

Planning Commission

Agenda

March 9, 2023

6:30 PM

ELECTRONIC MEETING

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The Commission will accommodate public comments during the meeting. Anyone may also email comments to the Commission prior to the meeting at: planning@louisvilleco.gov

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes
 - a. February 9, 2023
5. New Business - Public Hearing Items
 - a. **Planned Unit Development Amendment – Centennial Heights West–**
Adoption of Resolution 7, Series 2023 recommending approval of a Planned Unit Development Amendment to amend fence regulations for the Centennial Heights West subdivision.
 - i. Case Planner: Lisa Ritchie, AICP, Planning Manager
 - ii. Applicant: City of Louisville
6. Planning Commission Comments

Persons planning to attend the meeting who need sign language interpretation, translation services, assisted listening systems, Braille, taped material, or special transportation, should contact the City Clerk's Office at 303 335-4536 or MeredythM@LouisvilleCO.gov. A forty-eight-hour notice is requested.

Si requiere una copia en español de esta publicación o necesita un intérprete durante la reunión, por favor llame a la Ciudad al 303.335.4536 o 303.335.4574.

7. Staff Comments
8. Items tentatively scheduled for the meeting on April 13, 2023:
 - a. Enclave PUD Fence Amendments
9. Adjourn

Planning Commission

Meeting Minutes

**February 09, 2023
City Hall, Council Chambers
749 Main Street
6:30 PM**

Call to Order – Chairperson **Brauneis** called the meeting to order at 6:30 PM.

Roll Call was taken and the following members were present:

Commission Members Present: Steve Brauneis, Chair
Jeff Moline, Secretary
Keaton Howe
Allison Osterman
Tamar Krantz
Cullen Choi

Commission Members Absent:

Staff Members Present: Lisa Ritchie, Fire Recovery and
Planning Manager
Elizabeth Kay Marchetti, Senior Planner
Rob Zuccaro, Director of Community
Development

Approval of Agenda

The agenda is approved by all members.

Approval of Minutes

Krantz asks for a correction on the December minutes. She asks that the phrase, “Krantz says she does not require a drive aisle to be a buffer” be changed to say the following, “Krantz says she does not consider a drive aisle to be a buffer.”

The November and December minutes are approved. Choi abstains from voting.

Howe asks for a correction in the January minutes. On page 10, his comment should say a 6ft noncombustible cement fence.

Brauneis mentions an error in the minutes saying 6 inches instead of 6 feet. Staff had already corrected that in the copy of minutes that was presented at the February meeting.

The January minutes are approved with the corrections mentioned above. Osterman abstains from voting.

Public Comments on Items not on the Agenda

None is heard.

Continued Business – Public Hearing Items

New Business – Public Hearing Items

- A. **Planned Unit Development Amendment – Coal Creek Ranch Filing 3 and Coal Creek Ranch Filing 3, Replat A** – Adoption of Resolution 3, Series 2023 recommending approval of a Planned Unit Development Amendment to amend fence regulations for the Centennial Heights subdivision.

Applicant: City of Louisville

Case Planner: Lisa Ritchie, Planning Manager

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

Staff Presentation:

Ritchie gives background on the Coal Creek Ranch Filing 3 neighborhood. The PUD was approved in February of 1990. 139 out of the 140 single family properties were destroyed due to Marshall Fire. The current PUD regulates all fences in the neighborhood to some degree. In Ordinance 1838, Series 2022, there is a citywide exemption for wood fences adjacent to homes. This is a neighborhood/HOA driven proposal.

All fence standards for interior fences will be removed as part of this PUD amendment and will be governed by the city code. The HOA would still like to administer some interior standards but that would be at the HOA level. She shows an image of the neighborhood and discusses that the area with the black dots are properties that abuts the City golf course. They are proposing that this fence be revised to a four-foot-high black metal fence. The southern segment of the neighborhood abuts City owned open space. The proposed revision would say that a 6' high cedar is no longer required and there would be no design standard other than that it be no higher than 6 feet tall. The fence along Dillon Rd and 88th St would remain unchanged.

She then shows the design details of the 4' high black metal fence and the 6' high cedar fence.

