

Planning Commission

Agenda

May 11, 2023

City Hall, Council Chambers

749 Main Street

6:30 PM

Members of the public are welcome to attend and give comments remotely; however the in-person meeting may continue even if technology issues prevent remote participation.

- 1) **You can call in to +1 253 215 8782 or +1 346 248 7799 Webinar ID # 823 1948 7837 Passcode 773858**
- 2) **You can log in via your computer. Please visit the City's website here to link to the meeting: www.louisvilleco.gov/planningcommission**

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
 - b. April 13, 2023
5. Public Comment on Items Not on the Agenda
6. Continued Business – Public Hearing Items
 - a. **Planned Unit Development Amendment – Enclave – Adoption of Resolution 9, Series 2023 recommending approval of a Planned Unit Development Amendment to amend fence regulations for the Enclave subdivision. *CONTINUED FROM APRIL 13, 2023***
 - i. Case Planner: Lisa Ritchie, AICP, Planning Manager

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.

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- ii. Applicant: City of Louisville

7. New Business - Public Hearing Items

- a. **Planned Unit Development Amendment – Cherrywood II** – Adoption of Resolution 11, Series 2023 recommending approval of a Planned Unit Development Amendment to amend fence regulations for the Cherrywood II subdivision.

- j. Case Planner: Lisa Ritchie, AICP, Planning Manager
- ii. Applicant: City of Louisville

- b. **Planned Unit Development Amendment – 916 Main Planned Unit Development, 1st Amendment – REQUEST TO CONTINUE TO JUNE 8, 2023**

- i. Case Planner: Amelia Hogstad Brackett, Historic Preservation Planner
- ii. Applicant: Erik Hartronft, Hartronft Associates, p.c.

8. Planning Commission Comments

9. Staff Comments

10. Items tentatively scheduled for the meeting on June 8, 2023:

- a. Dark Sky Lighting Ordinance

11. 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

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

Christian Dino

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

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

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

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

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

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

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

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

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.

Planning Commission

Meeting Minutes

**April 13, 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, Vice Chair
Keaton Howe, Secretary
Allison Osterman
Tamar Krantz
Cullen Choi
Debra Baskett

Commission Members Absent:

Staff Members Present: Lisa Ritchie, Planning Manager
Ellie Hassan, Planner II
Amelia Brackett Hogstad, Planner II

Approval of Agenda

The agenda is approved by all members.

Approval of Minutes

Krantz asks for the removal of a resident's address in the February minutes.

The March minutes are approved by all members except Commissioner Baskett as she was not present.

Election of Planning Commission Officers

Krantz moves and **Choi** seconds a motion to nominate Howe as secretary. Motion passes unanimously by a roll call vote.

Krantz moves and **Howe** second a motion to nominate Moline as vice chair. Motion passes unanimously by a roll call vote.

City of Louisville

*Community Development 749 Main Street Louisville CO 80027
303.335.4592 (phone) www.LouisvilleCO.gov*

Public Comments on Items not on the Agenda

None is heard.

Continued 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. **CONTINUED FROM MARCH 9,
2023.**

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 says the PUD was approved in July of 1992. There are 36 single-family properties, 35 of them were destroyed during the Marshall Fire. The current PUD regulates only the perimeter fence facing McCaslin Blvd and Centennial Pkwy. This proposal was driven by the HOA for this neighborhood.

The current design standards require a fence design of a 6' solid cedar fence with stone columns. The proposed design would be a 6' high solid fence, which shall be uniform in design and material and would be owned and maintained by the HOA. This gives the HOA flexibility in the final material selection.

Staff Recommendation:

Staff is recommending approval of Resolution 7 Series 2023, recommending approval of the draft resolution amending the Centennial Heights West PUD fence regulations.

Commissioner Questions of Staff:

Krantz says since this was proposed a while ago, there was some DOLA funding approved for fire hardening that is now available. Would that funding influence the HOA's decision of using a fire hardened fence if they were able to get grant funding through DOLA?

Ritchie says primarily, the mechanisms for the funding may or may not be attributed to HOA-level fencing. She recommends asking the HOA representative.

Public Comment:

Cheryl Odeen, Resident of Louisville

Odeen says in the absence of an HOA, would property owners who abut to McCaslin Blvd or Centennial Pkwy be responsible to the City of Louisville for their fencing requirements?

Ritchie says yes, only if a fence is installed.

Closing Statement by Staff:

None is heard.

Discussion by Commissioners:

Howe says this addresses the concerns regarding cedar fences. He hopes the solid fence will be adequate for future development of the fence.

Krantz is in favor of this if this is what the HOA and the community wants.

Choi agrees with the commissioners.

Moline agrees and thinks this provides more flexibility for the HOA.

Baskett supports staff's recommendation.

Osterman supports the proposal.

Brauneis is in favor of this as well.

Howe moves and **Choi** seconds a motion to approve Resolution 7, 2023. Motion passes unanimously by a roll call vote.

New Business – Public Hearing Items

- A. **Planned Unit Development Amendment – Enclave** – Adoption of Resolution 8, Series 2023 recommending approval of a Planned Unit Development Amendment to amend fence regulations for the Enclave subdivision. **REQUEST TO CONTINUE TO MAY 11, 2023**

Case Planner: Lisa Ritchie, AICP, Planning Manager

Applicant: City of Louisville

Case Planner: Lisa Ritchie, Planning Manager

Moline moves and **Choi** seconds a motion to continue this agenda item to the May 11, 2023 meeting. Motion passes unanimously by a roll call vote.

- B. **General Development Plan Amendment – Centennial Valley General Development Plan** – Adoption of Resolution 8, Series 2023 recommending approval of a General Development Plan Amendment to revise permitted uses for 972 W Dillon Rd in Parcel H of the Centennial Valley General Development Plan, as listed in the Fifth Amended and Restated Development Agreement.

Applicant: Wade Arnold, The Colorado Group

Case Planner: Ellie Hassan, Planner II

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

Staff Presentation:

Hassan says the property at 972 W Dillon Rd is located along the south side of Dillon Rd near the intersection with McCaslin Blvd. There is an existing one-story commercial building on the site. This property is about 1.5 acres in size and is zoned Planned Community Commercial. It was platted as part of the Centennial Valley Parcel H First Filing and replatted in 1995 and 1996, resulting in the

current property at 972 W Dillon Rd in the Centennial Valley Parcel H Third Filing. It is part of the Centennial Valley General Development Plan.

A Restated Development Agreement was adopted in conjunction with the GDP in 1984, which was an agreement between the City and the original developer. This implemented development and public improvement plans for the Centennial Valley area and has been amended from time to time to establish regulations such as use restrictions for certain Parcels beyond the General Development Plan's listed uses. Currently, uses at the property are regulated by Section 5 and 7 of the 5th Amended and Restated Development Agreement.

The property had a Planned Unit Development (PUD) and Special Review Use (SRU) approved in 1999 to allow a Kinko's as a retail use. Several Administrative SRUs have been approved for 972 W Dillon in recent years, including a retail marijuana use and a retail use.

The applicant requests approval of an eleventh amendment to the Amended and Restated Development Agreement for Centennial Valley. The amendment would allow for new permitted and special review uses only on the developable portion of 972 W Dillon Rd over Lot 1B, and leaves in place the existing regulations for the remainder of properties in Parcel H.

She shows a table that has a comparison of the uses in the 5th amendment and the proposed 11th amendment. The 5th amendment does not have any uses explicitly listed as permitted on the site. Although retail and medical marijuana uses are permitted by-right by Title 17; it should be noted that Title 5 of the Municipal Code has additional restrictions on how many total retail and medical marijuana licenses can exist in the City.

Staff finds the application meets the purpose and applicability statements in Chapter 17.72 of the Louisville Municipal Code. The GDP Amendment encourages coordinated community design by allowing modern, market-supported commercial uses that are consistent with commercial properties in the Dillon Rd and McCaslin Blvd corridors. The amendment allows for new permitted and special review use on the site to better align with other nearby areas that allow similar uses. Only affects the site at 972 W Dillon Road

Staff finds that the proposal meets the Comprehensive Plan and McCaslin Small Area Plan policies. The property is located in an area on McCaslin Boulevard described as a significant commercial activity center in the comprehensive plan. The framework policies seek to promote retention of existing commercial development and commercial retail uses. The amendment helps retain commercial development and allows retail uses by-right.

The 11th Amendment increases opportunities for different types of uses, mitigating vacancy rates for the existing building. The permitted and special

review uses help meet the fiscal and economic goals of the City by complementing the existing hotel, restaurant, and retail uses nearby.

Staff Recommendation:

Staff recommends approval of Resolution No. 8, Series 2023 recommending approval of a General Development Plan Amendment to revise permitted uses for 972 W Dillon Rd in Parcel H of the Centennial Valley General Development Plan, as listed in the Fifth Amended and Restated Development Agreement.

Commissioner Questions of Staff:

Moline says it seems that a lot of these use requirements and restrictions between some of the parcels were done so that the overall development would have a particular use for different parcels. Is that a correct assumption? Why were these use regulations put on particular sites?

Hassan says that is something staff never found conclusive information on. Staff is unsure why there were more use restrictions on Parcel H.

Ritchie says you correct though that this GDP does allocate different types of uses throughout the development, generated driven by the expected capacity of the transportation network. And Parcel H is definitely more restricted than other areas; the current owner (Koelbel) doesn't understand the "why" either.

Choi asks if staff looked at the property uses and use types in adjacent lots and considered the possible traffic that could be generated by this list of uses and the impacts that would be caused by traffic?

Hassan says traffic patterns were not considered when reviewing the application. The uses that are listed in code section 17.072 are commercial and office uses. We discussed these with the applicant and worked with them on these uses and because the size of the property, these uses would not have significant impacts on other commercial zones.

Ritchie says we did not require a traffic analysis because there is already retail on the site. Based on other properties, a site of this size already operating a bi higher intensity would not increase traffic.

Osterman asks why certain uses would be put in the SRU category and why some would be in the uses-by-right category.

Hassan says with those uses permitted by-right, those are based on code section 17.072 commercial and office use table. Those are put into place for other planned commercial zone districts. Staff presumed that along with other similarly zoned properties that are under GDPs, these uses would be allowed by-right. She uses North End as an example. For the SRU's, those were taken out of code section 17.012.030.

Howe says according to Title 5, there are limits to medical marijuana licenses. Do you know how many licenses we have granted? He asks if the old marijuana store across McCaslin was within 1500 ft of this property and are they planning to rebuild after the Marshall Fire?

Ritchie says the code caps retail marijuana stores at six. The one that was at this site was approved prior to the lottery and is approved prior to the most recent version of the code. The store across the street is subject to the code if they have

any new sites. That store was originally approved under a different code regulation that is not the same as the current one today.

Ritchie says the City Clerk's department implements that code and oversees those licenses and its implementation. Staff would have to come back to the commission with more specifics from the city clerk.

Hassan says that she believes that all those licenses are currently filled according to the city clerk's website.

Krantz asks if staff has a discussion with the applicant regarding the process of obtaining SRU approval at the point when they have determined what use they want to have.

Hassan says the SRU history for this site is what led the property owner to pursue this proposal. There was at least one retail use on the site, which moved from another parcel which was allowed by right. She further discusses the SRU history.

Krantz says staff recommended the applicant to change the GDP rather than going through the SRU process?

Ritchie says not necessarily. The applicant approach the City with just a business license and tenant finish. Staff identified the need for an SRU review use. She would not say this was the staff recommended path since staff presented them other options.

Krantz asks what other options were discussed.

Ritchie says really, it was whether we keep the SRU process in place or go through a GDP amendment. And then through the GDP amendment process, how that could play out.

Brauneis says he is curious on the thought of including office space on the first floor level. He is concerned about having an office space or churches be an option. Do you think these types of spaces on ground floors is appropriate for that area; office specifically?

Hassan says the comp plan does have it more focused on retail and service uses. She thinks that in trying to reduce vacancies, we have seen some encumbrances in getting uses on the property because of the special review use process. Staff just wanted to keep the list of possible uses broader.

Ritchie says, in regards to the church use, that the City cannot treat churches any differently than any other use with similar impacts. SRU's are required for religious institutions.

Krantz says the GDP mentions the maximum density. In the future, if they were allowed to have a much larger building or if it were demolished, what would be the tmaximum size that is allowed?

Hassan says that would be a separate process than what has been brought to you tonight. There are still vacant parcels in Centennial Valley. In general, if there is a change in density or use and requests a greater density, it would require a GDP amendment.

Ritchie says we have not hit any of the caps associated with the parcels regarding square footage maximums on this GDP. Any redevelopment would require a GDP amendment.

Krantz still would like to know what the current square footage is.

Ritchie says additional analysis is required and the hearing could be continued if the commission needs that information. Staff could not complete that analysis tonight.

Krantz if we are allowing certain uses like many restaurants or fastfood restaurants under this GDP, to go up to a density that would allow twice the size of the building, would this affect traffic impact? Concerned that the maximum would need to be considered.

Ritchie the maximum has been established already. Staff ensures that any new development in this GDP would comply with all provisions. Because this is only a use restriction and doesn't deal with building size at all staff has not explored possible changes to current maximums.

Applicant Presentation:

Wade Arnold, The Colorado Group

Arnold says the property owner purchased this several years ago and at the time of purchase, there were several uses that are actually prohibited now. We are looking to backfill the building so we do not have huge vacancies. We have run into uses being prohibited and lists examples of uses. He discusses the difficulties of getting tenants because of the use restrictions.

Commissioner Questions of Applicant:

Brauneis says there are two office uses mentioned. What is your reaction to perhaps excluding those?

Arnold says he is not familiar enough with the City code of what constitutes an office. He discusses what kind of businesses could be in the space if they were being used as an office space. He can see more service-oriented offices in this space in the future.

Krantz asks if they have had any communication or feedback with the neighboring tenants.

Arnold says he is not aware of any feedback from the neighbors.

Public Comment:

None is heard.

Closing Statement by Applicant:

None is heard.

Closing Statement by Staff:

Krantz mentions to staff that the wording in this list does not match exactly the wording in the code. Was the intention to simplify the wording to make it more user friendly?

Ritchie says staff was pulling from the code section 17.072.090 commercial and office.

Krantz uses the example of an art gallery and not including museums and cultural facilities.

Hassan says the language for that one in particular came from the applicant and staff did not see a need to change that one. The language of other uses the applicant used was more restrictive so staff suggested similar uses that were compatible to what they had already mentioned.

Krantz says so when you say medical clinics, you are not saying hospitals and are going with the more restrictive uses.

Hassan says that is correct.

Choi says in the staff report, there is an overlay image of the property that has redlines. Is that image accurate on showing the limits of where this applies?

Hassan says staff removed Tract C because that is a drainage retention pond that is undevelopable. We only included Lot 1B because of that.

Brauneis asks staff about different uses and the possible sales tax revenue to the City.

Ritchie says from a sales tax generation viewpoint, it is consistent with other uses in this area and zone district. Given the size of this as well, staff has the perspective that this site will not be generating massive revenue for the City. That is why we are comfortable allowing office use by right.

Discussion by Commissioners:

Howe asks Brauneis to elaborate on his office use discussion.

