

City Council Meeting Minutes

**March 20, 2018
City Hall, Council Chambers
749 Main Street
7:00 PM**

Call to Order – Mayor Muckle called the meeting to order at 7:00 p.m.

Roll Call was taken and the following members were present:

City Council: ***Mayor Robert Muckle
Mayor Pro Tem Jeff Lipton
Councilmember Jay Keany
Councilmember Chris Leh
Councilmember Susan Loo
Councilmember Dennis Maloney
Councilmember Ashley Stolzmann***

Staff Present: ***Heather Balsler, City Manager
Kevin Watson, Finance Director
Joe Stevens, Director of Parks & Recreation
Kurt Kowar, Director of Public Works
Rob Zuccaro, Director of Planning & Building Safety
Kristin Dean, Principal Planner
Lisa Ritchie, Associate Planner
Carol Hanson, Deputy City Clerk***

Others Present: ***Sam Light, City Attorney***

PLEDGE OF ALLEGIANCE

All rose for the pledge of allegiance.

APPROVAL OF AGENDA

Mayor Muckle called for changes to the agenda and hearing none, moved to approve the agenda, seconded by Councilmember Keany. All were in favor.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Chief John Willson, Louisville Fire Protection District, stated he was in attendance for a quarterly report and asked if Council had any questions. Councilmember Stolzmann asked about any partnerships with surrounding districts. Chief Willson noted they had partnered with Rocky Mountain Fire District and felt that had gone well.

Audrey DeBarros, executive director of Commuting Solutions, stated the Louisville non-profit is celebrating its 20th anniversary. Shimano has donated cycling apparel and footwear to give to the local community to promote cycling. She asked for ideas on how to distribute this donation over the next several months.

APPROVAL OF THE CONSENT AGENDA

MOTION: Mayor Muckle moved to approve the consent agenda with the amendments to the minutes as requested, seconded by Councilmember Loo. All were in favor.

- A. *Approval of Bills***
- B. *Approval of Minutes: February 27, 2018; March 5, 2018***
- C. *Approval to Hold Special Meetings on April 3, 2018 and April 17, 2018 at 6 pm for Executive Sessions***
- D. *Award Contract for the Arboretum Restroom Project***
- E. *Approval of 2018 Annual Fuel Purchase***
- F. *Approve Contract Between the City of Louisville and Sustainable Traffic Solutions, Inc. for the State Highway 42 and Hecla Drive Traffic Signal Design***
- G. *Approval of Resolution No. 16, Series 2018 – A Resolution Approving a Historic Preservation Fund Grant for the Center for the Arts Located at 801 Grant Avenue***
- H. *Approval of Library & Museum Services Director Recruitment Process and Request for Proposals for Executive Search Firm***

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

Mayor Muckle noted a recent productive trip to Washington DC with others from the northwest region lobbying for transportation funding and regulatory changes helpful for the region.

CITY MANAGER'S REPORT

No report.

REGULAR BUSINESS

RESOLUTION NO. 17, SERIES 2018 – A RESOLUTION APPROVING A FINAL PUD TO ALLOW FOR A 37,171 SQUARE FOOT COMMERCIAL BUILDING, WHICH INCLUDES A 10,754 SF PARKING GARAGE, ON TWO LOTS TOTALING 14,114 SQUARE FEET ZONED CC; A FINAL PLAT TO VACATE THE LOT LINE BETWEEN LOTS 8 AND 9, BLOCK 3, TOWN OF LOUISVILLE; AND A SRU TO ALLOW FOR OUTDOOR EATING AND DRINKING ESTABLISHMENTS AND A PARKING GARAGE; LOTS 8 & 9, BLOCK 3, TOWN OF LOUISVILLE SUBDIVISION (712 & 722 MAIN STREET)

Mayor Muckle called the item and outlined the hearing procedure.

Planner Dean noted the applicant is Boulder Creek Neighborhoods who currently occupy four buildings downtown. The company would like to demolish the buildings at 712 and 722 Main Street and construct a new building. The request is for a Final PUD to allow for a 37,171 square foot commercial building, which includes a 10,754 sf parking garage, on two lots totaling 14,114 square feet zoned CC; a Final Plat to vacate the lot line between Lots 8 and 9, Block 3, Town of Louisville; and a Special Review Use (SRU) to allow for outdoor eating and drinking establishments and a parking garage. The ground floor would be retail and offices on the second and third floors.

The building would have one story on the south side adjacent to the Huckleberry with two stories on north side along Main Street. The third story is set back 40-49 feet from Main Street and 37 feet 8 inches from the alley. At the alley edge, the building is two stories with a small extension for the rear stairwell which would extend to the third story.

Waiver Requests:

- Rear setback encroachment of 19.25 feet for the stairwell
- Rear setback encroachment of 6.9 feet for the second story balconies

Staff supports the setback encroachments as they lend to architectural variation along the alley side.

