large retail center.

**Brauneis** says on that issue, staff used the word "integral." What is staff's definition for that?

**Zuccaro** says we do not have a definition for it. Staff says that to be integral it has to be on the same lot or an adjoining lot. We did look up common definitions of that word and it really just means that it is necessary to the whole. We are open to another word that better encompasses the intent.

**Moline** asks if the 80,000 square foot requirement applies to anything in that mall area or on a particular lot.

**Zuccaro** says it would be a single user retail center of 80,000 or more like “big box” retailer or grocery store like a King Soopers or Costco.

**Krantz** asks if the current big box store vacancies on McCaslin Blvd. are further than 1,000 ft from the proposed Murphy Express and existing 7-Eleven.

**Zuccaro** says no, that is why the ordinance is written to have an exception for the cap and spacing requirement.

**Krantz** says she is also concerned with the definition of “integral.” She gives an example of King Soopers and how not every store has a gas station. It seems like King Soopers can still thrive without one. Would that disqualify it from being integral?

**Zuccaro** says he thinks what we mean in the ordinance is if a single use, large retailer approaches the city and they would like to have a fueling station, then he thinks we would say it is integral. We could get a grocery store of any brand without one but we do not want to exclude one.

**Brauneis** asks if the word “integral” is the exact word on the presentation slide.

**Zuccaro** says no, he can bring up the exact text.

**Howe** says when looking at the requirements for an automobile service station, could there be a station that does not qualify under this section? For example, if they do not sell fuels but they still service cars. Would the limitations then not apply to them?

**Zuccaro** says the way this is drafted, it would not apply to an automobile repair station or an oil change business. It has to be selling fuel in order to be called an automobile service station.

**Howe** asks about a definition of fuel. He is not sure if that applies to hydrogen fuels but that might be something that we need to better define.

**Zuccaro** says he would need to do more research on that.

**Brauneis** mentions that he is hesitant to approve hydrogen right now since most hydrogen is created by stripping it from petroleum products.

**Krantz** asks why it matters whether a gas station has ceased operations for the approval of the SRU.

**Zuccaro** says there are two provisions in the SRU code. It says if you get an SRU approved and the applicant doesn’t initiate that SRU within a year, it does not automatically expire but City staff or the Planning Commission can recall the SRU and bring it back to a hearing and maybe revoke the approval. The other is that if an applicant starts operating and it ceases operation for a year, that SRU’s approval expires. Not all gas stations are approved as an SRU and are approved through other paths so we wanted to lump everything together to clarify the process.

**Choi** says the ordinance would allow only one more gas station or one exception.

**Zuccaro** says that is correct.

**Brauneis** says hypothetically, if there were gasoline station operators and they proposed to voluntarily not build any more gas stations and wanted carbon credits for this, we would be insulted. He is curious if there are any studies that indicate that a cap will reduce consumption of gasoline.

**Zuccaro** says he does not know if that study exists or not.

**Brauneis** says regarding underground storage tanks, is staff familiar with the history of that in Louisville and any of them we have had to deal with?

**Zuccaro** says he is aware of an abandoned cavern under Main Street that was part of an underground tank where that gas station used to be.

**Brauneis** says as gasoline begins to die, will we be better off with the newer tanks than the older ones? It does not sound like we are aware of any current issues. The City has not had to do any remediation for abandoned storage tanks correct?

**Zuccaro** says not that he is aware of.

**Brauneis** says if we do not have data that this all will result in a decrease of gasoline consumption and decrease of ground level ozone, he thinks they should be careful in why they are doing this. Fewer gas stations probably does not slow the loss of biodiversity but only reduced gasoline consumption can do that. He discusses the California Local Government Climate Policy Tool and the most important items that need to be dealt with. The most important items are heating, electrification, commercial efficiency, urban infill, and then he mentions others on that list. He asks staff if the City is working on any of the items he has listed.

**Zuccaro** says the City adopted the residential and commercial 2021 International Energy Conservation Code including the net zero code for residential. We do have an additional energy standard for commercial that was just recently adopted. The City is also initiating a decarbonization plan. The work plan is also considering that all city equipment be electric and have a ban on using gasoline equipment.

**Krantz** mentions we have a City staff member who oversees environmental compliance. She asks if that person would be responsible for inspecting gas stations or is that at a different level?

**Zuccaro** says the City does not regulate that. That is done through the state.

**Public Comment:**

**Moline** moves and **Howe** seconds a motion to add addendum two into the packet. Motion passes with a unanimous voice vote.