Brauneis says his initial concern was that we would be converting something that had retail sales and therefore would have sales tax generation, and then we would no longer have that. Thinking of the size of the building and how it can generate more activity in that area, he is not as concerned as he was initially.

Choi says he is in support of this. Thinking of what the site is now and what it could be, one thing that would be beneficial for the property owner to explore is optimizing the parking areas and drive paths. The detention pond plays into the overall traffic flow and it can be a difficult area to navigate.

Moline says he also supports this. He agrees with staff's opinion on retail use and its generation of sales tax. He mentions traffic flow would be addressed and reviewed when they apply for a PUD amendment. Since tonight we are only focusing on the uses, he is comfortable with staff's recommendation.

Osterman is in favor of this resolution. The uses included are in alignment with the neighboring properties.

Baskett is in support of the motion. She would like us to be business friendly towards this area.

Krantz says it sounds like there is a real need to change this so it is more flexible for future tenants. If this is zoned as retail and used as an office, would we have different design guidelines? Do we know which parking requirements would apply? This proposal would help reduce vacancies for this parcel. If we were to make the same concessions and allowed uses for all the lots of Parcel H, would that be a good thing though? If this is a good idea, that would then be a good idea for the entire area right? That is what she is worried about. Other than that, she is in favor of it.

Howe says when looking at the big picture, we are a small city and we have the ability to remain very flexible. We can change some of these things on a certain

site or parcel. This gives us the ability to engage with tenants and reduce vacancies. This small step allows some flexibility in this one parcel. That alone leads him to support this proposal.

Brauneis says he is in favor of this proposal because it offers the flexibility and can reduce vacancy. He does not think this decision represents a precedent for what they would allow on other sites.

Choi moves and **Moline** seconds a motion to approve Resolution No. 8, Series 2023. Motion passes unanimously by a roll call vote.

- C. Minor Subdivision – Nicolas Di Giacomo Addition, Replat B – 1209 Main Street** – Adoption of Resolution 10, 2023 recommending approval of a Minor Subdivision to divide the lot at 1209 Main Street into two lots.
Applicant: Vincent Colson, Defend Colorado LLC
Case Planner: Amelia Brackett Hogstad, Planner II

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

Staff Presentation:

Brackett Hogstad begins her presentation by saying that the Nicolas DiGiacomo addition was platted in 1907. In 2015, Replat A happened northwest of the subject property. This came before the Historic Preservation Commission (HPC) as a full scrape of the property and there were four units planned at that time. HPC placed a full 180-day hold on the demolition request, with the goal of finding creative solutions with the developer to save this house.

The applicant is requesting that this one lot become two lots and adding a utility easement.

This request requires the approval of four subdivision modifications all of which relate to lot size or configuration.

- Allow a lot width of 46.49' on the north lot where 60' is required by the R-M Zone District and 50' is required by Sec. 16.16.050.D.
- Allow a lot width of 53.01' on the south lot where 60' is required by the R-M Zone District.
- Allow a lot size of 6,985 sf for the north lot where 7,000 sf is required by the R-M Zone District.
- Allow a maximum lot depth that is approximately 3 times deeper than it is wide on both lots, where a maximum depth of 2.5 times the lot width is required by Sec. 16.16.050.C.

In reviewing these modifications and the request overall, staff used the final plat criteria and subdivision design standards.

Staff finds that the modifications:

- Support Comprehensive Plan & Preservation Master Plan – both of which contemplate preservation of historic buildings

- Reduce density – the standard here is not to increase density through a subdivision modification, and in this case it's going from 4 possible units to 3 at most
- Maintain character – even though it is a change from what is there currently, the request brings lot size and shape in line with other lots on the block; preserving a historic home
- Relate to unique physical condition in the form of historic building – existing building
- Not necessitated by applicant – existing building was not created by applicant

Staff Recommendation:

Staff recommends approval of Resolution 10, Series 2023 with one condition. The condition is that prior to the City Council hearing, the applicant shall provide a 4'x4' utility easement on the southeast corner of Lot 1 as described in Public Works' first referral comments.

Commissioner Questions of Staff:

Baskett asks if the demolition had been permitted, would four units be allowed?

Brackett Hogstad said based on density, yes.

Baskett says this allows from four units to three. So is that the historic house plus two units?

Brackett Hogstad says yes.

Choi says with the proposed lot line adjustment and the break down from one to two, what would be the distance between the new lot line and the north side of existing landmark structure.

Brackett Hogstad Lisa Ritchie says she'll look into it.

Krantz asks how they would fit the second unit behind the historic property and would it be accessible through the alley?

Brackett Hogstad says she does not know if that is the applicant's plan and if it were to be landmarked, it would go through HPC's review. Anything that has an alley in Old Town, the requirement would be having access from that alley.

Applicant Presentation:

Vincent Colson, Defend Colorado LLC

Colson says this is a unique situation to preserve history but also build new and make a profit. The house will stay but we will get a lot that will allow us to do what we originally intended. The 180 day stay has made this a win-win.

Commissioner Questions of Applicant:

Brackett Hogstad answers Choi's earlier question and says that it's exactly at 5ft.

Public Comment:

None is heard.

Closing Statement by Applicant:

Colson mentions that their intention is to keep the historic house at its 50 by 140 orientation so the side setbacks are the same. The new lot that is being created is one foot too short to be at a 50 by 140 orientation. The reason we could not split this originally is that the code requires a 60ft frontage. He does not think this will hurt the character in any way. It will be a single-family house that has character.

Closing Statement by Staff:

None is heard.

Discussion by Commissioners:

Howe says this seems straightforward. He asks that the commission come back to him for his opinion.

Krantz says this sounds like a win for both the city and the applicant. She is interested in hearing what the other commissioners have to say.

Choi says there are very few lots in the area that have this potential. Whenever he sees one of these lots that have the ability to be subdivided and still meet the size standards, one of his concerns is the rarity that is created by the new lot and the ability to come in and put in a new home that may not contribute to all the potential aims that that the city has as priorities for continued development and growth. He is concerned with this not meeting the character of the neighborhood.

Moline says he is in support of this because the stay is gone. He is thankful that our community came out and we were able to get an applicant that works with our staff and HPC. We get to preserve an important historic structure.

Baskett agrees with Moline and his points made. She is in support of this proposal.

Osterman says she is trying to think of any potential downsides but is having difficulty coming up with any. She agrees that it is important that they are preserving a historic structure.

Brauneis says he is in support because the applicant is willing to save this house and although he likes the funkiness of the lot, he understands why the applicant has this proposal.

Choi says he is in support of creating more Old Town character and agrees that it is great that they will be preserving this structure. If this lot is divided, the garage is demolished, and another house is constructed there, it will be a very expensive house. That is simply the market condition though. His hesitancy is about building another expensive house although that is not the developer's fault.

Krantz asks if we look at the utilities and the infrastructure that exists there and know that that will not be an issue.

Howe says his feeling is that the building permit and city engineers would ensure that that would all be in place and be the appropriate amount for this project.

He is concerned about creating more density in the downtown area but the counter balance is preserving a historic structure. He is supportive of this though because of what they are trying to achieve.

Moline moves and **Howe** seconds a motion to approve Resolution 10, Series 2023 with the following condition proposed by staff: Prior to the City Council hearing, the applicant shall provide a 4'x4' utility easement on the southeast corner of Lot 1 as described in Public Works' first referral comments. Motion passes unanimously by a roll call vote.

Planning Commission Comments

Moline welcomes Commissioner Baskett.

Howe mentions that it is great to have a full commission.

Staff Comments

Ritchie says for May's meeting, in addition to the Enclave PUD amendment, we have one more fence amendment and will also have our dark sky discussion. She also mentions that the City signed a contract with a consultant to complete the housing plan. We are going through interviews for a consultant for the comprehensive plan.

Baskett asks who the firm is.

Ritchie says it is Eco Northwest.

Choi asks if there is an estimated award date for the comp plan.

Ritchie says we hope to make a decision in the next few weeks but it would be a late spring, early summer kick off.

Krantz asks if planning commission needs to make any recommendation to City Council for state legislation. She gives an example of a bill coming up.

Ritchie says historically no, since it falls outside of the normal process.

Discussion Items for Next Meeting

- A. Dark Sky Lighting Ordinance

Adjourn

The meeting adjourned at 8:21 PM.

ITEM:	PUD-0457-2023 – Enclave PUD Amendment – Fence Regulations
PLANNER:	Lisa Ritchie, AICP, Planning Manager
APPLICANT:	Staff Initiated with Neighborhood Input
REQUEST:	Consideration of Resolution 9, Series 2023, recommending approval of a resolution amending fence regulations in the Enclave Planned Unit Development - CONTINUED FROM APRIL 13, 2023

SUMMARY:

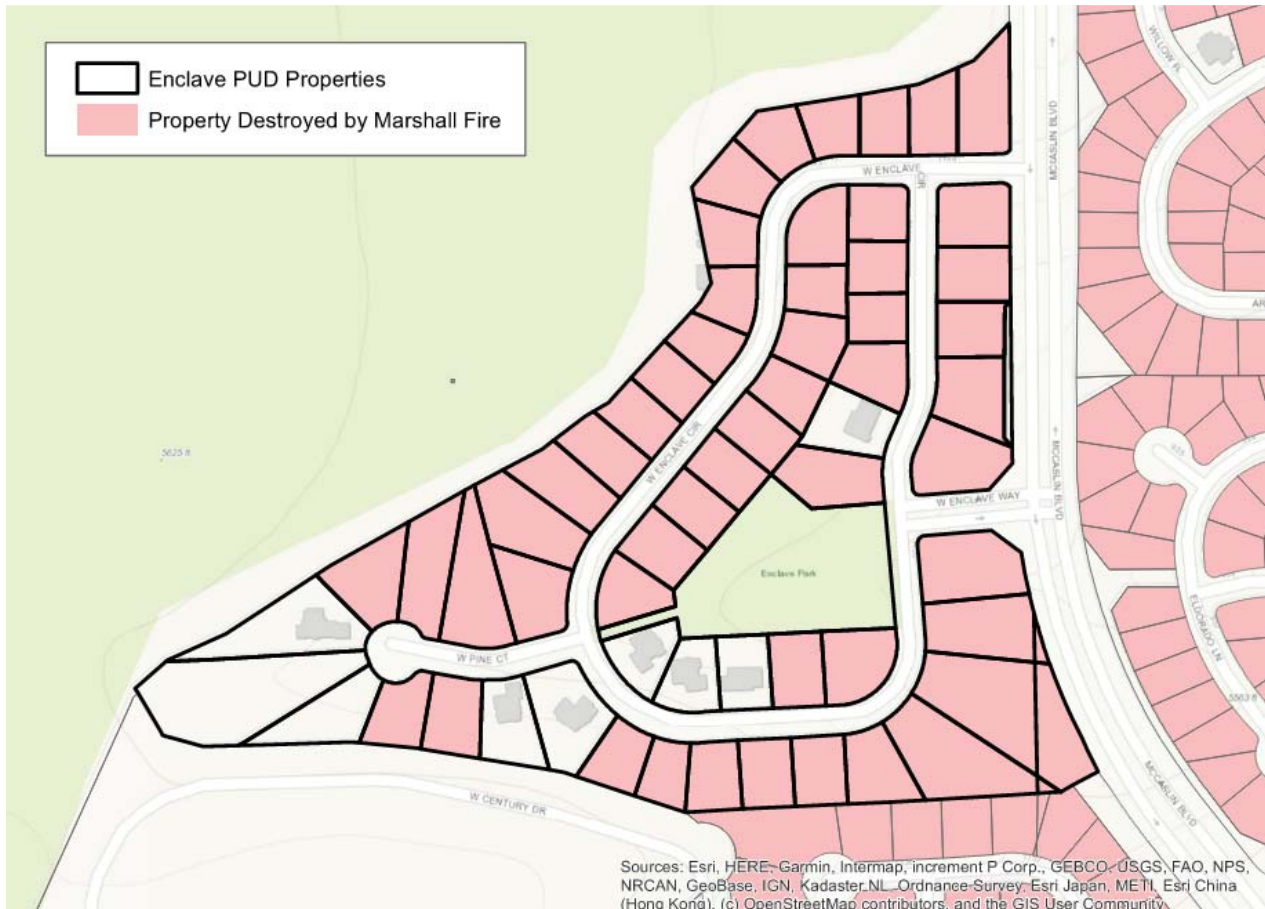
On December 30, 2021, the Marshall Fire swept through multiple neighborhoods in the City, resulting in the total loss and significant damage of roughly 600 homes. Recognizing that fences contributed to fire spread in some instances, the City approved Ordinance 1838, Series 2022 (see attached) on September 6, 2022 which provided an automatic exemption from any Planned Unit Development (PUD) standards for certain wood fences, allowing homeowners to install non-combustible fence materials for fences that are immediately adjacent to homes to potentially reduce impact from wildfire.

In the months following the fire, planning staff met regularly with affected neighborhoods to discuss issues related to recovery. Some neighborhoods, including Enclave, expressed a desire to amend their fence regulations in order to address combustible designs or other design preferences. The proposed amendment reflects the neighborhood’s collective preference and the application is being presented on their behalf by staff.

BACKGROUND:

Fence regulations for residential properties are established in Sec. 17.16.120 – *Fences, walls and hedges* in the Louisville Municipal Code (LMC). This code was originally adopted in 1973, with amendments occurring over the years, most recently in 1995. In addition to these standards, Planned Unit Developments often contain additional fence standards, including height, materials, and design. The scope of these standards vary, with some PUDs only setting forth neighborhood perimeter fence standards and others establish standards for both perimeter and internal fences. The predominate material required by PUDs that include design parameters is wood, along with California chain link, which includes a wood frame around chain link. The reason most PUDs have some level of fence regulations is to preserve a particular neighborhood aesthetic and quality of fence design.