The application does meet the parking standards for downtown. The requirement would be 30 parking spaces; the applicant is providing 32 on site with 28 spaces in a parking garage and 4 surface spots.

Downtown development is governed by multiple standards included in the Design Handbook, the Framework Plan, the Municipal Code (LMC), and the Comprehensive Plan. Design is detailed in the staff report and staff finds the application meets many architectural standards including:

- 1 and 2 stories at Main St.
- Rectangular form
- Flat roof
- Retail on the main level
- Visual interest along the street

- Change in colors and materials
- Significant window glazing
- Recessed entries
- Building steps down at the alley
- Building is setback 20 feet from the alley with the exception of the stairwell and balconies
- 3rd story is setback 37'8" from the alley
- Alley loading parking garage

Height

- LMC limits height to 45'
- Council can reduce height based on the Downtown Louisville Design Handbook, the Downtown Louisville Framework Plan, the Subdivision criteria (Chapter 16), The PUD criteria (Chapter 17), and the Comprehensive Plan

Height – Louisville Municipal Code

- Ensure varied building heights and the appearance of two-story building mass from the street pedestrian scale

Framework Plan allows for 3-story buildings because variation in height determined appropriate. There are only 3 other 3-story buildings downtown.

Height – Design Handbook

- Projects should respect the traditional context of Downtown
- New construction should appear similar in mass and scale to structures found traditionally in the area and to the established context
- New interpretations of traditional building types are encouraged but should be seen as products of their own time
- Maintain a visual sense of continuity
- 3rd story should be a subordinate “addition” to a 2 story building and should be setback substantially from the sidewalk edge such that it appears 2 stories in height as seen from across the street
- 3rd story should be setback from the alley faces
- Materials and details should be simpler than those on the primary façade

Height – Framework Plan

- Desire to maintain and enhance the historic scale and character of Downtown
- 1 and 2 story buildings should be the norm, but incentives could be created to allow limited 3 story buildings in the core
- 3rd story permitted when defined goals are achieved
- Floor Area Ratio (FAR) of 2.0/3rd story no more than 50% of the footprint

Height – Subdivision Criteria

- Consistency with the Comprehensive Plan
- Promote the purpose of the Subdivision Regulations and compliance with the plat design requirements
 - Orderly growth
 - Protect the character and social and economic stability of all parts of the City

Height – Comprehensive Plan

- Mixed-use “Center”
- Building heights of 2-3 stories
- Ground floor activated by primary retail
- Promote health of Downtown through traditional development pattern and pedestrian scaled redevelopment

Height – PUD Criteria

- Appropriate relationship to the surrounding area
- Appropriate density, site relationship and bulk
- Design – materials, colors, lighting
- Compliance with Design Standards
- Consistency with the Comprehensive Plan
- Architectural compatibility with surrounding designs and harmonious transitions and scale in character in areas of different planned uses
- Contribution to a mix of styles within the City

Height – Policy Considerations

- 1 and 2 stories at Main St. to reflect the varied height of buildings along Main St. and to complement the adjacent buildings
- The third story is setback 40-49 feet from Main St., 37.9 feet from the alley and comprises 50% of the building footprint
- FAR of 1.87
- Architectural interest through the use of colors, materials and window glazing
- 3rd story is more subdued and has less window glazing than 1st and 2nd stories
- Building steps at the alley
- Adds architectural variation in Downtown
- Existing ground floor office uses will be relocated to 2nd and 3rd stories and ground floor is activated with retail space
- Recessed entries, 1 and 2 stories along Main St. & significant window glazing facilitate a pedestrian friendly design
- Increase in commercial uses and retention of 80+ employees downtown to support local business

SRU Criteria Compliance

1. Comp Plan: Outdoor seating contributes to a “healthy & vibrant” Downtown. Garage parking facilitates all parking needs being met on site and with alley loaded access.
2. Economic Compatibility with Surrounding Character: Overall project retains 80+ employees to support local businesses. Project replaces ground floor office space with retail. Outdoor eating compatible with other restaurants that offer outdoor seating on site and in the Main St. patios.
3. Internal Efficiency: All parking needs met onsite. Increased walkway on Main St. Drainage, sewer and water facilities.
4. External Effects: Limitation on outside patio use (closes at 12 am & no amplified music). No nearby residences. No light spill.
5. Pedestrian Circulation: Increased sidewalk width adjacent to the building.

Plat

- Vacation of Existing Lot Line
- Lot meets design standards
- Water, sewer, drainage, access provided
- Utilities to the building will be buried
- Overhead utility line serving private property relocated

Fiscal Impact: \$591,000-\$777,000 over twenty years or \$29,550-\$38,350 per year.

Planning Commission recommended approval by a 5-1 vote on February 8, 2018.

Staff recommends approval.

