City Council

Agenda
Tuesday, April 2, 2019
City Hall
749 Main Street
7:30 PM

Note: The time frames assigned to agenda items are estimates for guidance only. Agenda items may be heard earlier or later than the listed time slot.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF AGENDA
4. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA
   Council requests that public comments be limited to 3 minutes. When several people wish to speak on the same position on a given item, Council requests they select a spokesperson to state that position.
5. CONSENT AGENDA
   The following items on the City Council Agenda are considered routine by the City Manager and shall be approved, adopted, accepted, etc., by motion of the City Council and roll call vote unless the Mayor or a City Council person specifically requests that such item be considered under “Regular Business.” In such an event the item shall be removed from the “Consent Agenda” and Council action taken separately on said item in the order appearing on the Agenda. Those items so approved under the heading “Consent Agenda” will appear in the Council Minutes in their proper order.
   A. Approval of Bills
   B. Approval of Minutes: March 19, 2019
   C. Approval of Contract with Mid-America Pool Renovation, Inc. for Memory Square Pool Resurfacing
   D. Approval of Contract Between the City of Louisville and Baseline Engineering for Design and Construction Management Services of the Sid Copeland Water Treatment Plant Administration Building Improvements Project
   E. Approval of Contract Between the City of Louisville and Murraysmith for the Design and Construction Management Services for the Southern Water Supply Pipeline Transmission Capacity Project

6. COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA (Council general comments are scheduled at the end of the Agenda.)
7. CITY MANAGER’S REPORT

8. REGULAR BUSINESS

A. RESOLUTION NO. 12, SERIES 2019 – A RESOLUTION APPROVING AN EXTENSION OF THE FOUNDRY PLANNED UNIT DEVELOPMENT TO APRIL 2, 2020
   - Mayor Opens Public Hearing
   - Staff Presentation
   - Public Comments (Please limit to three minutes each)
   - Council Questions & Comments
   - Mayor Closes Public Hearing
   - Action

B. RESOLUTION NO. 13, SERIES 2019 – A RESOLUTION APPROVING A FINAL SUBDIVISION PLAT TO ADJUST AN EXISTING LOT LINE AND AN AMENDMENT TO THE FINAL PLANNED UNIT DEVELOPMENT TO ALLOW THE CONSTRUCTION OF A NEW 40,000 SQUARE FOOT BUILDING AND ASSOCIATED SITE IMPROVEMENTS ON THE PROPERTY AT 152 AND 194 TAYLOR AVENUE
   - Mayor Opens Public Hearing
   - Staff Presentation
   - Public Comments (Please limit to three minutes each)
   - Council Questions & Comments
   - Mayor Closes Public Hearing
   - Action

C. EXECUTIVE SESSION

CITY MANAGER ANNUAL EVALUATION
(Louisville Code of Ethics, Section 5-2(b), CRS 24-6-402(4)(f) – Authorized topics

Mayor is Requesting the City Council Convene An Executive Session for the Purpose of Conducting An Annual Performance Review of the City Manager

   - Requests for Executive Session
   - City Clerk Statement
   - City Attorney Statement of Authority
   - City Council Action on Motion for Executive Session
• Council Convenes Executive Session
• Council Reconvene in Open Meeting

D. REPORT – DISCUSSION/DIRECTION/ACTION – CITY MANAGER EVALUATION

9. CITY ATTORNEY’S REPORT

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

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**Total Invoices:** 135  
**Warrant Total:** $550,698.36
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 Balser, City Manager
Megan Davis, Deputy City Manager
Kevin Watson, Finance Director
Nathan Mosely, Parks, Recreation, & Open Space Director
Aaron DeJong, Economic Development Director
Kurt Kowar, Public Works Director
Rob Zuccaro, Planning & Building Safety Director
Meredyth Muth, City Clerk

Others Present: Kathleen Kelly, 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 Mayor Pro Tem Lipton. All in favor.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA
Deb Fahey, 1118 West Enclave Circle, encouraged residents to change to LED light bulbs for saving money and to help the environment. She asked the City to turn lights off at the Recreation Center when it is closed.

APPROVAL OF THE CONSENT AGENDA

MOTION: Mayor Muckle moved to approve the consent agenda with a change to the March 5 minutes requested by Councilmember Stolzmann, seconded by Councilmember Loo. All in favor.

A. Approval of Bills
B. Approval of Minutes: March 5, 2019; March 12, 2019
C. Award Landscape Maintenance Services Contract
D. Approve Appointment to the Business Retention & Development Committee
E. Approve Resolution No. 8, Series 2019 – A Resolution Approving a Business Assistance Agreement with Quicksilver Scientific, Inc. for an Economic Development Project in the City of Louisville

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

None.

CITY MANAGER’S REPORT

City Manager Balser reported the southbound lane of South 96th Street between Dillon Road and Paradise Lane has failed. The City’s contractor will replace the failed pavement starting on March 20th at 7 am. They are going to keep going until they are finished, which may go into the night but they will have barricades with lights. They will have flaggers and one way traffic around the work area.

REGULAR BUSINESS

TERRACES ON MAIN, 712 & 722 MAIN STREET

Mayor Muckle noted the Council will not be acting on Resolution No. 10 this evening, rather after some discussion tonight they plan to continue it to a later meeting.

RESOLUTION NO. 9, SERIES 2019 – A RESOLUTION APPROVING THE TERRACES ON MAIN FINAL PLANNED UNIT DEVELOPMENT, WHICH INCLUDES A 22,020 SQUARE-FOOT COMMERCIAL BUILDING WITH 5,802 SQUARE-FOOT PARKING GARAGE ON TWO LOTS TOTALING 14,114 SQUARE FEET, ZONED CC; A FINAL PLAT TO VACATE THE LOT LINE BETWEEN LOTS 8 & 9, BLOCK 3, TOWN OF LOUISVILLE; AND A SPECIAL REVIEW USE FOR A PARKING GARAGE AND
Mayor Muckle introduced the item and opened the public hearing.

Director Zuccaro stated all of the public notice requirements have been met. He reviewed the site of the proposed building. This is a request for a Planned Unit Development (PUD), Plat, and Special Review Use (SRU). This is a revision to a proposal from 2018.

The proposal includes a 22,020 sq. ft. commercial building; a 5,802 sq. ft. parking garage; 1 and 2-story facades on Main Street; an overall height of 45’ which is the maximum height allowed, with a limited 3rd story; is designed for retail/commercial on ground floor and office on second floor; and asks for a SRU for the parking garage, outdoor sales for retail goods, and eating and drinking establishments.

Director Zuccaro reviewed the changes made to this proposal since it was first discussed in 2018 including an approximate 4,000 sf reduction in total floor area, a 5500 sf reduction of the third floor, and reduction of the parking garage by almost half the size, a reduction in the FAR (floor area ratio), a reduction in parking spaces by 13, and asking for 5 parking spaces as fee in lieu. Director Zuccaro reviewed how the new proposed building would look compared to the previous proposed building.

He noted the parking requirements of 23 spaces. 18 are provided and an estimated 5 spaces for fee in lieu. He reviewed the downtown parking program which is meant to provide adequate parking without excess supply and to enhance the character of downtown. He reviewed the City’s downtown parking inventory which has grown significantly in the past few years.

Director Zuccaro reviewed the various criteria for the building including the Downtown Design Handbook which requires the new building must relate to traditional context of development in downtown and how the standards and guidelines apply to the design.

The applicant is asking for a rear yard setback waiver for a stairwell and two balconies. Staff supports the waiver as it breaks up the façade of the building.

Regarding building height, the Municipal Code, Design Handbook, and Framework Plan allow up to 3 stories and 45’ with the 3rd story a maximum of 50% of the building footprint. Downtown should predominantly be 1-2 story, with some 3-story buildings allowed. 3rd stories should be set back and subordinate. Buildings should appear no more than 2 stories as viewed from across the street.

PUD Criteria Compliance, LMC Sec. 17.28.120(A) and (B) – 28 Criteria – Staff finds the project meets all applicable criteria. Staff finds the requested rear setback waiver is justified - loading, service and parking areas are adequately provided while enhancing the architectural design with balconies and stairwell enclosure elements. Staff finds the
The project is consistent with the Downtown Design Handbook, Downtown Framework Plan and Comprehensive Plan.

SRU Criteria Compliance, LMC Sec. 17.40.100 – The Comp Plan states outdoor seating contributes to a “healthy & vibrant” Downtown. Economic Compatibility with Surrounding Character: The project replaces ground floor office space with a retail design. The outdoor eating is compatible with other restaurants that offer outdoor seating on site and in the Main St. patios. All parking needs met with onsite and fee in lieu. There is a limitation on outside patio use requiring closing at 12 am and no amplified music. There are no nearby residences and no light spill. Pedestrian Circulation: Increased sidewalk width adjacent to the building. The parking garage requires an SRU as well.

Subdivision Plat Criteria Compliance, LMC Sec. 16.12.075 – The plat conforms to City requirements and is consistent with the Comprehensive Plan; the lot meets design standards; there is water and sewer drainage and access provided; the utilities to the building will be buried; and the overhead utility line serving private property will be relocated. Staff finds it meets all requirements.

Both the Historic Preservation Commission (HPC) and the Planning Commission reviewed the project and recommend approval with no conditions. Staff recommends approval.

Applicant Presentation – Erik Hartronft, 950 Spruce Street, Suite 2A stated they have worked to complement the Huckleberry on the south end of the street and have designed it to have retail and restaurant uses on the first floor.

He stated the design drivers are to meet the needs for a significant Louisville employer, provide offices upstairs and give back the storefront to retail, provide a pedestrian experience along with outdoor seating, provide the majority of required parking on site, provide opportunities for new downtown businesses, respect the adjacent historic buildings, relate to eclectic downtown aesthetic, and comply with the Downtown Design Guidelines.

Hartronft reviewed the proposed site plan noting the garage is now one level leaving a deficit of 5 spaces to be paid for by fee in lieu. The architectural concept is to be of today’s look but compliment the history of false front facades on Main Street. He noted the materials at street level are natural wood and glass. The other buildings in the block have paired buildings which they have tried to capture in the massing of this building. They are proposing alley art space on the building.

Hartronft noted this meets the design handbook, the Code, the Downtown Framework Plan, and the Comprehensive Plan. He asked for Council approval.

David Sinkey, Boulder Creek Neighborhoods Owner, stated the building design is respectful of the history of town. He stated the project began in 2010 when they moved to
Louisville. This project came about to grow the company and stay in downtown Louisville. He noted this can be both a problem and part of the solution for the downtown economy. He wants to have a building where offices don’t use retail space on the first floor. This keeps business people downtown and accommodates retail or restaurant uses on the main level. They would like to have room to grow in this new space.

Sinkey stated this building and design are the best effort to make changes based on the feedback from Council last year. This project fits the downtown guidelines with less mass. There was feedback at the last meeting about restricting it to retail on the main level and that causes issues with financing a building. It would be a mistake to limit how retail can be used on this site. It is designed for retail and restaurant use as the market will allow. He thanked Council for their consideration of this project.

Public Comments

Rick Kron, president of the Downtown Business Association (DBA) and resident 746 West Fir Court, stated the DBA is in support of this project that is well designed. This is a quality space for retail and office uses. The DBA believes this deserves Council’s approval. On behalf of Jennie Hlawatsch, owner of the Singing Cook, he read a statement. Her store is adjacent to the project. She is very supportive of the project which will bring much needed retail space. She values the historic nature of downtown, but we need to accommodate change. Boulder Creek is an asset to the downtown and their employees shop. This will be a positive change to the downtown.

John Leary, 1116 Lafarge, stated the project with the changes now generally meets the requirements in the handbook. He is still concerned about the intent language for retail on the first floor. He thinks the building is significantly under-parked by up to 30-40%.

Caleb Dickinson, 741 Grant Avenue, member of HPC, but speaking on his own behalf stated this is very tasteful infill that adds to the downtown without taking away from the historic nature of the surrounding buildings. This is respectful of the space and a great opportunity for the whole block. This should send a message that if you want to do infill in Louisville you have to meet a very high bar; this project checks every box and is the model of what we are looking for as a community.

Cindy Bedell, 662 W. Willow Street, noted the job of elected officials is not to maximize profit for landowners. This has a better mass and scale than the first version. However the north section is not consistent with downtown. The roofline does not fit in in Downtown. Downtown is doing very well and we don’t need more buildings to maintain sales tax revenue. Council should not approve this without a requirement to have some uses besides office space.

Jean Morgan, 1131 Spruce Street, stated this building is out of place for downtown. If approved, it should have bird proofing glass. The building is under-parked and should
require more. This is a concern for the neighborhoods who bear the brunt of parking. On behalf of Barb Hesson, 526 LaFarge Ave., this building does not belong on Main Street.

Mayor Muckle asked if the green roof aspect in the drawings are included in the design. Hartronft stated the green roofs are included to help meet water quality run off by slowing the run off and improving water quality coming off this site. It will also mitigate heat coming off the building.

Councilmember Maloney asked Mr. Sinkey if there is any commitment from Boulder Creek for retail or restaurant without affecting the building financing. Sinkey stated they would need to have a specific definition of what a retail is, are there certain uses allowed and others not. Even if defined, the financiers may not agree. Adding this complexity can mean some won’t finance the building. He asked would the preference be to have vacant retail if there are no users rather than full office space. Everyone would like retail and it will be designed for that but he cannot guarantee it as the use.

Councilmember Keany asked if the building has sufficient parking. Director Zuccaro stated the parking requirement for downtown redevelopment allows the first 999 square feet to be exempt and then requires 1 parking space per 500 square feet of development after that. This is different from other commercial districts because in those areas there are no streets to park on or public parking areas. Downtown is to be pedestrian friendly and the City supplements with on street and public parking lots.

Councilmember Keany asked if the building is 22,000 square feet, why was it figured based on 12,000 sf. Director Zuccaro stated non occupied areas are not included in the requirement. The detailed floor plan of the building showed 12,000 sf of occupied space. If at tenant finish it is different more parking could be required. Councilmember Keany confirmed it is based on square footage in the downtown area.

Councilmember Keany asked if there is a use restriction on first floor uses on any other property downtown. Director Zuccaro stated no.

Public Comments

Brenna Berman, 112 Aline Street, stated her impression is that the third floor doesn’t fit in. She stated she doesn’t understand why there is a need for office space here when there is other office space available in Louisville.

Donna House, 730 Bella Vista Drive, stated she is concerned changes will mean a loss of character to Louisville. The building didn’t fit in to begin with so why make it bigger. She thinks the north end is a box like structure. She wants to maintain the character as it is.

Councilmember Keany appreciated the changes made to the design. He stated maintaining a vibrant employee base in downtown is important to the businesses that are here. He appreciates the reduction in the size of the building. He would like to see the first
Councilmember Maloney noted this is a complicated item. Downtown is very eclectic and this fits our character. The design does respect the architecture downtown. It works and the mass and scale work better now. He would like the first floor to be an active use so maybe Council needs to address that another way. The design meets the downtown requirements. He supports the project.

Mayor Muckle closed the public hearing.

**Motion**: Mayor Pro Tem Lipton moved to approve Resolution No. 9, Series 2019 as presented. Councilmember Loo seconded.

Mayor Pro Tem Lipton stated the applicant did an outstanding job to bring a design that meets our requirements. It will be an asset to the community.

Councilmember Loo stated she liked both designs. She noted some of the reason people are concerned is they want things to stay the same. What we like here in Louisville, low density, is very, very expensive to build and the market won’t provide the funding to do that. Then we will have complaints nothing is happening in Louisville. We don’t know what the answer is, we love the low density but we need to be realistic that economically it is very difficult. She would like to keep Boulder Creek in the downtown.

Councilmember Leh stated he likes the design and the changes are a good addition to downtown. He supports the plan and the criteria for the PUD and Special Review Use have been met.

Mayor Muckle stated he understands changes on Main Street are hard and everyone will have opinions on design. He appreciates the concerns, but notes our framework plan calls for variability of heights and sizes of buildings so we do not end up with a canyon-like street. He thinks the design recognizes the historic character and tries to compliment other designs on Main Street. He noted the HPC feels this is a compatible design and supports this.

**Vote**: Motion carried by unanimous roll call vote.

**RESOLUTION NO. 10, SERIES 2019 – A RESOLUTION APPROVING THE PROPERTY TAX INCREMENT REBATE AGREEMENT WITH 712 MAIN LLC AND 722 MAIN LLC PURSUANT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE LOUISVILLE REVITALIZATION COMMISSION AND THE CITY OF LOUISVILLE**

Mayor Muckle reiterated Council will not take action on this tonight but will discuss it and continue the item to another meeting.
Director DeJong stated this is a Tax Increment Funding (TIF) rebate agreement with the Revitalization Commission (LRC). He noted this is the first application the LRC has received for direct financial assistance for a redevelopment. The application provided financial information including a 10-year projection and sources and uses budget.

Staff’s analysis included previous used categories of removing blight factors, the effect on property values, and the advancement of the Urban Renewal Area. Additional analysis included the need for financial assistance. He noted Council will have policy considerations to discuss.

The blight determination was made in 2006 with two factors on this property: unusual topography or inadequate public improvements and danger to life or property from fire or other causes. Two other blight factors this project addresses are faulty lot layout as well as deteriorating structures and the deterioration of the site.

A 10-year TIF analysis shows $119,500 in new revenue after construction and approximately $5,000,000 in new taxable property value in the urban renewal district.

The purpose of the urban redevelopment plan is “Reduce, eliminate and prevent the spread of blight…and to stimulate growth and reinvestment within the Area boundaries, on surrounding blocks and throughout downtown”. The Terraces redevelopment would be a significant reinvestment for the downtown area and adds additional office and retail space in the area. Several other objectives of the renewal plan are met by this project.

Staff reviewed the need for financial assistance by first asking if the project would not happen ‘but for’ the assistance. He reviewed the main assumption of lease rates, debt, construction costs, and debt financing. The applicant stating they need a 90% TIF rebate to further the project which is approximately $110,000 per year. This brings the Rate of Return to .15% without assistance and 7.28% with assistance. Projects with similar risk profile have a typical range of 10-15% return.

Director DeJong reviewed the TIF Rebate Agreement: The developer will construct and receive a Certificate of Occupancy (CO) from the City for the project. Once the project is complete, the LRC will begin making annual TIF Rebate payments to the Developer equal to 90% of the increased taxes paid on the property less other defined LRC financial obligations. The total maximum rebate payment is $1,110,000. Annual payments will continue until the payment cap is met or the TIF revenue collection period for the Highway 42 Urban Renewal Area expires. The agreement terminates on February 18, 2023 if the project has not been completed. This date represents the three year initial term of the PUD plus one year for construction. Assignment of the TIF Rebate Agreement is permitted to similarly owned entities.

DeJong reviewed how TIF is generated. Currently the site generates $45,000 in property taxes. If the new building is built it would generate $165,000 in property taxes which is
broken into two pieces; the base and the increment over the base. That increment is split between the City (90%) and the remainder is for payment to Boulder County (10%).

Director DeJong reviewed projects in nearby cities that use this type of payment assistance, including some in Lafayette and Erie.

He noted two of the possible policy considerations Council may want to address for these types of requests. 1) Should Urban Renewal funding only be used to remove blight factors found within the Urban Renewal Area or can it be used to prevent the spread of blight? 2) Does the City want to be competitive with our neighboring communities in attracting private reinvestment within our Highway 42 Renewal Area?

Staff is recommending approval of the TIF rebate agreement.

Steve Fisher, chairman of the LRC, stated the LRC brought this forward in hopes of keeping Boulder Creek in Louisville and in downtown. It stated it should be noted this funding is not coming out of the General Fund. Without the building there is no funding. He stated this is a legitimate tool in our tool box and we should start using it.

Applicant presentation: David Sinkey, 712 Main Street, stated the significant delay from the first proposal to this was because when looking for highest rents for office space you need to have parking onsite. Between the feedback on the building and construction costs he stated they didn’t know if they should move forward on this. He then wanted to know if this would be a good project for a TIF rebate request. Would this be a benefit to the community, is this a tool set that should be used or not? There seems to be some fear that if Council uses this option on this project others will ask for it as well. That should be the hope. If other projects come forward Council can decide if they are worthy. If you don’t want to see redevelopment than you don’t need this tool. From an investor’s perspective clarity on knowing if this is a tool Council wants to use or not would be helpful.

Public Comments.

Jean Morgan, 1131 Spruce Street, stated subsidizing this project would be setting a precedent in downtown and it would be in conflict with HPF to preserve buildings. We love the flavor of Main Street and don’t want bigger buildings downtown. This building will most likely be office use. Downtown revenue is stable and we don’t need this. Why subsidize this for redevelopment when have a tax for historic preservation?

Cindy Bedell, 662 West Willow Street, stated she understands any increase in taxes would not go to City, the Fire District, BVSD, or the County. Boulder Creek is not guaranteeing retail will be on this site. She thinks this is a bad precedent and the money should be used for a project of public benefit not for a private company.

Rick Kron, 746 West Fir Court and DBA President, stated the DBA supports the rebate to eliminate blight on this site. The return on investment is low on this project and the TIF
rebate is only a ten-year deal and the building will outlive the deal. He stated that precedent does not apply to a governmental body; decisions on future projects would be on a case-by-case basis. He stated people say sales tax revenue is solid, but many of the retail shops in downtown are struggling. Costs are up across the board as is internet competition. Having this project will help increase the likelihood retail can afford the rents. The DBA supports the agreement.

John Leary, 1116 Lafarge, stated this project will forever change the historic character of downtown. The voters of Louisville have taxed themselves for preservation. The growth rate in downtown has far outpaced the rest of town. The City should let nature run its course. This is a subsidy based on the premise that downtown is blighted. However, any place can be found to be blighted based on the criteria. Allowing this without modifying parking codes along with the subsidy will encourage large projects with parking deficits. This will lead to a request for a large parking garage.

Chief John Willson, Louisville Fire District, stated the LFPD is in support of redevelopment in Louisville as it keeps us thriving. He noted the District is funded by property tax and he would like to discuss with Council and LRC the impact on emergency services demand this redevelopment will have on the District while collecting less revenue.