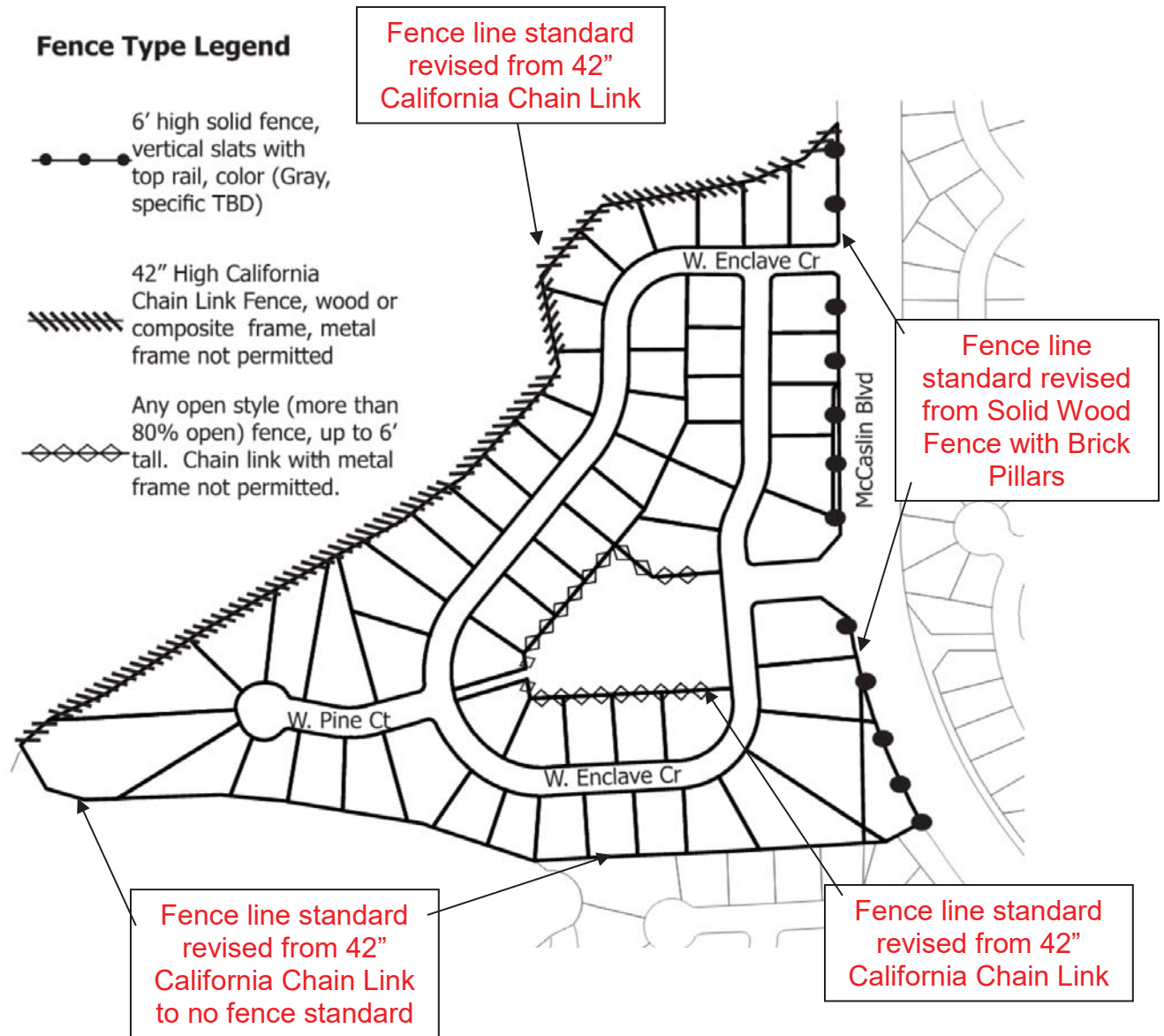
The Enclave PUD (see attached) was approved on May 20, 1986 and regulates the perimeter fencing and fencing surrounding Enclave Park. The neighborhood includes 60 single family residential lots, 52 of which were destroyed during the Marshall Fire. Most neighborhood fences were also destroyed.



PROPOSAL:

Staff collaborated with the neighborhood to understand preferences for changes to the existing regulations. Staff provided guidance on the process and shared input on design considerations, but the final outcome of the draft resolution was primarily determined at the neighborhood level.

The Enclave PUD currently only regulates neighborhood perimeter fencing and the fencing that borders Enclave Park. All other interior fences are not regulated, nor proposed to be regulated. The exhibit below reflects the proposal, and notes the current requirements.



ANALYSIS:

The PUD is regulated by Chapter 17.28 of the LMC. Residential zone districts do not have design regulations related to fences, such as is found in the Commercial and Industrial Development Design Standards and Guidelines. Therefore, fence regulations are customized for each neighborhood through the PUD. A complete response to the PUD criteria in 17.28.120 is provided as an appendix.

Staff provides the following considerations for the revisions:

- Revision to the fence facing McCaslin Blvd
 - *The current PUD specifies a Solid Wood Fence (no height specified) with Brick Pillars. Many of the brick pillars are in disrepair and are the responsibility of the individual homeowners. The proposal will result in a 6' high solid fence with vertical slats and top rail, with a uniform gray color*

(color specification still under review). The homeowners abutting McCaslin Blvd worked together to agree on these specifications, which would allow wood or non-combustible materials, but a uniform color, slat orientation with top rail.

- Revision to fence abutting Davidson Mesa
 - *The current PUD requires 42” California Chain Link. The homeowners agree with the overall design requirement, but desire to clarify that either wood or composite frame material is acceptable. A metal chain link frame would not be allowed.*
- Revision to southern neighborhood perimeter fence
 - *The current PUD requires a 42” high California Chain Link fence. This fence line was actually installed as a 6’ high solid cedar fence. This fence line is no longer a perimeter fence and abuts adjacent development, therefore a consistent perimeter in not necessary in this location.*
- Revision to fence surrounding Enclave Park
 - *The current PUD requires a 42” high California Chain Link fence. The homeowners desire flexibility in both height and design, but will keep in place the requirement to have an open fence. The City’s Parks Department also recommends an open fence design so the park does not feel walled in by solid fences.*

PUBLIC COMMENTS:

Public comments received to date are provided as an attachment.

STAFF RECOMMENDATION:

Staff recommends approval of Resolution 9, Series 2023, recommending approval of a City Council Resolution amending fence regulations in the Enclave Planned Unit Development.

ATTACHMENTS:

1. Resolution 9, Series 2023
2. Draft City Council Resolution
3. Ordinance 1838, Series 2022
4. Enclave PUD
5. Public Comments

APPENDIX: PUD Criteria Analysis – Enclave – PUD Amendment

Criteria 17.28.120 (A)	Finding	Narrative
1. An appropriate relationship to the surrounding area.	Compliant	The revisions maintain appropriate design for the area
2. Circulation in terms of the internal street circulation system, designed for the type of traffic generated, safety, separation from living areas, convenience, access, and noise and exhaust control.	Not applicable	No changes are proposed that affect circulation

Proper circulation in parking areas in terms of safety, convenience, separation and screening.		
3. Consideration and provision for low and moderate-income housing	Not applicable	No changes to housing are proposed
4. Functional open space in terms of optimum preservation of natural features, including trees and drainage areas, recreation, views, density relief and convenience of function	Not applicable	No changes to open space are proposed
5. Variety in terms of housing types, densities, facilities and open space	Not applicable	No changes to housing are proposed
6. Privacy in terms of the needs of individuals, families and neighbors	Compliant	The PUD Amendment continues to allow privacy
7. Pedestrian and bicycle traffic in terms of safety, separation, convenience, access points of destination and attractiveness	Not applicable	No changes to pedestrian and bicycle infrastructure are proposed
8. Building types in terms of appropriateness to density, site relationship and bulk	Not applicable	No changes to building standards are proposed
9. Building design in terms of orientation, spacing, materials, color, texture, storage, signs and lighting	Not applicable	No changes to building standards are proposed
10. Landscaping of total site in terms of purpose, such as screening, ornamental types used, and materials used, if any; and maintenance, suitability and effect on the neighborhood	Compliant	The PUD Amendment revisions continue to allow for screening in a manner that is suitable for this neighborhood
11. Compliance with all applicable development design standards and guidelines and all applicable regulations pertaining to matters of state interest, as specified in <u>chapter 17.32</u>	Compliant	The PUD Amendment does not conflict with the fence standards
12. None of the standards for annexation specified in <u>chapter 16.32</u> have been violated	Not applicable	The property was previously annexed
13. Services including utilities, fire and police protection, and other such services are available or can be made available to adequately	Compliant	The proposed changes do not conflict with the ability to serve and protect the neighborhood

serve the development specified in the final development plan		
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Criteria 17.28.120 (B)	Finding	Narrative
1. Development shall be in accordance with the adopted elements of the comprehensive development plan of the city, and in accordance with any adopted development design standards and guidelines.	Compliant	The PUD Amendment is a neighborhood driven design that is in accordance with policy
2. No structures in a planned unit development shall encroach upon the floodplain. Existing bodies of water and existing stream courses shall not be channelized or altered in a planned unit development plan.	Compliant	The property is not located in a floodplain, nor are there any existing bodies of water in the area
3. No occupied structure shall be located on ground showing severe subsidence potential without adequate design and study approved specifically by the city.	Compliant	There is no known subsidence on the property
4. The proposal should utilize and preserve existing vegetation, land forms, waterways, and historical or archeological sites in the best manner possible. Steep slopes and important natural drainage systems shall not be disrupted. How the proposal meets this provision, including an inventory of how existing vegetation is included in the proposal, shall be set forth on the landscape plan submitted to the city.	Compliant	The PUD Amendment will not impact any existing vegetation, drainage or other areas of city interest
5. Visual relief and variety of visual sitings shall be located within a development in the overall site plan. Such relief shall be accomplished by building placements, shortened or interrupted street vistas, visual access to open space and other methods of design.	Not applicable	No changes are proposed to the layout of the neighborhood

<p>6. Open space within the project shall be located in such a manner as to facilitate pedestrian use and to create an area that is usable and accessible to residents of surrounding developments.</p>	<p>Not applicable</p>	<p>No changes are proposed to the layout of the neighborhood</p>
<p>7. Street design should minimize through traffic passing residential units. Suggested standards with respect to paving widths, housing setbacks and landscaping are set forth in public works standards of the city and applicable development design standards and guidelines. The system of streets, including parking lots, shall aid the order and aesthetic quality of the development.</p>	<p>Not applicable</p>	<p>No changes are proposed to the layout of the neighborhood</p>
<p>8. There shall exist an internal pedestrian circulation system separate from the vehicular system such that allows access to adjacent parcels as well as to parks, open space or recreation facilities within the development. Pedestrian links to trail systems of the city shall be provided.</p>	<p>Not applicable</p>	<p>No changes are proposed to the layout of the neighborhood</p>
<p>9. The project and development should attempt to incorporate features which reduce the demand for water usage.</p>	<p>Not applicable</p>	<p>No changes are proposed to the layout of the neighborhood</p>
<p>10. Landscape plans shall attempt to reduce heating and cooling demands of buildings through the selection and placement of landscape materials, paving, vegetation, earth forms, walls, fences, or other materials.</p>	<p>Not applicable</p>	<p>The PUD Amendment does not conflict with the landscape plan</p>
<p>11. Proposed developments shall be buffered from collector and arterial streets. Such buffering may be accomplished by earthen berms, landscaping, leafing patterns, and other materials. Entrance islands defining traffic patterns along with landscaping</p>	<p>Compliant</p>	<p>The PUD Amendment requires a 6' perimeter fence along McCaslin, providing a buffer from the adjacent arterial street</p>

shall be incorporated into entrances to developments.		
12. There shall be encouraged the siting of lot arrangement, building orientation and roof orientation in developments so as to obtain the maximum use of solar energy for heating.	Not applicable	No changes are proposed to the layout of the neighborhood
13. The overall PUD shall provide a variety of housing types.	Not applicable	No changes to housing are proposed
14. Neighborhoods within a PUD shall provide a range of housing size.	Not applicable	No changes to housing are proposed
15. Architectural design of buildings shall be compatible in design with the contours of the site, compatible with surrounding designs and neighborhoods, shall promote harmonious transitions and scale in character in areas of different planned uses, and shall contribute to a mix of styles within the city.	Compliant	The PUD Amendment proposes fence designs that maintain neighborhood character

**RESOLUTION NO. 9
SERIES 2023**

**A RESOLUTION RECOMMENDING APPROVAL OF AN AMENDMENT TO THE
ENCLAVE PLANNED UNIT DEVELOPMENT AMENDMENT REGARDING FENCE
REGULATIONS**

WHEREAS, on December 30, 2021, the Marshall Fire ignited in unincorporated Boulder County and quickly spread to the City of Louisville, resulting in the severe damage or total loss of almost 600 residential structures; and

WHEREAS, many fences within the Enclave neighborhood were damaged or destroyed as a result of the fire; and

WHEREAS, residents within the neighborhood expressed desire to amend certain fence regulations to allow non-combustible materials and other reflect other design preferences; and

WHEREAS, Staff facilitated outreach and collaboration with the neighborhood HOA to understand their preferences for changes and developed the PUD Amendment on their behalf; and

WHEREAS, City Council has the authority to amend the PUD pursuant to Section 17.28.210 of the Louisville Municipal Code; and

WHEREAS, the Planning Commission has considered the application at a duly noticed public hearing on April 13, 2023 and continued to May 11, 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 a Planned Unit Development Amendment to amend fence regulations for the Enclave subdivision.

PASSED AND ADOPTED this 11th day of May, 2023.

By: _____
Steve Brauneis, Chair
Planning Commission

Attest: _____
Keaton Howe, Secretary
Planning Commission

**RESOLUTION NO.
SERIES 2023**

**A RESOLUTION APPROVING AN AMENDMENT TO THE ENCLAVE FINAL
PLANNED UNIT DEVELOPMENT REGARDING FENCE REGULATIONS**

WHEREAS, on December 30, 2021, the Marshall Fire ignited in unincorporated Boulder County and quickly spread to the City of Louisville, resulting in the severe damage or total loss of almost 600 residential structures; and

WHEREAS, most fences within the Enclave neighborhood were damaged or destroyed as a result of the fire; and

WHEREAS, residents within the neighborhood expressed desire to amend certain fence regulations to allow non-combustible materials and other reflect other design preferences; and

WHEREAS, Staff facilitated outreach and collaboration with the neighborhood to understand their preferences for changes and developed the PUD Amendment on their behalf; and

WHEREAS, City Council has the authority to amend the PUD pursuant to Section 17.28.210 of the Louisville Municipal Code; and

WHEREAS, after a duly noticed public hearing held on April 13, 2023 and continued to May 11, 2023, where evidence and testimony were entered into the record, including the Louisville Planning Commission Staff Report dated May 11, 2023, the Louisville Planning Commission has recommended the City Council adopt the amendments to the Enclave Planned Unit Development; and

WHEREAS, City Council has provided notice of a public hearing on said resolution by publication as provided by law and held a public hearing as provided in said notice;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO, does hereby approve the amendment to the Enclave Final Planned Unit Development as described on Exhibit A:

PASSED AND ADOPTED this __ day of _____, 2023.