Joshua Cooperman, 216 Griffith St

**Cooperman** says he is one of the petitioners to prohibit new gasoline stations. He appreciates the planning department consulting with him on the ordinance draft. He is in full support of limiting the number of gasoline stations in Louisville. His primary motivation is to speed up using less fossil fuels because of climate change. He would like to eliminate the option of a seventh gasoline station. He would prefer we do not allow any more of them. He recommends reducing the cap to five in the effect that the Murphy Express never is built. He also

recommends reducing the cap to one each time a gasoline station closes. Lastly, he recommends prohibiting gas stations in the Philips 66 rural district.

Cathern Smith, 608 West St

**Smith** says the human health concerns from gasoline stations extend to air quality, not just climate change. She goes into further detail on the effect of air quality. She then discusses the trends of gasoline stations in the United States, specifically mentioning the number of them through the years. This proposal favors more big box retailer's then small, business owners.

Beth McQuie, 972 St Andrews Ln

**McQuie** says she uses multiple gas stations in Louisville and she has never had a wait with more than one car ahead of her. She does not think there is a need for any additional gas stations. She proposes a ban on new ones or having a limit. She would love for Louisville to be a model for sustainability and an advocate for climate change.

Cathern Smith, 608 West St

**Smith** says she would like to see that if new gas stations are applied for, that they provide a needs based assessment to confirm a new one is needed within the City.

*Closing Statement by Staff:*

**Zuccaro** displays the ordinance for the commissioner's review.

**Brauneis** says he would like to remove the words "and integral" from the ordinance and leave it as "automobile service station as part of the retail center on the same or adjoining parcel." The goal of this language is to allow them to do that so why put a confusing word like integral in there.

**Choi** says there are some missing specifics in the language in discussing the retail center. He thinks there should be language that has correlation between the overall ratio of the proposed use would be. If there would be an exception that mentions size and use, there should be some bumpers on it.

**Brauneis** asks if eliminating the word integral provides a necessary bumper.

**Choi** says not necessarily but eliminating it further provides more clarity.

**Zuccaro** mentions there are many commercial centers where there is a gas station on an outlot just like Safeway. He is worried that if it only says a part of the retail center, it could be a different meaning. We could require that it be branded as part of the retail center.

**Moline** says he is wondering if keeping the word integral is trying to protect the retail center. Is it to make sure that we do not lose a slot of a gas station for something we are not looking for from an economic perspective?

**Zuccaro** says if there is a model that proposes a retail center and gas station and the City does not allow it because of the gas station, there is concern that they will go to a neighboring city.

**Choi** proposes replacing integral with saying "an accessory part" of the retail center.

**Zuccaro** says that would be a common zoning term. He likes that wording better than “integral.”

**Krantz** says she does not think we should have an exception. She would rather be more specific about this. She thinks there is a good reason for the 1,000 ft. She does not think there should be an exception for a large retail center.

**Osterman** asks staff if they could provide some insight on the four different suggestions made for strengthening the ordinance. She is more interested in the second and third suggestions.

**Zuccaro** says staff does anticipate that there will be a transition away from gasoline use. If there is still a demand, the proposed ordinance does provide for gasoline service to be available to residents. Considering that, allowing a limited number will be beneficial. As the market shifts, that will naturally limit the number and then the City does not have to force it. That is why we were thinking a cap would also work well.

*Discussion by Commissioners:*

**Choi** says he has difficulty getting around the language of the ordinance and if that did or did not align with the intent. The intent seems to point to the desire to lessen the use of, if not hasten, the end of the use of fossil fuels. He likes where it is going but he thinks there are parts that could use additional enhancements. If there is an economic benefit to the City of allowing an exception to allow a gas station with a big retail center, there should also be some further requirements like providing electric charging stations as well. This would actually facilitate the adoption of electric cars.

**Brauneis** says we have approximately 15 charging station locations within Louisville. We have two high-speed electric charges that happen to be at the newest gas station at 7-Eleven. He is not convinced that this will reduce global warming; that capping additional gas stations will cause a healthier environment. He is concerned about unintended consequences. The slower stations are great for people who work here, but that is not the issue. Typically, people who own an electric vehicle will charge at home because that is the cheapest way to keep the vehicle running. The challenge is meeting the need for the high-speed stations for people passing through town. The irony is that our newest gas station is the only location that has high-speed stations.

**Choi** would like to see language that is not only preventative.

**Brauneis** says right now, the newest gas station would be required under the parking requirements to provide charging stations.