Caleb Dickinson, 721 Grant Avenue, stated the City has asked for changes to the building against market interests. The market would say build the third story and they aren’t doing it at the request of us, the government. He stated Council should use this tool to say thank you for doing this type of redevelopment; offer this rebate so it is still profitable. As Vice President of DBA, he stated one of the biggest issues for restaurants is not having viable daytime traffic and a daytime population. Retailers are dependent on restaurants to bring people here. This project would be huge for them; as would Boulder Creek leaving downtown. It is important for retailers and restaurants to have this project.

Councilmember Stolzmann stated she would prefer a policy discussion with the LRC first to talk about how to address blight in the urban renewal area. The policy question is about providing direct assistance for private gain. We shouldn’t make decisions based on what other cities are doing; we need to represent our community. An urban renewal authority that is appointed and has no constituency to answer to sometimes does not listen to the public input. She felt the LRC should have a constituency to answer to.

She feels saying it is their money we are giving back to them is not a real argument. We wouldn’t give tax money back to homeowners. If the money is for blight, there were only two blight factors on this property, one being power lines and danger to life or property from fire or other causes. The fire department is doing a good job without revenue growth and will be asking the taxpayers for more money as they are not getting the money they should from the areas in the urban renewal area. Life safety issues impact other rate payers and is not a fair way to do this and not how we should be funding things. We don’t have real blight in our downtown; it is a vibrant downtown. We should use the money for public infrastructure. Downtown is vibrant because of organic growth over time with a
sense of place. If it is not profitable to build then it shouldn't be built. She is not in favor of awarding this and most appropriately should return funding to the Fire District.

Councilmember Loo would like to have a discussion with the LRC to have some policies on how to use this. She stated we do have an agreement to return TIF money to the County. With regard to the Fire District, this will be a sprinkled building and probably not going to get a lot of response calls from Fire. To say the LRC doesn't care about the public is not fair, they listen to the business community, many of whom live and work here and they do listen to them. You can't compare TIF on commercial to residential. Finally, the whole idea sales tax revenue will go up forever is a fallacy. There is already a concern sales tax revenue is peaking, the prosperity of downtown will not last forever and we are in competition with communities across the metro area.

Councilmember Maloney noted some policy discussions around this is needed.

Motion: Councilmember Maloney moved to continue this to June 11 so to have time for policy discussion. Mayor Pro Tem Lipton seconded.

Mayor Pro Tem Lipton asked City Manager Balser what the process will be to sort through these issues. City Manager Balser stated a joint meeting with LRC and Council is scheduled for May 14. Prior to that the LRC will draft policies and bring that to Council.

Mayor Pro Tem Lipton suggested this should be an iterative process with more than one meeting. It may take more time to get it right.

Mayor Pro Tem Lipton noted his vote at the LRC meeting was not against the application specifically but more on the process of sending this to the Council. We need to slow it down so both the LRC and Council can do some policy work. He suggested removing the application from the policy discussion. There is a disconnect between property values and the rents that downtown can command; we don't want to enact a policy that would exacerbate that. We do give rebates through the business assistance program; it's not like we don't provide rebates to businesses. It is the first time we have considered property tax increment. We need a clear policy on how we use this tool.

Mayor Muckle stated this money can't be spent on something else because if this building isn't built there is no money. He noted the historic preservation tax can be used to incentivize new buildings building to a lower density than they might have, so this is a similar tool. We have done other incentives but not this exact kind, so we need a process on how use this. This is a tool; it is a matter of how do we want to use it.

Vote: 6-1; Councilmember Stolzmann voting no. Item continued to June 11.

Councilmember Loo and Councilmember Leh left the meeting at 9:30 pm.
Director Kowar stated the proposal does not change water rates but includes increases to wastewater and stormwater rates. The wastewater rate is a proposed increase of 7% as part of the plan to pay for the wastewater treatment plant upgrades. The stormwater increase is 18.5% to fund several pieces of equipment to service the infrastructure and to build up funds for a larger project in 2027. This is part of the long-term smoothing plan.

Councilmember Stolzmann stated the Utility Committee looked at these rates and takes this very seriously. We want to avoid sitting on cash or deferring maintenance or being wasteful. We made changes last year to avoid raising water rates and are continuing to look at smoothing over time. The 18% is a large increase and a lot of the money is needed in 2026. Stormwater levels of service continues to increase. The committee continues to look at maintaining the system, providing services, and controlling the cost.

Public Comments – None

Councilmember Stolzmann moved to approve Resolution No. 11, Series 2019; Mayor Pro Tem Lipton second.

Vote: Motion carried by unanimous roll call vote. Councilmembers Loo and Leh absent.

2019 STREET RESURFACING AND RECONSTRUCTION

AWARD BID FOR 2019 STREET RESURFACING PROJECT

AWARD BID FOR 2019 STREET RECONSTRUCTION PROJECT

Director Kowar noted staff is recommending contracts for the street resurfacing program. Staff recommends approval of the 2019 Street Resurfacing Project and 2019 Street Reconstruction Project, Package A. This package awards APC Construction for resurfacing work and PLM Asphalt and Concrete for reconstruction work. Package A consists of work approved in the 2019 Capital Improvement Plan (CIP).

Bid alternates were added to both bids to provide additional resurfacing options. City Council may add work as identified in Packages B, C, and D.

- **Package A (Staff recommended to stay within approved CIP Budget)**
  Includes *Resurfacing* work on W. Mulberry St., Mountain View Ct., Mesa Ct., S. Tanager Ct., S. Warbler Ct., Dillon Rd., Aspen Way, Roosevelt Ave. and *Reconstruction* work on Regal Ct., Regal Pl., Caledonia St., Front St., Spruce St., Johnson Ave., WWTP.
- **Package B (Needs Council Direction and $426,821 Budget Amendment)**
  Includes Package A work and adds Resurfacing Bid Alt #1, 104th Street.

- **Package C (Needs Council Direction and $363,160 Budget Amendment)**
  Includes Package A work and adds Resurfacing Bid Alt #2, The Meadows.

- **Package D (Needs Council Direction and $820,353 Budget Amendment)**
  Includes Package A work and adds Resurfacing Bid Alt #1, 104th Street and Bid Alt #2, The Meadows.

If Council approves Package A and combines it with the March 5 concrete approvals we will have about $400,000 in contingency which could support the additional work.

Councilmember Maloney stated the roll over for paving from 2018 might be close to $300,000.

Motion: Councilmember Maloney moved to use the unspent money from 2018 in 2019 to augment Package A and complete Package C.

Public Comments – None

Mayor Muckle seconded the motion.

Mayor Muckle noted some streets have worse pavement index than the Meadows but it is better to do a whole neighborhoods at a time.

Councilmember Stolzmann supported paying for Package C with the roll over. She wondered if with all of the roll over we can afford the whole program. She noted we try to get to streets before they fail.

Councilmember Maloney stated there might be as much as $1.6M in unencumbered money from 2018 that might be used for this. Paving is very important and an investment in our community. He asked if we include more work can we accomplish it; the funding is there if we want to use it. Director Kowar stated it could be done.

City Manager Balser stated she thinks the funds are there based on contingency and the roll over and was comfortable moving forward.

Mayor Muckle stated there are other financial considerations for the roll over funds including the open space acquisition fund. If we make this decision it will be making other decisions by default. He supports adding C not D.

Councilmember Maloney said this is just capital funds and roll over. City Manager Balser added we don’t have a full picture of what the rollover would look like. Director Kowar will need a decision fairly soon.
Councilmember Stolzmann stated this process can be improved by having this discussion with the budget conversation. She supports adding C or D to meet our paving goals.

Mayor Pro Tem Lipton supported just adding C.

**Vote:** Motion carried by unanimous roll call vote. Councilmembers Loo and Leh absent.

**DISCUSSION/DIRECTION/ACTION – COLORADO COMMUNITIES FOR CLIMATE ACTION REQUESTED POLICY AGENDA CHANGE**

Deputy City Manager Davis stated this is a request from CC4CA to adjust their policy agenda to address some of the issues from the State Legislature around solid waste. CML has been looking at changing language in the statute that prohibits local governments from limiting the sale of some plastic items. No bill has been introduced but we are expecting one to remove that preemption language. CC4CA has four points they would like added to the policy agenda:

1. Create new task forces, staffed positions, programs and initiatives, and/or other entities to support and improve solid waste diversion efforts in the state and to improve funding and technical assistance for such efforts.

2. Create new task forces, staffed positions, and/or statewide initiatives to support the expansion of recycling businesses in Colorado.

3. Allow local governments to regulate disposable plastic waste (which they are currently preempted from doing by the State of Colorado).

4. Require or incentivize state agencies to improve their recycling, composting, and other solid waste reduction efforts.

This is not a request for the City to address any plastics issues but rather to support changes to give others local authority to do that if they so desire. Having the local authority does not preclude a statewide approach.

Councilmember Stolzmann, CC4CA representative, stated she wants to be representative of the Council on this issue. Personally, she wants to see aggressive strategies on combating climate change as do many of her constituents. Her concern with this change is there are lots of things we have an interest in that don’t directly focus on climate emissions, transportation, energy use and oil and gas. We should focus on those areas. This doesn’t further our agenda as a group and may get us enemies. We should stay focused on the major issues of climate change.
She added plastic bans would have the greatest effect if done on a statewide ban. We could spend all of our time on this, but that time might be better spent on other issues. If we do support this then we should do a local ban and do it ourselves.

Public Comment

Mark Persichetti, 1402 Taft Place, stated he urges Council to report to the CC4CA that we do support the changes to the agenda and support the removal of the preemption to local control language because this is an issue that can and should be handled at a local level as a start to get the state to consider this. Trying to get it done statewide without local examples will keep it from succeeding. It does not mean we need a local ordinance, we can do so on our own time. Don't restrict future city councils from having this ability.

Mayor Muckle stated he supports CC4CA’s efforts for this change and supports their ability to do this now and then have a greater conversation at their summer retreat. This is an okay step for the moment. He stated he is reluctant to hold back our partners in a way that won’t harm us.

Councilmember Maloney stated he is resistant to do this because we don’t know what this is trying to accomplish. Local control is important but there are issues that don’t follow city limits. He would rather target the larger areas which have a greater impact. He felt there was not enough certainty in what we are agreeing to for supporting this.

Mayor Muckle stated those items are in the policy agenda already and we will address if opportunity arises. This doesn’t mean we have to pick or choose items. It is a significant team element to this that is very low risk to us.

Mayor Pro Tem Lipton stated his concern that this needs to be vetted with our business community. Having it regulated at the state level does provide a level playing field. He would like input from BRaD and business groups. This is just not good process.

The consensus was to not to make a change to the policy agenda now.

CITY ATTORNEY’S REPORT

None.

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

Mayor Pro Tem Lipton stated he wants to make sure the LRC updates are scheduled quarterly.

Councilmember Maloney asked if the May 14 meeting with the LRC could be a special meeting. City Manager Balser responded yes.
Councilmember Stolzmann stated the Utility Committee is looking at how the cost for reclaimed water is accounted for and identify what costs we are trying to recover. They are looking at a marginal cost model to recommend to Council.

ADJOURN

Members adjourned at 10:25 pm.

________________________
Robert P. Muckle, Mayor

________________________
Meredyth Muth, City Clerk
SUBJECT: APPROVAL OF CONTRACT WITH MID-AMERICA POOL RENOVATION, INC. FOR MEMORY SQUARE POOL RESURFACING

DATE: APRIL 2, 2019

PRESENTED BY: NATHAN MOSLEY, PARKS AND RECREATION DEPARTMENT

SUMMARY:
Staff has been working to find a qualified contractor to resurface the lap pool at Memory Square Outdoor Pool. A formal bid was advertised in the Daily Camera on March 8th and March 15th, 2019. Staff received one bid to complete this project:

- Mid-America Pool Renovation, Inc.

After reviewing the bid staff recommends using Mid-America Renovation, Inc. as they are able to complete the project from April 8 – May 11 prior to the summer season at a cost of $105,000. Additionally, they have over 40 years of pool renovation experience.

FISCAL IMPACT:
The total cost for this package is $105,000, which will be charged against account 208535-620123 Capital – Aquatics – Memory Square Plaster. The 2019 budget for this account is $105,000.

RECOMMENDATION:
Award bid to Mid-America Pool Renovation Inc. and execute corresponding contract.

ATTACHMENT(S):
1. Bids
2. Contract
13 March 2019

Mr. Paul Borth
Aquatics Supervisor II
City of Louisville – Louisville Recreation and Senior Center
900 W Via Appia Way
Louisville, CO 80027

Dear Mr. Borth,

Mid-America Pool Renovation, Inc. would like to present a BID for the Memory Square Pool Resurfacing Project.

We are located at 5929 East 154th Terrace, Grandview, Cass County, Missouri, 64030. Contact on this BID will be David E. Kateusz, david@poolrenovation.com.

Our BID for the Project is **One Hundred Five Thousand Dollars ($ 105,000.00)**. We have submitted a Bid Bond for the Project.

This price would include all of the Scope of Work as listed in your REQUEST FOR PROPOSALS, Section 2.

Mid-America Pool Renovation, Inc. specializes in swimming pool re-surfacing and repairs, and has over 40 years' experience renovating swimming pools.

Our **Major Commercial Reference Lists** are included in this Booklet. Feel free to contact any of these references in regards to our reputation, quality of work and warranty services.

Mid-America Pool Renovation, Inc. offers tiling, coping, deck topping, and pool interior resurfacing. In addition to re-plastering, we are the exclusive manufacturer and area applicators of the INTER-GLASS® Reinforced Polymeric System, the only authorized reinforced Polymeric re-surfacing system for the HOST Marriott managed Hotel Group.
Mid-America Pool Renovation, Inc. is fully insured and bondable. We are members of the International Concrete Repair Institute, the Association of Pool & Spa Professionals, the National Plasterers Council, the Waterjet Technology Association, and have an A+ Rating with the Better Business Bureau of Greater Kansas City.

We maintain full insurance coverage and have enclosed a sample Certificate of Insurance in this Booklet, and enforce a drug-free workplace.

A partial list of our Key Personnel is also included in this booklet. We do not Sub-Contract out the Work.

**Summary of Work in the order of Work Activities on-site**

- Draining of the Pool
- Removal of existing Hydro-static Relief Valves
- Manual removal of the existing PVC Liner
- 40,000 psi Water Jetting of the entire surface to remove remaining felt, all loose or hollow materials and produce a sub-surface for a strong mechanical Bond for the new surfacing material
- Manual chipping to remove all existing tiling
- Manual cleaning of debris
- 4,000 psi water blasting to clean the surface – allow to dry
- Remove all debris off site
- Install new water line tiling (Laticrete Tile setting materials)
- Install new racing lane and target tiling (Laticrete Tile setting materials)
- Install new Cement-based pool plaster (Pumped in, hand troweled until dry & smooth (Pool Plaster or Diamond Brite®)
- Install new hydro-static relief valves and drain covers
- Inspect the Work with the designated City Representative
- Punch List – as / if needed
- Remove debris, excess material off site
- Begin filling – continuous filling until full
- Submit the Care & Maintenance Sheet (one to the City Representative, a Laminated Sheet to hang in the pool equipment Room)
- Startup / Training of Pool Care Staff
- Anticipated Amount of Work Days (11-13, weather providing)

Work could be performed during the April / May desired timeframe, however pending Scheduling because of harsh seasonal weather.

Please let us know if you have any questions.

Sincerely,

David E. Kateusz
Managing Director
Mid-America Pool Renovation, Inc.
INDEPENDENT CONTRACTOR AGREEMENT
BY AND BETWEEN THE CITY OF LOUISVILLE
AND MID-AMERICA POOL RENOVATION, INC.
FOR MEMORY SQUARE POOL RESURFACING SERVICES

1.0 PARTIES

This INDEPENDENT CONTRACTOR AGREEMENT (this “Agreement”) is made and entered into this 3 day of April, 2019 (the “Effective Date”), by and between the City of Louisville, a Colorado home rule municipal corporation, hereinafter referred to as the “City”, and Mid-America Pool Renovation, Inc, a Missouri Incorporated business hereinafter referred to as the “Contractor”.

2.0 RECITALS AND PURPOSE

2.1 The City desires to engage the Contractor for the purpose of providing Memory Square Pool Resurfacing services as further set forth in the Contractor’s Scope of Services (which services are hereinafter referred to as the “Services”).

2.2 The Contractor represents that it has the special expertise, qualifications and background necessary to complete the Services.

3.0 SCOPE OF SERVICES

The Contractor agrees to provide the City with the specific Services and to perform the specific tasks, duties and responsibilities set forth in Scope of Services attached hereto as Exhibit “A” and incorporated herein by reference. Contractor shall furnish all tools, labor and supplies in such quantities and of the proper quality as are necessary to professionally and timely perform the Services. Contractor acknowledges that this Agreement does not grant any exclusive privilege or right to supply Services to the City.

4.0 COMPENSATION

4.1 The City shall pay the Contractor for Services under this Agreement a total not to exceed the amounts set forth in Exhibit “A” attached hereto and incorporated herein by this reference. For Services compensated at hourly or per unit rates, or on a per-task basis, such rates or costs per task shall not exceed the amounts set forth in Exhibit A. The City shall not pay mileage and other reimbursable expenses (such as meals, parking, travel expenses, necessary memberships, etc.), unless such expenses are (1) clearly set forth in the Scope of Services, and (2) necessary for performance of the Services (“Pre-Approved Expenses”). The foregoing amounts of compensation shall be inclusive of all costs of whatsoever nature associated with the Contractor’s efforts, including but not limited to salaries, benefits, overhead, administration, profits, expenses, and outside Contractor fees. The Scope of Services and payment therefor shall only be changed by a properly authorized amendment to this Agreement. No City employee has the authority to bind the City with regard to any payment for any Services which exceeds the amount payable under the terms of this Agreement.

4.2 The Contractor shall submit monthly an invoice to the City for Services rendered and a detailed expense report for Pre-Approved Expenses incurred during the previous month.
The invoice shall document the Services provided during the preceding month, identifying by work category and subcategory the work and tasks performed and such other information as may be required by the City. The Contractor shall provide such additional backup documentation as may be required by the City. The City shall pay the invoice within thirty (30) days of receipt unless the Services or the documentation therefor are unsatisfactory. Payments made after thirty (30) days may be assessed an interest charge of one percent (1%) per month unless the delay in payment resulted from unsatisfactory work or documentation therefor.

5.0 PROJECT REPRESENTATION

5.1 The City designates Paul Borth as the responsible City staff to provide direction to the Contractor during the conduct of the Services. The Contractor shall comply with the directions given by Paul Borth and such person’s designees.

5.2 The Contractor designates David Kateusz as its project manager and as the principal in charge who shall be providing the Services under this Agreement. Should any of the representatives be replaced, particularly David Kateusz, and such replacement require the City or the Contractor to undertake additional reevaluations, coordination, orientations, etc., the Contractor shall be fully responsible for all such additional costs and services.

6.0 TERM

6.1 The term of this Agreement shall be from the Effective Date to April 3, 2019, unless sooner terminated pursuant to Section 13, below. The Contractor’s Services under this Agreement shall commence on April 3, 2019 and Contractor shall proceed with diligence and promptness so that the Services are completed in a timely fashion consistent with the City’s requirements.

6.2 Nothing in this Agreement is intended or shall be deemed or construed as creating any multiple-fiscal year direct or indirect debt or financial obligation on the part of the City within the meaning of Colorado Constitution Article X, Section 20 or any other constitutional or statutory provision. All financial obligations of the City under this Agreement are subject to annual budgeting and appropriation by the Louisville City Council, in its sole discretion. Notwithstanding anything in this Agreement to the contrary, in the event of non-appropriation, this Agreement shall terminate effective December 31 of the then-current fiscal year.

7.0 INSURANCE

7.1 The Contractor agrees to procure and maintain, at its own cost, the policies of insurance set forth in Subsections 7.1.1 through 7.1.4. The Contractor shall not be relieved of any liability, claims, demands, or other obligations assumed pursuant to this Agreement by reason of its failure to procure or maintain insurance, or by reason of its failure to procure or maintain insurance in sufficient amounts, durations, or types. The coverages required below shall be procured and maintained with forms and insurers acceptable to the City. All coverages shall be continuously maintained from the date of commencement of Services hereunder. The required coverages are:
7.1.1 Workers’ Compensation insurance as required by the Labor Code of the State of Colorado and Employers Liability Insurance. Evidence of qualified self-insured status may be substituted.

7.1.2 General Liability insurance with minimum combined single limits of $1,000,000 each occurrence and $2,000,000 aggregate. The policy shall include the City of Louisville, its officers and its employees, as additional insureds, with primary coverage as respects the City of Louisville, its officers and its employees, and shall contain a severability of interests provision.

7.1.3 Comprehensive Automobile Liability insurance with minimum combined single limits for bodily injury and property damage of not less than $400,000 per person in any one occurrence and $1,000,000 for two or more persons in any one occurrence, and auto property damage insurance of at least $50,000 per occurrence, with respect to each of Contractor’s owned, hired or non-owned vehicles assigned to or used in performance of the Services. If the Contractor has no owned automobiles, the requirements of this paragraph shall be met by each officer or employee of the Contractor providing services to the City of Louisville under this contract.

7.2 The Contractor’s general liability insurance and automobile liability and physical damage insurance shall be endorsed to include the City, and its elected and appointed officers and employees, as additional insureds, unless the City in its sole discretion waives such requirement. Every policy required above shall be primary insurance, and any insurance carried by the City, its officers, or its employees, shall be excess and not contributory insurance to that provided by the Contractor. Such policies shall contain a severability of interests provision. The Contractor shall be solely responsible for any deductible losses under each of the policies required above.

7.3 Certificates of insurance shall be provided by the Contractor as evidence that policies providing the required coverages, conditions, and minimum limits are in full force and effect, and shall be subject to review and approval by the City. No required coverage shall be cancelled, terminated or materially changed until at least 30 days prior written notice has been given to the City. The City reserves the right to request and receive a certified copy of any policy and any endorsement thereto.

7.4 Failure on the part of the Contractor to procure or maintain policies providing the required coverages, conditions, and minimum limits shall constitute a material breach of contract upon which the City may immediately terminate this Agreement, or at its discretion may procure or renew any such policy or any extended reporting period thereto and may pay any and all premiums in connection therewith, and all monies so paid by the City shall be repaid by Contractor to the City upon demand, or the City may offset the cost of the premiums against any monies due to Contractor from the City.