By: _____

Dennis Maloney, Mayor

Attest: _____

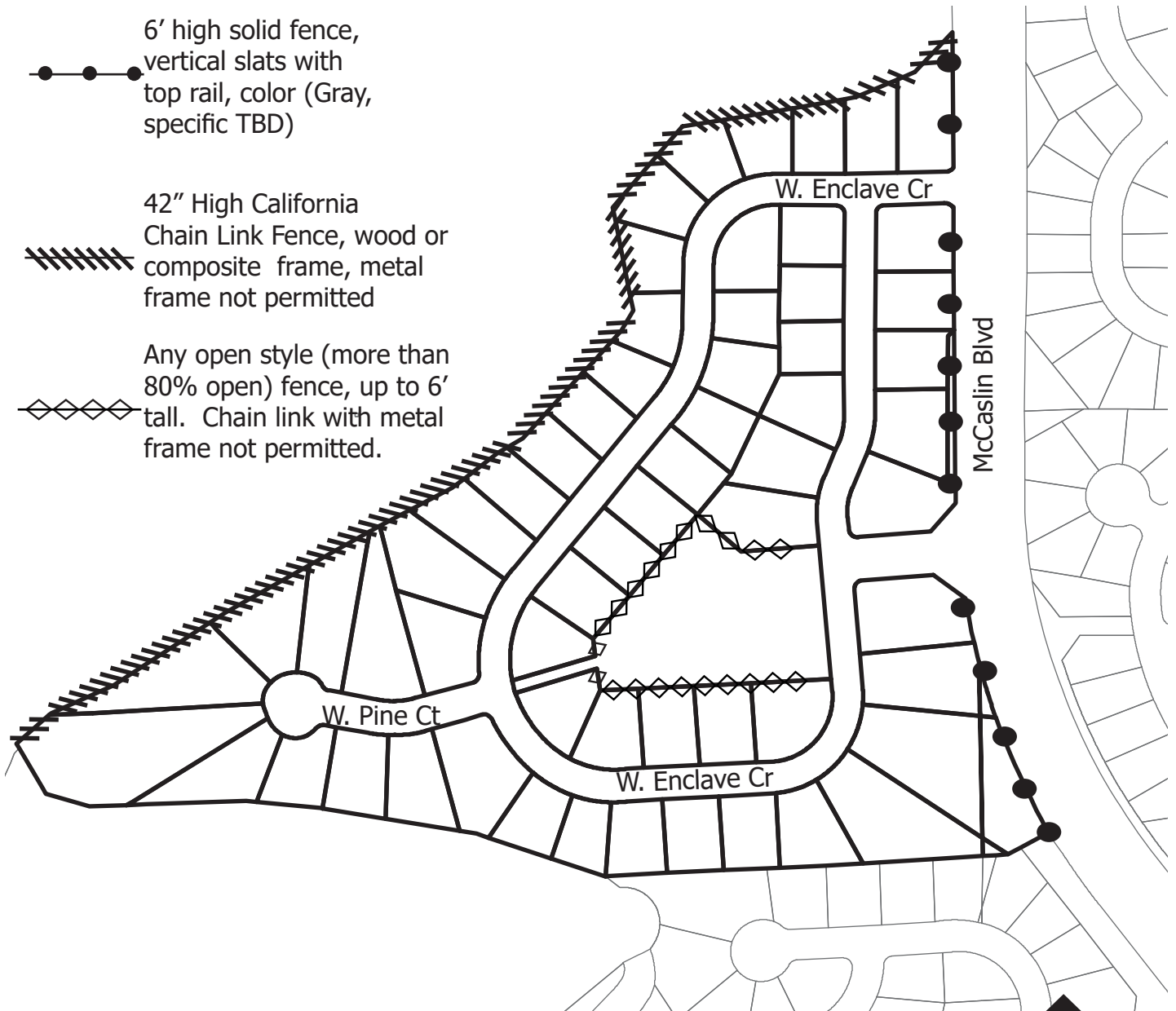
Meredyth Muth, City Clerk

The Enclave PUD Fence Requirements

Notes:

1. This PUD Amendment replaces all fence regulations for the Enclave PUD.
2. Fences not otherwise regulated by this amendment are subject to the Louisville Municipal Code Section 17.16.120

Fence Type Legend



**ORDINANCE NO. 1838
SERIES 2022**

**AN ORDINANCE AMENDING TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE
CONCERNING FENCE REGULATIONS WITHIN PLANNED UNIT DEVELOPMENTS**

WHEREAS, on December 30, 2021, the Marshall Fire ignited in unincorporated Boulder County and quickly spread to the City of Louisville, resulting in the severe damage or total loss of almost 600 residential structures; and

WHEREAS, there is visible evidence that wood fences contributed to the loss of some homes by providing a conduit for fire to travel from property to property; and

WHEREAS, best practices within the Wildland Urban Interface recommend non-combustible fence material in certain circumstances to limit fire spread; and

WHEREAS, City Council desires to ensure that fences constructed of combustible materials do not contribute to loss of structures from fire; and

WHEREAS, after a duly noticed public hearing held on July 14, 2022, where evidence and testimony were entered into the record, including the Louisville Planning Commission Staff Report dated July 14, 2022, the Louisville Planning Commission has recommended the City Council adopt the amendments to the Louisville Municipal Code (LMC) set forth in this ordinance; and

WHEREAS, City Council has provided notice of a public hearing on said ordinance by publication as provided by law and held a public hearing as provided in said notice;

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

Section 1. Section 17.16.120 of the Louisville Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

Sec. 17.16.120. – Fences, walls and hedges

- A. No fence, wall, or hedge shall exceed six feet in height except as required for screening, recreational purposes approved by the planning commission, or unique security requirements approved by the planning commission.
- B. No fence, wall, or hedge exceeding four feet in height shall be located in any required front yard.
- C. Regardless of the provisions of subsections A and B of this section, no fence, wall or hedge exceeding 2½ feet in height shall be located in any vision clearance area of a street intersection unless such fence, wall or hedge shall be more than 80 percent open.


- D. No fence, wall, or hedge shall be located as to extend into street or alley rights-of-way.
- E. If a Planned Unit Development requires a fence constructed of wood or another combustible material, a property owner may install a noncombustible fence for the portion of the fence that connects the principal structure to the side property line, provided that:
 1. The fence matches the height the limit set forth in the Planned Unit Development; and
 2. The fence shall match the design intent for openness or solid construction set forth in the Planned Unit Development.

Section 2. 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 3. The repeal or modification of any provision of the Louisville Municipal Code 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 portions hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED PUBLISHED this 2nd day of August, 2022.



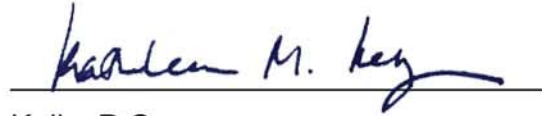
Ashley Stolzmann, Mayor

ATTEST:



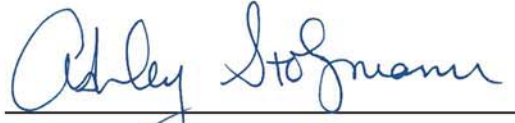
Meredyth Muth, City Clerk

APPROVED AS TO FORM:



Kelly, P.C.
City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING this 6th day of
September, 2022.



Ashley Stolzmann, Mayor

ATTEST:



Meredyth Muth, City Clerk

Meredith

received

NOTICE OF PUBLIC HEARING
ORDINANCE No. 1838, SERIES 2022

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Louisville, Colorado, to be held on September 6, 2022 at the hour of 6:00 p.m., at Louisville City Hall, 749 Main Street, Louisville, Colorado 80027, or in an electronic meeting, the City Council will hold a Public Hearing on the final passage and adoption of a proposed ORDINANCE AMENDING TITLE 15, TITLE 16, AND TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE CONCERNING FENCE REGULATIONS WITHIN PLANNED UNIT DEVELOPMENTS.

Published in the Daily Camera on August 7, 2022 with full ordinance.
Full copies available in the City Clerk's Office, 749 Main Street, Louisville CO 80027.

ORDINANCE NO. 1838
SERIES 2022

AN ORDINANCE AMENDING TITLE 15, TITLE 16, AND TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE CONCERNING FENCE REGULATIONS WITHIN PLANNED UNIT DEVELOPMENTS

WHEREAS, on December 30, 2021, the Marshall Fire ignited in unincorporated Boulder County and quickly spread to the City of Louisville, resulting in the severe damage or total loss of almost 600 residential structures; and

WHEREAS, there is visible evidence that wood fences contributed to the loss of some homes by providing a conduit for fire to travel from property to property; and

WHEREAS, best practices within the Wildland Urban Interface recommend non-combustible fence material in certain circumstances to limit fire spread; and

WHEREAS, City Council desires to ensure that fences constructed of combustible materials do not contribute to loss of structures from fire; and

WHEREAS, after a duly noticed public hearing held on July 14, 2022, where evidence and testimony were entered into the record, including the Louisville Planning Commission Staff Report dated July 14, 2022, the Louisville Planning Commission has recommended the City Council adopt the amendments to the Louisville Municipal Code (LMC) set forth in this ordinance; and

WHEREAS, City Council has provided notice of a public hearing on said ordinance by publication as provided by law and held a public hearing as provided in said notice;

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

Section 1. Section 17.16.120 of the Louisville Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are stricken through):

Sec. 17.16.120. - Fences, walls and hedges

A. No fence, wall, or hedge shall exceed six feet in height except as required for screening, recreational purposes approved by the planning commission, or unique security requirements approved by the planning commission.

B. No fence, wall, or hedge exceeding four feet in height shall be located in any required front yard.

C. Regardless of the provisions of subsections A and B of this section, no fence, wall or hedge exceeding 2 1/2 feet in height shall be located in any vision clearance area of a street intersection unless such fence, wall or hedge shall be more than 80 percent open.

D. No fence, wall, or hedge shall be located as to extend into street or alley rights-of-way.

E. If a Planned Unit Development requires a fence constructed of wood or another combustible material, a property owner may install a noncombustible fence for up to five feet of the portion of the fence that connects to the principal structure, provided that:

1. The fence matches the height the limit set forth in the Planned Unit Development; and

2. The fence shall match the design intent for openness or solid construction set forth in the Planned Unit Development.

Section 2. 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 3. The repeal or modification of any provision of the Louisville Municipal Code 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 portions hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED PUBLISHED this ____ day of _____, 2022.

Ashley Stolzmann, Mayor
ATTEST:
Meredyth Muth, City Clerk

APPROVED AS TO FORM:
Kelly, P.C.
City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2022.

Ashley Stolzmann, Mayor
ATTEST:
Meredyth Muth, City Clerk

Published: Boulder Daily Camera August 7, 2022-1911106

Prairie Mountain Media, LLC

PUBLISHER'S AFFIDAVIT

County of Boulder
State of Colorado

The undersigned, Agent, being first duly sworn under oath, states and affirms as follows:

1. He/she is the legal Advertising Reviewer of Prairie Mountain Media LLC, publisher of the *Daily Camera*.
2. The *Daily Camera* is a newspaper of general circulation that has been published continuously and without interruption for at least fifty-two weeks in Boulder County and meets the legal requisites for a legal newspaper under Colo. Rev. Stat. 24-70-103.
3. The notice that is attached hereto is a true copy, published in the *Daily Camera* in Boulder County on the following date(s):

Aug 7, 2022

Melissa Najera
Signature

Subscribed and sworn to me before me this
8th day of August, 2022.

Shayla Najera
Notary Public

SHAYLA NAJERA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20174031965
MY COMMISSION EXPIRES July 31, 2025

(SEAL)

Account: 1048836
Ad Number: 1911106
Fee: \$175.56

received
9/11/22

NOTICE OF PUBLIC HEARING
ORDINANCE No. 1838, SERIES 2022

AN ORDINANCE AMENDING TITLE 17 OF THE LOUISVILLE MUNICIPAL
CODE CONCERNING FENCE REGULATIONS WITHIN PLANNED UNIT
DEVELOPMENTS

INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED
PUBLISHED this 2nd day of August, 2022.

Ashley Stolzmann, Mayor
ATTEST:
Meredyth Muth, City Clerk

APPROVED AS TO FORM:
Kelly PC, City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING this 6th
day of August, 2022.

Ashley Stolzmann, Mayor
ATTEST:
Meredyth Muth, City Clerk

Ordinance No. 1838, Series 2022 is revised to read as follows
(amendments are shown in bold underline and bold strikeout):

ORDINANCE NO. 1838
SERIES 2022

AN ORDINANCE AMENDING TITLE 17 OF THE LOUISVILLE MUNICIPAL
CODE CONCERNING FENCE REGULATIONS WITHIN PLANNED UNIT
DEVELOPMENTS

Sec. 17.16.120. – Fences, walls and hedges

E. If a Planned Unit Development requires a fence constructed of
wood or another combustible material, a property owner may in-
stall a noncombustible fence for the portion of the fence that con-
nects the principal structure to the side property line, provided
that:

1. The fence matches the height the limit set forth in the Planned
Unit Development; and
2. The fence shall match the design intent for openness or solid
construction set forth in the Planned Unit Development.

Published in the Daily Camera on September 11, 2022. Full copies of
the ordinance are available at the City Clerk's Office, 749 Main
Street, Louisville, Colorado.

Published: Boulder Daily Camera September 11, 2022-1919358

Prairie Mountain Media, LLC

PUBLISHER'S AFFIDAVIT

County of Boulder
State of Colorado

The undersigned, Agent, being first duly sworn
under oath, states and affirms as follows:

1. He/she is the legal Advertising Reviewer of
Prairie Mountain Media LLC, publisher of the
Daily Camera.
2. The *Daily Camera* is a newspaper
of general circulation that has been published
continuously and without interruption for at least
fifty-two weeks in Boulder County and
meets the legal requisites for a legal newspaper
under Colo. Rev. Stat. 24-70-103.
3. The notice that is attached hereto is a true copy,
published in the *Daily Camera*
in Boulder County on the following date(s):

Sep 11, 2022



Signature

Subscribed and sworn to me before me this
12th day of September, 2022



Notary Public

SHAYLA NAJERA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20174031965
MY COMMISSION EXPIRES July 31, 2025

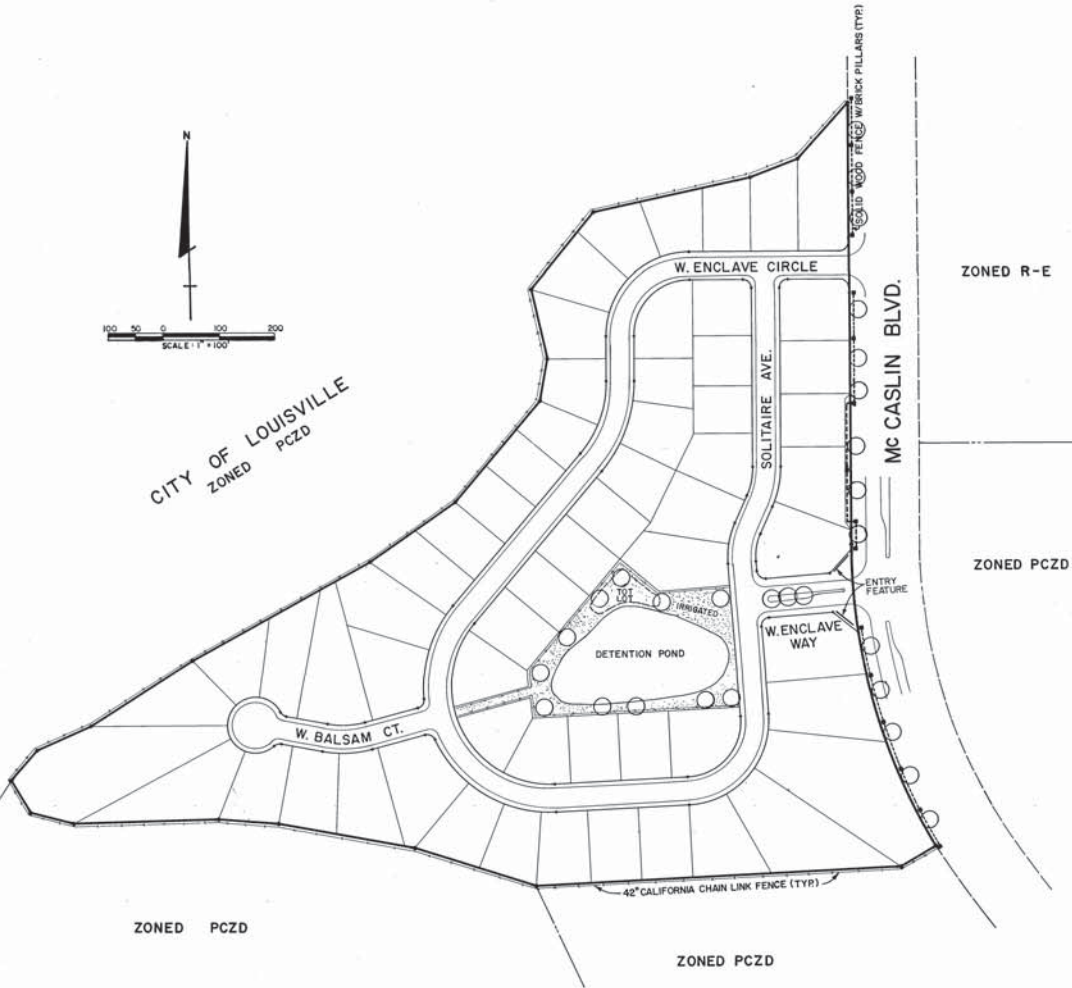
(SEAL)