**Choi** says that is the bare minimum. We should have language that facilitates the transition in favor of more electric charging stations, and have those be equal to the number of gas or diesel pumping stations.

**Krantz** thinks it is great that we have a proposed ordinance capping and limiting the number of gas stations. She is in favor of those four conditions proposed by Mr. Cooperman. If we are looking to reduce the amount of greenhouse gases, the City could be the first to limit the throughput of our gas stations rather than the number of gas stations. That would make much more of a difference. She would like to support this with these added points as conditions.



**Moline** says he is not opposed to this proposal. We have not seen evidence that we will change the city's carbon footprint by adopting this. He mentions City Council's sustainability work plan and says there are bigger goals the City needs to work towards. Those other goals could make a greater impact on the City's climate and sustainability goals than this effort. He would appreciate seeing data that shows that by limiting gas stations in a town, it would have a positive environmental impact.

**Howe** says he thinks this ordinance moves the needle in the right direction. He is not opposed to it. He discusses how the topic of energy is complicated. He would like to think that market demand would limit the number of gasoline stations without too much intervention. He says for residents that cannot afford electric vehicles, we cannot just get rid of gasoline stations. He believes this proposal balances the desire to move toward renewal energies yet provides services to those who cannot afford the change yet. This proposal also allows an exemption for future development that attracts new business, employment, and growth.

**Osterman** says she is in support of the ordinance. Two of the most compelling arguments are related to human health concerns and also the economic benefits. Placing a ban does not necessarily reduce the consumption of fossil fuels but there are other compelling reasons for supporting the ban. She is open to the language being strengthened as proposed by some of the citizens.

**Brauneis** says if we are pumping the same amount of gasoline, the chances are that new stations will have fewer emissions. As gasoline stations phase out, the older ones will also phase out. When a gas station closes, they are required to remove the underground storage tanks and remediate the site. He does not find that we are exposed to anything at that point in time.

**Krantz** mentions that the average cost to remediate a gas station is approximately \$250,000. It is the most common type of brown field site and ends up being because of petroleum contamination. She does not know how they can justify having more gas stations when car manufactures will stop producing gasoline vehicles in 2035. She discusses a proposed legislation at the state level banning gasoline vehicles and the effects of that.

**Choi** says he drives an electric vehicle for his daily commute but he also has a 45-year-old internal combustion vehicle. He would love to electrify his 45-year-old vehicle; he does not have the means to do that right now. There are significant numbers of people who may not have the ability to deal with a gasoline desert. We cannot make a determination only looking at one side of the coin.

**Brauneis** mentions that he wishes they were discussing facilitating support for getting the City to help multi-family housing install charging stations.

**Krantz** says the city ending up with a gasoline desert would be a little bit extreme. If we do approve this, in the petition's language, there was important whereas statements regarding the intent and is stronger than the staff version. Those show the purpose of a gasoline ban or reducing the cap through the years then the whereas statements that staff proposed. Specifically about the electric vehicles.

**Brauneis** says that some of the whereas statements are misleading, and he is not convinced it will lead to less gasoline consumption. Can you share the ones that seem important to you?

**Krantz** says the staff ordinance mentions about 2% electric vehicle adoption in Boulder County as opposed to 1% in the entire state. That statement does not support the need for reducing gas stations. It needs to include statements that show the intent of the petition's proposed ordinance such as the goals of reducing fossil fuels by 2050, the climate crisis and air-quality crisis instead of data from the Energy Office.

**Moline** asks if she can point to the ones that are sticking out.

**Krantz** mentions on "October 1, 2022, the Colorado Energy Office reports that there are 66,599 EV's registered in Colorado." That is followed by three more regarding the numbers of EV's. She does not feel that those give a compelling argument of why we need to cap the gas stations. The whereas statements proposed by the petitioner is stronger

**Brauneis** says he finds the City ones are stronger and that the petitioners reasoning's are more misleading. He does not think we will prevent any carbon dioxide from entering the atmosphere through this measure.

**Moline** says he would love to see the evidence that says that it will.

**Krantz** says that data does not yet exist but we could quantify would be the amount of stationary and fugitive emissions from fueling and tank venting.

**Brauneis** mentions that the state has not done vapor recovery for gasoline filling very well. He would love to see that. Costco did put something like that in recently and people have issues with the pumps shutting off and can be more finicky at times until you learn how to use them. A newer station is more likely to have vapor recovery then we would be better off than with the old stations that currently exist. He is not convinced that this cap will reduce fugitive emissions.