7.5 The parties understand and agree that the City is relying on, and does not waive or intend to waive by any provision of this contract, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, § 24-10-101 et seq., C.R.S., as from time to time amended, or otherwise available to the City, its officers, or its employees.
8.0 INDEMNIFICATION

To the fullest extent permitted by law, the Contractor agrees to indemnify and hold harmless the City, and its elected and appointed officers and its employees, from and against all liability, claims, and demands, on account of any injury, loss, or damage, which arise out of or are connected with the Services hereunder, if such injury, loss, or damage is caused by the negligent act, omission, or other fault of the Contractor or any subcontractor of the Contractor, or any officer, employee, or agent of the Contractor or any subcontractor, or any other person for whom Contractor is responsible. The Contractor shall investigate, handle, respond to, and provide defense for and defend against any such liability, claims, and demands. The Contractor shall further bear all other costs and expenses incurred by the City or Contractor and related to any such liability, claims and demands, including but not limited to court costs, expert witness fees and attorneys' fees if the court determines that these incurred costs and expenses are related to such negligent acts, errors, and omissions or other fault of the Contractor. The City shall be entitled to its costs and attorneys' fees incurred in any action to enforce the provisions of this Section 8.0. The Contractor's indemnification obligation shall not be construed to extend to any injury, loss, or damage which is caused by the act, omission, or other fault of the City.

9.0 QUALITY OF WORK

Contractor's Services shall be performed in accordance with the highest professional workmanship and service standards in the field to the satisfaction of the City.

10.0 INDEPENDENT CONTRACTOR

It is the expressed intent of the parties that the Contractor is an independent contractor and not the agent, employee or servant of the City, and that:

10.1. CONTRACTOR SHALL SATISFY ALL TAX AND OTHER GOVERNMENTALLY IMPOSE RESPONSIBILITIES INCLUDING, BUT NOT LIMITED TO, PAYMENT OF STATE, FEDERAL AND SOCIAL SECURITY TAXES, UNEMPLOYMENT TAXES, WORKERS' COMPENSATION AND SELF-EMPLOYMENT TAXES. NO STATE, FEDERAL OR LOCAL TAXES OF ANY KIND SHALL BE WITHHELD OR PAID BY THE CITY.

10.2. CONTRACTOR IS NOT ENTITLED TO WORKERS' COMPENSATION BENEFITS EXCEPT AS MAY BE PROVIDED BY THE INDEPENDENT CONTRACTOR NOR TO UNEMPLOYMENT INSURANCE BENEFITS UNLESS UNEMPLOYMENT COMPENSATION COVERAGE IS PROVIDED BY THE INDEPENDENT CONTRACTOR OR SOME ENTITY OTHER THAN THE CITY.

10.3. Contractor does not have the authority to act for the City, or to bind the City in any respect whatsoever, or to incur any debts or liabilities in the name of or on behalf of the City.

10.4. Contractor has and retains control of and supervision over the performance of Contractor's obligations hereunder and control over any persons employed by Contractor for performing the Services hereunder.
10.5. The City will not provide training or instruction to Contractor or any of its employees regarding the performance of the Services hereunder.

10.6. Neither the Contractor nor any of its officers or employees will receive benefits of any type from the City.

10.7. Contractor represents that it is engaged in providing similar services to other clients and/or the general public and is not required to work exclusively for the City.

10.8. All Services are to be performed solely at the risk of Contractor and Contractor shall take all precautions necessary for the proper and sole performance thereof.

10.9. Contractor will not combine its business operations in any way with the City’s business operations and each party shall maintain their operations as separate and distinct.

11.0 ASSIGNMENT

Contractor shall not assign or delegate this Agreement or any portion thereof, or any monies due to or become due hereunder without the City’s prior written consent.

12.0 DEFAULT

Each and every term and condition hereof shall be deemed to be a material element of this Agreement. In the event either party should fail or refuse to perform according to the terms of this Agreement, such party may be declared in default.

13.0 TERMINATION

13.1 This Agreement may be terminated by either party for material breach or default of this Agreement by the other party not caused by any action or omission of the other party by giving the other party written notice at least thirty (30) days in advance of the termination date. Termination pursuant to this subsection shall not prevent either party from exercising any other legal remedies which may be available to it.

13.2 In addition to the foregoing, this Agreement may be terminated by the City for its convenience and without cause of any nature by giving written notice at least fifteen (15) days in advance of the termination date. In the event of such termination, the Contractor will be paid for the reasonable value of the Services rendered to the date of termination, not to exceed a pro-rated daily rate, for the Services rendered to the date of termination, and upon such payment, all obligations of the City to the Contractor under this Agreement will cease. Termination pursuant to this Subsection shall not prevent either party from exercising any other legal remedies which may be available to it.

14.0 INSPECTION AND AUDIT

The City and its duly authorized representatives shall have access to any books, documents, papers, and records of the Contractor that are related to this Agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

15.0 DOCUMENTS
All computer input and output, analyses, plans, documents photographic images, tests, maps, surveys, electronic files and written material of any kind generated in the performance of this Agreement or developed for the City in performance of the Services are and shall remain the sole and exclusive property of the City. All such materials shall be promptly provided to the City upon request therefor and at the time of termination of this Agreement, without further charge or expense to the City and in hardcopy or an electronic format acceptable to the City, or both, as the City shall determine. Contractor shall not provide copies of any such material to any other party without the prior written consent of the City. Contractor shall not use or disclose confidential information of the City for purposes unrelated to performance of this Agreement without the City’s written consent.

16.0 ENFORCEMENT

16.1 In the event that suit is brought upon this Agreement to enforce its terms, the parties shall each bear and be responsible for their own attorneys’ fees and court costs.

16.2 This Agreement shall be deemed entered into in Boulder County, Colorado, and shall be governed by and interpreted under the laws of the State of Colorado. Any action arising out of, in connection with, or relating to this Agreement shall be filed in the courts of Boulder County or the federal district court for the District of Colorado, and in no other court. If out of state contractor: Contractor hereby waives its right to challenge the personal jurisdiction of the courts of Boulder County and the federal district court for the District of Colorado over it. Colorado law shall apply to the construction and enforcement of this Agreement.

17.0 COMPLIANCE WITH LAWS; WORK BY ILLEGAL ALIENS PROHIBITED

17.1 Contractor shall be solely responsible for compliance with all applicable federal, state, and local laws, including the ordinances, resolutions, rules, and regulations of the City; for payment of all applicable taxes; and obtaining and keeping in force all applicable permits and approvals.

17.2 Exhibit B, the “City of Louisville Public Services Contract Addendum-Prohibition Against Employing Illegal Aliens”, is attached hereto and incorporated herein by reference. There is also attached hereto a copy of Contractor’s Pre-Contract Certification which Contractor has executed and delivered to the City prior to Contractor’s execution of this Agreement.

18.0 INTEGRATION AND AMENDMENT

This Agreement represents the entire Agreement between the parties and there are no oral or collateral agreements or understandings. This Agreement may be amended only by an instrument in writing signed by the parties.

19.0 NOTICES

All notices required or permitted under this Agreement shall be in writing and shall be given by hand delivery, by United States first class mail, postage prepaid, registered or certified, return receipt requested, by national overnight carrier, or by email transmission, addressed to the party
for whom it is intended at the following address:

If to the City:

City of Louisville
Attn: Paul Borth
900 W Via Appia Way
Louisville, CO 80027
e-mail: paulb@louisvilleco.gov

If to the Contractor:

David E. Kateusz
5929 East 154th Terrace,
Grandview, MO 64030
Email: david@poolrenovation.com

Except for notices by email transmission, any notice required or permitted under this Agreement shall be effective when received as indicated on the delivery receipt, if by hand delivery or overnight carrier; on the United States mail return receipt, if by United States mail. Notices by email transmission shall be effective on transmission, so long as no message of error or non-receipt is received by the party giving notice. Either party may by similar notice given, change the address to which future notices or other communications shall be sent.

20.0 EQUAL OPPORTUNITY EMPLOYER

a) Contractor will not discriminate against any employee or applicant for employment because of age 40 and over, race, sex, color, religion, national origin, disability, genetic information, sexual orientation, veteran status, or any other applicable status protected by state or local law. Contractor will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to any status set forth in the preceding sentence. Such action shall include but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notice to be provided by an agency of the federal government, setting forth the provisions of the Equal Opportunity Laws.

b) Contractor shall be in compliance with the applicable provisions of the American with Disabilities Act as enacted and from time to time amended and any other applicable federal, state, or local laws and regulations. A signed, written certificate stating compliance with the Americans with Disabilities Act may be requested at any time during the life of this Agreement or any renewal thereof.

21.0 NO THIRD PARTY BENEFICIARIES

It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to City
and Contractor, and nothing contained in this Agreement shall give or allow any such claim or
right of action by any other third party on such Agreement. It is the express intention of the
parties that any person other than City or Contractor receiving services or benefits under this
Agreement shall be deemed to be an incidental beneficiary only.
22.0 SUBCONTRACTORS

Contractor may utilize subcontractors identified in its qualifications submittal to assist with non-specialized works as necessary to complete projects. Contractor will submit any proposed subcontractor and the description of its services to the City for approval. The City will not work directly with subcontractors.

23.0 AUTHORITY TO BIND

Each of the persons signing below on behalf of any party hereby represents and warrants that such person is signing with full and complete authority to bind the party on whose behalf of whom such person is signing, to each and every term of this Agreement.

In witness whereof, the parties have executed this Agreement to be effective as of the day and year first above written.

CITY OF LOUISVILLE

By: __________________________
    Mayor

Attest: _______________________
    City Clerk

CONTRACTOR: Mid-America Pool Renovation, Inc.

By: David Kateusz: __________________________

Title: Managing Director/ Corporate Secretary
Exhibit A – Scope of Services

- Price not to exceed $105,000.00
- Remove the existing liner from the pool
- Scrape down the shell to remove the felt that was glued onto the shell
- Remove all old tile
- Install new tile
  - Lap lane floor lines with T’s and wall targets in navy blue.
  - 6” of 1” tiles along the vertical top perimeter in turquoise to color match baby pool.
  - 6” depth marking tiles to correspond with deck markings
- Chip out around the returns in the pool to make for a smooth transition with the new plaster
- Remove and patch over abandoned underwater lights.
- Acid wash the old plaster surface to make sure that the surface is clean
- Wash down the surface after the acid wash to clean the surface and make sure that it is neutralized
- Apply Bond-Kote or equivalent to make sure that there is proper adhesion with the new plaster to the old plaster
- Install the new plaster
- Acid wash the new plaster to remove the plaster dust and to lightly expose the aggregate
- Fill and fire the pool
- Train the staff on the proper operation with the new plaster
Exhibit B

City of Louisville Public Services Contract Addendum
Prohibition Against Employing Illegal Aliens

Prohibition Against Employing Illegal Aliens. Contractor shall not knowingly employ or contract with an illegal alien to perform work under this contract. Contractor shall not enter into a contract with a subcontractor that fails to certify to the Contractor that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this contract.

Contractor will participate in either the E-verify program or the Department program, as defined in C.R.S. §§ 8-17.5-101(3.3) and 8-17.5-101(3.7), respectively, in order to confirm the employment eligibility of all employees who are newly hired for employment to perform work under the public contract for services. Contractor is prohibited from using the E-verify program or the Department program procedures to undertake pre-employment screening of job applicants while this contract is being performed.

If Contractor obtains actual knowledge that a subcontractor performing work under this contract for services knowingly employs or contracts with an illegal alien, Contractor shall:

a. Notify the subcontractor and the City within three days that the Contractor has actual knowledge that the subcontractor is employing or contracting with an illegal alien; and

b. Terminate the subcontract with the subcontractor if within three days of receiving the notice required pursuant to this paragraph the subcontractor does not stop employing or contracting with the illegal alien; except that the Contractor shall not terminate the contract with the subcontractor if during such three days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien.

Contractor shall comply with any reasonable request by the Department of Labor and Employment made in the course of an investigation that the Department is undertaking pursuant to the authority established in C.R.S. § 8-17.5-102(5).

If Contractor violates a provision of this Contract required pursuant to C.R.S. § 8-17.5-102, City may terminate the contract for breach of contract. If the contract is so terminated, the Contractor shall be liable for actual and consequential damages to the City.
Pre-Contract Certification in Compliance with C.R.S. Section 8-17.5-102(1)

The undersigned hereby certifies as follows:

That at the time of providing this certification, the undersigned does not knowingly employ or contract with an illegal alien; and that the undersigned will participate in the E-Verify program or the Department program, as defined in C.R.S. §§ 8-17.5-101(3.3) and 8-17.5-101(3.7), respectively, in order to confirm the employment eligibility of all employees who are newly hired for employment to perform under the public contract for services.

Proposer:

________________________________________

By______________________________________
Title:_____________________________________

________________________________________

Date
SUBJECT: APPROVAL OF CONTRACT BETWEEN THE CITY OF LOUISVILLE AND BASELINE ENGINEERING FOR DESIGN AND CONSTRUCTION MANAGEMENT SERVICES OF SID COPELAND WATER TREATMENT PLANT ADMINISTRATION BUILDING IMPROVEMENTS PROJECT

DATE: APRIL 2, 2019

PRESENTED BY: KURT KOWAR, PUBLIC WORKS DIRECTOR

SUMMARY:
Staff recommends approval of a contract with Baseline Engineering Corporation in the amount of $145,500 along with a 10% contingency of $14,500 for the remodel and expansion of the administrative building at the Sid Copeland Water Treatment Plant (SCWTP).

The SCWTP administrative building was constructed in 1984 as part of a larger expansion project for the entire treatment facility. The SCWTP is the main location for all water treatment operations. The intent of the project is to improve the administration building to modern standards with the focus in the following areas:

- The existing facility has a single unisex bathroom for 11 personnel. Current building code requires separate facilities for each gender for new construction. In addition, this bathroom serves as the only private changing location. The addition of locker rooms and showers will allow for dedicated space for changing.

- The project provides dedicated space for sensitive SCADA computer server equipment that is currently housed next to the building’s hot water heater in a small supply and janitorial closet.

- The project improves the overall work space. The current operator desk is limited to two work stations for the 8 operators and the addition of 3 interns during the summer months. Further, the Superintendent and Chief Plant Operator are currently sharing a single office.

- A designed expansion of the facility will also review the cost benefit of space required for conversion of the chlorine gas system to an onsite hypochlorite generation system that is safer and eliminates the future need for chlorine scrubbing systems.

The current building is maximizing the area to its full extent and lacks the area to accommodate any changes. This project seeks to renovate existing space for better use...
and expand the area by adding on to the building. Similar space limitations also exist in the adjacent storage area, with grounds maintenance equipment being stored in the same area as the chemicals.

The City advertised for proposals in late 2018 and received 4 proposals from 3 firms. The proposals were reviewed by Public Works and interviews were held on January 29. Based on the proposal amount, qualifications and interviews, staff recommends award to Baseline. The proposal summary is below:

<table>
<thead>
<tr>
<th>COMPANY</th>
<th>Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>F &amp; D (remodel only)</td>
<td>$52,750</td>
</tr>
<tr>
<td>Baseline (remodel only)</td>
<td>$95,500</td>
</tr>
<tr>
<td><strong>Baseline (remodel &amp; expansion)</strong></td>
<td><strong>$145,500</strong></td>
</tr>
<tr>
<td>GSG Architecture (remodel &amp; expansion)</td>
<td>$130,265</td>
</tr>
</tbody>
</table>

During the proposal process, Staff gave two options for this project. The first option was to limit the project to only remodeling the space and excluding the possibility of an expansion. The second option was to incorporate the ability to expand the building. While not required, Baseline was the only firm to provide a price for both options. Another advantage is Baseline was the only firm to include a sub consultant for one of the main tasks of moving the SCADA equipment. Lastly, Baseline was part of the design build team that successfully completed the 2017/2018 WTP Improvement Project under budget. Baseline was a trusted partner during this process and provides added familiarity with our facility.

**FISCAL IMPACT:**

- **2019 Budget (501499-660245)**: $523,000
- **Expenses:**
  - Engineering: $145,500
  - Contingency (10%): $14,500
  - **Total**: $160,000
- **Remaining Budget**: $363,000

While within the overall budget, the proposed cost exceeds the $75,000 amount allocated for design costs in the project’s original budget request. Design costs were calculated at 15% of the $500,000 budget, which was later adjusted for inflation. This exceedance and other impacts to the water fund were discussed at the March 15th Utility Committee. The Utility Committee agreed with the Staff recommended plan of proceeding with this project to a 30% design level whereby an improved cost estimate would be available to better understand project costs and overall budget impacts.
PROGRAM/SUB-PROGRAM IMPACT:
The sub-program objective for the water utility is to operate and maintain facilities efficiently. The renovation of the administrative area will upgrade the facility to modern office standards.

RECOMMENDATION:
Staff recommends City Council award Baseline Engineering Corporation the design of the Sid Copeland Water Treatment Plant Administration Building Project in the amount of $145,500, authorize staff to execute project change orders up to $14,500 and authorize the Mayor, Public Works Director, and City Clerk to execute contract documents.

ATTACHMENT(S):
   1. Baseline Engineering Consulting Services Contract
AN AGREEMENT BY AND BETWEEN THE CITY OF LOUISVILLE
AND BASELINE ENGINEERING CORPORATION
FOR CONSULTING SERVICES

1.0 PARTIES

This AGREEMENT FOR CONSULTING SERVICES (this “Agreement”) is made and entered into this ____ day of April, 2019 (the “Effective Date”), by and between the City of Louisville, a Colorado home rule municipal corporation, hereinafter referred to as the “City”, and Baseline Engineering, a Colorado Corporation, hereinafter referred to as the “Consultant”.

2.0 RECITALS AND PURPOSE

2.1 The City desires to engage the Consultant for the purpose of providing engineering services as further set forth in the Consultant’s Scope of Services (which services are hereinafter referred to as the “Services”).

2.2 The Consultant represents that it has the special expertise, qualifications and background necessary to complete the Services.

3.0 SCOPE OF SERVICES

The Consultant agrees to provide the City with the specific Services and to perform the specific tasks, duties and responsibilities set forth in Scope of Services attached hereto as Exhibit “B” and incorporated herein by reference.

4.0 COMPENSATION

4.1 The City shall pay the Consultant for services under this agreement a total not to exceed the amounts set forth in Exhibit “C” attached hereto and incorporated herein by reference. [Further revise as needed to reflect whether contract is hourly or flat amount]. The City shall not pay mileage and other reimbursable expenses (such as meals, parking, travel expenses, necessary memberships, etc.), unless such expenses are (1) clearly set forth in the Scope of Services, and (2) necessary for performance of the Services (“Pre-Approved Expenses”). The foregoing amounts of compensation shall be inclusive of all costs of whatsoever nature associated with the Consultant’s efforts, including but not limited to salaries, benefits, overhead, administration, profits, expenses, and outside consultant fees. The Scope of Services and payment therefor shall only be changed by a properly authorized amendment to this Agreement. No City employee has the authority to bind the City with regard to any payment for any services which exceeds the amount payable under the terms of this Agreement.

4.2 The Consultant shall submit monthly an invoice to the City for Services rendered and a detailed expense report for Pre-Approved Expenses incurred during the previous month. The invoice shall document the Services provided during the preceding month, identifying by work category and subcategory the work and tasks performed and such other
information as may be required by the City. The Consultant shall provide such additional backup documentation as may be required by the City. The City shall pay the invoice within thirty (30) days of receipt unless the Services or the documentation therefor are unsatisfactory. Payments made after thirty (30) days may be assessed an interest charge of one percent (1%) per month unless the delay in payment resulted from unsatisfactory work or documentation therefor.

5.0 PROJECT REPRESENTATION

5.1 The City designates Cory Peterson as the responsible City staff to provide direction to the Consultant during the conduct of the Services. The Consultant shall comply with the directions given by Cory Peterson and such person’s designees.

5.2 The Consultant designates Chris Manning as its project manager and as the principal in charge who shall be providing the Services under this Agreement. Should any of the representatives be replaced, particularly Chris Manning, and such replacement require the City or the Consultant to undertake additional reevaluations, coordination, orientations, etc., the Consultant shall be fully responsible for all such additional costs and services.

6.0 TERM

6.1 The term of this Agreement shall be from the Effective Date to December 31, 2020, unless sooner terminated pursuant to Section 13, below. The Consultant’s Services under this Agreement shall commence on another date desired by the City, after the Effective Date and Consultant shall proceed with diligence and promptness so that the Services are completed in a timely fashion consistent with the City’s requirements.

6.2 Nothing in this Agreement is intended or shall be deemed or construed as creating any multiple-fiscal year direct or indirect debt or financial obligation on the part of the City within the meaning of Colorado Constitution Article X, Section 20 or any other constitutional or statutory provision. All financial obligations of the City under this Agreement are subject to annual budgeting and appropriation by the Louisville City Council, in its sole discretion. Notwithstanding anything in this Agreement to the contrary, in the event of non-appropriation, this Agreement shall terminate effective December 31 of the then-current fiscal year.

7.0 INSURANCE

7.1 The Consultant agrees to procure and maintain, at its own cost, the policies of insurance set forth in Subsections 7.1.1 through 7.1.4. The Consultant shall not be relieved of any liability, claims, demands, or other obligations assumed pursuant to this Agreement by reason of its failure to procure or maintain insurance, or by reason of its failure to procure or maintain insurance in sufficient amounts, durations, or types. The coverages required below shall be procured and maintained with forms and insurers acceptable to the City. All coverages shall be continuously maintained from the date of commencement of services hereunder. The required coverages are:
7.1.1 Workers' Compensation insurance as required by the Labor Code of the State of Colorado and Employers Liability Insurance. Evidence of qualified self-insured status may be substituted.

7.1.2 General Liability insurance with minimum combined single limits of ONE MILLION DOLLARS ($1,000,000) each occurrence and TWO MILLION DOLLARS ($2,000,000) aggregate. The policy shall include the City of Louisville, its officers and its employees, as additional insureds, with primary coverage as respects the City of Louisville, its officers and its employees, and shall contain a severability of interests provision.

7.1.3 Comprehensive Automobile Liability insurance with minimum combined single limits for bodily injury and property damage of not less than FOUR HUNDRED THOUSAND DOLLARS ($400,000) per person in any one occurrence and ONE MILLION DOLLARS ($1,000,000) for two or more persons in any one occurrence, and auto property damage insurance of at least FIFTY THOUSAND DOLLARS ($50,000) per occurrence, with respect to each of Consultant’s owned, hired or non-owned vehicles assigned to or used in performance of the services. The policy shall contain a severability of interests provision. If the Consultant has no owned automobiles, the requirements of this paragraph shall be met by each employee of the Consultant providing services to the City of Louisville under this Agreement.