Account: 1048836
Ad Number: 1919358
Fee: \$74.80

PLANNED UNIT DEVELOPMENT THE ENCLAVE



CITY OF LOUISVILLE
ZONED PCZD



ZONED R-E

ZONED PCZD

ZONED PCZD

ZONED PCZD

1. OWNER: HOMART DEVELOPMENT
KEND CENTER, SUITE 3100
55 W. MONROE
CHICAGO, ILLINOIS 60603
2. DEVELOPER: RB DEVELOPMENT
4155 E. JEWELL AVENUE, SUITE 1007
DENVER, COLORADO 80222
PHONE (303) 758-0063
3. ENGINEER/SURVEYOR: ROCKY MOUNTAIN CONSULTANTS, INC.
8301 E. PRENTICE AVENUE, SUITE 101
ENGLEWOOD, COLORADO 80111
PHONE (303) 741-6000
4. DATE OF PREPARATION: APRIL 1986
5. NUMBER OF LOTS - 60
6. LOT SIZE: MAXIMUM 40,700 SQ FT
MEDIAN 11,920 SQ FT
MINIMUM 8,925 SQ FT
7. ACREAGE OF SUBDIVISION - 25.079
8. DENSITY 2.39
9. OPEN SPACE ACREAGE - 1.806
PERCENT OPEN SPACE - 7.0%
10. MAXIMUM BUILDING HEIGHT - 35 FEET
11. SETBACKS - FRONT (MINIMUM) 20'
(AVERAGE) 25'
- SIDE (ENTRANCE) 7'
- REAR (STREET) 20'
- REAR 25'
12. OPEN SPACE TRACT A AND THE WEST SIDE OF McCASLIN BLVD. ALONG THE FRONTAGE OF THE SUBDIVISION SHALL BE IMPROVED BY THE DEVELOPER AND MAINTAINED BY THE CITY.
13. NO CONSTRUCTION MATERIALS SHALL BE BURIED IN CITY OPEN SPACE TRACTS.
14. CURB CUTS FOR BIKE AND HIKE TRAILS SHALL BE PROVIDED.
15. A FINAL LANDSCAPE PLAN (WHICH SHALL GENERALLY CONFORM TO THE PLAN SHOWN ON THIS PUD) SHALL BE SUBMITTED TO AND APPROVED BY THE CITY.
16. LOT 16, BLOCK 1, (SEE PLAT) TO INCLUDE TURN AROUND DRIVE DUE TO NARROW FRONTAGE.
17. HOUSES SHALL NOT BE CONSTRUCTED WITHIN 50 FEET OF THE CENTERLINE OF THE LOUISVILLE LATERAL DITCH.
18. STREETS SHALL BE INSTALLED AS PER CURRENT CITY SPECIFICATIONS UNLESS OTHERWISE APPROVED BY THE PLANNING COMMISSION AND CITY COUNCIL.
19. McCASLIN BLVD., A FOUR LANE ARTERIAL STREET, TO BE CONSTRUCTED IN PHASES.

OWNER:
HOMART DEVELOPMENT CO.
BY: Thomas A. Walsh Senior Vice President
Kenzie Keesh Assistant Secretary

NOTARY:
ILLINOIS
STATE OF COLORADO
COOK, JSS
COUNTY OF BOULDER

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 4th DAY of August 1986, BY Thomas A. Walsh Senior Vice President, and Kenzie Keesh Assistant Secretary, OF HOMART DEVELOPMENT CO.

WITNESS MY HAND AND SEAL. MY COMMISSION EXPIRES THE 22nd DAY of August 1989.

Frank A. Bann
NOTARY PUBLIC

PLANNING COMMISSION CERTIFICATE:
APPROVED BY THE PLANNING COMMISSION OF THE CITY OF LOUISVILLE THIS 13th DAY OF May, 1986, BY RESOLUTION NO. 8
D.W. Jensen CHAIRMAN ATTEST: Henry A. Peltch SECRETARY

CITY COUNCIL APPROVAL:
APPROVED BY THE CITY COUNCIL OF LOUISVILLE THIS 27th DAY OF May, 1986, BY RESOLUTION NO. 30
Norman Larson ATTEST: Patricia A. Dillman CITY CLERK

CLERK AND RECORDER'S CERTIFICATE:
STATE OF COLORADO
COUNTY OF BOULDER

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT 11:14 O'CLOCK A.M. THIS 27th DAY OF April, 1987, A.D., AND IS DULY RECORDED IN PLAN FILE P-27119
FEES PAID: 10.00 RECEPTION # 842775 PLAN # 1470

RECORDER: Charlotte Houston DEPUTY: Patricia A. Dillman

PREPARED BY:
ROCKY MOUNTAIN CONSULTANTS INC.
8301 E. PRENTICE AVE. ENGLEWOOD, CO. 80111
741-8000 DATE: 4-86 JOB NO: 7-5249

65862972 04/27/87 11:14 AM LOCAL ESTATE RECORDS 1470 CHARLOTTE HUSTON BOULDER CITY CO RECORDER

From: Malcolm Fleming <malcolmski@gmail.com>
Sent: Friday, April 7, 2023 6:11 PM
To: Planning
Cc: Susan Sonya Nedell
Subject: PUD-0457-2023 Enclave PUD Proposed Amendment

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

Honorable City Council, Planning Commissioners, and City Staff:

Regarding the proposed amendments to the Enclave fence regulations, if you are going to continue requiring fencing along McCaslin, please maintain the requirement for the fencing along McCaslin to have brick pillars as required by the current Enclave PUD. The brick pillars break up what would otherwise be a monotonous stretch of fencing all of the same material and color, and instead provide some visual interest.

Thank you for your consideration.

Malcolm Fleming

Helping create exceptional places to live/work/thrive

720-982-4121

==CAUTION: EXTERNAL EMAIL==

This email originated from outside the City of Louisville's email environment. Do not click links or open attachments unless you validate the sender and know the content is safe. Please contact IT if you believe this email is suspicious.

ITEM:	PUD-0463-2023 – Cherrywood II PUD Amendment – Fence Regulations
PLANNER:	Lisa Ritchie, AICP, Planning Manager
APPLICANT:	Staff Initiated with Neighborhood Input
REQUEST:	Consideration of Resolution 1, Series 2023, recommending approval of a resolution amending fence regulations in the Cherrywood II Planned Unit Development

SUMMARY:

On December 30, 2021, the Marshall Fire swept through multiple neighborhoods in the City, resulting in the total loss and significant damage of roughly 600 homes.

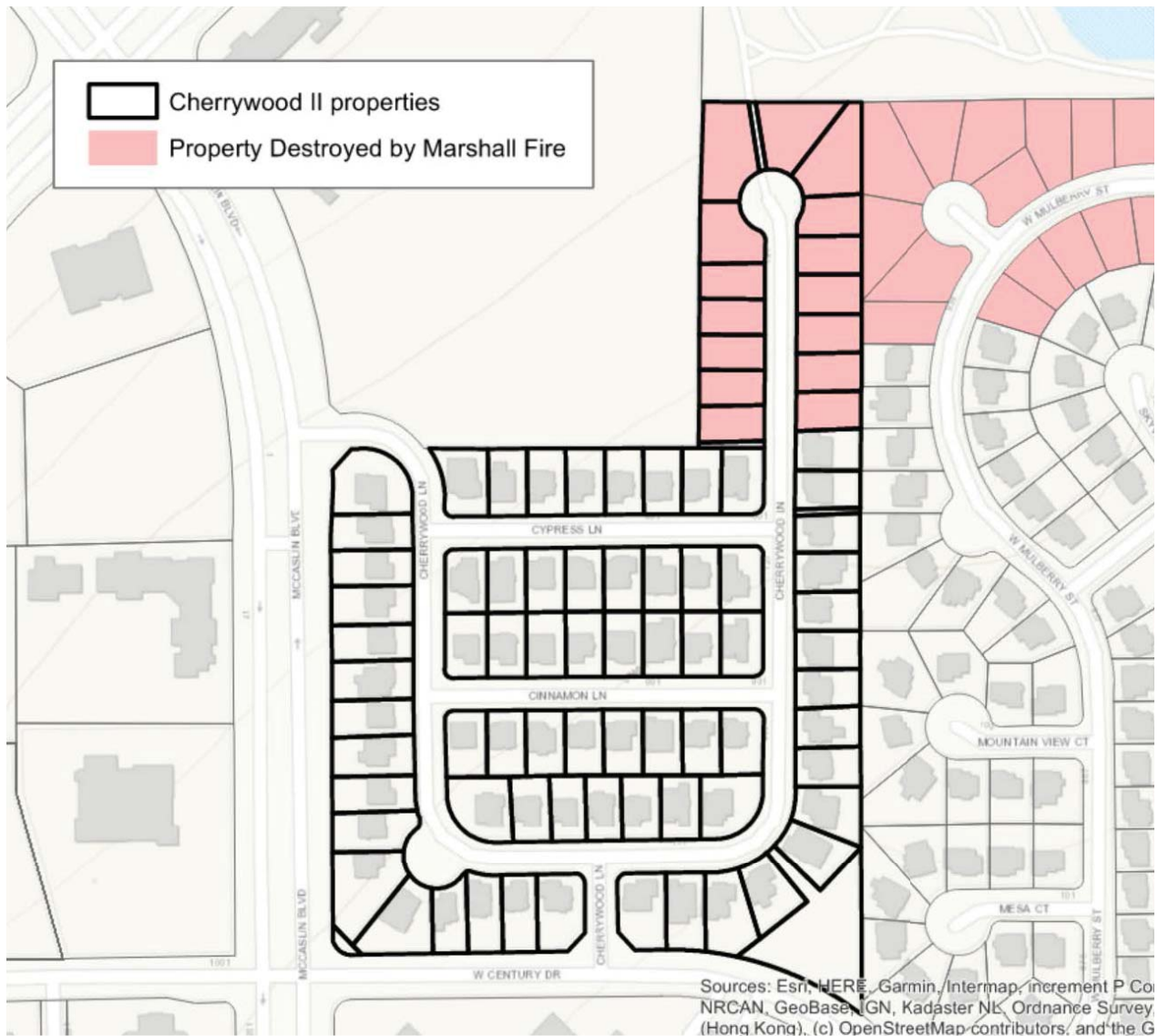
Recognizing that fences contributed to fire spread in some instances, the City approved Ordinance 1838, Series 2022 (see attached) on September 6, 2022 which provided an automatic exemption from any Planned Unit Development (PUD) standards for certain wood fences, allowing homeowners to install non-combustible fence materials for fences that are immediately adjacent to homes to potentially reduce impact from wildfire.

In the months following the fire, planning staff met regularly with affected neighborhoods to discuss issues related to recovery. Some neighborhoods, including Cherrywood II, expressed a desire to amend their fence regulations in order to address combustible designs or other design preferences. The proposed amendment reflects the neighborhood's collective preference and the application is being presented on their behalf by staff.

BACKGROUND:

Fence regulations for residential properties are established in Sec. 17.16.120 – *Fences, walls and hedges* in the Louisville Municipal Code (LMC). This code was originally adopted in 1973, with amendments occurring over the years, most recently in 1995. In addition to these standards, Planned Unit Developments often contain additional fence standards, including height, materials, and design. The scope of these standards vary, with some PUDs only setting forth neighborhood perimeter fence standards and others establish standards for both perimeter and internal fences. The predominate material required by PUDs that include design parameters is wood, along with California chain link, which includes a wood frame around chain link. The reason most PUDs have some level of fence regulations is to preserve a particular neighborhood aesthetic and quality of fence design.

The Cherrywood II PUD (see attached) was approved on October 15, 1991 and regulates the perimeter fencing. The neighborhood includes 85 single family residential lots, 15 of which were destroyed during the Marshall Fire. Some neighborhood fences were also destroyed.



PROPOSAL:

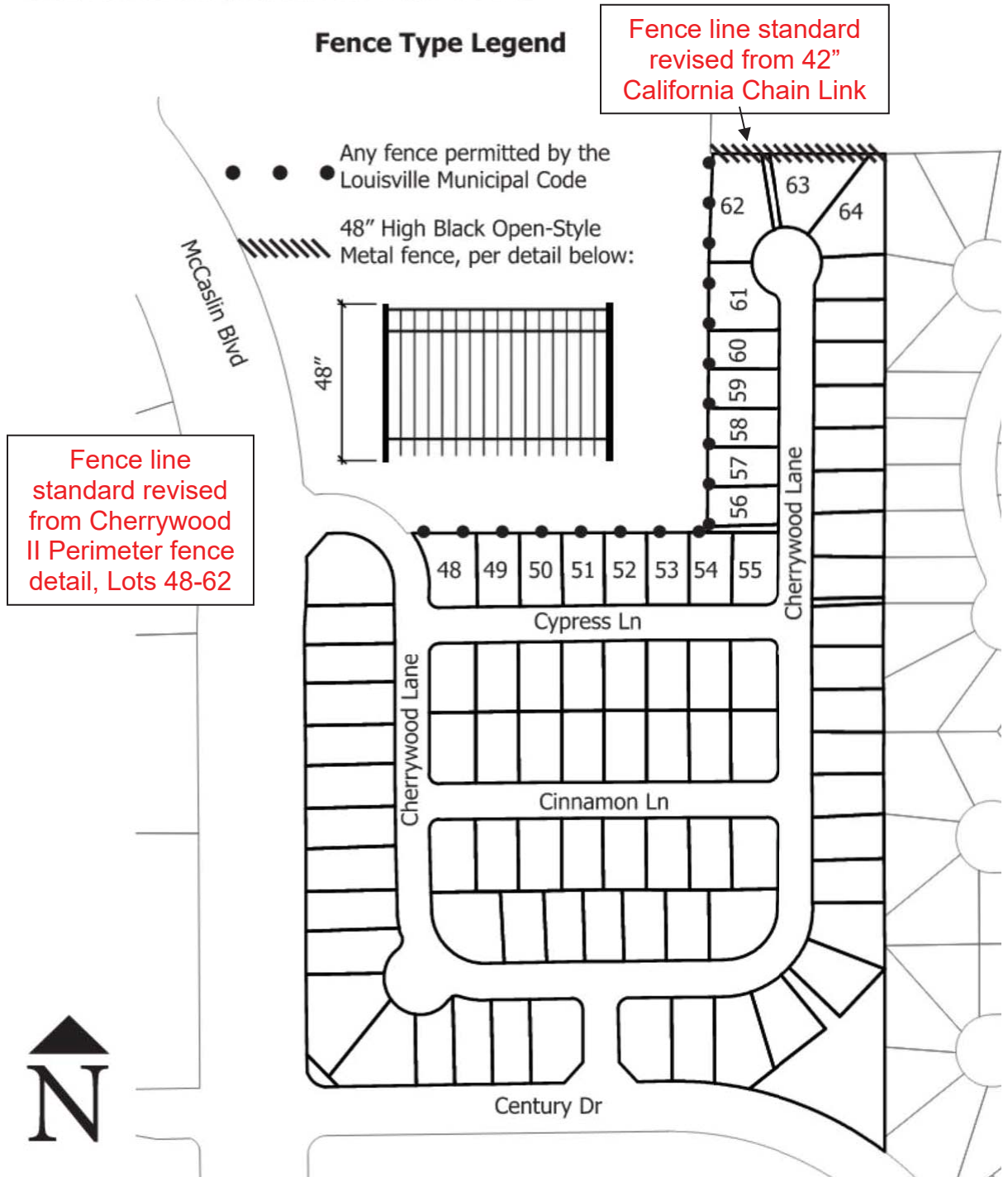
Staff collaborated with the neighborhood through their HOA to understand preferences for changes to the existing regulations. Staff provided guidance on the process and shared input on design considerations, but the final outcome of the draft resolution was primarily determined at the neighborhood HOA level.