Councilmember Loo made a motion to enter the materials and all constituent letters and emails into the record. Councilmember Stolzmann seconded. All in favor

Mayor Pro Tem Lipton asked about changes made by the applicant after review by the Historic Preservation Commission. Planner Dean said it was primarily to do with the step up of the second floor in the alley.

Mayor Pro Tem Lipton asked about the parking garage access from the alley and where the light is situated. Planner Dean noted a light will be at each entry point visible before entry and there will also be an arm.

Councilmember Maloney asked about the parking requirement if 80 employees and retail; are those 80 employees already housed downtown. Dean noted the applicant can speak to that.

Councilmember Maloney asked what helps assure we have variations in height. Dean noted how the framework plan was developed and noted the public preference for varied heights. Historic preservation goals were considered and staff looked at all policies with no policy given extra weight.

Councilmember Stolzmann thanked the applicant for addressing the criteria in the downtown design handbook. She asked if the third story was 50% of actual footprint. Staff answered yes. Councilmember Stolzmann asked why the parking calculation excluded the basement. Dean said the basement is not considered habitable floor area. Director Zucarro noted habitable use in the basement would require an amendment. Councilmember Stolzmann asked if the rooftop patio was used to calculate parking. Staff said no. Councilmember Stolzmann asked about a phrase in the code about the parking structure footage not being included in the calculation and noted she would share her interpretation later.

Applicant Presentation

David Sinkey, 712 Main Street, with Boulder Creek Neighborhoods thanked City staff for help in answering questions and helping them study any conflicting policies. Boulder Creek came to Louisville in 2010 to be a part of a community where they build homes. The company takes pride in being a part of Louisville. He noted companies of the size of theirs often are housed in a more corporate setting. Their current offices have become too small. They now own 4 buildings in downtown. Boulder Creek has about 80 employees along with contract employees. 30-40 are currently housed in downtown Louisville. He felt the company is an asset to downtown, but noted they have displaced some retail space. Talking to his neighbors on Main Street he realized the need for providing retail space. The design has gone through several iterations. The setback of top floors loses square footage but provides a better feel. He appreciated the thoughtful feedback they have gotten.

Erik Hartronft, 950 Spruce Street, project architect, stated this project has been in the works for about 4 years. The economics of downtown are dependent on every single lot. Retail is important and they tried to respect the surrounding buildings. Historic structures should not be copied but complement the inventory of buildings. Downtown is quite eclectic. He noted they had several design drivers to look at as they developed the design. He stated providing parking on site is expensive. The parking has a gate and lights telling if there are open spaces. The third level is set back 49' from the front of the building, subordinate and not visible where the two story element is. The third floor is setback on the alley side as well. The balcony on the second floor gives relief to what would otherwise be just a two story façade. He showed the design board and described the different siding elements for the building. There is space for a mural on the side of the building. The stair tower and two balconies are the only waivers requested.

Director Zuccaro addressed the downtown parking calculation and staff's belief that a parking structure doesn't count toward FAR in downtown.

Public Comments

Joel Hayes, 187 Harper, said the mass and scale are incompatible with this location in historic downtown. The height dwarfs everything on the block. It changes the character on the block and invites other buildings to change as well. Parking doesn't meet needs and will be full.

Andy Johnson, 920 Lincoln, felt a flier he received on his door needed some correction from his view as an architect. He commended the applicant, architect and staff for putting together a difficult project. Parking calculations are met. The basement as an area should not be considered as habitable space. He said the flier didn't correctly portray the look.

Charles Haseman, 247 S. Lark Avenue, showed slides and voiced his objection to combining the two lots; two buildings would be better. There is not enough space to view artwork in the alley. He felt the third floor towered above and showed images to

support his point of view. He felt the rear elevation view was deceptive since the measurement doesn't account for the full elevation change from Main to the alley. If there has to be a three story building, he thought a midcentury style with hip roof and dormitory windows would be more appropriate for Main Street.

Rick Kron, 746 W. Fir Court, noted the Louisville Downtown Business Association supports this application. There is a need for more retail and business space downtown. The third floor is set well back. 32 parking spaces on site is good and as a resident, he felt this would add to the vibrancy and contribute to the downtown scene. Downtowns evolve over time and this will be a good addition.

John Leary, 1116 LaFarge Avenue noted the sales tax revenue in downtown has increased even more than other areas in town in the past 15 years. Downtown doesn't need additional sales tax revenue. He addressed the fiscal model and felt it would take 45 years to pay off the deficit if it was done the right way. He addressed the Framework plan and felt this project doesn't fit the downtown area.

Barbara Butterworth, 501 South Street and part owner of the building downtown next to Boulder Creek Builders, stated as owner of the Book Cellar Boulder Creek has been a good neighbor and noted they came to the neighbors before presenting to the city. She noted the parking lot in back of her building is rarely full and expressed her support for the project. She reported the employees of Boulder Creek do shop downtown.