7.1.4 Professional Liability coverage with minimum combined single limits of ONE MILLION DOLLARS ($1,000,000) each occurrence and ONE MILLION DOLLARS ($1,000,000) aggregate.

7.2 The Consultant’s general liability insurance, automobile liability and physical damage insurance, and professional liability insurance shall be endorsed to include the City, and its elected and appointed officers and employees, as additional insureds, unless the City in its sole discretion waives such requirement. Every policy required above shall be primary insurance, and any insurance carried by the City, its officers, or its employees, shall be excess and not contributory insurance to that provided by the Consultant. Such policies shall contain a severability of interests provision. The Consultant shall be solely responsible for any deductible losses under each of the policies required above.

7.3 Certificates of insurance shall be provided by the Consultant as evidence that policies providing the required coverages, conditions, and minimum limits are in full force and effect, and shall be subject to review and approval by the City. No required coverage shall be cancelled, terminated or materially changed until at least 30 days’ prior written notice has been given to the City. The City reserves the right to request and receive a certified copy of any policy and any endorsement thereto.

7.4 Failure on the part of the Consultant to procure or maintain policies providing the required coverages, conditions, and minimum limits shall constitute a material breach of contract upon which the City may immediately terminate this Agreement, or at its discretion may
procure or renew any such policy or any extended reporting period thereto and may pay any and all premiums in connection therewith, and all monies so paid by the City shall be repaid by Consultant to the City upon demand, or the City may offset the cost of the premiums against any monies due to Consultant from the City.

7.5 The parties understand and agree that the City is relying on, and does not waive or intend to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, § 24-10-101 et seq., C.R.S., as from time to time amended, or otherwise available to the City, its officers, or its employees.

8.0 INDEMNIFICATION

To the fullest extent permitted by law, the Consultant agrees to indemnify and hold harmless the City, and its elected and appointed officers and its employees, from and against all liability, claims, and demands, on account of any injury, loss, or damage, which arise out of or are connected with the services hereunder, if and to the extent such injury, loss, or damage is caused by the negligent act, omission, or other fault of the Consultant or any subcontractor of the Consultant, or any officer, employee, or agent of the Consultant or any subcontractor, or any other person for whom Consultant is responsible. The Consultant shall investigate, handle, respond to, and provide defense for and defend against any such liability, claims, and demands. The Consultant shall further bear all other costs and expenses incurred by the City or Consultant and related to any such liability, claims and demands, including but not limited to court costs, expert witness fees and attorneys’ fees if the court determines that these incurred costs and expenses are related to such negligent acts, errors, and omissions or other fault of the Consultant. Notwithstanding the foregoing, Consultant’s duty to defend, indemnify and hold harmless the City, and its elected and appointed officials and employees as set forth in this section shall only arise upon determination, by adjudication, alternative dispute resolution, or mutual agreement between Consultant and the City, of the Consultant’s liability or fault. The City shall be entitled to its costs and attorneys’ fees incurred in any action to enforce the provisions of this Section 8.0. The Consultant’s indemnification obligation shall not be construed to extend to any injury, loss, or damage which is caused by the act, omission, or other fault of the City.

9.0 QUALITY OF WORK

Consultant’s professional services shall be in accordance with the prevailing standard of practice normally exercised in the performance of services of a similar nature in the Denver metropolitan area.

10.0 INDEPENDENT CONTRACTOR

It is the expressed intent of the parties that the Consultant is an independent contractor and not the agent, employee or servant of the City, and that:

10.1 Consultant shall satisfy all tax and other governmentally imposed responsibilities including but not limited to, payment of state, federal, and social security taxes,
unemployment taxes, worker’s compensation and self-employment taxes. No state, federal or local taxes of any kind shall be withheld or paid by the City.

10.2. **Consultant is not entitled to worker’s compensation benefits except as may be provided by the Consultant nor to unemployment insurance benefits unless unemployment compensation coverage is provided by the Consultant or some entity other than the City.**

10.3. Consultant does not have the authority to act for the City, or to bind the City in any respect whatsoever, or to incur any debts or liabilities in the name of or on behalf of the City.

10.4. Consultant has and retains control of and supervision over the performance of Consultant’s obligations hereunder and control over any persons employed by Consultant for performing the Services hereunder.

10.5. The City will not provide training or instruction to Consultant or any of its employees regarding the performance of the Services hereunder.

10.6. Neither the Consultant nor any of its officers or employees will receive benefits of any type from the City.

10.7. Consultant represents that it is engaged in providing similar services to other clients and/or the general public and is not required to work exclusively for the City.

10.8. All Services are to be performed solely at the risk of Consultant and Consultant shall take all precautions necessary for the proper and sole performance thereof.

10.9. Consultant will not combine its business operations in any way with the City’s business operations and each party shall maintain their operations as separate and distinct.

11.0 **ASSIGNMENT**

Except as provided in section 22.0 hereof, Consultant shall not assign or delegate this Agreement or any portion thereof, or any monies due or to become due hereunder without the City’s prior written consent.

12.0 **DEFAULT**

Each and every term and condition hereof shall be deemed to be a material element of this Agreement. In the event either party should fail or refuse to perform according to the terms of this Agreement, such party may be declared in default.
13.0 TERMINATION

13.1 This Agreement may be terminated by either party for material breach or default of this Agreement by the other party not caused by any action or omission of the other party by giving the other party written notice at least thirty (30) days in advance of the termination date. Termination pursuant to this subsection shall not prevent either party from exercising any other legal remedies which may be available to it.

13.2 In addition to the foregoing, this Agreement may be terminated by the City for its convenience and without cause of any nature by giving written notice at least fifteen (15) days in advance of the termination date. In the event of such termination, the Consultant will be paid for the reasonable value of the services rendered to the date of termination, not to exceed a pro-rated daily rate, for the services rendered to the date of termination, and upon such payment, all obligations of the City to the Consultant under this Agreement will cease. Termination pursuant to this subsection shall not prevent either party from exercising any other legal remedies which may be available to it.

14.0 INSPECTION AND AUDIT

The City and its duly authorized representatives shall have access to any books, documents, papers, and records of the Consultant that are related to this Agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

15.0 DOCUMENTS

All computer input and output, analyses, plans, documents photographic images, tests, maps, surveys, electronic files and written material of any kind generated in the performance of this Agreement or developed for the City in performance of the Services are and shall remain the sole and exclusive property of the City. All such materials shall be promptly provided to the City upon request therefor and at the time of termination of this Agreement, without further charge or expense to the City. Consultant shall not provide copies of any such material to any other party without the prior written consent of the City.

16.0 ENFORCEMENT

16.1 In the event that suit is brought upon this Agreement to enforce its terms, the prevailing party shall be entitled to its reasonable attorneys’ fees and related court costs.

16.2 This Agreement shall be deemed entered into in Boulder County, Colorado, and shall be governed by and interpreted under the laws of the State of Colorado. Any action arising out of, in connection with, or relating to this Agreement shall be filed in the District Court of Boulder County of the State of Colorado, and in no other court. Consultant hereby waives its right to challenge the personal jurisdiction of the District Court of Boulder County of the State of Colorado over it.
17.0 COMPLIANCE WITH LAWS; WORK BY ILLEGAL ALIENS PROHIBITED

17.1 Consultant shall be solely responsible for compliance with all applicable federal, state, and local laws, including the ordinances, resolutions, rules, and regulations of the City; for payment of all applicable taxes; and obtaining and keeping in force all applicable permits and approvals.

17.2 Exhibit A, the “City of Louisville Public Services Contract Addendum-Prohibition Against Employing Illegal Aliens”, is attached hereto and incorporated herein by reference. There is also attached hereto a copy of Consultant’s Pre-Contract Certification which Consultant has executed and delivered to the City prior to Consultant’s execution of this Agreement.

17.3 Consultant acknowledges that the City of Louisville Code of Ethics provides that independent contractors who perform official actions on behalf of the City which involve the use of discretionary authority shall not receive any gifts seeking to influence their official actions on behalf of the City, and that City officers and employees similarly shall not receive such gifts. Consultant agrees to abide by the gift restrictions of the City’s Code of Ethics.

18.0 INTEGRATION AND AMENDMENT

This Agreement represents the entire Agreement between the parties and there are no oral or collateral agreements or understandings. This Agreement may be amended only by an instrument in writing signed by the parties.

19.0 NOTICES

All notices required or permitted under this Agreement shall be in writing and shall be given by hand delivery, by United States first class mail, postage prepaid, registered or certified, return receipt requested, by national overnight carrier, or by facsimile transmission, addressed to the party for whom it is intended at the following address:

If to the City:

City of Louisville
Attn: Cory Peterson
749 Main Street
Louisville, Colorado 80027
Telephone: (303) 335-4610

If to the Consultant:
Baseline Engineering
Attn: Chris Manning
112 North Rubey Drive, Suite 210
Golden, Colorado 80403
Telephone: (303) 940-9966
Any such notice or other communication shall be effective when received as indicated on the delivery receipt, if by hand delivery or overnight carrier; on the United States mail return receipt, if by United States mail; or on facsimile transmission receipt. Either party may by similar notice given, change the address to which future notices or other communications shall be sent.

20.0 **EQUAL OPPORTUNITY EMPLOYER**

20.1 Consultant will not discriminate against any employee or applicant for employment because of race, color, religion, age, sex, disability or national origin. Consultant will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, age, sex, disability, or national origin. Such action shall include but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Consultant agrees to post in conspicuous places, available to employees and applicants for employment, notice to be provided by an agency of the federal government, setting forth the provisions of the Equal Opportunity Laws.

20.2 Consultant shall be in compliance with the applicable provisions of the American with Disabilities Act of 1990 as enacted and from time to time amended and any other applicable federal, state, or local laws and regulations. A signed, written certificate stating compliance with the Americans with Disabilities Act may be requested at any time during the life of this Agreement or any renewal thereof.

21.0 **NO THIRD PARTY BENEFICIARIES**

It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to City and Consultant, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other third party on such Agreement. It is the express intention of the parties that any person other than City or Consultant receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

22.0 **SUBCONTRACTORS**

Consultant may utilize subcontractors identified in its qualifications submittal to assist with non-specialized works as necessary to complete projects. Consultant will submit any proposed subcontractor and the description of its services to the City for approval. The City will not work directly with subcontractors.

23.0 **AUTHORIZED TO BIND**

Each of the persons signing below on behalf of any party hereby represents and warrants that such person is signing with full and complete authority to bind the party on whose behalf of whom such person is signing, to each and every term of this Agreement.
In witness whereof, the parties have executed this Agreement to be effective on the date first above written.

CITY OF LOUISVILLE,  
a Colorado Municipal Corporation

By:__________________________  
    Robert P. Muckle, Mayor

Attest:_______________________  
    Meredyth Muth, City Clerk

CONSULTANT:

By:__________________________  
Title:__________________________
Prohibition Against Employing Illegal Aliens. Contractor shall not knowingly employ or contract with an illegal alien to perform work under this Agreement. Contractor shall not enter into a contract with a subcontractor that fails to certify to the Contractor that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this Agreement.

Contractor will participate in either the E-verify program or the Department program, as defined in C.R.S. §§ 8-17.5-101(3.3) and 8-17.5-101(3.7), respectively, in order to confirm the employment eligibility of all employees who are newly hired for employment to perform work under the public contract for services. Contractor is prohibited from using the E-verify program or the Department program procedures to undertake pre-employment screening of job applicants while this Agreement is being performed.

If Contractor obtains actual knowledge that a subcontractor performing work under this Agreement for services knowingly employs or contracts with an illegal alien, Contractor shall:

a. Notify the subcontractor and the City within three days that the Contractor has actual knowledge that the subcontractor is employing or contracting with an illegal alien; and

b. Terminate the subcontract with the subcontractor if within three days of receiving the notice required pursuant to this paragraph the subcontractor does not stop employing or contracting with the illegal alien; except that the Contractor shall not terminate the contract with the subcontractor if during such three days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien.

Contractor shall comply with any reasonable request by the Department of Labor and Employment made in the course of an investigation that the Department is undertaking pursuant to the authority established in C.R.S. § 8-17.5-102(5).

If Contractor violates a provision of this Agreement required pursuant to C.R.S. § 8-17.5-102, City may terminate the Agreement for breach of contract. If the Agreement is so terminated, the Contractor shall be liable for actual and consequential damages to the City.
Pre-Contract Certification in Compliance with C.R.S. Section 8-17.5-102(1)

The undersigned hereby certifies as follows:

That at the time of providing this certification, the undersigned does not knowingly employ or contract with an illegal alien; and that the undersigned will participate in the E-Verify program or the Department program, as defined in C.R.S. § § 8-17.5-101(3.3) and 8-17.5-101(3.7), respectively, in order to confirm the employment eligibility of all employees who are newly hired for employment to perform under the public contract for services.

Proposer:
__________________________

By_________________________

Title:_______________________

__________________________

Date

55
Exhibit B – Scope of Services

Conceptual Design Deliverables:
• Conceptual office renovation architectural plans
• Conceptual office expansion architectural & civil plans
• Engineer’s Cost Estimate for both options

30% Design Deliverables:
• Architectural floor plans and elevations (if required)
• Civil drawings including Site Plan, Grading Plan, and Utility Plan (if required)
• Preliminary Geotechnical Report (if required)
• Draft Drainage Memorandum (if required)
• Engineer’s Cost Estimate

Louisville Planning and Zoning Application (if required):
• Project Narrative
• Pre-Application submittal documents
• Planning Commission and City Council application documents

60% Design Deliverables:
• Full preliminary design drawing set including; Civil (if required), Landscaping (if required), Structural, Architectural, Plumbing, HVAC, Electrical, and Controls
• Final Geotechnical Report (if required)
• Drainage Memorandum (if required)
• Preliminary Project Specifications
• Engineer’s Cost Estimate

Final 100% Design Deliverables:
• Final Construction Documents including plans and specifications
• Engineer’s Estimate

Construction Management:
• Inspection reports
• As-built drawings
EXHIBIT C

<table>
<thead>
<tr>
<th>Task</th>
<th>Not-to-Exceed Amount</th>
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<tr>
<td>Phase 1 – Conceptual Design</td>
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<tr>
<td>Phase 2 – Design and Approvals</td>
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<td>Phase 3 – Construction Administration</td>
<td>$36,400</td>
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SUBJECT: APPROVAL OF CONTRACT BETWEEN THE CITY OF LOUISVILLE AND MURRAYSMITH FOR THE DESIGN AND CONSTRUCTION MANAGEMENT SERVICES FOR THE SOUTHERN WATER SUPPLY PIPELINE TRANSMISSION CAPACITY PROJECT

DATE: APRIL 2, 2019

PRESENTED BY: KURT KOWAR, PUBLIC WORKS DIRECTOR

SUMMARY:
Staff recommends approval of a contract with Murraysmith in the amount of $273,080 along with a 5% contingency of $13,600 for the design that will increase the capacity of the Southern Water Supply Pipeline (SWSP).

The SWSP is the City’s raw water connection to the Northern Colorado Water Conservancy District (Northern). These water rights encompass the Colorado Big Thompson (C-BT) and the Windy Gap units. Together these rights make up about a third of the City’s total water supply. The SWSP is a series of pipelines and pump stations that are a shared resource between the municipal users (Broomfield, Superior, Lafayette, etc.) for delivery of Northern water. The segment that Louisville utilizes is shared with Superior and terminates at the Louisville/Superior Pump Station. From this pump station independent waterlines deliver raw water to each separate city.

When the City joined Northern in 1994/1995, the City acquired 4.2 cubic feet per second (cfs) of pumping capacity and constructed a 12-inch waterline from the pump station to Sid Copeland Water Treatment Plant (SCWTP). Starting in 2001, Northern began a three phase process of adding capacity to SWSP through the addition of several new pump stations. During this process Louisville’s capacity was increased 3 cfs to a total of 7.2 cfs. This extra capacity is essential in the utilization of the Windy Gap Firming Project (Chimney Hallow Reservoir) and increasing future water supplies. To transport the new capacity a new waterline from the pump station to the SCWTP must be designed and constructed.

The SCWTP has the capacity to produce around 12.4 cfs per day. This project would allow for the SWSP to increase deliveries from 34% of plant capacity to 58% of plant capacity. The extra capacity will be utilized mostly during the summer months. During these times, C-BT deliveries will average about 30% of the new capacity and remaining 70% will be allocated to Windy Gap.

The likely pipeline alignment will cross numerous utilities, 5 trails, 7 roads (including Hwy 42), 4 ditches, the BNSF railroad, and the Helca Dam. This project is highly technical and will require precise engineering.
The City advertised for proposals in November 2018 and received proposals from 6 firms. The proposals were reviewed by Public Works and interviews were held on January 30. Based on the proposal amount, qualifications and interviews, staff recommends award to Murraysmith. The proposal summary is below:

<table>
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<tr>
<th>COMPANY</th>
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<tbody>
<tr>
<td>Farnsworth</td>
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<tr>
<td>Sunrise</td>
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<td>Mott MacDonald</td>
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<td>Kimley-Horn</td>
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<td><strong>$273,080</strong></td>
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<tr>
<td>JVA</td>
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</table>

While higher in cost, Murraysmith provided an excellent proposal and interview where they were able to demonstrate a superior understanding of the project goals and challenges. The review team was disappointed to see and hear several firms refer to the project as easy. Murraysmith was able to speak to all project components such as coordination with Northern on the pump station, utility conflicts, review and approval from outside agencies, compliance with rules and regulations, public outreach and risk mitigation. Other proposers were not able to speak to or identify all the project components and challenges. Lastly, Murraysmith is a Louisville firm, with their offices within a couple blocks of the SCWTP. Following the interviews, Murraysmith was the review team’s unanimous choice for this critical asset that will serve as an essential connection for the City’s water supply.

**FISCAL IMPACT:**

- Budget (501499-660275) $129,000
- Expenses
  - Hwy 42 Engineering Coordination $2,500
  - Engineering $273,080
  - Contingency (5%) $13,600
  - Total $286,680
- Shortage $159,180

The project was initially proposed in 2014 as part of the 2015-2019 CIP requests, with a design estimate of $110,000. In subsequent years, this CIP was adjusted for inflation but was not reevaluated in detail. One of the largest changes is the new State requirements for Subsurface Utility Engineering (SUE) related to locating underground utilities. This new regulation was enacted in October of last year and requires greater certainty in design drawings for these activities. In the past this cost would have been born by the
contractor and accounted for in the construction costs. The other impact to cost is the use of trenchless technologies that require greater geotechnical evaluation and was not included in the original design estimate.

Additionally, the construction estimated for 2020 is currently budgeted at $1,324,000. Based on early conversations with the design proposers, recent bid results for construction and the results of these design costs, it is anticipated that the construction portion is also significantly underfunded. If approved, efforts will be made during the design process to value engineer where opportunities exist.

Staff discussed the line item shortfall with the Director of Finance and the shortfall can be resolved through a future budget amendment. The budget amendment would appropriate an additional $159,180 within the Water Capital Projects Fund to fund the initial design of this project.

This overage and other impacts to the water fund were discussed at the March 15th Utility Committee. The Utility Committee agreed with the Staff recommended plan of proceeding with this design and budget amendment to improve cost estimating and allow for accurate information to consider any subsequent adjustments for construction to the 2020 budget.

PROGRAM/SUB-PROGRAM IMPACT:
The program goal for Utilities is to ensure safe, reliable, great tasting water; properly treated wastewater; effective stormwater control; successfully managed solid waste; and competitive prices for all services. The needed capacity of this pipeline project will increase and ensure reliability for the City’s water supply.

RECOMMENDATION:
Staff recommends City Council award Murraysmith for the design of the Southern Water Supply Pipeline Capacity Project in the amount of $273,080, authorize staff to execute project change orders up to $13,600 and authorize the Mayor, Public Works Director, and City Clerk to execute contract documents.

ATTACHMENT(S):
1. Murraysmith Professional Services Contract
INDEPENDENT CONTRACTOR AGREEMENT
BY AND BETWEEN THE CITY OF LOUISVILLE
AND MURRAYSMITH
FOR CONSULTING SERVICES

1.0 PARTIES

This INDEPENDENT CONTRACTOR AGREEMENT (this “Agreement”) is made and entered into this _____ day of April, 2019 (the “Effective Date”), by and between the City of Louisville, a Colorado home rule municipal corporation, hereinafter referred to as the “City”, and MurraySmith, a CORPORATION, hereinafter referred to as the “Contractor”.

2.0 RECITALS AND PURPOSE

2.1 The City desires to engage the Contractor for the purpose of providing Consulting Engineering services as further set forth in the Contractor’s Scope of Services (which services are hereinafter referred to as the “Services”).

2.2 The Contractor represents that it has the special expertise, qualifications and background necessary to complete the Services.

3.0 SCOPE OF SERVICES

The Contractor agrees to provide the City with the specific Services and to perform the specific tasks, duties and responsibilities set forth in Scope of Services attached hereto as Exhibit “A” and incorporated herein by reference. Contractor shall furnish all tools, labor and supplies in such quantities and of the proper quality as are necessary to professionally and timely perform the Services. Contractor acknowledges that this Agreement does not grant any exclusive privilege or right to supply Services to the City.

4.0 COMPENSATION

4.1 The City shall pay the Contractor for Services under this Agreement a total not to exceed the amounts set forth in Exhibit “A” attached hereto and incorporated herein by this reference. For Services compensated at hourly or per unit rates, or on a per-task basis, such rates or costs per task shall not exceed the amounts set forth in Exhibit A. The City shall pay mileage and other reimbursable expenses (such as meals, parking, travel expenses, necessary memberships, etc.) which are deemed necessary for performance of the Services and which are pre-approved by the Mayor. The foregoing amounts of compensation shall be inclusive of all costs of whatsoever nature associated with the Contractor’s efforts, including but not limited to salaries, benefits, overhead, administration, profits, expenses, and outside Contractor fees. The Scope of Services and payment therefor shall only be changed by a properly authorized amendment to this Agreement. No City employee has the authority to bind the City with regard to any payment for any Services which exceeds the amount payable under the terms of this Agreement.