The Cherrywood II PUD currently only regulates neighborhood perimeter fencing. All other interior fences are not regulated, nor proposed to be regulated. The PUD Amendment only applies to Lots 48-64. The exhibit below reflects the proposal, and the current PUD is included as an attachment.

Cherrywood II PUD Fence Amendments

Notes:

1. This PUD Amendment replaces fence regulations for Lots 48-64. All other fence regulations shown on the Cherrywood II PUD remain in effect.



ANALYSIS:

The PUD is regulated by Chapter 17.28 of the LMC. Residential zone districts do not have design regulations related to fences, such as is found in the Commercial and Industrial Development Design Standards and Guidelines. Therefore, fence regulations are customized for each neighborhood through the PUD. A complete response to the PUD criteria in 17.28.120 is provided as an appendix.

Staff provides the following considerations for the revisions:

- Revision to the perimeter abutting Lots 48-62
 - *The current PUD specifies a perimeter fence detail requiring a 6’ high cedar fence. These fences were impacted by Marshall Fire. Property owners desire to have flexibility in material and design to allow non-combustible materials. While this fence is somewhat visible from McCaslin Boulevard, it is not directly adjacent to the roadway, and topography also limits its view from certain vantage points, therefore maintaining the perimeter fence design in this location is not essential.*
- Revision to fence abutting the Louisville Arboretum
 - *The current PUD requires 42” California Chain Link. The three homeowners that abut this area desire to change the design to a 48” high black metal fence, per the detail in the exhibit. This is a high quality fence design and maintains the requirement for a consistent design.*

PUBLIC COMMENTS:

To date, no public comments have been received.

STAFF RECOMMENDATION:

Staff recommends approval of Resolution 11, Series 2023, recommending approval of a City Council Resolution amending fence regulations in the Cherrywood II Planned Unit Development.

ATTACHMENTS:

1. Resolution 11, Series 2023
2. Draft City Council Resolution
3. Ordinance 1838, Series 2022
4. Cherrywood II PUD

APPENDIX: PUD Criteria Analysis – Cherrywood II – PUD Amendment

Criteria 17.28.120 (A)	Finding	Narrative
1. An appropriate relationship to the surrounding area.	Compliant	The revisions maintain appropriate design for the area
2. Circulation in terms of the internal street circulation system, designed for the type of traffic generated, safety, separation from living areas, convenience, access,	Not applicable	No changes are proposed that affect circulation

and noise and exhaust control. Proper circulation in parking areas in terms of safety, convenience, separation and screening.		
3. Consideration and provision for low and moderate-income housing	Not applicable	No changes to housing are proposed
4. Functional open space in terms of optimum preservation of natural features, including trees and drainage areas, recreation, views, density relief and convenience of function	Not applicable	No changes to open space are proposed
5. Variety in terms of housing types, densities, facilities and open space	Not applicable	No changes to housing are proposed
6. Privacy in terms of the needs of individuals, families and neighbors	Compliant	The PUD Amendment continues to allow privacy
7. Pedestrian and bicycle traffic in terms of safety, separation, convenience, access points of destination and attractiveness	Not applicable	No changes to pedestrian and bicycle infrastructure are proposed
8. Building types in terms of appropriateness to density, site relationship and bulk	Not applicable	No changes to building standards are proposed
9. Building design in terms of orientation, spacing, materials, color, texture, storage, signs and lighting	Not applicable	No changes to building standards are proposed
10. Landscaping of total site in terms of purpose, such as screening, ornamental types used, and materials used, if any; and maintenance, suitability and effect on the neighborhood	Compliant	The PUD Amendment revisions continue to allow for screening in a manner that is suitable for this neighborhood
11. Compliance with all applicable development design standards and guidelines and all applicable regulations pertaining to matters of state interest, as specified in <u>chapter 17.32</u>	Compliant	The PUD Amendment does not conflict with the fence standards
12. None of the standards for annexation specified in <u>chapter 16.32</u> have been violated	Not applicable	The property was previously annexed
13. Services including utilities, fire and police protection, and other such services are available or can be made available to adequately	Compliant	The proposed changes do not conflict with the ability to serve and protect the neighborhood

serve the development specified in the final development plan		
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Criteria 17.28.120 (B)	Finding	Narrative
1. Development shall be in accordance with the adopted elements of the comprehensive development plan of the city, and in accordance with any adopted development design standards and guidelines.	Compliant	The PUD Amendment is a neighborhood driven design that is in accordance with policy
2. No structures in a planned unit development shall encroach upon the floodplain. Existing bodies of water and existing stream courses shall not be channelized or altered in a planned unit development plan.	Compliant	The property is not located in a floodplain, nor are there any existing bodies of water in the area
3. No occupied structure shall be located on ground showing severe subsidence potential without adequate design and study approved specifically by the city.	Compliant	There is no known subsidence on the property
4. The proposal should utilize and preserve existing vegetation, land forms, waterways, and historical or archeological sites in the best manner possible. Steep slopes and important natural drainage systems shall not be disrupted. How the proposal meets this provision, including an inventory of how existing vegetation is included in the proposal, shall be set forth on the landscape plan submitted to the city.	Compliant	The PUD Amendment will not impact any existing vegetation, drainage or other areas of city interest
5. Visual relief and variety of visual sitings shall be located within a development in the overall site plan. Such relief shall be accomplished by building placements, shortened or interrupted street vistas, visual access to open space and other methods of design.	Not applicable	No changes are proposed to the layout of the neighborhood

<p>6. Open space within the project shall be located in such a manner as to facilitate pedestrian use and to create an area that is usable and accessible to residents of surrounding developments.</p>	<p>Not applicable</p>	<p>No changes are proposed to the layout of the neighborhood</p>
<p>7. Street design should minimize through traffic passing residential units. Suggested standards with respect to paving widths, housing setbacks and landscaping are set forth in public works standards of the city and applicable development design standards and guidelines. The system of streets, including parking lots, shall aid the order and aesthetic quality of the development.</p>	<p>Not applicable</p>	<p>No changes are proposed to the layout of the neighborhood</p>
<p>8. There shall exist an internal pedestrian circulation system separate from the vehicular system such that allows access to adjacent parcels as well as to parks, open space or recreation facilities within the development. Pedestrian links to trail systems of the city shall be provided.</p>	<p>Not applicable</p>	<p>No changes are proposed to the layout of the neighborhood</p>
<p>9. The project and development should attempt to incorporate features which reduce the demand for water usage.</p>	<p>Not applicable</p>	<p>No changes are proposed to the layout of the neighborhood</p>
<p>10. Landscape plans shall attempt to reduce heating and cooling demands of buildings through the selection and placement of landscape materials, paving, vegetation, earth forms, walls, fences, or other materials.</p>	<p>Not applicable</p>	<p>The PUD Amendment does not conflict with the landscape plan</p>
<p>11. Proposed developments shall be buffered from collector and arterial streets. Such buffering may be accomplished by earthen berms, landscaping, leafing patterns, and other materials. Entrance islands defining traffic patterns along with landscaping</p>	<p>Compliant</p>	<p>The PUD Amendment continues to require a 6' perimeter fence along McCaslin and Century, providing a buffer from the adjacent arterial street</p>

shall be incorporated into entrances to developments.		
12. There shall be encouraged the siting of lot arrangement, building orientation and roof orientation in developments so as to obtain the maximum use of solar energy for heating.	Not applicable	No changes are proposed to the layout of the neighborhood
13. The overall PUD shall provide a variety of housing types.	Not applicable	No changes to housing are proposed
14. Neighborhoods within a PUD shall provide a range of housing size.	Not applicable	No changes to housing are proposed
15. Architectural design of buildings shall be compatible in design with the contours of the site, compatible with surrounding designs and neighborhoods, shall promote harmonious transitions and scale in character in areas of different planned uses, and shall contribute to a mix of styles within the city.	Compliant	The PUD Amendment proposes fence designs that maintain neighborhood character

**RESOLUTION NO. 11
SERIES 2023**

**A RESOLUTION RECOMMENDING APPROVAL OF AN AMENDMENT TO THE
CHERRYWOOD II PLANNED UNIT DEVELOPMENT AMENDMENT REGARDING
FENCE REGULATIONS**

WHEREAS, on December 30, 2021, the Marshall Fire ignited in unincorporated Boulder County and quickly spread to the City of Louisville, resulting in the severe damage or total loss of almost 600 residential structures; and

WHEREAS, many fences within the Cherrywood II neighborhood were damaged or destroyed as a result of the fire; and

WHEREAS, residents within the neighborhood expressed desire to amend certain fence regulations to allow non-combustible materials and other reflect other design preferences; and

WHEREAS, Staff facilitated outreach and collaboration with the neighborhood HOA to understand their preferences for changes and developed the PUD Amendment on their behalf; and

WHEREAS, City Council has the authority to amend the PUD pursuant to Section 17.28.210 of the Louisville Municipal Code; and

WHEREAS, the Planning Commission has considered the application at a duly noticed public hearing on April 13, 2023 and continued to May 11, 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 a Planned Unit Development Amendment to amend fence regulations for the Cherrywood II subdivision.

PASSED AND ADOPTED this 11th day of May, 2023.

By: _____
Steve Brauneis, Chair
Planning Commission

Attest: _____
Keaton Howe, Secretary
Planning Commission

**RESOLUTION NO.
SERIES 2023**

**A RESOLUTION APPROVING AN AMENDMENT TO THE CHERRYWOOD II FINAL
PLANNED UNIT DEVELOPMENT REGARDING FENCE REGULATIONS**

WHEREAS, on December 30, 2021, the Marshall Fire ignited in unincorporated Boulder County and quickly spread to the City of Louisville, resulting in the severe damage or total loss of almost 600 residential structures; and

WHEREAS, some fences within the Cherrywood II neighborhood were damaged or destroyed as a result of the fire; and

WHEREAS, residents within the neighborhood expressed desire to amend certain fence regulations to allow non-combustible materials and other reflect other design preferences; and

WHEREAS, Staff facilitated outreach and collaboration with the neighborhood HOA to understand their preferences for changes and developed the PUD Amendment on their behalf; and

WHEREAS, City Council has the authority to amend the PUD pursuant to Section 17.28.210 of the Louisville Municipal Code; and

WHEREAS, after a duly noticed public hearing held on May 11, 2023, where evidence and testimony were entered into the record, including the Louisville Planning Commission Staff Report dated May 11, 2023, the Louisville Planning Commission has recommended the City Council adopt the amendments to the Cherrywood II Planned Unit Development; and

WHEREAS, City Council has provided notice of a public hearing on said resolution by publication as provided by law and held a public hearing as provided in said notice;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO, does hereby approve the amendment to the Cherrywood II Final Planned Unit Development as described on Exhibit A:

PASSED AND ADOPTED this __ day of _____, 2023.

By: _____

Dennis Maloney, Mayor

Attest: _____

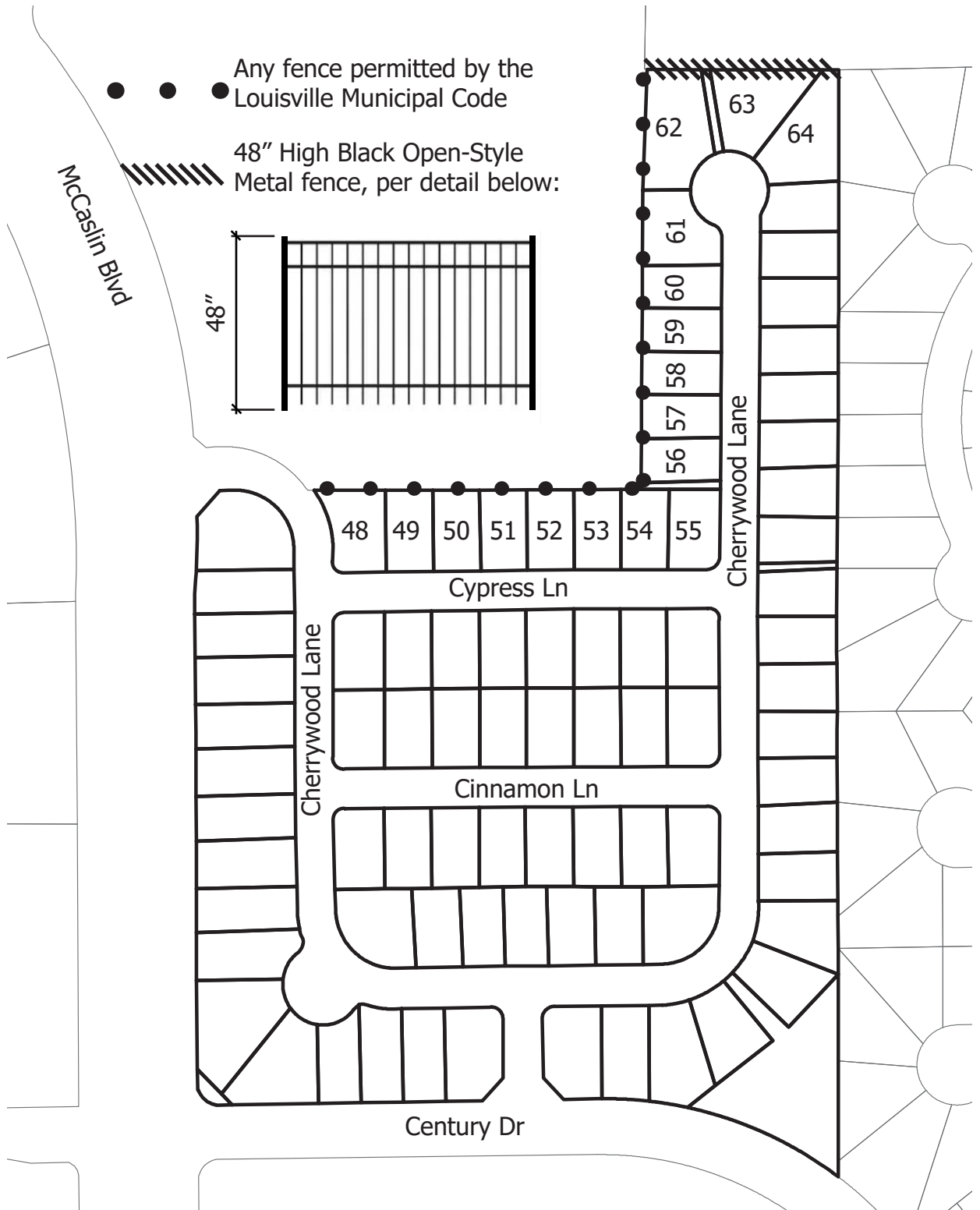
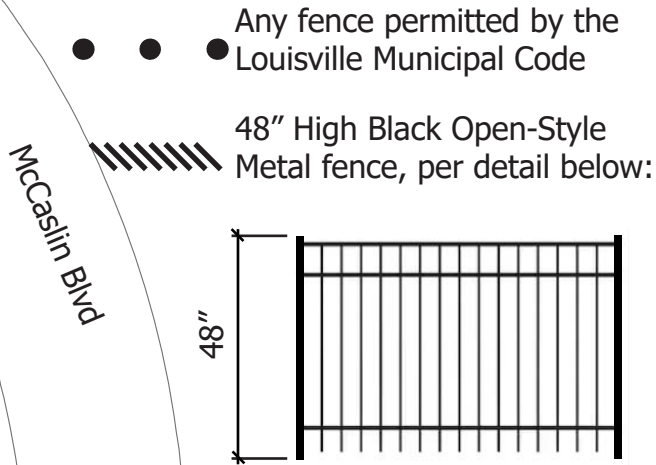
Meredyth Muth, City Clerk

Cherrywood II PUD Fence Amendments

Notes:

1. This PUD Amendment replaces fence regulations for Lots 48-64. All other fence regulations shown on the Cherrywood II PUD remain in effect.