Steve Rolapp, 821 LaFarge, a recent resident of Louisville was very surprised there had been no other announcement of this project. He was concerned about the parking as he experiences lack of parking in front of his own home.

Caleb Dickinson, 721 Grant Avenue, resident and downtown business owner as well as a member of the Historic Preservation Commission. He noted the history of Louisville is made every day. As a resident and business owner, he didn't think having a local business owner want to stay in town and build a new building destroyed the small town feel.

Renzo Verbeck, 936 Parkview Street, was strongly in favor of this project and felt it will foster economic development. He liked the look and felt it met the guidelines. The owner is local, already downtown, and shows the commitment. Architect did a good job with the concept. Building is new but has a nice cadence. The project celebrates the history by not having the new be a knock off. He felt the parking requirement would be met.

Matt Berry, 740 Garfield, noted his family is downtown a lot. He spoke in favor of the project. It takes into account the place it is in. Employees will patronize during the day and residents will have the opportunity to support the downtown in the evening. He was dismayed at the flier that landed on his doorstep showing a straight elevation perspective. He felt there should be trust in the planning department and the process.

Ronda Grassi, 916 Main Street, noted the process and how hard staff has worked to examine this project. She noted the parking would free up spaces downtown. She supported the project and asked Council to do the same.

Larry Meyer, 1919 Quail Ct. and owns a business at 625 Main St., loves downtown and is invested and feels lucky to be here. He noted the applicant is making a further investment in Louisville and he supported the project.

Jenny Hlawatsch, owner of the Singing Cook at 728 Main Street, in a building next door to this project, supports this project. The lack of retail space in downtown is a problem. She was glad to have a local business expand in the area and felt additional retail would help all thrive.

Cindy Bedell, 662 W. Willow St., asked Council to not approve this application. She felt it was too big and did not fit or match the character of the downtown area. She felt the third story would be visible and suggested it be removed. She asked Council to preserve downtown by not approving this project.

Liz Connor, 670 Johnson Street, owns a business at 931 Main Street. She said the downtown is not vibrant and keeping pace with the rest of the City. Her vision for Louisville is somewhere her children could live or visit. Parking is a problem and causes folks to not shop her store. She suggested the Boulder Creek employees are already working here and the parking garage will be a great addition. She supported the project.

Tracy Hobbs, 2157 Wagon Way, resident and business owner found the flier interesting and noted the division of opinions. She felt the criteria had been met and did not want it to come down to emotions. The parking garage would free up parking. She did not want to see Boulder Creek go away.

Jim Tienken, 404 W. Spruce Lane and owns 824 Pine Street stated his family supports downtown Louisville. He felt the flier distributed to downtown residents was fear mongering, inaccurate and fake news. He asked Council to approve the project.

Chapin Diamond, 809 Pine Street thanked Council for listening. He asked if this project would open up downtown for other buildings to become three stories. He wanted enforcement of the current parking regulations as he often finds his driveway blocked.

Michael Menaker, 1827 W. Chokecherry Drive stated he had read all the emails and noted this project meets our code and feared if this project was rejected who would trust us in the future. Only two minor waivers have been requested. Three-story buildings are not as jarring as might be thought and are accepted once built. Louisville is not a museum nor should it be allowed to become one. Need to be vital and communities must change over time. He urged Council to support the project.

Debbie Davies, 603 W. Aspen Court, spoke to the math of the parking. Currently there are about 15 spots behind the building so adding the proposed spaces would only be net gain of about 15. She noted any new tenants in the other buildings owned by the applicant would take up spaces as well.

Jean Morgan, 1131 Spruce Street, wanted the project to protect scale and mass. This is too tall and third story will overwhelm the block and be precedent setting for more three story buildings. She noted Louisville had received a historic preservation award and asked Council to not approve this as presented but make this project be an appropriate addition to downtown Louisville.

Council Questions

Mayor Pro Tem Lipton asked if there is a way to make sure the first floor will always be retail.

Director Zuccaro said there is no regulatory note to require the retail at this time but one could be added if the applicant agreed.

Councilmembers discussed the process and whether this item should be continued to another meeting. Councilmember Loo moved for Council to make a decision on this project at this meeting. No second was heard.

Attorney Light cautioned Council on making a motion to wrap this up as it might cause an obstacle if they choose to continue the resolution approval or disapproval to a later date. He was asked if the items later on the agenda could be continued; he replied they could, however, it should be done item by item not as one.

Mayor Muckle moved to continue this agenda item to the April 3 meeting; Councilmember Keany seconded. Roll Call Vote: Motion failed (Yes = 2, No = 5; voting no were Councilmember Maloney, Mayor Pro Tem Lipton, Councilmember Leh, Councilmember Loo, Councilmember Stolzmann.)

Mayor Muckle called for Council comments.