4.2 The Contractor shall submit monthly an invoice to the City for Services rendered and a detailed expense report for pre-approved, reimbursable expenses incurred during the previous month. The invoice shall document the Services provided during the preceding month, identifying by work category and subcategory the work and tasks performed and
such other information as may be required by the City. The Contractor shall provide such additional backup documentation as may be required by the City. The City shall pay the invoice within thirty (30) days of receipt unless the Services or the documentation therefor are unsatisfactory. Payments made after thirty (30) days may be assessed an interest charge of one percent (1%) per month unless the delay in payment resulted from unsatisfactory work or documentation therefor.

5.0 PROJECT REPRESENTATION

5.1 The City designates Cory Peterson as the responsible City staff to provide direction to the Contractor during the conduct of the Services. The Contractor shall comply with the directions given by Cory Peterson and such person's designees.

5.2 The Contractor designates Joel Price as its project manager and as the principal in charge who shall be providing the Services under this Agreement. Should any of the representatives be replaced, particularly Joel Price, and such replacement require the City or the Contractor to undertake additional reevaluations, coordination, orientations, etc., the Contractor shall be fully responsible for all such additional costs and services.

6.0 TERM

The term of this Agreement shall be from the Effective Date to March ________, 2019, unless sooner terminated pursuant to Section 13, below. The Contractor's Services under this Agreement shall commence on the Effective Date and Contractor shall proceed with diligence and promptness so that the Services are completed in a timely fashion consistent with the City's requirements.

7.0 INSURANCE

7.1 The Contractor agrees to procure and maintain, at its own cost, the policies of insurance set forth in Subsections 7.1.1 through 7.1.4. The Contractor shall not be relieved of any liability, claims, demands, or other obligations assumed pursuant to this Agreement by reason of its failure to procure or maintain insurance, or by reason of its failure to procure or maintain insurance in sufficient amounts, durations, or types. The coverages required below shall be procured and maintained with forms and insurers acceptable to the City. All coverages shall be continuously maintained from the date of commencement of Services hereunder. The required coverages are:

7.1.1 Workers' Compensation insurance as required by the Labor Code of the State of Colorado and Employers Liability Insurance. Evidence of qualified self-insured status may be substituted.

7.1.2 General Liability insurance with minimum combined single limits of $1,000,000 each occurrence and $2,000,000 aggregate. The policy shall include the City of Louisville, its officers and its employees, as additional insureds, with primary coverage as respects the City of Louisville, its officers and its employees, and shall contain a severability of interests provision.

7.1.3 Comprehensive Automobile Liability insurance with minimum combined single limits for bodily injury and property damage of not less than $400,000 per person in any one occurrence and $1,000,000 for two or more persons in any one occurrence, and
and auto property damage insurance of at least $50,000 per occurrence, with respect to each of Contractor's owned, hired or non-owned vehicles assigned to or used in performance of the Services. If the Contractor has no owned automobiles, the requirements of this paragraph shall be met by each officer or employee of the Contractor providing services to the City of Louisville under this contract.

7.2 The Contractor's general liability insurance and automobile liability and physical damage insurance shall be endorsed to include the City, and its elected and appointed officers and employees, as additional insureds, unless the City in its sole discretion waives such requirement. Every policy required above shall be primary insurance, and any insurance carried by the City, its officers, or its employees, shall be excess and not contributory insurance to that provided by the Contractor. Such policies shall contain a severability of interests provision. The Contractor shall be solely responsible for any deductible losses under each of the policies required above.

7.3 Certificates of insurance shall be provided by the Contractor as evidence that policies providing the required coverages, conditions, and minimum limits are in full force and effect, and shall be subject to review and approval by the City. No required coverage shall be cancelled, terminated or materially changed until at least 30 days prior written notice has been given to the City. The City reserves the right to request and receive a certified copy of any policy and any endorsement thereto.

7.4 Failure on the part of the Contractor to procure or maintain policies providing the required coverages, conditions, and minimum limits shall constitute a material breach of contract upon which the City may immediately terminate this Agreement, or at its discretion may procure or renew any such policy or any extended reporting period thereto and may pay any and all premiums in connection therewith, and all monies so paid by the City shall be repaid by Contractor to the City upon demand, or the City may offset the cost of the premiums against any monies due to Contractor from the City.

7.5 The parties understand and agree that the City is relying on, and does not waive or intend to waive by any provision of this contract, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, § 24-10-101 et seq., C.R.S., as from time to time amended, or otherwise available to the City, its officers, or its employees.

8.0 INDEMNIFICATION

To the fullest extent permitted by law, the Contractor agrees to indemnify and hold harmless the City, and its elected and appointed officers and its employees, from and against all liability, claims, and demands, on account of any injury, loss, or damage, which arise out of or are connected with the Services hereunder, if such injury, loss, or damage is caused by the negligent act, omission, or other fault of the Contractor or any subcontractor of the Contractor, or any officer, employee, or agent of the Contractor or any subcontractor, or any other person for whom Contractor is responsible. The Contractor shall investigate, handle, respond to, and provide defense for and defend against any such liability, claims, and demands. The Contractor shall further bear all other costs and expenses incurred by the City or Contractor and related to any such liability, claims and demands, including but not limited to court costs, expert witness fees and attorneys' fees if the court determines that these incurred costs and expenses are related to such negligent acts, errors, and omissions or other fault of the Contractor. The City shall be entitled to its costs and attorneys' fees incurred in any action to enforce the provisions
of this Section 8.0. The Contractor's indemnification obligation shall not be construed to extend to any injury, loss, or damage which is caused by the act, omission, or other fault of the City.

9.0 QUALITY OF WORK

Contractor's Services shall be performed in accordance with the highest professional workmanship and service standards in the field to the satisfaction of the City.

10.0 INDEPENDENT CONTRACTOR

It is the expressed intent of the parties that the Contractor is an independent contractor and not the agent, employee or servant of the City, and that:

10.1. CONTRACTOR SHALL SATISFY ALL TAX AND OTHER GOVERNMENTALLY IMPOSE RESPONSIBILITIES INCLUDING, BUT NOT LIMITED TO, PAYMENT OF STATE, FEDERAL AND SOCIAL SECURITY TAXES, UNEMPLOYMENT TAXES, WORKERS' COMPENSATION AND SELF-EMPLOYMENT TAXES. NO STATE, FEDERAL OR LOCAL TAXES OF ANY KIND SHALL BE WITHHELD OR PAID BY THE CITY.

10.2. CONTRACTOR IS NOT ENTITLED TO WORKERS' COMPENSATION BENEFITS EXCEPT AS MAY BE PROVIDED BY THE INDEPENDENT CONTRACTOR NOR TO UNEMPLOYMENT INSURANCE BENEFITS UNLESS UNEMPLOYMENT COMPENSATION COVERAGE IS PROVIDED BY THE INDEPENDENT CONTRACTOR OR SOME ENTITY OTHER THAN THE CITY.

10.3. Contractor does not have the authority to act for the City, or to bind the City in any respect whatsoever, or to incur any debts or liabilities in the name of or on behalf of the City.

10.4. Contractor has and retains control of and supervision over the performance of Contractor's obligations hereunder and control over any persons employed by Contractor for performing the Services hereunder.

10.5. The City will not provide training or instruction to Contractor or any of its employees regarding the performance of the Services hereunder.

10.6. Neither the Contractor nor any of its officers or employees will receive benefits of any type from the City.

10.7. Contractor represents that it is engaged in providing similar services to other clients and/or the general public and is not required to work exclusively for the City.

10.8. All Services are to be performed solely at the risk of Contractor and Contractor shall take all precautions necessary for the proper and sole performance thereof.

10.9. Contractor will not combine its business operations in any way with the City's business operations and each party shall maintain their operations as separate and distinct.

11.0 ASSIGNMENT
Contractor shall not assign or delegate this Agreement or any portion thereof, or any monies due to or become due hereunder without the City’s prior written consent.

12.0 DEFAULT

Each and every term and condition hereof shall be deemed to be a material element of this Agreement. In the event either party should fail or refuse to perform according to the terms of this Agreement, such party may be declared in default.

13.0 TERMINATION

13.1 This Agreement may be terminated by either party for material breach or default of this Agreement by the other party not caused by any action or omission of the other party by giving the other party written notice at least thirty (30) days in advance of the termination date. Termination pursuant to this subsection shall not prevent either party from exercising any other legal remedies which may be available to it.

13.2 In addition to the foregoing, this Agreement may be terminated by the City for its convenience and without cause of any nature by giving written notice at least fifteen (15) days in advance of the termination date. In the event of such termination, the Contractor will be paid for the reasonable value of the Services rendered to the date of termination, not to exceed a pro-rated daily rate, for the Services rendered to the date of termination, and upon such payment, all obligations of the City to the Contractor under this Agreement will cease. Termination pursuant to this Subsection shall not prevent either party from exercising any other legal remedies which may be available to it.

14.0 INSPECTION AND AUDIT

The City and its duly authorized representatives shall have access to any books, documents, papers, and records of the Contractor that are related to this Agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

15.0 DOCUMENTS

All computer input and output, analyses, plans, documents photographic images, tests, maps, surveys, electronic files and written material of any kind generated in the performance of this Agreement or developed for the City in performance of the Services are and shall remain the sole and exclusive property of the City. All such materials shall be promptly provided to the City upon request therefor and at the time of termination of this Agreement, without further charge or expense to the City and in hardcopy or an electronic format acceptable to the City, or both, as the City shall determine. Contractor shall not provide copies of any such material to any other party without the prior written consent of the City. Contractor shall not use or disclose confidential information of the City for purposes unrelated to performance of this Agreement without the City’s written consent.

16.0 ENFORCEMENT

16.1 In the event that suit is brought upon this Agreement to enforce its terms, the parties shall each bear and be responsible for their own attorneys’ fees and court costs.
16.2 This Agreement shall be deemed entered into in Boulder County, Colorado, and shall be
governed by and interpreted under the laws of the State of Colorado. Any action arising
out of, in connection with, or relating to this Agreement shall be filed in the courts of
Boulder County or the federal district court for the District of Colorado, and in no other
court. Colorado law shall apply to the construction and enforcement of this Agreement.

17.0 COMPLIANCE WITH LAWS; WORK BY ILLEGAL ALIENS PROHIBITED

17.1 Contractor shall be solely responsible for compliance with all applicable federal, state,
and local laws, including the ordinances, resolutions, rules, and regulations of the City;
for payment of all applicable taxes; and obtaining and keeping in force all applicable
permits and approvals.

17.2 Exhibit B, the “City of Louisville Public Services Contract Addendum-Prohibition Against
Employing Illegal Aliens”, is attached hereto and incorporated herein by reference.
There is also attached hereto a copy of Contractor’s Pre-Contract Certification which
Contractor has executed and delivered to the City prior to Contractor’s execution of this
Agreement.

18.0 INTEGRATION AND AMENDMENT

This Agreement represents the entire Agreement between the parties and there are no oral or
collateral agreements or understandings. This Agreement may be amended only by an
instrument in writing signed by the parties.

19.0 NOTICES

All notices required or permitted under this Agreement shall be in writing and shall be given by
hand delivery, by United States first class mail, postage prepaid, registered or certified, return
receipt requested, by national overnight carrier, or by email transmission, addressed to the party
for whom it is intended at the following address:

If to the City:

City of Louisville
Attn: Cory Peterson
749 Main Street
Louisville, CO 80027
e-mail: cpeterson@louisvilleco.gov

If to the Contractor:

Attn: Joel Price
850 West South Boulder Road #200
Louisville, Colorado 80027
e-mail: Joel.Price@murraysmith.us

Except for notices by email transmission, any notice required or permitted under this Agreement
shall be effective when received as indicated on the delivery receipt, if by hand delivery or
overnight carrier; on the United States mail return receipt, if by United States mail. Notices by
email transmission shall be effective on transmission, so long as no message of error or non-
receipt is received by the party giving notice. Either party may by similar notice given, change the address to which future notices or other communications shall be sent.

20.0 EQUAL OPPORTUNITY EMPLOYER

a) Contractor will not discriminate against any employee or applicant for employment because of age 40 and over, race, sex, color, religion, national origin, disability, genetic information, sexual orientation, veteran status, or any other applicable status protected by state or local law. Contractor will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to any status set forth in the preceding sentence. Such action shall include but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notice to be provided by an agency of the federal government, setting forth the provisions of the Equal Opportunity Laws.

b) Contractor shall be in compliance with the applicable provisions of the American with Disabilities Act as enacted and from time to time amended and any other applicable federal, state, or local laws and regulations. A signed, written certificate stating compliance with the Americans with Disabilities Act may be requested at any time during the life of this Agreement or any renewal thereof.

In witness whereof, the parties have executed this Agreement to be effective as of the day and year of signed by the City.

CITY OF LOUISVILLE

By: ______________________
    Mayor

Attest: ____________________
    City Clerk

CONTRACTOR:

[Signature]

By: ______________________
    Title: Principal Engineer
Exhibit A – Scope of Services

SURVEY
The entire utility corridor which measures roughly 100-feet-wide by 2-miles-long from the Hecla Reservoir Pump House to the connection point at Sid Copeland will be surveyed. This survey will include utility locates which will be important to verify with the recent senate bill, requiring professional engineers to positively identify existing utility to quality level B per ASCE 38 Manual. This will be completed within six weeks of Notice to Proceed.

ALIGNMENT STUDY
While the survey is being completed, an alignment study will be developed. This will include existing documents that are on file from the Cities of Louisville and Lafayette. Murraysmith will perform several iterations of site walks, coordination meetings, and field verifications to develop an optimal alignment for this project. Eight site visits/meetings with the City have been assigned during this phase. This study will be accompanied by a concept design and narrative to outline the preferred alignment and other options. This study will initiate the documentation of the existing utilities and development of a subsurface utility investigation. We anticipate delivery of this study within 12 weeks of Notice to Proceed.

30% DESIGN DOCUMENTS
Murraysmith will develop a 30% set of plans that shows the overall alignment, potential conflicts, and utility relocations to be coordinated. We will provide a preliminary opinion of probable cost with this deliverable to understand if the project costs are tracking with the City’s budget. 30% design will be completed within 18 weeks of Notice to Proceed.

a. Stakeholder/subconsultant coordination and hydraulic analysis coordination with subconsultants and stakeholders will begin after the 30% design phase and will continue through final design and construction. Stakeholders include City of Louisville (construction of Hwy 42 underpass and flowmeter vault at connection to WTP), City of Lafayette (waterline), Xcel (utilities), BNSF (right of way), Northern Water (pump to be added to their pump station), and CDOT (right of way).

b. Subconsultants include Ground Engineering for all geotechnical services, BT Construction for utility locate and test holing, and Topographic Surveying for any additional surveying needs outside of the initial design survey including positive identification on existing utilities from potholes, and temporary construction easements that may be required from the 30% design docs.

c. Any modifications related to this coordination or results of the hydraulic analysis will be reflected in the 60% design documents

d. Geotechnical scope of work includes the following:

i. 30 test holes for waterline alignment (10 to 15 feet drill depth)

ii. 2 test holes per crossing (8 crossings x 2 test holes = 16 test holes – 20 to 30 feet drill depth)

iii. Geotechnical baseline report for BNSF railroad crossing (information addressed in overall geotechnical report as well as issuance of “small” standalone supplemental report)

iv. Laboratory testing of retrieved earth material samples (natural moisture-density, Atterberg, swell consolidation, unconfined compressive strength, Proctor, direct shear, water-soluble sulfates, resistivity, sulfides, redox potential)

v. Geotechnical report (draft & final versions and BNSF RR baseline)
vi. Estimated five to six weeks for draft report issuance from completion of initial site walk and design survey

60% DESIGN DOCUMENTS.
Will include all plan and profile sheets with updated design information developed during the 30% design phase including general notes, standard details, specifications, and updated opinion of probable cost. This plan set will incorporate a higher degree of detail at critical crossings and connection points for the design, including all of the trenchless portions of the project, tie into the Hecla Pump Station, and connection at Sid Copeland Water Treatment Plant (WTP). Design alternatives may be developed in this phase of the design based on the information developed from the geotechnical results and utility conflicts. 60% design will be completed within 24 weeks of Notice to Proceed.

SUBSURFACE UTILITY REPORT
During the 60% design, proper documentation and establish the report per ASCE38 to locate all existing service to a Quality Level of B, unless circumstance will not allow, which will be documented accordingly in the report. Cost for utilities that require relocation will be estimated and documented in the report. This will be completed within 28 weeks of Notice to Proceed.

100% DESIGN DOCS
These will be developed as a final step to include all the findings determined during the previous phases of design. This will include hydraulics, geotechnical, subsurface utility reports, and necessary construction or permanent easements required for construction. An updated 100% opinion of probable cost will be included with final specifications. 100% design documents within 36 weeks of Notice to Proceed and begin the BNSF permitting process at this point. This can take three to six months to complete from submittal to completion.

BIDDING AND CONSTRUCTION
All bidding and construction documents will be provided per the RFP request, which have been outlined in the fee and schedule.

PERMITTING
Considering the construction will begin in 2020, we plan to start the permitting closer to the fall of 2019. The BNSF permit will be most critical in that they require the construction to be completed within several months of pulling this permit. The BNSF will be engaged between 60% and 100% to get the process and paperwork moving. A work plan will be developed including gathering the required geotechnical data, to satisfy BNSF Utility Accommodation Policy and submit a complete design package to ensure the permitting process with BNSF is not the critical path in the project schedule.

ADVERTISING AND BIDDING.
Documents to advertising will be developed following 100% design. Murraysmith will prepare final bid documents and will assist in pre-bid meeting, address questions, and prepare addendum. After bid opening, bid documents will be updated and revised during the advertisement period within two days. Final stamped and signed documents will be provided within seven days of the Notice of Award to contractor.
CONSTRUCTION ADMINISTRATION
Murraysmith will provide services during construction to support the City by attending preconstruction meetings, responding to RFI’s, attending up to 12 bi-weekly construction meetings. We will support the City inspection with separate on-site observations with corresponding reports. We will review all change orders and pay applications and provide approval or objections as necessary.

AS-BUILTS
Murraysmith will prepare and submit one full size mylar set of the as-built stamped and signed by a Colorado Professional Engineer within 14 days of final acceptance of construction. We will also provide an electronic copy of the as-builts in pdf and in dwg (AutoCAD) to the City.

<table>
<thead>
<tr>
<th>Task</th>
<th>Not-to-Exceed Amount</th>
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<tbody>
<tr>
<td>Task 1 – Design &amp; Permitting</td>
<td>$237,143</td>
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<td>Task 2 – Bidding Assistance &amp; Final Submittal</td>
<td>$13,180</td>
</tr>
<tr>
<td>Task 3 – Construction Administration</td>
<td>$22,757</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$273,080</strong></td>
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</tbody>
</table>
Exhibit B

City of Louisville Public Services Contract Addendum
Prohibition Against Employing Illegal Aliens

**Prohibition Against Employing Illegal Aliens.** Contractor shall not knowingly employ or contract with an illegal alien to perform work under this contract. Contractor shall not enter into a contract with a subcontractor that fails to certify to the Contractor that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this contract.

Contractor will participate in either the E-verify program or the Department program, as defined in C.R.S. §§ 8-17.5-101(3.3) and 8-17.5-101(3.7), respectively, in order to confirm the employment eligibility of all employees who are newly hired for employment to perform work under the public contract for services. Contractor is prohibited from using the E-verify program or the Department program procedures to undertake pre-employment screening of job applicants while this contract is being performed.

If Contractor obtains actual knowledge that a subcontractor performing work under this contract for services knowingly employs or contracts with an illegal alien, Contractor shall:

a. Notify the subcontractor and the City within three days that the Contractor has actual knowledge that the subcontractor is employing or contracting with an illegal alien; and

b. Terminate the subcontract with the subcontractor if within three days of receiving the notice required pursuant to this paragraph the subcontractor does not stop employing or contracting with the illegal alien; except that the Contractor shall not terminate the contract with the subcontractor if during such three days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien.

Contractor shall comply with any reasonable request by the Department of Labor and Employment made in the course of an investigation that the Department is undertaking pursuant to the authority established in C.R.S. § 8-17.5-102(5).

If Contractor violates a provision of this Contract required pursuant to C.R.S. § 8-17.5-102, City may terminate the contract for breach of contract. If the contract is so terminated, the Contractor shall be liable for actual and consequential damages to the City.
Pre-Contract Certification in Compliance with C.R.S. Section 8-17.5-102(1)

The undersigned hereby certifies as follows:

That at the time of providing this certification, the undersigned does not knowingly employ or contract with an illegal alien; and that the undersigned will participate in the E-Verify program or the Department program, as defined in C.R.S. § § 8-17.5-101(3.3) and 8-17.5-101(3.7), respectively, in order to confirm the employment eligibility of all employees who are newly hired for employment to perform under the public contract for services.

Proposer: [Signature]

By: [Signature]

Title: [Signature]

Date: 2-28-2019
SUBJECT: RESOLUTION NO. 12, SERIES 2019 – A RESOLUTION APPROVING AN EXTENSION OF THE FOUNDRY PLANNED UNIT DEVELOPMENT TO APRIL 2, 2020 – PUBLIC HEARING

DATE: APRIL 2, 2019

PRESENTED BY: ROB ZUCCARO, PLANNING AND BUILDING SAFETY DIRECTOR

VICINITY MAP:

SUMMARY:
The applicants request approval of an extension to the Foundry Planned Unit Development (PUD) to April 2, 2020 (see Attachment 2 for request letter). Louisville Municipal Code (LMC) Sec. 17.28.200 states that no building permits for work covered by a PUD may be issued more than 36 months following City Council approval unless an extension of time is granted. The Foundry PUD was approved on January 16, 2016. Therefore, an extension must be approved prior to issuance of building permits after January 16, 2019, which is 36 months following the original approval.
BACKGROUND:
The City approved the Foundry PUD, subdivision plat and a General Development Plan (GDP) Amendment on January 16, 2016 (see Attachments 3-5 for approved plans and Attachments 6 and 7 for the Planning Commission and City Council meeting minutes respectively). The proposed development included a rezoning of the 5.82-acre property from commercial (PCZD-C) to mixed commercial and residential (PCZD-C/R), and approved a PUD for 31,960 square feet of commercial development in two buildings (Buildings E and F), and 32 residential condominium units (24 restricted to senior housing) in four, eight-plex buildings (Buildings A through D). The two commercial buildings include a 17,850 sq. ft. in-line commercial building (Building E) and a 14,110 sq. ft. flex commercial building (Building F). The Foundry is part of the Takoda (Streel Ranch) GDP, and was originally planned as a commercial hub for the Takoda development.