Fence Type Legend



**ORDINANCE NO. 1838
SERIES 2022**

**AN ORDINANCE AMENDING TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE
CONCERNING FENCE REGULATIONS WITHIN PLANNED UNIT DEVELOPMENTS**

WHEREAS, on December 30, 2021, the Marshall Fire ignited in unincorporated Boulder County and quickly spread to the City of Louisville, resulting in the severe damage or total loss of almost 600 residential structures; and

WHEREAS, there is visible evidence that wood fences contributed to the loss of some homes by providing a conduit for fire to travel from property to property; and

WHEREAS, best practices within the Wildland Urban Interface recommend non-combustible fence material in certain circumstances to limit fire spread; and

WHEREAS, City Council desires to ensure that fences constructed of combustible materials do not contribute to loss of structures from fire; and

WHEREAS, after a duly noticed public hearing held on July 14, 2022, where evidence and testimony were entered into the record, including the Louisville Planning Commission Staff Report dated July 14, 2022, the Louisville Planning Commission has recommended the City Council adopt the amendments to the Louisville Municipal Code (LMC) set forth in this ordinance; and

WHEREAS, City Council has provided notice of a public hearing on said ordinance by publication as provided by law and held a public hearing as provided in said notice;

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

Section 1. Section 17.16.120 of the Louisville Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

Sec. 17.16.120. – Fences, walls and hedges

- A. No fence, wall, or hedge shall exceed six feet in height except as required for screening, recreational purposes approved by the planning commission, or unique security requirements approved by the planning commission.
- B. No fence, wall, or hedge exceeding four feet in height shall be located in any required front yard.
- C. Regardless of the provisions of subsections A and B of this section, no fence, wall or hedge exceeding 2½ feet in height shall be located in any vision clearance area of a street intersection unless such fence, wall or hedge shall be more than 80 percent open.

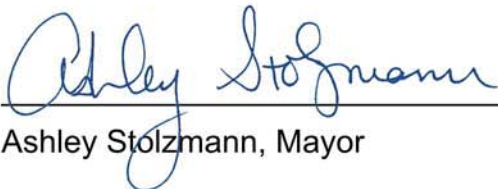
- D. No fence, wall, or hedge shall be located as to extend into street or alley rights-of-way.
- E. If a Planned Unit Development requires a fence constructed of wood or another combustible material, a property owner may install a noncombustible fence for the portion of the fence that connects the principal structure to the side property line, provided that:
1. The fence matches the height the limit set forth in the Planned Unit Development; and
 2. The fence shall match the design intent for openness or solid construction set forth in the Planned Unit Development.

Section 2. 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 3. The repeal or modification of any provision of the Louisville Municipal Code 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 portions hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED PUBLISHED this 2nd day of August, 2022.



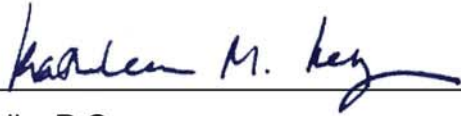
Ashley Stolzmann, Mayor

ATTEST:




Meredyth Muth, City Clerk

APPROVED AS TO FORM:



Kelly, P.C.
City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING this 6th day of
September, 2022.



Ashley Stolzmann, Mayor

ATTEST:



Meredyth Muth, City Clerk

Meredith

received

NOTICE OF PUBLIC HEARING
ORDINANCE No. 1838, SERIES 2022

NOTICE IS HEREBY GIVEN that at a regular meeting of the City Council of the City of Louisville, Colorado, to be held on September 6, 2022 at the hour of 6:00 p.m., at Louisville City Hall, 749 Main Street, Louisville, Colorado 80027, or in an electronic meeting, the City Council will hold a Public Hearing on the final passage and adoption of a proposed ORDINANCE AMENDING TITLE 15, TITLE 16, AND TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE CONCERNING FENCE REGULATIONS WITHIN PLANNED UNIT DEVELOPMENTS.

Published in the Daily Camera on August 7, 2022 with full ordinance.
Full copies available in the City Clerk's Office, 749 Main Street, Louisville CO 80027.

ORDINANCE NO. 1838
SERIES 2022

AN ORDINANCE AMENDING TITLE 15, TITLE 16, AND TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE CONCERNING FENCE REGULATIONS WITHIN PLANNED UNIT DEVELOPMENTS

WHEREAS, on December 30, 2021, the Marshall Fire ignited in unincorporated Boulder County and quickly spread to the City of Louisville, resulting in the severe damage or total loss of almost 600 residential structures; and

WHEREAS, there is visible evidence that wood fences contributed to the loss of some homes by providing a conduit for fire to travel from property to property; and

WHEREAS, best practices within the Wildland Urban Interface recommend non-combustible fence material in certain circumstances to limit fire spread; and

WHEREAS, City Council desires to ensure that fences constructed of combustible materials do not contribute to loss of structures from fire; and

WHEREAS, after a duly noticed public hearing held on July 14, 2022, where evidence and testimony were entered into the record, including the Louisville Planning Commission Staff Report dated July 14, 2022, the Louisville Planning Commission has recommended the City Council adopt the amendments to the Louisville Municipal Code (LMC) set forth in this ordinance; and

WHEREAS, City Council has provided notice of a public hearing on said ordinance by publication as provided by law and held a public hearing as provided in said notice;

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

Section 1. Section 17.16.120 of the Louisville Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are stricken through):

Sec. 17.16.120. - Fences, walls and hedges

A. No fence, wall, or hedge shall exceed six feet in height except as required for screening, recreational purposes approved by the planning commission, or unique security requirements approved by the planning commission.

B. No fence, wall, or hedge exceeding four feet in height shall be located in any required front yard.

C. Regardless of the provisions of subsections A and B of this section, no fence, wall or hedge exceeding 2 1/2 feet in height shall be located in any vision clearance area of a street intersection unless such fence, wall or hedge shall be more than 80 percent open.

D. No fence, wall, or hedge shall be located as to extend into street or alley rights-of-way.

E. If a Planned Unit Development requires a fence constructed of wood or another combustible material, a property owner may install a noncombustible fence for up to five feet of the portion of the fence that connects to the principal structure, provided that:

1. The fence matches the height the limit set forth in the Planned Unit Development; and

2. The fence shall match the design intent for openness or solid construction set forth in the Planned Unit Development.

Section 2. 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 3. The repeal or modification of any provision of the Louisville Municipal Code 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 portions hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED PUBLISHED this ____ day of _____, 2022.

Ashley Stolzmann, Mayor
ATTEST:
Meredyth Muth, City Clerk

APPROVED AS TO FORM:
Kelly, P.C.
City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2022.

Ashley Stolzmann, Mayor
ATTEST:
Meredyth Muth, City Clerk

Published: Boulder Daily Camera August 7, 2022-1911106

Prairie Mountain Media, LLC

PUBLISHER'S AFFIDAVIT

County of Boulder
State of Colorado

The undersigned, Agent, being first duly sworn under oath, states and affirms as follows:

1. He/she is the legal Advertising Reviewer of Prairie Mountain Media LLC, publisher of the *Daily Camera*.
2. The *Daily Camera* is a newspaper of general circulation that has been published continuously and without interruption for at least fifty-two weeks in Boulder County and meets the legal requisites for a legal newspaper under Colo. Rev. Stat. 24-70-103.
3. The notice that is attached hereto is a true copy, published in the *Daily Camera* in Boulder County on the following date(s):

Aug 7, 2022

Melissa Najera

Signature

Subscribed and sworn to me before me this
8th day of August, 2022.

Shayla Najera

Notary Public

SHAYLA NAJERA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20174031965
MY COMMISSION EXPIRES July 31, 2025

(SEAL)

Account: 1048836
Ad Number: 1911106
Fee: \$175.56

received
9/11/22

NOTICE OF PUBLIC HEARING
ORDINANCE No. 1838, SERIES 2022

AN ORDINANCE AMENDING TITLE 17 OF THE LOUISVILLE MUNICIPAL
CODE CONCERNING FENCE REGULATIONS WITHIN PLANNED UNIT
DEVELOPMENTS

INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED
PUBLISHED this 2nd day of August, 2022.

Ashley Stolzmann, Mayor
ATTEST:
Meredyth Muth, City Clerk

APPROVED AS TO FORM:
Kelly PC, City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING this 6th
day of August, 2022.

Ashley Stolzmann, Mayor
ATTEST:
Meredyth Muth, City Clerk

Ordinance No. 1838, Series 2022 is revised to read as follows
(amendments are shown in bold underline and bold strikeout):

ORDINANCE NO. 1838
SERIES 2022

AN ORDINANCE AMENDING TITLE 17 OF THE LOUISVILLE MUNICIPAL
CODE CONCERNING FENCE REGULATIONS WITHIN PLANNED UNIT
DEVELOPMENTS

Sec. 17.16.120. – Fences, walls and hedges

E. If a Planned Unit Development requires a fence constructed of
wood or another combustible material, a property owner may in-
stall a noncombustible fence for the portion of the fence that con-
nects the principal structure to the side property line, provided that:

1. The fence matches the height the limit set forth in the Planned
Unit Development; and
2. The fence shall match the design intent for openness or solid
construction set forth in the Planned Unit Development.

Published in the Daily Camera on September 11, 2022. Full copies of
the ordinance are available at the City Clerk's Office, 749 Main
Street, Louisville, Colorado.

Published: Boulder Daily Camera September 11, 2022-1919358

Prairie Mountain Media, LLC

PUBLISHER'S AFFIDAVIT

County of Boulder
State of Colorado

The undersigned, Agent, being first duly sworn
under oath, states and affirms as follows:

1. He/she is the legal Advertising Reviewer of
Prairie Mountain Media LLC, publisher of the
Daily Camera.
2. The *Daily Camera* is a newspaper
of general circulation that has been published
continuously and without interruption for at least
fifty-two weeks in Boulder County and
meets the legal requisites for a legal newspaper
under Colo. Rev. Stat. 24-70-103.
3. The notice that is attached hereto is a true copy,
published in the *Daily Camera*
in Boulder County on the following date(s):

Sep 11, 2022



Signature

Subscribed and sworn to me before me this
12th day of September 2022



Notary Public

SHAYLA NAJERA
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20174031965
MY COMMISSION EXPIRES July 31, 2025

(SEAL)

Account: 1048836
Ad Number: 1919358
Fee: \$74.80

RE CITY RECREATION CENTER

CENTENNIAL HEIGHTS PCZD

P-R UNDEVELOPED

DEVELOPER / OWNER
STORCK DEVELOPMENT CORPORATION
P.O. Box 8368
Fort Collins, CO 80524

Richard R. Storck

PROJECT NOTES

- A Hollywood curbwalk shall be extended along all interior streets.
- Unless otherwise noted, perimeter fence shall be a 72" high (maximum) with 1"x6" rough cedar vertical boards on 4"x4" posts spaced 5' on center with 1/4" spacing between boards and 1"x4" fascia board at top. All perimeter fencing shall be maintained by the Homeowner's Association.
- Perimeter fence shall extend along the side yard building setback line to a point where it will turn 90 degrees and extend to meet the rear corner of the house at lots 1, 16 and 85. Actual building footprints and fence lines will vary from what is shown on this plan. PUD AMENDED 8/10/93 SEE RES. 19, SERIES 1993
- Perimeter fencing shall not be located within the ROW and shall be maintained by the Homeowner's Association, except lots 48-62 which shall be maintained by individual home owners per note number 7.
- Side yard to street fencing on lots 1, 16, and 85 shall be installed on the building setback line and shall not extend beyond the rear corner of the house. PUD AMENDED 8/10/93 SEE RES. 19, SERIES 1993
- Fencing on the rear property lines of lots 62, 63 and a portion of 64 shall be restricted to a 42 inch California Chain Link fence to be installed by the developer. Privacy fences located on those lots shall be located a minimum of fifteen feet from the California Chain Link.
- Home owners are responsible for the construction of perimeter fencing in the rear of lots 48 - 62 in accordance with perimeter fence detail.
- Driveways shall not be located within the immediate access entryways off of McCasin Avenue or Century Drive. Driveways shall not be placed on to Cherrywood Lane from lots 31, 32, 47, 48, 24, 39, 40 and 55.
- Final landscape plans shall be submitted for approval by the Parks and Recreation Department before installation.
- The City of Louisville will take over maintenance of right-of-way areas upon construction acceptance of landscaping.
- Outlots A and C shall be maintained by the Homeowner's Association.
- Landscaping and fencing shall not obstruct safe traffic sight distance and stopping distance and vision clearance area per City of Louisville criteria.
- Temporary cut de sacs shall be provided at the phase lines on Cherrywood Lane.
- It is anticipated that development of Phase I will begin in the fall of 1991, followed by Phase II in early 1993.