Councilmember Stolzmann thought there was some agreement on this project namely; first floor retail, some parking issues exist in downtown, and there is support for redeveloping this piece of property. The themes she kept hearing that need addressed are parking, the massing and the materials. She didn't feel the basement storage space should be excluded from the parking calculation. She felt the patio space should be included in the parking calculation. She said the design guidelines are part of City code. She noted the northern part of the building and asked if there are ways to reduce massing. She said it is in Council's purview to address the massing. Stepping down on the second floor on the alley would help the pedestrian sense. The alley walkway could

expand onto this property. On the materials she noted comments on more wood and less glass with this project. She felt there was middle ground that could be addressed to have more support for the project and to more appropriately meet the City Code.

Councilmember Loo asked if this did meet City code as the staff recommendation indicated. Attorney Light noted staff felt it did and Council would make the final decision.

Councilmember Loo felt the various boards' recommendations were positive. The downtown design guidelines were reviewed heavily. She noted the emails asking for disapproval noted the small town character but a new build should reflect the time it is built, not the past. She found the applicant had gone above and beyond and met the parking standard. The fiscal model met the guidelines. The applicant has bent over backwards to meet the concerns and she was in strong support of this project.

Councilmember Maloney appreciated the passion of the members of the community. He felt this project had economic benefit for the future as long as the first floor remains retail. He did see a parking deficiency. Mass and scale; he felt the front met the intent of the rules but was not as sure on the alley side. The fiscal model is important as a directional model and shows a positive over time but could be argued it could be more finely tuned. He was generally in favor of the project.

Councilmember Keany noted the public interest in this project. He asked for staff discussion on the parking especially whether to include the basement area. He did not see the upstairs patio area being used for parking calculations unless there was a use change. He wondered if the two story front could be lowered; ceiling height or some other adjustment. He wondered if the third story were removed, what the building would look like; it would likely look even bulkier and not as diverse. He had heard downtown businesses were struggling and he wanted to continue to enhance the downtown area.

Councilmember Leh appreciated staff's work and the thoughtful comments from the public. He felt there is sometimes an impression Council has more control over what happens downtown than they do. Rules have to be applied as they are now. He too was concerned by the massing of the third floor but with the discussion tonight he felt he had a better perspective of how it might actually look. He was confident in the fiscal model. Downtown needs people to spend money during the day and supported the regulatory note that the first floor remains retail. This project could energize downtown but not change the character of downtown. He felt the criteria are met and the project should be approved.

Mayor Muckle thanked everyone for their participation. He agreed with Councilmember Stolzmann and felt there could be a middle ground. The guidelines do give discretion for compatibility with the surrounding buildings. He wanted the materials on upper floors to be less glass and metal and more wood and other finishes for reduction of glass, look at other angles. He wanted the front more symmetric on the northern end; not so

startling. He did not feel as strongly about the step down on alley. Minimal changes to this project would make him happy with it.

Councilmember Loo felt wood on the third floor might be heavier and more visible.

Councilmember Stolzmann noted she made comments about glass based on design guidelines. She noted the project doesn't meet all criteria. Council is supposed to look at the criteria and apply. Council judgement doesn't have to align with staff's judgement.

Mayor Pro Tem Lipton noted the responsibility for supporting good architecture and found Council guiding the project is appropriate. He was still concerned about parking. He wanted assurances the first floor remains retail and the second floor balcony not be used for a restaurant and bar. He was okay with the third floor but felt it looked like an add-on. He expressed concern with massing and materials. He felt more could be done to have the building fit in. He felt it was over glazed. He asked about lighting on the patio area as well as railing. He wanted to scale back the contemporary look. He would like to see where the bicycle parking might be and asked about use of awnings to break up the appearance in the front. He didn't feel the fiscal model captured the cumulative effect of this project. Need to continue to invest in the downtown and support the sales tax base.

Additional Public Comment

Michael Menaker, 1827 W. Chokecherry Drive noted the basement discussion in relationship to parking as noted in the packet. If the use changes; the parking would have to be re-considered. Glazing benefits such as natural light, solar gain and overall greenness far outweigh the disadvantages.

John Leary, 1116 LaFarge noted this is the first time this fiscal model version has been run. This takes into account employee spending. If you compare the model output presented to Planning Commission with this model output there is about \$20,000 unaccounted for and changes the math. Parking requirements are insufficient and this project only adds 12 spaces.

Caleb Dickinson, 721 Grant Avenue, was confused by all the concentration on the parking. Coming with the parking by the applicant is a foot forward and impressive.

Jean Morgan, 1131 Spruce Street was concerned about the glass on the third floor and there be a slope to decrease the glare and not have birds running into it.

Jenny Hlawatsch, owner of the Singing Cook at 728 Main Street, thanked Council for recognizing that downtown businesses have the opportunity to move elsewhere.