Earlier this year the City Council approved a change to the phasing plan for the development, allowing the owner to construct only one of the two commercial buildings concurrent with the residential buildings. The original phasing required the owner to construct both commercial buildings at the same time as the residential buildings in order to help ensure a stronger fiscal balance for the City. The reason for the change in phasing was a change in market conditions impacting financing and leasing for new commercial development. The Planning Commission reviewed the phasing request on February 14, 2019 and the City Council approved the request on February 19, 2019 (see Attachments 8 and 9 for Planning Commission and City Council meeting minutes respectively).
ANALYSIS:
LMC Sec. 17.28.200 limits the timeframe for when the City may issue a permit following the approval of a PUD to 36 months. Extension requests must follow the same public hearing procedures for a PUD Amendment application, including a public hearing before the Planning Commission and review by the City Council. There are no specific criteria outlined in the LMC for an extension request, other than the criteria and policies under which the original PUD was approved.

Some of the reasons for having a 36-month limitation are to ensure that infrastructure is installed in a reasonable time frame and the development remains consistent with City policy and regulations. For example, City comprehensive plans, design standards and codes will change over time and a project meeting those standards at one point in time may not meet future policies and regulations. The expiration allows the City to reevaluate a project against current plans, policies and codes.

In this case, all relevant municipal codes, comprehensive planning documents and the Commercial Development Standards and Guidelines have not changed since the original PUD approval, except for the adoption of the South Boulder Road Small Area Plan (SAP) in April of 2016 (see Attachment 10 for SAP). The South Boulder Road SAP contemplated the Foundry development when the City adopted the plan and it supports the mix of land uses and development layout as proposed. The Foundry development will also include a sidewalk along Highway 42, which is also contemplated in the South Boulder Road SAP as a new trail connection.

The applicant is requesting an approximate 14-month extension for all phases of the project. The applicant has submitted building permits for the first phase of development and states in the request letter that the extension would permit them to finalize project financing and obtain building permits for both phases of development.

PUBLIC COMMENTS:
Staff received one public comment in support of the project (see Attachment 11).

PLANNING COMMISSION RECOMMENDATION:
The Planning Commission reviewed the extensions requested on March 14, 2019 and voted unanimously to recommend approval without conditions (see Attachment 12 for draft minutes)
STAFF RECOMMENDATION:
Staff recommends approval of Resolution 12, Series 2019; recommending approval of the request for an extension of the Foundry PUD to April 2, 2020.

ATTACHMENTS:
1. Resolution No. 12, Series 2019
2. Application Letter
3. Foundry PUD
4. Foundry Plat
5. Takoda GDP – 3rd Amendment
6. January 19, 2016 City Council Meeting Minutes
7. December 5, 2015 Planning Commission Minutes
8. February 14, 2019 Planning Commission Minutes
9. February 19, 2019 City Council Minutes
10. South Boulder Road Small Area Plan
11. Public Comments
12. March 14, 2019 Draft Planning Commission Minutes
13. Staff Presentation
RESOLUTION NO 12
SERIES 2019

A RESOLUTION APPROVING AN EXTENSION OF THE FOUNDRY PLANNED UNIT DEVELOPMENT TO APRIL 2, 2020

WHEREAS, there has been submitted to the Louisville City Council an application to extend the Foundry Planned Unit Development (PUD) to April 2, 2020 pursuant to Municipal Code Section 17.28.220, which requires an extension before issuing building permits more than 36 months following the original PUD approval; and

WHEREAS, the City Council approved the Foundry PUD on January 19, 2016 by City Council Resolution 3, Series 2016; and

WHEREAS, the City Staff has reviewed the information submitted and found that the application complies with the Louisville zoning regulations and other applicable sections of the Louisville Municipal Code; and

WHEREAS, the Planning Commission has considered the application at a duly noticed public hearing on March 14, 2019, where evidence and testimony were entered into the record, including the findings in the Louisville Planning Commission Staff Report dated March 14, 2019 and recommends approval; and

WHEREAS, City Council has reviewed the application at a duly noticed public hearing on April 2, 2019, where evidence and testimony were entered into the record, including the findings in the City Council Staff Report dated April 2, 2019 and the recommendation of the Planning Commission.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Louisville, Colorado does hereby approve an extension of the Foundry PUD to April 2, 2020.

PASSED AND ADOPTED this 2nd day of April, 2019.

By: ____________________________
    Robert P. Muckle, Mayor

Attest: _____________________________
    Meredyth Muth, City Clerk
March 6, 2019

Rob Zuccaro
Planning and Building Safety Director
City of Louisville
749 Main Street
Louisville, CO 80027

Via e-mail: rzuccaro@louisvilleco.gov

Re: Foundry Planned Unit Development Extension Request

Mr. Zuccaro:

We appreciate City Staff and Council’s continued support of the Foundry at Steel Ranch. The Foundry represents the final phase of the Steel Ranch neighborhood and will become an iconic gateway to the City of Louisville along Highway 42. The Foundry at Steel Ranch comprises an approximate 14,100 square foot “Foundry” building consisting of retail and restaurant space (including a rooftop deck), 17,800 square feet of in-line commercial/retail space and 32 condominiums inclusive of a landscaped plaza, public and private parking including pedestrian connections throughout the community.

Pursuant to Section 17.28.200 of the Louisville Municipal Code, we respectfully request an extension of the Foundry Planned Unit Development expiration date to April 2, 2020 for issuance of building permits for the Foundry Phase 1 buildings A, B, C, D, and F and Phase 2 building E. These buildings include the two (2) commercial buildings and the four (4) eight-plex condominium buildings. This extension will permit us to finalize project financing and obtain building permits for the Phase 1 buildings A, B, C, D and F and Phase 2 building E.

Please feel free to contact me anytime at 303-475-2106 or at justin@foundrybuilders.com with any questions or if we can be of further assistance.

We look forward to advancing the Foundry project and completing this final phase of the Steel Ranch neighborhood.

Best Regards,

Justin McClure
President
### Bulk and Dimension Standards

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<th>Building Height</th>
<th>Required, Commercial</th>
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<td>MAX. BUILDING HEIGHT</td>
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### Development Summary

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<tr>
<td>DENSITY</td>
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<tr>
<td>MAXIMUM COMMERCIAL DEVELOPMENT</td>
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</table>

### General Notes and Standards

1. The required land dedication shall be met via a credit in lieu payment consistent with Section 19 of the City Code.
2. TheDeveloper's right to adjust with the connection of Steel Road Park to the Bell Meade Church Open Space Trail System and Downtown Louisville as well as connections to the neighboring streets which include member community.
3. TheDeveloper may consult activities included but not limited to Employing all dedicated areas for the purpose of constructing public and private improvements.
4. Anytruncate or change of project identity, elevations, renderings and any finishing details are consistent with the location shown within these development plans.
5. Offsite sidewalks and streets shall be designed and installed consistent with the Standards within the Development Plan, but shall conform to the Standards within the Development Plan.
6. No access or easements shall be used on the property.
7. The light and configuration design, future phasing, etc. shall be consistent with the location shown within these development plans.
8. The buildings shall be limited to the locations shown within these development plans and shall be directed away from the residential within the Foundry and Steel. Any other illustrations and references within these development plans supersede all previous entitlement documents in the future of the property.
9. All access of the development shall be dependent on current conditions.
10. Drainage conditions are limited and conditions have been designed and accommodated for the sites within the Steel Road Community and through regional policies.
11. TheDeveloper's right to adjust with the connection of Steel Road Park to the Bell Meade Church Open Space Trail System and Downtown Louisville as well as connections to the neighboring streets.
12. Offsite sidewalks and streets shall be designed and installed consistent with the Standards within the Development Plan, but shall conform to the Standards within the Development Plan.
13. Improvements, including but not limited to any construction of sidewalks, are subject to any construction of sidewalks, are subject to the requirements of the City Code and any other applicable laws and regulations.

### Requested Variance

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<tr>
<th>Variance</th>
<th>Existing Code</th>
<th>Existing Variance</th>
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<td>OFF-DEPTH</td>
<td>DENSE</td>
<td>PASCHAL DRIVE</td>
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<tr>
<td>PLANE</td>
<td>ELEVATION</td>
<td>ORIENTATION</td>
<td>ORIENTATION</td>
<td>PASCHAL DRIVE</td>
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### Use Chart

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<tr>
<th>Building Use</th>
<th>Uses</th>
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<td>COMMERCIAL</td>
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FINAL DEVELOPMENT PLAN / PLANNED UNIT DEVELOPMENT
A PART OF SECTION 5, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6TH PM.
CITY OF LOUISVILLE, COUNTY OF BOULDER, STATE OF COLORADO

ENTRY SEQUENCE AND CONNECTIVITY
COMMERCIAL MARKETPLACE BUILDING
CENTRAL GATHERING SPACE
FLEX OFFICE SPACE
COMMERCIAL FOUNDRY BUILDING
PEDESTRIAN CONNECTIVITY
ENTRY & MONUMENTATION
ADAPTABLE COMMERCIAL FLEX SPACE
Call to Order: Chairman Tengler called the meeting to order at 6:30 P.M.

Roll Call was taken and the following members were present:

Commission Members Present:
- Cary Tengler, Vice Chairman
- Ann O’Connell, Secretary
- Steve Brauneis
- Jeff Moline
- Tom Rice
- Scott Russell

Commission Members Absent:
- Chris Pritchard, Chairman

Staff Members Present:
- Troy Russ, Interim Planning Director
- Sean McCartney, Principal Planner
- Lauren Trice, Planner I

Approval of Agenda:
Brauneis made motion and Russell seconded to approve the December 10, 2015 agenda. Motion passed by voice vote.

Approval of Minutes:
Russell made motion and Brauneis seconded to approve November 12, 2015 minutes. Motion passed by voice vote.

Public Comments: Items not on the Agenda

John Leary, 1116 Lafarge Avenue, Louisville, CO 80027
I would like to make comments on 824 South Street, Louisville, CO. I think the Planning Commission (PC) made the correct decision on 824 South Street for a lot of the right reasons but not all of the right reasons. Some of the things not considered, and some of the things I think should have been considered, could set a precedent that would not be in the interest of the City. One of the main discussion items that several people commented on was that the guidelines in the Design Handbook for Downtown were voluntary issues and voluntary recommendations, that they are not mandatory. That is not true. This issue was really discussed back in 2009 and the City Attorney issued an official opinion that said that some provisions of the Design Handbook for Downtown are mandatory and some are voluntary. He also made the point that some of them are pretty general and if you ever went to court, you wouldn’t necessarily rely on them. He was very clear that there are mandatory provisions in the Design Handbook for Downtown.
Tengler asks which were mandatory and which were to be specifically followed? Leary says if you look at the introduction to the Design Handbook for Downtown, there is a description of what the words mean. It starts out with the imperative. When the imperative “should” is used, those are mandatory. If it is a suggestion or the word “shall” is used, that would not be considered imperative. A second thing that I think is important is that there is a Downtown Framework Plan. There is a PUD requirement that any PUD has to be consistent with the Comprehensive Plan. The Downtown Framework Plan is incorporated into the Comp Plan and in the Resolution, there is no mention of that. These things come together in another provision in the statute that says you will use the strictest requirements. When you get into the Design Handbook for Downtown, very likely some of those “shoulds” are going to be much stricter than something else. Regarding the Downtown Framework Plan, there was one comment saying “I’m not too concerned about the height”. It is not a matter of whether you are concerned about the heights because the Comp Plan says in the transition zone, it will be two stories. Whether that will be waived or not, and I don’t know if it can, it would be by City Council. My only comment is to thank you, and mainly Mr. Russell, when you very firmly rejected the concept of doing quasi-judicial things, that there be any crony-ism. It was an important thing to say. I have two copies of the letter. Tengler says that since that hearing on 824 South Street is closed, we probably can’t accept anything on the record relative to that hearing. Russ says I am not sure about collecting. The City Attorney today made it very clear that the item is closed and it is the Planning Commission’s discretion. Tengler says John Leary has made very good points and since we closed the hearing on the item last month, we probably will not enter it into the record as an after-the-fact submission. Leary says my concern is that this applicant or other applicants coming in with the belief that the Design Handbook for Downtown is totally voluntary is an important issue. I don’t know if the PC can set precedent that the City Council (CC) would have to follow. My other comment is that I haven’t paid a lot of attention to Resolutions of Denial, but there seems to be a little bit of different style in this one. There is a list of the violations rather than a definition or explanation. Brauneis asks if the PC can have Staff follow up on the clarification from the City Attorney back in 2009? Russ says Staff supports what Mr. Leary said about the Design Handbook for Downtown. Staff will track down the letter for the PC records.

Regular Business – Public Hearing Items

- **A Resolution of Denial for 824 South Street Final PUD:** A resolution denying a Planned Unit Development (PUD) and Special Review Use (SRU) for the construction of a new mixed-use building with 6,800 sf of commercial space and one residential unit, the remodel of the existing house, and outdoor sales at 824 South Street.

  - Staff member: Scott Robinson, Planner II

  Russ clarifies that the applicant has requested a continuance. Staff supports it. The hearing is closed. If the PC wishes to proceed with the Resolution of Denial, Staff has talked to the City Attorney and you have a right to proceed. PC can also choose not to proceed. Rice asks about the purpose of the continuance. If the hearing is complete and the record is closed, why continue it? Russ says the applicant wishes to be present. I want to point out, and the City Attorney asked that I make sure I point out to you, that the hearing is closed. Rice asks about the ramifications, if any, of continuing it. We are being asked to take the action item and move out one month. Is the applicant doing to City Council? Russ says yes, the applicant is asking for that. The applicant has not stated if they are going to City Council. If they choose to, it will delay it one month.
Tengler says he requests that the PC honor the applicant’s request for continuation. Motion made by Brauneis for denial continuance, seconded by Moline. Roll call vote.

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<tr>
<td>Chris Pritchard</td>
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<tr>
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<td>Yes</td>
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<td>Ann O'Connell</td>
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<td>Cary Tengler</td>
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<td>Steve Brauneis</td>
<td>Yes</td>
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<tr>
<td>Scott Russell</td>
<td>Yes</td>
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<td>Tom Rice</td>
<td>Yes</td>
</tr>
<tr>
<td>Motion passed/failed</td>
<td>Pass</td>
</tr>
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</table>

Motion passes 6-0.

633 CTC Blvd Final PUD: Resolution 37, Series 2015. A resolution recommending approval of a final Planned Unit Development (PUD) to construct a 153,018 sf single story industrial/flex building with associated site improvements on Lots 3, 4, 5, and 6, CTC Filing 2 subdivision.
- Applicant/Owner/Representative: Etkin Johnson
- Staff Member: Sean McCartney, Principal Planner

Conflict of Interest and Disclosure:
None.

Public Notice Certification:
Published in the Boulder Daily Camera on November 22, 2015. Posted in City Hall, Public Library, Recreation Center, the Courts and Police Building, and mailed to surrounding property owners on November 20, 2015.

Material board submittal: Motion made by Russell to enter material board into record, seconded by Rice. Motion passed by voice vote.

Staff Report of Facts and Issues:
McCartney presented from Power Point:
- Project located on southwest corner of Boxelder and CTC Blvd. To the west is the property discussed last month for the Louisville Corporate Campus. During the development of this property, there was an access constructed from Louisville Corporate Campus to CTC Blvd. The access is in this development.
- The property is zoned Industrial (I). It is required to follow the IDDSG.
- The building is a 153,018 sf building general flex space.
- IDDSG requires maximum coverage of 75% hardscape and 25% soft scape. This proposal is 74% hardscape and 26% soft scape which exceeds IDDSG requirement.
- There are five access points: two on CTC Blvd, two on Boxelder, one access from eastern project.
- PARKING:
  - The “warehouse with loading” requires 2 spaces per 1,000 sf (307 spaces) and “office without loading” requires 4 spaces per 1,000 sf (612 spaces). The applicant is proposing 2.73 spaces per 1,000 sf (421 spaces) and 3.7 spaces per 1,000 sf (558 spaces).
  - The “office without loading” amount of 3.7 spaces per 1,000 square feet requires a waiver from the IDDSG. Staff believes the waiver request is acceptable and recommends approval.
- SIGNS:
  - Monument Signs:
- IDDSG allows one freestanding sign for each access.
- Applicant has five accesses but is requesting 4 monument signs.
  - **Wall Signs - waiver:**
    - IDDSG allows 15 sf wall signs, not to total more than 80 sf.
    - Applicant is proposing 40 sf signs not to total more than 120 sf.

**Staff Recommendations:**
Staff recommends approval of 633 CTC Blvd Final PUD: Resolution 37, Series 2015. A resolution recommending approval of a final Planned Unit Development (PUD) to construct a 153,018 sf single story industrial/flex building with associated site improvements on Lots 3, 4, 5, and 6, CTC Filing 2 subdivision, with the following condition:
1. The applicant must comply with the October 22, 2015 Public Works memo prior to recordation.

**Commission Questions of Staff:**
- **Brauneis** asks about the parking spaces. Are we over on one and under on another?
- **McCartney** says to get the overage, you look at the rear of the property. When you take out the loading area, the overage of the parking occurs.
- **Rice** says when he read the discussion about parking spaces, there is an indication for allowance for another 134 spots. Is that what you just described? If they do not use the loading area, does this take them over?
- **McCartney** says yes. It does not take them over as it is still just under at 3.7. Four spaces would be needed for all office and they would be at 3.7 spaces/1000 sf. They have 558 spaces total without the loading area. Staff feels this is adequate.
- **Brauneis** says there have been a number of buildings coming before PC. Some signage proposals have been accepted and some were not. In your view, is this sign waiver request okay because it is not hugely different?
- **McCartney** says the 15 sf is a small sign in regard to a building measuring 153,000 sf in size. Almost every project in the CTC has requested a sign modification. They are not asking for a change of the type. They are allowed 2’ signs which are standard. They want more sign area to cover more of the building.

**Applicant Presentation:**
- **Jim Vasbinder**, Etkin Johnson Group, 1512 Larimer Street, Suite 325, Denver, CO 80202
Etkin Johnson Group now owns this property. We sold this property back in 2006 and just recently repurchased it last month. Regarding parking, we more than adequately satisfy the IDDSG which is 2 spaces/1000 sf. We always want to have the flexibility regarding parking since this is a spec building and we do not have a tenant presently. We want to provide some flexibility on additional parking if we do get office. We have slightly over 1,000,000 sf in the CTC and do not have any buildings that are 100% office. We have buildings with a substantial amount of R&D space or laboratory space, and very little warehouse. We do not use the doors and in most cases, we take the doors out and put windows in. We have not experienced any issues with the flexibility that the City has granted us to date.

**Commission Questions of Applicant:**
- **Tengler** asks relative to the docks, my assumption is that if the space is that flexible so you can install windows or doors, I assume they are not loading bays with a ramp?
- **Vasbinder** says there is a combination. There are locations with ramps but the balance of the building between the ramps is traditional loading docks. We have installed glass, store front entrances, stairs, and mechanical equipment chases. We have a lot of flexibility. There is also a service area which will be walled enclosures. If a tenant had specialized equipment like cooling towers, this would provide a secure area as well as a visibility break for screening.
**Public Comment:**
None.

**Summary and request by Staff and Applicant:**
Staff recommends Planning Commission move to approve 633 CTC Blvd Final PUD: Resolution 37, Series 2015. A resolution recommending approval of a final Planned Unit Development (PUD) to construct a 153,018 sf single story industrial/flex building with associated site improvements on Lots 3, 4, 5, and 6, CTC Filing 2 subdivision, with the following condition:

1. The applicant must comply with the October 22, 2015 Public Works memo prior to recordation.

**Closed Public Hearing and discussion by Commission:**
Rice says that the PC has seen a brisk pace of development in the CTC with lots of commercial space being developed. I think it is great and I am pleased to see it. Tengler is in support. I suggest that Staff put the signage issue on the agenda for a first quarter meeting of 2016 since it comes up frequently. McCartney says that the February agenda looks light so it may be presented then.

Motion made by O’Connell to approve 633 CTC Blvd Final PUD: Resolution 37, Series 2015. A resolution recommending approval of a final Planned Unit Development (PUD) to construct a 153,018 sf single story industrial/flex building with associated site improvements on Lots 3, 4, 5, and 6, CTC Filing 2 subdivision, with the following condition:

1. The applicant must comply with the October 22, 2015 Public Works memo prior to recordation.

Seconded by Brauneis. Roll call vote.

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<td>Yes</td>
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<tr>
<td>Motion passed/failed</td>
<td>Pass</td>
</tr>
</tbody>
</table>

Motion passes 6-0.

➢ **The Foundry Final Plat/PUD: Resolution 39, Series 2015.** A resolution recommending approval of a rezoning, final plat and final Planned Unit Development (PUD) to construct a multi-use development consisting of 24 age-restricted condominiums, and 38,000 sf commercial/office.

- Applicant /Representative: RMCS LLC
- Owner: Takoda Properties/Summit View Properties LLC
- Staff member: Sean McCartney, Principal Planner

**Conflict of Interest and Disclosure:**
None.

**Public Notice Certification:**
Published in the Boulder Daily Camera on November 22, 2015. Posted in City Hall, Public Library, Recreation Center, the Courts and Police Building, and mailed to surrounding property owners on November 20, 2015.
**Emails entered into record:** Motion made by Moline, seconded by Brauneis, passed by voice vote. Fiscal model memo also entered into record. Motion made by Moline, seconded by Brauneis, passed by voice vote.

**Staff Report of Facts and Issues:**

**McCartney** presented from Power Point:
- Previously, this property came before PC in 2013 and was known as Steel Ranch Marketplace. It was a 12,000 to 14,000 sf theater for the Art Underground. It was a single, stand-alone building and had the option for additional commercial. The user pulled and the building was never constructed; it made it through a PUD which expired.
- Located on southwest corner of Paschal and Highway 42 in north Louisville.
- Zoned PCZD-C. Requesting rezoning to PCZD-C/R.
- 5.82 acres and requesting Mixed-Use.
- South of Indian Peaks, Filing 17.