**Krantz** thinks that we could find an analysis that shows that it would. Would love the city to be the first in the country to limit the throughput of our gas stations.

**Moline** says when you look at the whereas statements in the proposed resolution, he is having a hard time with the third paragraph. He does not think we can say that because of the lack of evidence.

**Brauneis** says it does not exist. There are no studies. It is phenomenal that we are at 2% electric vehicle ownership in Boulder County. Limiting gas stations, however - people will still buy gas and we know that.

**Choi** says while placing the cap on the number of stations or pumps are admirable steps to reduce gasoline and diesel consumption but it's only effective if there is a viable alternative. He feels like the ordinance as written does not go far enough and does not think it is a long-term solution. It does go in the right direction but it needs some enhancements and additional requirements.

**Howe** says any development that is created affects energy. The goal of this is valid and when he reads the third paragraph, it seems like it is setting a clear goal. He does not think we are limiting much and still allowing more gasoline stations and development. That is why he thinks it is a healthy balance. We want to move towards more electric. Regardless whether gasoline stations actually

cause changes to the environment, this moves the needle in the right direction.

The idea is valid and that is why he would support this.

**Zuccaro** comments on the EV charging ordinance and the purposes of having these stations. It is a good idea to try to figure out how to replace the infrastructure to support more EV instead of just getting rid of it. We could look at the EV ordinance and improve upon that.

**Choi** talks about multi-family housing and the barrier of not having enough EV charging. He also mentions a large number of single-family homes where it is still difficult with parking only being accommodated on the street, such as in downtown, which causes an incapability of charging at home. He is generally in support of this.

**Brauneis** talks about the reasoning behind many families having only one EV vehicle instead of two and keeping a gas vehicle.

**Krantz** says this is about limiting the number of gas stations, not about how many EV stations there are. This is about economic common sense and how we do not need more gas stations because they will eventually be obsolete. She thinks we would see a lot of citizen support for banning or capping gas stations.

**Moline** says what he is leery about is that the climate emergency is going to require so much of humanity. We need to be thoughtful on where we put our time and effort. He wants it to be put into places that really make a difference. There is nothing before us that says this ordinance will make a difference. If it increases people's awareness of it then he is in support of that.

**Brauneis** says he feels comfortable striking that third whereas paragraph because the third whereas really borders on green washing and explains why. He would be okay with putting the cap in as written.

**Brauneis** moves to approve Resolution 6, 2023 with removing the third whereas paragraph as drafted.

**Choi** asks if protocol allows an amended adoption of the ordinance.

**Brauneis** says since he made the motion, he can choose whether Choi's amendment is friendly or not.

**Moline** says he seconds the motion.

**Choi** suggests replacing the third whereas paragraph to require an addition of high-speed electric vehicle charging stations with the construction of additional fuel pumps.

**Brauneis** says we would have to ask staff to draft that language.

**Zuccaro** says you could propose that all new or expanded gasoline stations shall be required to have one level three electric charging station per fuel pump. You could make that condition and it would not be difficult to draft. Your condition could be to have staff draft that condition.

**Brauneis** says he likes this idea of a condition but he thinks an equivalent number is not going to happen.

**Choi** explains his experience of using slow speed charging stations throughout the day since he does not have a fast speed charging capability at home.

**Brauneis** asks staff if they know how many gasoline pumps are at 7-Eleven.

**Zuccaro** says he would need clarification on whether or not they need each individual pump or pump housing.

**Brauneis** mentions that there are two EV charging stations at the 7-Eleven.

**Choi** says it seems like many of us have asked for data that supports some initiative or another. He wonders if we can get more data on what the right number could be.

**Brauneis** asks if he wants to continue this.

**Choi** agrees.

**Brauneis** says he is leaning towards two.

**Zuccaro** says there are ten pumps at the 7-Eleven. He mentions that City Council required the two charging stations and that they be fast speed.

**Choi** asks if it could be 20% instead of just two pumps.

**Brauneis** says he is comfortable with 20% or a minimum of two pumps, whichever is greater.

**Zuccaro** asks if that would be in addition to our other EV charging standards that do not require a level three.

**Choi** says if it already satisfies the requirement then that is fine as long it is 20% or two, whichever is greater.

**Zuccaro** says our base requirement is a percentage of the number of parking spaces required and then it has to have all three categories of installed, capable, and ready. He thinks staff could come up with language so that the ordinance requires a minimum of two level threes and meet the base code. This would count towards the base code as well.