Jim Tienken, 404 W. Spruce Lane, suggested staff has gone through the process and examined the architecture. He noted it is art and subjective; it would be a less desirable

project if we mess with architecture. He asked for approval by Council for this project as presented. He thought the retail on the first floor could be achieved easily with a note.

Charles Haseman, 247 S. Lark Avenue, wondered why the office space was necessary downtown when there are empty office spaces in other parts of the city.

Cindy Bedell, 662 W. Willow, didn't think downtown needed a boxy building that doesn't fit. She didn't want Council to be swayed by businesses threatening to move if this project is not approved as presented. She suggested downsizing this project and preserving the character of historic downtown.

Applicant

David Sinkey noted things change and the retail note could hamstring someone in the future. There is no plan to finish the basement space but it can function as storage. There is also no intent to use the patio space for offices. Third story is designed to look like an add-on according to design guidelines. The project is intended to be its own statement. He asked for really concrete ideas if Council wishes to change the look. The bike spaces are depicted on the plan in the garage. He noted he will be offering Eco passes to employees.

Erik Hartronft noted the parking spaces were based on what the City has done in the past as well as the patio space; based on Code. Downtown parking standards were set with the cross use in mind. Energy usage and daylighting were considered in the design. He was not opposed to continuing to work on the design.

Mayor Muckle was interested in seeing an updated conceptual drawing.

Councilmember Keany noted the applicant needed something more specific in regards to direction and noted design is subjective.

Councilmember Stolzmann felt this should be remanded to the Planning Commission (PC) to address mass, scale and parking.

Councilmember Leh asked what the constraints on this might be.

City Attorney Light noted this could be remanded to PC but that would shift where Council puts the comments and direction. The applicant could ask for a decision on the application as presented. Notice would have to be repeated if remanded to PC. Items to be focused on would need to be clear.

Councilmember Loo noted staff and PC had forwarded this to Council for approval. If this is sent back the expectation needs to be very clear. She did not want applicants to leave because of the process and the cost to their business.

Mayor Muckle noted Council does not always have to follow the board recommendation. He felt the community gets a better outcome because of Council's review.

Councilmember Maloney agreed Council should rely on staff and the appointed boards and commissions.

Motion: Councilmember Maloney moved to approve Resolution No.17, Series 2018 with a note to require retail or restaurant on the first floor. Councilmember Loo seconded.

City Attorney Light suggested language for the note; prior to recordation of the PUD, the PUD shall be amended to include a note to state "first floor uses shall be limited to retail or restaurant use. Any first floor use other than retail or restaurant use requires City Council approval of a PUD amendment." Councilmember Maloney noted that captured his intent.

Mayor Muckle felt there were minor things that could be done that would make him happier about the project so he would be voting against the motion.

Mayor Pro Tem Lipton wanted thought put into softening the appearance. He felt Council had the ability to suggest revision to the architecture. He asked if staff had enough direction to work with the applicant.

Director Zucarro noted staff had taken a lot of notes but would be happy to have more detail. Those noted ideas included consider some types of awning or other shapes or forms in the architecture, work on scale and mass, lower floor plates, lighting on patios, first floor retail note.

Substitute Motion: Mayor Pro Tem Lipton moved to continue this item to the next meeting seconded by Councilmember Keany.

Councilmember Loo wanted more precise direction if Council was continuing this matter. She did not have objections to the architecture as presented.

Mayor Pro Tem Lipton stated he would like the following considered: he wanted to soften the contemporary look, look at the top section of windows on first floor, top row of windows on third floor so not so prominent, how does the material interact with other elements (can't be seen well in this rendering) – a better depiction of the color selection on the third floor. Balcony on south section would like to see more detail of what is contemplated; nice feature if done well. Not a lot of opportunity for awnings but maybe some architectural feature where awning might create more interesting design.

Mayor Muckle noted achieving symmetry on the north end of the building with the upstairs windows.

City Attorney Light noted as a procedural issue and making sure the record is clear he requested Council by a motion, formally include in the record of this proceeding the following documents: all the application materials submitted by the applicant in connection with this plat, PUD and SRU application, all materials in the Council packets consisting of the staff communication and all the attachments to the staff report, the meeting notices for the hearings on these applications, all written referrals and all letters and emails received regarding the application including the supplemental materials that came in after the packet was posted including emails, all PowerPoint materials, materials board and all documents submitted this evening as agenda related material and the City's subdivision and zoning ordinances in Titles 16 and 17 of the City Code as well as the City's Comprehensive Plan including the Downtown Framework Plan and the Design Handbook and Design Standards and Guidelines.

So moved by Councilmember Stolzmann seconded by Councilmember Keany.
All in favor.

Substitute Motion amendment: A friendly amendment was made to the motion to continue this to the May 1 meeting. Motioner and seconder accepted.

Councilmember Stolzmann felt the motion to continue did not address parking, mass and material and worried the outcome won't be different if the item is continued. She felt standards G34, C8, G33 and C3 were not being met. Mayor Muckle asked staff to look at those issues as well.