**REZONING:** The 2013 Comp Plan identifies this area as an “Urban Corridor” with focus on:
- commercial
- office
- neighborhood retail
- residential density allowance up to 25 units per acre

Principal NH-5
- Mix of housing types
- Multi-generational needs
- Empty nesters
  - Proposing 24 age-restricted units for ages 55+ empty nesters

Surrounded by PZCD-C/R and PZCD-R
- Complies with surrounding zoning

**FISCAL IMPACT:**

**Russ** presents. The City has updated its fiscal model. The City did that through the Finance Committee as part of City Council (CC) in reviewing a city-wide marginal cost model. Upon approval of CC on the city-wide marginal cost model, our consultant took a hybrid for a development specific review model. We have two models: city-wide marginal cost model and hybrid average cost model. Many of our developments are small and the marginal cost model doesn’t work well for smaller developments. The actual impact on the City through the hybrid average cost is more reflective. The fiscal model is based on our budget. It is based on the point forward. Looking at development based on our annual approved budget, it looks at development and its impact over 20 years point forward. It does not look at the residential mix of the city. It assumes a balance because our budget has been approved. Looking at the numbers before you, it is a 20 year forecast of how this project affects the City going forward.

It is a sophisticated model that can play a number of scenarios. It looks at the number of units, where those units are located in the City, at the value of the home, and the income of the owner. If a residential development were to be proposed on the Phillips 66 property, everyone would acknowledge that the Broomfield retail is more convenient to those residents, so the City of Louisville would have a lower capture of those disposal dollars. It is geographically significant of where development goes, and on what percent of disposal income comes into the City. We ask every applicant to provide some base information so we can calibrate the model specific to the development request, such as construction costs and proposed values of homes. We equate that and evaluate that against what our base model assumptions are.

In the memo in front of you, we have two scenarios. The item on the left is showing the applicant’s numbers. It is the same for construction costs, incomes, and cross points. They have differences in traffic trip generation rates. The City’s development and review model takes national averages for mixed use trip assignments. We are following a national trend within the
model. The applicant provides a more specific Louisville characteristic that is supported by a traffic engineer, so they are proposing a different persons/household than what our model assumes for that type of housing structure which is based on a national ITE. They are showing it is 1.8 persons/household where the adopted model is 1.4 persons/household. They have more residents within a unit than ours. With those base assumptions, we do a 20 year forecast based on the different funds within the budget.

<table>
<thead>
<tr>
<th>Adopted Model Numbers</th>
<th>Developer Numbers</th>
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</thead>
<tbody>
<tr>
<td>RESIDENTIAL</td>
<td></td>
</tr>
<tr>
<td>Persons per household</td>
<td>1.4</td>
</tr>
<tr>
<td>Vehicle Trips</td>
<td>Lower Generation</td>
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<tr>
<td>MU Trip Adjustment</td>
<td>50% (ITE)</td>
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<tr>
<td>COMMERCIAL</td>
<td></td>
</tr>
<tr>
<td>MU Trip Adj. (retail)</td>
<td>28% (ITE)</td>
</tr>
<tr>
<td>MU Trip Adj. (office)</td>
<td>50% (ITE)</td>
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</tbody>
</table>

For comparison purposes, staff also provided a fiscal analysis using the City’s established vehicle trip generation rates and adjustment factors as documented by the Institute of Transportation Engineers (ITS). This scenario yields a net positive fiscal impact of $2,327,000 over the same 20-year period, or $116,350 per year. The following table summarizes the model’s output for all both scenarios and the approved GDP. According to the new model, the previously approved GDP would yield a net positive fiscal impact of $2,670,000 over a 20-year period, or $138,000 per year. The proposed rezoning, using the applicant’s numbers, would yield a net positive fiscal impact of $739,000 on the City over the same 20-year period, or a positive $36,900 per year.

It is important to note that we do not have a single criterion in the Comp Plan or in the LMC that says there is fiscal performance as the sole determinate of anything. It is information. The
Comp Plan does identify this as an urban corridor. The Comp Plan says any development should produce a positive fiscal return to the City. That is as descriptive as it gets. When you look at the Comp Plan, we look at character, housing, parks and recreation, and transportation. We look at the Comp Plan in its totality. This is just one element of the Comp Plan. All rezoning needs to be consistent. Staff believes, based on this fiscal model, that it is consistent with the Comp Plan.

We can also determine when retail is occupied or leased in this model. The numbers before you show that retail would be leased the first year in all three scenarios, the GDP, Model Number, and the Developer’s Number. If the market for some reason can’t produce that retail square footage until year 10, you do see a negative fiscal return from the Developer’s Number and very minor positive returns from the other two.

**Questions from Planning Commission regarding Fiscal Model:**

**Russell** asks about “leased in the first year” means Day 365, and if the commercial is leased in the first year or by the end of the first year.  
**Russ** says we assume it is occupied and sales tax is being produced by the end of the first year.  
**Russell** points out Scenario 1, Developer Number, the input for market units says 18 persons/unit. I am looking at the hard copy. Is that a typo in the report? If that is inaccurate data, it is translating into the numbers.  
**Russ** clarifies it is the Back-Up Tables. It is an Excel spreadsheet and it hasn’t been edited. I will put in 1.8 instead of 18 persons.  
**Moline** asks about the Net Fiscal Result. Why are there such big differences between the developer numbers, the model numbers, and the original GDP?  
**Russ** says in the City Budget, there are different funds within the budget. They each have revenues and expenditures. The development influences all of those. We have sales tax revenues that fund a number of these and the persons/household have disposable income. That disposable income influences sales tax which goes into the different funds. This reflects the adopted budget. Revenues such as property tax, sales tax, and other forms the city gains equate to the revenue. The expenditures within those funds are what the level of service is, for example, a trail. We have a certain linear feet of trail that is a minimum expectation based on population. Based on this population growth, we need so many linear feet of trail. Those come back to the expenditures such as police service, library service, City Manager service, and planning department service. We have it broken out by each department type within each of these funds. The combination of the two under the Net Fiscal Result is the revenues and expenditures and the difference based on the adopted budget. That is why it is a point forward. Regarding the big differences between the developer numbers, the model numbers, and the original GDP is Commissioner Russell’s catch, the difference between 1.8 and 18. The 18 is going to generate a higher expenditure on the City, but it will increase the revenues as well. It is based on households so it may not be as dramatic on the revenue side whereas it will be dramatic on the expenditure side.  

**McCartney** continues presentation. This application is for a replat to an existing plat but we are combining two plats. We are combining the Takoda subdivision as well as the Summit View subdivision. It is broken up into Tracts A, B, C, and D and Blocks 1, 2, 3, 4, 5, and 6.

<table>
<thead>
<tr>
<th>Tract</th>
<th>Area</th>
<th>Ownership</th>
<th>Use</th>
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</thead>
<tbody>
<tr>
<td>Tract A</td>
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<td>Takoda Properties Inc.</td>
<td>Access/Access Drive/Parking</td>
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<tr>
<td>Tract B</td>
<td>.22 acres</td>
<td>Takoda Properties Inc.</td>
<td>Public plaza, parking</td>
</tr>
<tr>
<td>Tract C</td>
<td>1.03 acres</td>
<td>Takoda Properties Inc.</td>
<td>Parking/Highway 42 Access</td>
</tr>
<tr>
<td>Tract D</td>
<td>.67 acres</td>
<td>Takoda Properties Inc.</td>
<td>Parking</td>
</tr>
</tbody>
</table>
Block 1 .33 acres Takoda Properties Inc. Residential
Block 2 .32 acres Takoda Properties Inc. Residential
Block 3 .30 acres Takoda Properties Inc. Residential
Block 4 .32 acres Takoda Properties Inc. Residential
Block 5 .53 acres Takoda Properties Inc. Commercial (Lots 1-7)
Block 6 .5 acres Takoda Properties Inc. Commercial (Foundry)

Public Land Dedication (PLD)
- 3% additional PLD for residential portion of property
- Commercial zoning already dedicated

ORIGINAL SITE PLAN
- Three access points
- No access to Kaylix St.
- 48 residential units in four buildings
- 56,200 sf commercial
  - Two story in-line commercial
  - Two drive-thru’s
  - Two inline commercial uses
• Received communication from residents requesting age-restricted housing, no drive-thru’s, and consider access to Kaylix
• Applicant resubmitted

RESUBMITTED SITE PLAN
• Access – 4 primary points
  o Highway 42 – right-in/out
  o Paschal Dr. – right-in/out
  o Kaylix St. – full
  o Summit View – full
• 32 residential units
  o 24 age-restricted to 55 years
• 37,600 SF commercial
  o 2 story in-line 17,850 sf
  o Flex commercial 14,110 sf
• No drive-thru’s
• 229 parking spaces

BULK AND DIMENSION STANDARDS
Different than any commercial development because a typical commercial development follows the CDDSG for height, bulk, and setback. This project follows the General Development Plan (GDP) such as Takoda. The height complies with CDDSG and setbacks comply with GDP. Two to three stories complies with Comprehensive Plan.
COMMERCIAL:
Includes office, neighborhood retail, flex artisan space with is commercial, close proximity to the roadway, and complies with CDDSG and Comp Plan.

ARCHITECTURE:
Second submittal, commercial. Foundry building broken into three components (south, center, north) with rooftop patios and a center atrium. Design elements and use similar to The Source in downtown Denver. Has high center atrium with several units coming off. Applicant anticipates restaurants. It is 35 feet in height, 14,110 sf, and has flex artisan space. North and south components are 28.5 feet in height and two stories. Reduced overall glazing but included material to coexist with Foundry. There are corrugated steel, metal frame windows, and step backs and setbacks from entrance.

RESIDENTIAL:
Second submittal 32 total units.
- 24 age-restricted, 55 years and older.
- 8 non-restricted units.
- 35 feet maximum height.
- Good buffer between commercial and existing residential.
- BVSD says 8 unrestricted units will result in 1 student at Louisville Elementary School, 0 students at Louisville Middle School, and 1 student at Monarch High School.
- Residential broken into ground plane, middle plane, and top plane, each having a purpose.
  - Ground plane – more pedestrian-oriented, facing the roadways, active with sidewalks nearby.
  - Second plane – patio area for users.
  - Top plane – compatibility with use and architecture and stepped back. Architectural treatments provide shading and articulation and step back. Compatible with same Steel Ranch type of architecture in residential units and apartments.

PARKING:
Residential
- In LMC, 2 spaces required per unit.
- 32 units require 64 spaces.
- Enclosed garage spaces.

Commercial
- 165 spaces.
- CDDSG requires 4.5 spaces per 1,000 sf for retail commercial.
- 5.16 spaces per 1,000 sf if measured at 85% gross leasable area (GLA) of 31,960 sf.
- 4.4 spaces per 1,000 sf at 37,600 sf (6 spaces less than required).
- Waiver approved through LMC multi-tenant reduction, public easements in excess of public land dedication, and exceptional design.

LANDSCAPING:
- Waiver request to reduce amount of street trees.
- Requested because of existing easements and powerlines. Referral letter from Xcel requesting they approve landscaping before planted.
- Staff believes alternatives can be achieved in speaking with easement owners.
- Applicant shall continue to work with staff on final tree placement.

Staff Recommendations:
Staff recommends approval of Resolution No. 39, Series 2015, with following conditions:
1. The 24 deed-restricted condominiums shall be for ages 55 and older. The 55 years and older age restriction shall be placed on the deed of each age-restricted unit and shall also be included in the subdivision agreement.
2. Staff recommends the wall signs of the In-line building, shown as vertical address numbers, be removed from the PUD and all wall signs must comply with Chapter 7 of the CDDSG and Chapter 17.24 of the LMC.

3. The applicant shall remove the water tower element from the PUD package prior to recordation.

4. The applicant shall continue to work with the Parks Department on the type and location of additional trees along Highway 42, prior to recordation.

5. The applicant shall continue to work with the Public Works Department on the items listed in the September 25, 2015 memo. Each item shall be completed prior to recordation.

6. Residential and commercial development shall be constructed concurrently.

Commission Questions of Staff:

Moline asks Russ about “stuff” that was left off the PUD?

Russ says there were notes on the PUD stating that the commercial would be built concurrently with the residential. The applicant can verify this. They were removed during the referral process without clear understanding from the planning department based on the public works request. We understand their request and staff can live with this PUD without the terms on it by simply having this condition than we can perform in the development agreement to make sure we time the building permits and the CO’s together.

Moline asks about the age restriction. What is the origin of this?

McCartney says when staff talked about age restriction, the applicant had wanted to include residential on this development. We know that additional residential has an impact on the schools. Staff asked if you can do age restriction which typically does not come with an impact on the schools, we would work it out. The first condition is we need to have it located somewhere, that these are going to be age-restricted units that we carry forward with this project.

Rice asks about the zoning issue. It becomes a bit of an alphabet soup when we start talking about designations. The way this property is currently zoned is for this to be developed commercially. What we are being asked is to change that designation and turn it into essentially half commercial and half residential. One of the concerns I have when I read this, and it is expressed in a number of the submissions received from the public, is that if we go backwards in time and when this overall development was first conceived, I’m sure there was discussion about a balance between commercial and residential. That balance was reached and the proposal was approved, and the residential got built, but none of the commercial got built. So the commercial lots remained empty. The Lanterns project which is currently being constructed was commercial property as well. We rezoned that into residential.

Russ says a nuance to that is they expanded the Takoda GDP to include the office Summit. The original discussion of the residential-commercial balance of the market place was at the time, the portion of the property that was related to the Lanterns was not a part of that conversation. They expanded it to include it.

Rice says that essentially what we see going on, and again this is expressed in a number of submissions from the public, is that we have these developments that will have a balance between commercial and residential, but what we end up with is more and more residential. That is a concern of mine and a concern of many people. The overall question is why should we do them?

McCartney says the applicant can request anything and it is staff’s job to take the request and apply it to the documents that staff uses for review (primarily technical review). We went through the steps of how we look at it. We apply it to the Comp Plan and surrounding zoning. We now have the fiscal analysis to see if this change will impact the overall services and finances of the City.

Rice says this seems like a planning issue and trying to strike a balance between how much residential we build and how much commercial space we have in the City. Ultimately, that has a
lot of impact fiscally and economically. We have made a plan and then over time, we have slowly changed the plan to end up with a lot of residential.

**McCartney** says if you look back at the 1989 GDP which was the north Louisville plan, they actually do call for commercial mixed-use in this area. I remember nine years ago when we looked at one of the original amendments to create the Takoda area. We had a different lay-out for the commercial, extending further into this development, and then we turned it more linear. This is a request from the applicant to provide more residential. It does comply with the 2013 Comp Plan as far as overall uses and the request for different types of housing mix.

**Russ** says planning documents are not exact documents. This is an important note for the community to understand. The Comp Plan is deliberately vague and is supposed to convey a character and a core set of principles for the public to determine what that means. CC and PC determine what this conceptual document means. It is not a zoning document because the State doesn’t allow it to be. It is meant to be a character and a “feel” and CC’s and PC’s ultimate comfort. It gives PC some room to determine that deliberately. Staff simply evaluates it based on the principals and framework. An applicant can submit a very exact PUD and Staff uses every tool at the time to say, is it consistent with the Comp Plan. This new request, when compared to the character vision document, it meets the principals of that document. PC has the discretion to determine if that is the case or not.

**Brauneis** asks about evaluating different sites throughout the City that have proposed to move out of commercial use. We have identified areas that appear to be suboptimal locations for retail. This location seems to be perhaps the only undeveloped spot left within Louisville that has retail potential. From a planning perspective, wouldn’t it make sense to push it further towards commercial-retail than residential?

**Russ** says in looking at the uses and total square footage allowed, half of the allowed commercial square footage would be retail. We are not trading, in my opinion, retail for residential. You are trading office for residential because the second floor will never perform as retail. Looking at the total square footage that is allowed in the market place, we are getting retail on the ground floor. We are getting flex office space that is somewhat gray. We certainly don’t have, or anyone has, the true market potential to determine if that retail will be leased. We know with this condition that a built building has a better chance of being leased than a vacant lot. I don’t look at this as residential for retail; I look at it as residential for office. The retail component is essentially the same size as the retail component of what was originally approved.

**O’Connell** says, in looking at page 3 in the packet and how the Indian Peaks filing in Lafayette is directly to the north of this, there are two spaces that are labeled commercial in yellow in Indian Peaks. Along the lines of retail in general, is the City aware of any moves to put in commercial in those areas?

**McCartney** says Lafayette just recently received a pre-submittal from WW Reynolds for 11 acres commercial that had a 59,000 sf box, and some associated uses. There was a neighborhood meeting that was listed in the paper. No Staff attended the meeting. The reception to the plan, from my reading of the article, was not positive. What they referenced was that the City of Lafayette immediate residents would like what is being proposed on the Foundry, perhaps primarily for the architectural design. They were not specific but they said they would like to see more of what is proposed at the Foundry in the WW Reynolds submittal. Since then, the City of Lafayette has requested a copy of the Foundry submittal and so has WW Reynolds. They both have copies of this submittal.

**O’Connell** asks if this development will be further along on a time frame?

**Russell** asks how long has this property been zoned commercial and available for the market?

**McCartney** says at least nine years.

**Russell** asks how much commercial square footage is on that lot today?

**McCartney** says none.

**Russell** asks how much, if approved tonight, would there be?

**McCartney** says 38,000 sf.
Russell says we are not trading anything. You can’t lose what you don’t have. There is potential that has been there a very long time. Secondly, we are age-restricting this as a tool to manage demand in BVSD. We are now building age-restricted residential development in our city to manage the demand on BVSD.

**McCartney** says yes and partly a mix of housing types as requested by the Comp Plan. I think the underlying theme is to try and alleviate the impact on the school district.

**Russell** says what happens if you can’t lease age-restricted units? Is it as simple as coming back to PC and asking for an amendment? Finally, what do you have against water towers?

**McCartney** says we called it architecturally confusing.

**Tengler** says the previous PUD had 48 residential units, is that correct?

**McCartney** says the original submittal of this Foundry had 48 residential units.

**Moline** asks if BVSD had a chance to comment on what would happen if this was not an age restricted project?

**McCartney** says BVSD might have. When we get the original submittal, we sent it to them. I can check to see if staff has those numbers. We did consult with BVSD during this process and we asked them how they look at 55 years and older as far as having an impact. They use the numbers found in HUD for senior housing which states 55 years and older. It is their assumption is that 55 years and older would have zero impact on schools.

**Russ** adds from a senior prospective that the Comp Plan has broad reaching goals and the diversity of housing stock in serving our seniors is certainly very clearly stated in the Comp Plan. Yes, schools are a motivation but this residential development with required senior housing is more consistent with the Comp Plan than without.

**Brauneis** asks about traffic. How would this proposal compare to alternatives?

**Russ** says it would be less. Office and residential development are significantly higher trip generators than residential.

**Tengler** asks about net fiscal impacts. It looks like we are talking about an annual differential between developer numbers, the model numbers, and the original GDP of literally $10,000 year and $20,000 a year.

**Russ** says the numbers are very close. There are variables here. The original GDP produces about $400,000 additional revenue over 20 years than what is being proposed.

**McCartney** says the BVSD numbers for the original submittal of 48 units were 3 for LES, 1 for LMS, and 5 for Monarch HS.

**Applicant Presentation:**

**Justin McClure,** RMCS LLC, 21 South Sunset Street, Longmont, CO 80501.

I would like to begin by answering some questions. Commissioner Rice, McCartney is accurate. In 2006 was when the original GDP was approved. I was 26 years old, about a decade ago. What was reality then and what is reality now is different and we try to be as accurate as we possibly can when we come forward with comprehensive land development. I am personally very passionate about it. We have tried so many different ways to activate commercial space on that parcel through cooperation with 501(c)3 for which received final PUD approval. We spent money on construction documents that were unutilized. We are talking of hundreds of thousands of dollars of investment to try to get it off the ground. If you read the market analysis included in your packets, this goes back to 2006, listing the property with Becky Gamble. We couldn’t ever make anything happen of substance. What we didn’t want to do in the middle of the meltdown was fire-sale the property. To the north of us in Indian Peaks South, nothing disparaging against McStain and Indian Peaks South, but that property was sold at $1.11/sf for the 11 acres. I can assure this PC that it will be very difficult to get a high quality user at that purchase price on land. That is troublesome. For me personally as an investor and creator in Steel Ranch, I have a significant vested interest in making sure that that property develops as quality as it possibly can. I think it is indicative of the challenges that my company has faced with bringing an entirely commercial product to market. In the original GDP, we generated a 0.3 FAR, 72,000 sf, of commercial space. More realistically in complying with CDDSG, complying
with parking requirements, the maximum yield is 55,000 sf of space. Today, with the reduction of residential densities, elimination of drive-thru pads, we still are proposing 38,000 sf of office space which I find to be significant. We always said office in the past because it was so scary to bring retail to market in this environment. We don’t want to represent retail and mismanage municipal expectations. The buildings we propose in this site plan are geared toward retail and have an emphasis on retail, and they are unique. They cater towards local entrepreneurs and local investors, not credit tenants. If we could have had a credit tenant on this parcel, it would have been done by now and we would be collecting rents. Instead, we have a nonperforming asset and we have an unfinished community. I drive by it every day and it is unfinished. We have a signal as Paschal. Steel Ranch is a wonderfully designed community and is a significant contribution to the quality of the city of Louisville, and in particular, northeast Louisville.

**Presentation:** There are significant adjustments to the original site plan. The planning department and the City of Louisville deserve substantial credit with pushing back in the front round of referral comments about overall quality and height impact to the community. We have proven to this PC and City Staff that we are really good listeners and if we have an opportunity to comply, we will do that. We reached out and had neighborhood meetings. It is not required by Code but I hope the residents of Steel Ranch and Indian Peaks South will communicate to this PC and CC that I have taken a tremendous amount of personal time to make sure I had time for each and every resident and all of their concerns. In addition to holding an incredible positive neighborhood meeting with the residents of Steel Ranch, I don’t recall any individual being opposed to the application in front of you tonight. They were profuse in their praise and support. Some residents present tonight still have remaining concerns because nothing is ever going to be perfect. We are trying to address all concerns. We have eliminated drive-thruses and the staggering of units.