LAND USE STATISTICS

	GROSS	NET
SITE SIZE	19.85 AC	17.73 AC.
DENSITY	4.3 DU/AC	4.8 DU/AC
COMMON OPEN SPACE	1.88 AC	1.24 AC

TOTAL LOTS	85
MAXIMUM LOT SIZE	11,200 SF
MINIMUM LOT SIZE	5,500 SF
MEAN LOT SIZE	6,745 SF
MEDIAN LOT SIZE	6,000 SF

SETBACKS	
FRONT YARD	18 FT
SIDE YARD	5 FT
REAR YARD	15 FT
STREET SIDE YARD	15 FT

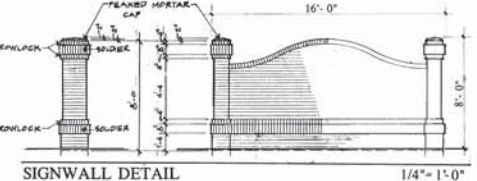
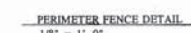
CURRENT ZONING PCZD-C/R
MAXIMUM BUILDING HEIGHT 35 FT

EXISTING ZONING
PCZD-C/R

LEGEND

- Deciduous Shade Tree
- Ornamental Tree

VICINITY MAP



PLANNING COMMISSION CERTIFICATE

APPROVED THIS 2ND DAY OF October, 1991, BY THE PLANNING COMMISSION OF THE CITY OF LOUISVILLE, COLORADO.
RESOLUTION NO. 171 SERIES 1991
Chairman: Samuel A. DeSelle Secretary: [Signature]

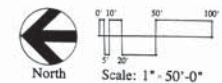
CITY COUNCIL CERTIFICATE

APPROVED THIS 2ND DAY OF October, 1991, BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO.
RESOLUTION NO. 171 SERIES 1991
Mayor: Thomas J. [Signature] City Clerk: [Signature]

CLERK AND RECORDER CERTIFICATE

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT 3:42 O'CLOCK, P.M., THIS 2ND DAY OF October, 1991, AND IS DULY RECORDED IN PLAN FILE NO. 171 SERIES 1991.
FILE NO. 171 RECEPTION NO. 1139212
Recorder: [Signature] Deputy: [Signature]

CHERRYWOOD II
Louisville, Colorado
FINAL PUD SUBMITTAL
SITE PLAN AND CONCEPTUAL LANDSCAPE PLAN



REVISION DATE: October 22, 1991

DATE: September 23, 1991

Sheet 1 of 1

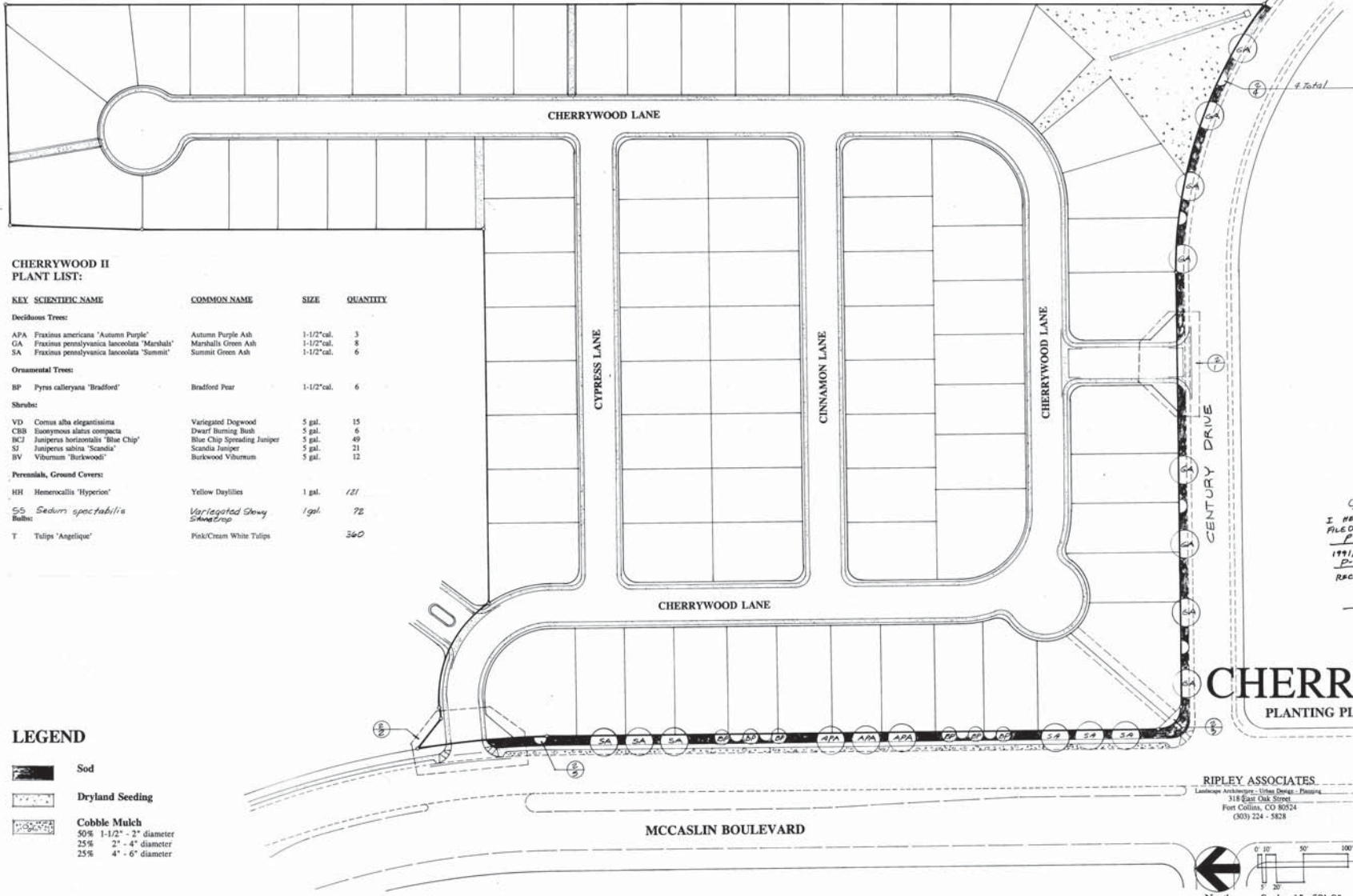
CHERRYWOOD II PUD
2 of 3

DRAWING NUMBER

DRAWING NUMBER

DRAWING NUMBER

84132513 10/28/91 03:51 PM REAL ESTATE RECORDS
P189 CHARLOTTE HANSON NUMBER CITY CO RECORDS



**CHERRYWOOD II
PLANT LIST:**

KEY	SCIENTIFIC NAME	COMMON NAME	SIZE	QUANTITY
Deciduous Trees:				
APA	Fraxinus americana 'Autumn Purple'	Autumn Purple Ash	1-1/2" cal.	3
GA	Fraxinus pennsylvanica lanceolata 'Marshall'	Marshall's Green Ash	1-1/2" cal.	8
SA	Fraxinus pennsylvanica lanceolata 'Summit'	Summit Green Ash	1-1/2" cal.	6
Ornamental Trees:				
BP	Pyrus calleryana 'Bradford'	Bradford Pear	1-1/2" cal.	6
Shrubs:				
VD	Cornus alba elegantissima	Variegated Dogwood	5 gal.	15
CBB	Euonymus alatus compacta	Dwarf Burning Bush	5 gal.	6
BCJ	Juniperus horizontalis 'Blue Chip'	Blue Chip Spreading Juniper	5 gal.	49
SJ	Juniperus sibirica 'Scandia'	Scandia Juniper	5 gal.	21
BV	Viburnum 'Burkwood'	Burkwood Viburnum	5 gal.	12
Perennials, Ground Covers:				
HH	Hemerocallis 'Hyperion'	Yellow Daylilies	1 gal.	121
SS	Sedum spectabilis	Variegated Shiny Sedum	1 gal.	72
Bulbs:				
T	Tulips 'Anglique'	Pink/Cream White Tulips		360

LEGEND

- Sod
- Dryland Seeding
- Cobble Mulch
 - 50% 1-1/2" - 2" diameter
 - 25% 2" - 4" diameter
 - 25% 4" - 6" diameter

CLEAR AND RECORDEE CERTIFICATE:
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT 03:51 o'clock P. M., THIS 30th DAY OF October, 1991, AND IS DULY RECORDED IN PLAN FILE P-26.F.3#12.13, FEE \$20.00, FILM 1699, RECEPTION NO. 1139313

Charlotte Hansen
RECORDEE

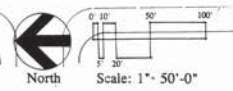
Ronita J. Sullivan
DEPUTY

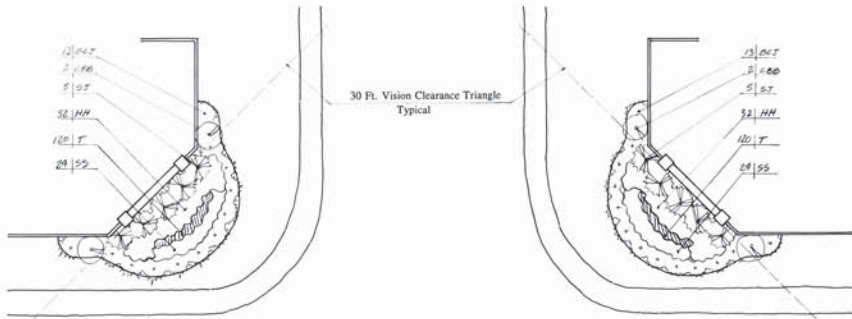
**CHERRYWOOD II
PLANTING PLAN**

RIPLEY ASSOCIATES
Landscape Architecture - Urban Design - Planning
318 East Oak Street
Fort Collins, CO 80524
(903) 224 - 5828

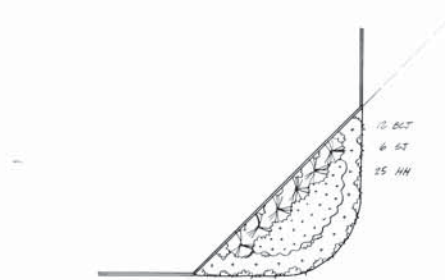
DATE: 9-23-91

REVISIONS:
68 10-17-91

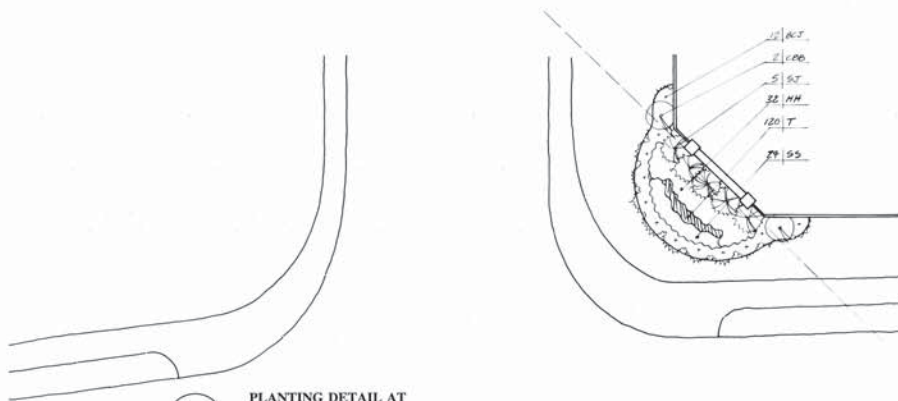




1 PLANTING DETAIL AT CHERRYWOOD LANE AND CENTURY DRIVE
1" = 10'-0"



3 PLANTING DETAIL AT MCCASLIN BOULEVARD AND CENTURY DRIVE
1" = 10'-0"



2 PLANTING DETAIL AT CHERRYWOOD LANE AND MCCASLIN BOULEVARD
1" = 10'-0"



4 CENTURY DRIVE SHRUB PLANTING
1" = 10'-0"



5 MCCASLIN BOULEVARD PLANTING
1" = 10'-0"

NOTES

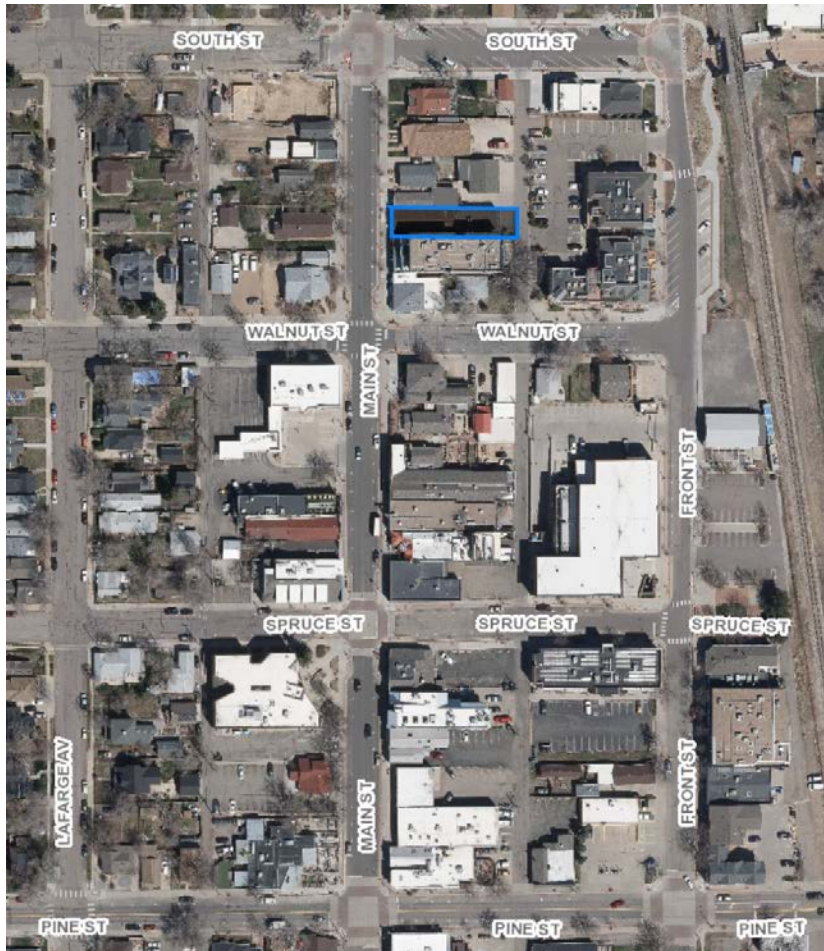
- All shrub beds shall be defined with steel edging and mulched with a two-(2) inch layer of gravel mulch over weed barrier.
- Plantings within vision clearance areas shall be less than 2.5 feet above top of curb.

CHERRYWOOD II
PLANTING DETAILS

DATE: 9-22-91
REVISIONS:
RIPLEY ASSOCIATES
Landscape Architecture - Urban Design - Planning
318 East Oak Street
Fort Collins, CO 80524
(903) 224-5828

ITEM: PUD-0456-2023 916 Main Street PUD, 1st Amendment
PLANNER: Amelia Brackett Hogstad, Historic Preservation Planner
APPLICANT: Erik Hartronft, Hartronft Associates, p.c.
REQUEST: Consideration of a Planned Unit Development (PUD) Amendment for the property at 916 Main Street - **REQUEST TO CONTINUE TO JUNE 8, 2023**

VICINITY MAP:



SUMMARY:

The applicant requests that this hearing be continued to the June 8, 2023 regular Planning Commission meeting.