Vote on substitute motion: Motion passed (**summary:** Yes = 6, No = 1; no vote from Councilmember Loo.)

CLEMENTINE COMMONS – EAST STREET & LOCK STREET

RESOLUTION NO. 18, SERIES 2018 – A RESOLUTION APPROVING A FINAL PLANNED UNIT DEVELOPMENT (PUD) AND SUBDIVISION PLAT FOR 42 RESIDENTIAL TOWNHOME LOTS AND COMMON AREAS ON 3.7 ACRES ZONED RM (LOTS 1A, 1B, AND 1C CLEMENTINE SUBDIVISION FILING NO. 2, LOT 2 CLEMENTINE SUBDIVISION), AND APPROVAL OF DETENTION FACILITIES AND OTHER LANDSCAPE IMPROVEMENTS ON THE ADJACENT CITY-OWNED 1.44 ACRE PARCEL WEST OF HIGHWAY 42 AND NORTH OF LOCK STREET

ORDINANCE NO. 1758, SERIES 2018 – AN ORDINANCE APPROVING THE VACATION OF A 20-FOOT WIDE UTILITY EASEMENT LOCATED ON LOT 2, CLEMENTINE SUBDIVISION AND LOTS 1B AND 1C CLEMENTINE SUBDIVISION FILING 2 –2ND READING – PUBLIC HEARING (advertised Daily Camera 3/11/18)

City Attorney Light introduced the resolution and ordinance. Mayor Muckle opened the public hearing and asked for a staff presentation. Mayor Pro Tem Lipton left the meeting at 11:22 PM

Councilmember Leh moved to continue this item until the next Council meeting. Motion died for lack of a second.

Planning Director Zuccaro noted this is a final PUD. The applicant is re-subdividing the lots for 42 townhomes with regional detention on City property. There will be private streets and shared driveways with common open spaces and a regional trail connection to Coal Creek. The applicant requests zoning waivers from the minimum lot area, minimum lot area per dwelling unit, maximum lot coverage, maximum height, front setback, side setback from a street, and rear setbacks. In addition, the applicant requests subdivision modifications from the minimum lot width and maximum lot depth to width ratio standards. All of these waivers were reviewed with the Preliminary PUD and Plat except the height waiver. The height waiver was not identified at the preliminary stage, but after further study of the proposed homes using the City's specified methodology to measure height, staff determined a height waiver was also necessary on the southern part. Because the property is zoned RM, which allows for multi-family development, the project could potentially be built as an apartment or condominium project with the same number of units without any waiver requests using just the underlying zoning requirement of one dwelling unit/3,500 square feet of total lot area. The applicant chose a design and product type which they find to be a better fit with the surrounding development. The applicant will pay cash in lieu for the public land dedication. The plat includes a dedication of Tract A to the City which is 2,670 square feet and which is intended for a public sidewalk along the west side of East Street. The ordinance vacates an easement which includes two sewer mains to be relocated.

With waivers, staff finds the proposal complies with the PUD and plat requirements of the Municipal Code and recommends approval with the following condition: Prior to recordation of the Final Subdivision Plat, the applicant shall address all review comments and obtain approval of the Final Drainage Report from Public Works.

Erik Hartronft, project architect, noted the trail connections, gateway features and the different types of buildings.

Jim Tienken, 404 W. Spruce Lane, felt the project is exciting, will transform this area and everyone will benefit.

Andy Johnson, 920 Lincoln Avenue, felt this project was important to fill this area with vibrancy. He saw the buffer and regional detention as brilliant.

Tom Ramsey, 1100 Grant Avenue, supported the project. He liked the common areas and how they create a neighborhood feeling. He didn't feel the height would be noticed.

Mayor Muckle closed the hearing.

Councilmember Leh moved to approve Resolution No. 18, Series 2018 seconded by Councilmember Keany. Voice Vote: all in favor. (Mayor Pro Tem Lipton absent.)

Mayor Muckle moved to approve Ordinance No. 1758, Series 2018 seconded by Councilmember Maloney. Roll call vote: 6-0 in favor. (Mayor Pro Tem Lipton absent.)

GAIA ZONING CHANGE AND SPECIAL REVIEW USE, 833 SOUTH BOULDER ROAD

ORDINANCE NO. 1757, SERIES 2018 – AN ORDINANCE APPROVING THE REZONING OF LOT 1, NEODATA SUBDIVISION, FROM THE OFFICE (O) ZONE DISTRICT TO THE BUSINESS OFFICE (BO) ZONE DISTRICT – 2ND READING – PUBLIC HEARING (advertised Daily Camera 3/11/18)

RESOLUTION NO. 15, SERIES 2018 – A RESOLUTION APPROVING A SPECIAL REVIEW USE TO ALLOW INDOOR COMMERCIAL AMUSEMENT AND A STUDIO FOR PROFESSIONAL USE ON THE PROPERTY AT 833 SOUTH BOULDER ROAD

City Attorney Light introduced the ordinance and resolution. Mayor Muckle opened the public hearing.