Staff Recommendation:

Staff is recommending approval of Resolution 3 Series 2023, recommending approval of the draft Resolution amending the Coal Creek Ranch Filing 3 PUD fence regulations

Commissioner Questions of Staff:

None is heard.

Public Comment:

None is heard.

Closing Statement by Staff:

None is heard.

Discussion by Commissioners:

Howe says these proposals are valid and we should pass them quickly. He is in support.

Moline says he supports this proposal. He is deeply saddened by what has happened to these homeowners and would like this processed quickly.

Choi appreciates the effort put forth by staff. The package put together was comprehensive and he is in support of moving this forward.

Osterman says she is in support of this and is looking for this being expedited.

Krantz says she is in support.

Brauneis says he is in support.

Choi moves and **Moline** seconds a motion to approve Resolution 3, 2023. Motion passes unanimously by a roll call vote.

New Business – Public Hearing Items

- A. **Planned Unit Development Amendment – Cornerstone** – Adoption of Resolution 5, Series 2023 recommending approval of a Planned Unit Development Amendment to amend fence regulations for the Cornerstone subdivision.

Case Planner: Lisa Ritchie, Planning Manager

Applicant: City of Louisville

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

Staff Presentation:

Ritchie gives background on the Cornerstone neighborhood. The PUD was approved in August of 1990. All 71 single family properties were destroyed due to Marshall Fire. The current PUD regulates all fences to some degree. In Ordinance 1838, Series 2022, there is a citywide exemption for wood fences adjacent to homes. This is a neighborhood driven proposal.

From the Via Appia and McCaslin side of the neighborhood, the proposal revises the fence design requirement from 5-6' high cedar with the color Dune Grey to

being 6' high with vertical slats and the color Sherwin Williams #7645 or an equivalent color. She also shows the side of the neighborhood abutting to open space and says that this proposal would revise it from a California chain link fence to a 48" high, black California chain link or other black open style fence. This proposal would also remove interior fence standards.

Staff Recommendation:

Staff is recommending approval of Resolution 5 Series 2023, recommending approval of the draft Resolution amending the Cornerstone PUD fence regulations.

Commissioner Questions of Staff:

Choi asks what the condition is on the north side of the development that abuts Arapahoe Circle.

Ritchie says that would just be subject to the municipal code. That area of the PUD does not have a specific perimeter fence design requirement.

Choi says on the northwest lot where it looks like the condition could change mid-lot. Is that a true representation of where the two options would meet?

Ritchie says yes, that is true.

Public Comment:

Carrie Cornejo, 941 Eldorado Ln

Cornejo says she is in support of the PUD for the Cornerstone neighborhood. She asks that this be processed quickly.

Christian Dino, 967 Eldorado Ln

Dino says we have worked together as a neighborhood to come to a conclusion. He talks about the importance of the material being noncombustible. Most of these fences abut open space and landscaping. He asks for expediting this proposal.

Judi Kern, 955 Eldorado Ln

Kern thanks staff for all their work. The neighborhood worked hard on this proposal and making sure it fits everyone's needs. This unique request fits the unique neighborhood.

Lisa Hughes, 887 Larkspur Ct

Hughes says we purposely want open fences so we can enjoy the views but we support the neighbors that want something more enclosed for their animals and privacy. She asks that the commission support this.

Ann Brennan, 888 Larkspur Ct

Brennan says she is in favor of this resolution and discusses her experience of living in this neighborhood. She wants all the neighbors to come back to their homes. She asks that this proposal be decided quickly.

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.

Discussion Items for Next Meeting

- A. Centennial Heights West and Enclave PUD Fence Amendments

Adjourn

The meeting adjourned at 9:20 PM.

ITEM: PUD-0450-2023 – Centennial Heights West PUD Amendment – Fence Regulations

PLANNER: Lisa Ritchie, AICP, Planning Manager

APPLICANT: Staff Initiated with Neighborhood Input

REQUEST: Consideration of Resolution 7, Series 2023, recommending approval of a resolution amending fence regulations in the Centennial Heights West Planned Unit Development - ***REQUEST TO CONTINUE TO APRIL 13, 2023***

VICINITY MAP:



SUMMARY:

Due to a conflicting meeting intended for those affected by the Marshall Fire, staff requests this hearing be continued to the April 13, 2023 regular Planning Commission meeting.