**Choi** says he is okay with directing staff to draft that language for City Council.

**Krantz** says she thinks they are working really hard on something that does not exist yet such as the big box retail store.

**Choi** says this is drafting language for the qualifications of this requirement. This would be for the exemption or new gas pumps put in.

**Brauneis** moves and **Moline** seconds a motion to approve Resolution 6, 2023 with two conditions. The first being that any new gasoline station would have to provide either 20% or a minimum of two level three or above charging stations, whichever is greater. The second is to remove the word "integral" and replace it with "accessory." This approval is also contingent upon removing the third whereas paragraph from the draft language. Motion passes unanimously by a roll call vote.

### **Planning Commission Comments**

**Howe** mentions past Commissioner Hoefner accepting a City Council position.

**Krantz** mentions it was great getting a letter from our soon to be commissioner and she is looking forward to working with her.

### Staff Comments

**Zuccaro** mentions a possible, additional Planning Commission meeting on March 23 for discussing Accessory Dwelling Units.

**Kay Marchetti** discusses a hybrid open house on February 16 for Marshall Fire victims. Depending on feedback from that open house, staff could be bringing a draft ordinance on this topic to the March 23 meeting.

**RESOLUTION NO. 6  
SERIES 2023**

**A RESOLUTION RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING  
TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE CAPPING THE MAXIMUM  
NUMBER OF GASOLINE AND AUTOMOBILE SERVICE STATIONS LOCATED  
WITHIN LOUISVILLE**

**WHEREAS**, the City of Louisville is a Colorado home rule municipal corporation duly organized and existing under laws of the State of Colorado and the City Charter; and

**WHEREAS**, the City of Louisville remains committed to its adopted goals to reduce energy consumption, increase clean energy sources, and support the transition to a low-carbon community as outlined in the City's Sustainability Action Plan; and

**WHEREAS**, the Planning Commission has considered the proposal at a duly noticed public hearing on February 9, 2023, where evidence and testimony were entered into the record.

**NOW THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Louisville, Colorado does hereby recommend approval of an ordinance amending Title 17 of the Louisville Municipal Code capping the maximum number of Gasoline and Automobile Service Stations located within Louisville as drafted, with the following conditions:

1. Change the word "integral" to "accessory" in the last sentence of Section 17.16.340.A.
2. Add a new subsection to Section 17.16.340 that requires all new or expanded gasoline or automobile service stations to include a minimum number of level three direct current (DC) fast chargers equal to 20% of the number of gasoline pumps installed rounded to the nearest whole number with no fewer than two charging stations.

**PASSED AND ADOPTED** this 9<sup>th</sup> day of February, 2023

By: \_\_\_\_\_  
\_\_\_\_\_, Chair  
Planning Commission

Attest: \_\_\_\_\_  
\_\_\_\_\_, Secretary  
Planning Commission

# Memorandum

**To: Louisville City Council Members**  
**From: Louisville Sustainability Advisory Board**  
**Date: March 21, 2023**  
**Re: Ordinance 1851 – Gas Station Limitations**

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Dear members of the Louisville City Council,

This letter is in regards to the ordinance on the number of gas stations in Louisville, which the Louisville Sustainability Advisory Board (LSAB) discussed at length during our March 15th regular meeting.

First off, LSAB would like to emphasize that we do not believe this is among the highest priorities for fighting climate change or decarbonizing our community. As such, we would like for City Council to act on this topic as expeditiously as possible so that we can collectively---City Council, staff, and LSAB---refocus on work with measurable outcomes for achieving our climate goals.

That said, we are supportive of this particular ordinance with two amendments for your consideration:

1. We recommend reducing the cap on the number of gasoline stations to five gasoline stations in the event that the recently approved sixth gasoline station does not come to fruition.
2. We recommend eliminating the exception for a seventh gasoline station as part of a marketplace development.

We'd be remiss not to mention how challenging this decision was in light of the concerns related to Louisville's economic vitality. Businesses small and large are key to our community, so it's critical that we consider their feedback as key stakeholders and engage them in ongoing dialogue about the beneficial partnership opportunities between business and the environment. For this very specific and narrow ordinance, we concluded that the economic impact was negligible, perhaps even nonexistent, compared to the health, safety and environmental concerns of additional gas stations.



Thanks for your consideration on this matter and, as previously mentioned, we look forward to making progress on the other sustainability priorities for this year.

Sincerely,

The Louisville Sustainability Advisory Board