Planner Ritchie provided background on the property and the current request.

Background

- **1981** - City annexed and zoned the property as Office
- **1982** – Property platted as Lot 1, Neodata subdivision
- **1984** – City repealed Office Zone District, established Administrative Office and Business Office Zone Districts
- **1980s** – First phase constructed
- **1997** – PUD to allow 2nd phase – current development
- **2008** – PUD Amendment to allow expansion to an existing building for video production

Current Zoning -

- *Office* – Repealed in 1984, resulting in a property with no clear use or development standards
- *City Council 2018 Work Plan* – Includes direction for staff to rezone these properties or create standards for the Office zone as a clean-up item

Proposed Zoning -

- *Business Office*
 - Discussed as an option for the property during the 1984 public hearings
 - Intended for broader range of uses than Administrative Office, and possibly limited commercial activities
 - Process this application ahead of the others due to SRU for this applicant

Special Review Use - Requested to allow an indoor event/theater space and video production (Indoor Commercial Amusement and a Studio for Professional Use)

Regulations-

- *Occupancy* – 1997 PUD limited to 575 people
- *Business Office Zone District*– Commercial uses shall not occupy more than 20% of the gross square footage in the development

Proposed -

- *Special Review Use* - Notes compliance with occupancy and commercial use limitations.

Staff finds it meets the SRU criteria: *1. The land to be rezoned was zoned in error and as presently zoned is inconsistent with the policies and goals of the city's comprehensive plan.* The criteria are met to approve a special review use.

Staff recommends approval of the resolution and ordinance.

Andy Johnson, 922A Main Street, on behalf of the applicant, noted this is mostly a housekeeping item. Zoning does not currently allow uses on the property as the zoning no longer exists. The SRU is procedural; this has previous approvals.

Mayor Muckle closed the public hearing.

Councilmember Stolzmann moved to approve Ordinance No. 1757, Series 2018, seconded by Councilmember Maloney. Roll call vote: 6-0 Lipton absent.

Councilmember Stolzmann moved to approve Resolution No. 15, Series 2018, seconded by Councilmember Loo. All in favor. Lipton absent.

CONTRACT BETWEEN THE CITY OF LOUISVILLE AND SUSTAINABLE TRAFFIC SOLUTIONS, INC. FOR THE DILLON ROAD PEDESTRIAN HYBRID BEACON DESIGN

Councilmember Stolzmann wanted this off the consent agenda to enable discussion of whether the pedestrian crossing is what is wanted and the HAWK (High-Intensity Activated crosswalk beacon) signal is what is appropriate and safe.

Public Works Director Kowar commented as a result of the wayfinding plan the HAWK signal was determined to be the current standard practice in transportation engineering for signalized mid-block cross walks. Staff has received feedback that HAWK signals can be confusing to some people. HAWK signals starts flashing yellow, solid yellow and then solid red for about 7 seconds and then flashes red. The flashing red means once the pedestrian has cleared, the automobiles that are stopped can proceed. There is maybe a difference of 10-15 seconds when the pedestrian clears the intersection and

cars can go. The HAWK signal balances stopping for the pedestrian and then quickly getting traffic moving again.

Councilmember Stolzmann was concerned it could be dangerous and wondered if this is the kind of solution the community is asking for. Councilmember Keany noted he had received comments about not knowing how to proceed with the HAWK signal and he worked with staff to get signage changed which made a difference.

Mayor Muckle moved to approve the contract; seconded by Councilmember Keany. Roll Call Vote 6-0. (Mayor Pro Tem Lipton absent.)

CITY ATTORNEY'S REPORT

City Attorney Light reminded Council with the Resolution No. 17 continuance the item remains a quasi-judicial matter and to please be cognizant of that. He will consult with staff to make sure the website clearly notes the matter has been continued to May 1.

COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF FUTURE AGENDA ITEMS

Councilmember Stolzmann noted new federal legislation will be presented at DRCOG asking about changing the way of forming boundaries for metropolitan planning organizations by having only 50% of the members decide to redraw the boundaries not 75%. She felt it should remain at 75% unless she hears an excellent argument the other way.

Mayor Muckle noted the next meeting had an executive session scheduled at 6PM. He asked if the executive session could be after the regular meeting.

Councilmember Stolzmann moved to reconsider Consent Agenda item 5C and the executive session on April 3 be moved from 6PM to after the regular meeting, seconded by Mayor Muckle. All in favor. (Mayor Pro Tem Lipton absent.)

ADJOURN

Members adjourned at 11:56 pm.

Robert P. Muckle, Mayor

Meredyth Muth, City Clerk