In getting into the history, we talked about the Lanterns. It was a split zoning in the original 1989 GDP. It is a pertinent distinction because it was PCZD-C/R. What we heard from the residents when we requested 24 ranch-style duplex units, that this would be a preferred use over large commercial buildings. Moving forward, the Lanterns are now under construction and I think it is a positive addition to the Steel Ranch community. They are empty nester friendly housing and while not age-restricted, they are zero step entries and Boulder Creek who is our building partner on that project, has done a fantastic job.

The Foundry will constitute the final piece that will complete Steel Ranch. From a plan view, we are providing a nice break from the transition on Kaylix Avenue and Steel Ranch Park, residential facing residential. We have multifamily product which is far more appropriate land transition when you talk about residential uses to a commercial concept than a single family detached patio home. I think the residents would support this concept and break and transition in land use.

The Foundry is my favorite part. I know Staff doesn’t like the water tower, and I believe Director Russ called the water tower a cigarette butt. I want to give some background on it. There is a condition on the resolution of approval that says we will remove it. At the end of my presentation, I have a slide that shows it removed. We have been in the business of buying concrete batch plants for an extended period of time. DELO Phase I under construction now was an old concrete batch plant. We saved the silos and try to repurpose them in projects as we move forward. We also purchased over 20 acres in Longmont from Aggregate Industries, an old concrete batch plant. We have these big beautiful silos that we thought would be architecturally interesting and would be used for signage and continue to differentiate this product in Louisville. To go back to credit tenants and unique architecture and how do we make this special, we have to focus on entrepreneurs. We are trying to get a building and design. To Director Russ’s comments, based on spec, this is a concept of the residential. The residential component allows
us to build a commercial building in spec. We originally had annotations and notes on every sheet of the original submittal that commercial and residential product, building permit, would be pulled simultaneously. That is a commitment on behalf of my company to make sure that we are not going to go out there and build 32 residential units and the commercial continues to stagnate. It is my firm commitment.

Entering from Highway 42, you can see the proposed age-restricted condominiums that sit in the background. You will notice that these buildings are 2.5 story buildings at 35’. All buildings have elevators so it is zero step access and zero step entries. There are senior friendly floorplans in terms of office and master bedrooms being located right next to each other. The junior master is actually a guest suite which sits on the top floor. If any of you have had an opportunity to go out to the site and look at existing grade, it had commanding views. Steel Ranch in general has a significant amount of open space and parks and trees, but it has a beautiful backdrop of Indian Peaks and the Flatirons. We want to be able to take advantage of that view for future residents. You will notice our commitment to open space as staff has directed. We feel this is a good public amenity. From a municipal perspective, it is enjoyed by the public but maintained privately. We have been through conversations with Parks and Rec Department and City Staff over long term maintenance obligations. We propose public spaces and things that will a benefit to the entirety of Steel Ranch without asking for any municipal maintenance.

We have an additional one acre under contract from the Summit View Group for $11.00/sf. That is not a realistic market price but I am interested in comprehensively developing all of Steel Ranch and finishing it out. If we don’t control that last acre, I don’t have the ability to do that. A one acre parcel without access to drainage or off-site improvements that Steel Ranch has brought to the market presents a problem to the city of Louisville. Versus $1.11/sf in Lafayette from WW Reynolds versus $11.00/sf that my company is willing to pay, I want this PC and the City of Louisville knows how committed we are to quality development for the sake of the community. We also get a better project out of it and hopefully, we create better profits as a result. In theory, it should be a win-win.

Looking at the adaptable space, there is the Foundry Building. It would fantastic to have landscape improvements within the Highway 42 corridor. It has been problematic for an extended period of time for logistical reasons. There is an Xcel gas pipeline that they have done eminent domain over, so we will work with them to make sure we can landscape and park on it appropriately. It is indicative of one of the many challenges in developing a parcel like this. Irrespective of commercial and residential uses, this is an inherent complex process and there are impediments throughout the process. In the adaptable space, we have unique architecture. It could be a restaurant or yoga studio or architect space. I got the concept from PCS who does a lot of the work in our entitlement packages. They office out of a building like this in Denver with 1800 sf on the ground level and 1200 sf of loft or mezzanine space. It makes for very flexible space with large garage doors that roll up in the back. We are not going to get a credit tenant. It will be a local entrepreneur and how do we create space and a sense of uniqueness that attracts local Boulder County entrepreneurs.

In looking at the condominiums, you can see the interface between a large garage roll up doors and the parking areas in the back of the adaptable space, as well as the 2.5 story condominiums. We have significant setbacks on the lower units to provide amenity space through landscaping.

The location of the connectivity between Cowboy Park to Steel Ranch Park to the center amenity to the Foundry to the residential purposes out to Highway 42 and future trail
connectivity is positive. The location of it, the overall ability to finish it out and turn it into a public amenity with no maintenance expenses on behalf of the City of Louisville, is positive.

The Foundry building is shown with the water tower, and a second rendering shows the building without the water tower. We adjusted per Staff direction the symmetry of the building and adjusted the brick work. I would like to make it clear that it is an attempt on RMCS behalf to always be a good listener and cooperate to the best of our abilities.

Commission Questions of Applicant:

Brauneis asks, other than the water town, how do you feel about the conditions?

McClure is fine with all conditions as stated by Staff. We have no problems with the conditions. The street tree locations will be a challenge. We have a fantastic design team. I am concerned about site lines. I want to make sure we have healthy visible CDDSG compliant landscaping adjacent to Highway 42.

Moline asks about the age restriction and any thoughts about it?

McClure says there are impacts on level of service. I try to ask anybody I interact with about how they feel about Steel Ranch. I can represent in a public forum that the vast majority of people I talk to will tell me they like what is going on in Louisville. I’d like the market to be as flexible as possible. If age restriction is what the City of Louisville feels is most appropriate for the Foundry, then I am happy to comply. It serves an important segment in the market place.

Rice says I do appreciate you speaking to my concerns and those that have been expressed by many others. It’s all about balance. There are no absolutes in any of this and we all know that. I think your comments are well taken and you have attempted to address the balance.

Russell says regardless of age restriction, are you designing this for 55+? If we remove that, you would design it that way regardless?

McClure says it is designed for 55+. If it was removed, we would cater towards different demographic sets.

Russell asks if you feel people walked away from the neighborhood meeting with the belief that this was going to be a 55+ property.

McClure says yes, I represented it in the neighborhood meeting.

Public Comment:

Gary Larson, 2189 Park Lane, Louisville, CO 80027

Out of the 68 patio homes in Steel Ranch, there are two homes that have young children in elementary school and three homes with high school children. We know it because we keep a community map of who lives where and we all know each other. We have parties once a month in the summer. We have a community email list and have used it to get support for RMCS position on this proposal. Justin reached out to us at the first stage of the project. We got feedback to the community which was very positive and very certain that we didn’t want drive thurs, which have gone away. There is a lot of support for this project as there was for the Lanterns. Many of us spoke at PC as well as CC meetings. The demographic is there. We are older people living in the patio homes because it lends itself to that. I lived in Lafayette for nine years, I sold my 4,000 sf house on the fifth hole, and moved over to the patio homes three years ago, and it has worked out great. We are very happy with the development there. Since I do get a lot of feedback from more than 20 houses in the patio homes, everybody is in favor of this project. I like the silo (water tower) and I don’t see it as a cigarette butt. I highly encourage the PC to approve this project. We have gone through it with RMCS on two occasions. We used the same email list to get together for the VW Reynolds meeting regarding Indian Peaks South. There were over 150 people present, one-third was Steel Ranch residents. We are concerned about that because we see this project as very desirable, walking out to have dinner with great views. What is proposed just north in Lafayette is a big box store and two drive-thrus and a gas station. We are in the process of coalescing five different HOAs between Louisville and Lafayette and probably a sixth to get out the word to oppose the Lafayette development. At the
same time, you will find no negative comments from anybody who lives in Steel Ranch, maybe elsewhere in Louisville, but in Steel Ranch. We are in favor of the age restriction. If it weren’t there, it would still be that way, just like the patio homes are. It is empty nesters and who know the demographic. The impact on the schools has already been mentioned, 2 children at elementary and 1 at high school. The cash flow is positive even though McCartney punted it off to Russ, we have all heard the cash flow is good. The Takoda Metro Tax District is the largest single item in our property tax bill in Steel Ranch. It won’t cut it in half but is going to help mitigate the debt burden in Takoda Tax District. I have two things I’d like to ask the City to consider. We would like to see some entrance off of Paschal and a modification of the median strip so that traffic can come in and turn into the complex rather than coming down and pulling a U-turn. I understand the City has a concern about stacking traffic back up onto Highway 42. My drawing shows a do-not-block box at Pine and Highway 42 going into Mountain High Appliance strip mall. If that works there, it could work here the same way. Traffic doesn’t clog up the access into the site so that traffic can get in off of Paschal and not back up onto Highway 42. The lighting along Kaylix calls for seven lights. We are fine with the three street lights there and we’d like to see less light pollution.

Dave Ireland, 2388 Park Lane, Louisville, CO  80027
I moved to Louisville in 1981 and I live in the first house on the north part of the horseshoe that forms the patio homes in Steel Ranch. I think this is a great plan. It is a wonderful transition between the single family homes and the retail and commercial. I think it provides a great entrance into the City of Louisville, something we can all be proud of. I think this enhances the community rather than detracts from it. I urge you to approve it.

Rick Miller, 2974 Shoshone Trail, Lafayette, CO  80206
I live in Indian Peaks on the west side. I have been there for 11 years and I moved there from the Highland neighborhood in Denver. I was in the Highlands neighborhood before it did what it did. There was retail everywhere and retail space that was boarded up. Since then, look what has happened to that neighborhood. It’s not just the historic retail that exists in the neighborhood but all the enhancements with Elitch’s and Central Avenue and Boulder Avenue. So 11 years in Indian Peaks, we have all been screaming for something just like this across the street from us. We have all rejected the idea of a big box retail store (I have no idea who they think they will get going in across the street from us) and it was pretty evident the other night, last week, at the Lafayette Commission meeting. I can tell you that the Indian Peaks residents absolutely support this. The retail is exactly what we need. We all want walk to and bike to retail. The design of it looks great. As far as the condo piece, if they build 48 condos, that would be about 25% of what was built in the entire metro area this year. I heard someone say that what if it doesn’t lease to 55+. I don’t know why, other than the schools, you want to age restrict it? I’m 53 years old and by the time my kids get out of the house, I’ll be looking for something like this. We desperately need condos. I would support most condo projects out there. I encourage you to approve this project the way it is, except to lift the 55 age restriction.

Sherry Sommer, 910 S. Palisade Court, Louisville, CO  80027
I understand this is compliant with the Comp Plan, the surrounding zoning, and the Urban Corridor Directives. I haven’t heard anything about the South Boulder Small Area Plan. As I understood, CC gave a directive that no more residential housing would be approved in the South Boulder Small Area Plan. Does this fall within that? Russ says the study area does fall within that but that plan has not been adopted by CC. Sommer says it hasn’t been adopted but they very strongly gave a directive that we would wait. We already have much residential in this area that has not been developed. We should wait and see what the impact will be before we develop more. This was originally planned as a PCZD-C. Is that a whole plan for an area when that was adopted? When this plan was originally adopted, was that North Main and Steel Ranch? What was included in that?
Russ says in 1989, the North Louisville Small Area Plan was adopted by CC that included this area as well as North End. PCZD-C was the first official zoning from the small area plan that was done in 2006. That was a Takoda GDP and that incorporates largely what we know as Steel Ranch, not North End.

Sommer says not as North Main.

Russ says that came as an additional phase, South Steel Ranch came in as a GDP amendment at a later date.

Sommer asks how much bargaining power does a developer have when they propose commercial initially? Now we are asking for a change in zoning to residential which has less of a positive fiscal impact. I think there is a fiscal impact and I would like to see the numbers on the original plan because now we have the current fiscal impact which seems positive, but it is positive relative to what? City planners talk a lot of vibrancy or vitality and this mixed-use having the commercial. I think we are lacking something in that area and, as Commissioner Rice was saying, it is being eroded. When you look at North Main, it has nothing to do with a main street, it’s just residential. I think that is a loss for our community, not just fiscally but as a community as a whole. There is no place that I would go there. I have a question about the age restriction. Does that mean no children can live there? Is there a rule about that? I am 52 and I have a middle schooler so there are many older parents in this community. Would there be a rule that says children cannot live in those apartments, or does it mean that the adults have to be 55 and older? I have a question about the artisan space. Is that residential space potentially or is it commercial space? What is that? This is a quasi-judicial board and I need clarification on what that means. I have heard a lot of people saying, “Well, I like this, this would be good, my opinion is that it would be good”. Is that part of the quasi-judicial restrictions or are we looking at the zoning and history of this plot?

Moline asks Sommer, when you are referring to North Main, I am not sure I understand what you are referring to.

Sommer says the big apartment buildings on South Boulder Road that are by Christopher Village and before Alfalfa’s between there. It’s called North Main.

Russ says Steel Ranch South subdivision or the North Main.

Sommer says when I saw that, I was thinking, North Main. That must mean it’s a main street where you can go and get a cup of coffee or have a cute little store or do something that is like a Main Street. But there is none of that. If that was the original plan, I like that plan better.

Michael Menaker, 1827 W Choke Cherry Drive, Louisville, CO 80027

I want to come back to Commissioner Rice’s original question which is why would we do this change? The short answer is honestly, we’re smarter now. At the time, this was driven by an assumption, an oversight, and some confusion. The assumption was that under the old fiscal model, that every resident costs the city money. Therefore, if you accept that premise, the idea was then that commercial, and ideally retail, would be required on the site to offset the perceived cost of that residential development. Our new fiscal models are better. There has been a lot of discussion lately that we’ve learned in the last nine years that infill is not the same thing as rebuilds, and that assumption was basically incorrect. But more importantly, we have also learned that if we only flew up a few feet above the surface, instead of looking at this in a silo, there were vast areas of commercial and retail space almost immediately adjacent to this and North End which will bring similar request to you soon. That is the shopping center where King Sooper’s, ARC, the old Blockbuster video, and that big shopping center. There was commercial space and at one time retail space directly to the south where the old Trek Bicycle Store was and now is a Cross Fit Studio and a Yoga studio where retail actually went out. We didn’t understand at the time that we have actually lost hundreds of thousands of square feet along the US 36 corridor of retail space, and we have hundreds of thousands more of square feet that are standing vacant today. The fallacy was that a bigger pie pan made bigger pies. If you simply increase the number of commercial and retail square feet, it will all get filled. What
we’ve learned is that makes us thinner, runnier pies that satisfy no one. In fact, the standard of retail performance of dollars per square foot, not numbers of square feet. With a more sophisticated look at the models and a better understanding of the world in which we live, it’s probably pretty appropriate to make this change. That is how we got here. That said, we also learned when we studied Alfalfa’s, the question was often asked of the CEO of Alfalfa’s, “Well, can’t you just build the darn grocery store without those wrecked apartments?” The answer is absolutely not. At every public and private meeting, there were three here and two private meetings, in which they said over and over again, the store is not possible without the vitalization of the area from the adjacent apartments. You have a similar situation here. You can’t give this land away over nine years at any price. There are a lot of guts in this project. To go ahead and commit to building the commercial concomitant with the residential is a real risk on their part but I think the bet is that the completion of the project area of Steel Ranch and vitalization and vibrancy that comes from the residential community will give them a fighting chance. Finally, I am really interested in your comments, Commissioner Russell. I too have nothing against water towers or silos and absolutely, there is no question that this restriction is a response to concerns over enrollment, especially at LES, whether that is justified or not.

Lisa Zucker, 798 Meadowlark Lane, Louisville, CO 80027
I speak for the one or two kids as I do have a second grader. I live in the patio homes. Just very quickly, I do want to give a plug for the 55+ component of this. I have heard opposition to the Foundry and the only opposition I have heard is from families at LES who are very concerned about enrollment. This is a legitimate concern. There is some buzz about how BVSD is coming up with their numbers that feed into the schools. There seems to be some concern that they are low-balling the numbers. That school is busting at the seams and even if you have a couple of children from each one of these little communities being built, it really does have an impact. I know that community is not really represented here. I do want to say that I do feel this is a legitimate concern. Everyone in Steel Ranch I know loves this plan. It is beautiful and it’s exactly what I think many of the communities around want to see. Those opposed to the Foundry are appeased by the 55+ component of it.

Picture entered into record: Motion made by Brauneis, seconded by Russell. Passed by voice vote.

Questions to the Staff and Applicant:
Russell asks McClure about the lighting issue.
McClure says I have spoken with Mr. Larson about lighting. I followed up with my photometric consultants as well. The proposed lighting is based upon set criteria and set standards set by not only the City of Louisville but essentially national code standards. To be succinct, I chased everything down that I could.
Brauneis asks about the left turn in proposal and the legality of the U-turn.
Russ says regarding a left hand turn at Paschal, there are several concerns that we have from a best transportation planning principle and traffic engineering. There are two moves that we would be concerned with: One is the left turn in and what delays it may have stacking up onto Highway 42 as well as the left turn out of Paschal and the availability to find the gap, and secondly, the whole role and purpose of Kaylix. Kaylix is the parallel road. We appreciate the design of the residential fronting residential which is good urban design. From a traffic planning perspective, Kaylix has a bigger life and it has a role of supporting Highway 42. Planning Staff who looks at transportation looks at it 30%. Public Works takes it to 100% design and is not comfortable with proposing a median break in between. The applicant’s original proposal had no connection to Kaylix. We don’t think U-turns are an issue. This submittal does have connections to Kaylix. Some grade has prevented the second driveway to the south from connecting to Kaylix, but the first driveway to the north does indeed connect to Kaylix. From traffic planning, we acknowledge that Pine Street is “what it is”. That was approved at a time when traffic
engineers didn’t understand traffic dynamics. That was a stop gap. We recognize that it is a solution if that is the direction from CC. But Staff, both engineering and planning, do not accept that.

**Brauneis** also asks about how these deed restrictions work for age? Is it enforced by the HOA and is it restricted to ownership or occupancy?

**Russ** says we want it tied to the plat, the specifics of it are tied to the deed of the house itself. It is not an HOA issue, it’s an ownership issue, with the ability to sell the house. The 55+ is the HUD standard. If we choose a definite date, the City is at risk of lawsuits of reasonable accommodation and discrimination. It exposes the City and the owners to a nonstandard which is why the age 55 was chosen.

**Brauneis** asks how that impacts the potential for children to live in the unit.

**Russ** says it doesn’t, it is restricting the ownership. We are still a kid friendly town, and the intent of the age restriction is statistically there is less of a chance of having kids.

**Moline** asks about Paschal. Is there any reason to extend the median west? Could it prevent the U-turn?

**Russ** says there is left turn storage if you notice at Kaylix for the southbound left from Paschal. There is a left turn bay. There is opposite left turn bay to turn northbound off of Paschal to Highway 42. The left turn is accommodated and we would not extend it. That has been sized with the original commercial development program of this parcel. We need left hand turns to go to Kaylix. The only true enforcement with the geometrics is the truck may have done it but he may have done several turns, but a smaller vehicle could easily do it. We could put a No U-Turn Sign on there but from a geometric perspective, there is no real way to prohibit the U-turn from occurring other than enforcement.

**Brauneis** asks about confirmation regarding occupancy of the proposed flex art space. That is a commercial entity, correct?

**Russ** says yes, that is a commercial building. Residential would not be allowed.

*Closed Public Hearing and discussion by Commission:*

**Rice** says this issue about turning all commercial space into residential space is a legitimate concern. I asked the question tonight because I think it is something we have to constantly be thinking about. Of course, when I ask questions, I am usually looking for answers and I think Justin has provided a very good defense to the proposal being made. To me, it is all about balance and so, what happens is you look at space at the time it is being asked to be developed and you say, are we compromising the commercial aspect to such an extent that it makes it undesirable or are we balancing it. I am convinced that great care has gone into this in terms of trying to meet all of the competing demands. I am in support of the proposal. The other thing I will say is that this is another shining example and what we should be very proud of, is the interactive process that occurs between our planning department and applicants. The first proposal that we see, and we didn’t discuss it in any detail, is I don’t think we would have such great support for that one as we do for the second one before us. The reason it is before us is because Staff has done such a good job of looking out for the interests of the citizens of Louisville to make sure this is high quality, well balanced project.

**Moline** says I am in agreement with Tom and I think this is a good project. I agree that I am happy to see the applicant work with Staff. One of the features I like about this is the way they have it laid out. I agree with the buffering concept of having these larger buildings on Kaylix that block some of the traffic noise from Highway 42 as it would go further west into the residential parts of the development. I think it is a thoughtful design. I am impressed with the design of the buildings themselves. I am in support of it. I am not exactly thrilled about the age restriction. I think there has been enough discussion about it amongst the residents and Staff here, so I am not oppose that condition, but I don’t know that is the way to solve the school crowding issue by restricting age on this. I think 55 year old people are going to buy this anyway. I don’t know about the age limitation.
Brauneis says I also find myself at this point in favor of the project. So many questions have had quality answers in many ways. I am not opposed to the water tank and I would like to hear other Commissioners’ thoughts on it. It is currently proposed as a requirement especially given the history of it. Life gives you lemons, put the water tank up there, it’s kind of funky and I like it.

O’Connell says I think I am in agreement with the comments of the other Commissioners about the balance being achieved between the commercial and the residential. I am more concerned about seeing more retail than I am more residential, especially considering that there are spots allotted to the north and Indian Peaks. It is a big question mark as to what is going in there. I hope, given the restriction and the demand from the citizens of Louisville, that there be more retail, and that you get this done quickly and get it in before Lafayette. Set the example and hopefully, there will be a push for a higher quality development to the north and not the big box that we hear about. If it were up to me, I would be in more favor of residential, but I get there is a demand and desire for the retail. I just hope it fills up. I am not a big fan of the age restriction on the units being built. I see it as being a little bit of a hindrance to the overall attractiveness of the condos. As someone who is farther away from that age restriction, I would actually be really interested in purchasing a condo like this. I think they are great ideas and I think even with a small child, it would be an attractive thing. I don’t know if I want to push this hard. If we are going to reach an agreement, I am in favor of keeping the restriction. It sounds like the developer is making this work, but I want to throw out that it is not my choice to see that as a restriction. As for water tank is concerned, I can take it or leave it. I don’t have enough information about what it looks like but I appreciate there is a nod to history and some effort to reuse things that have been removed from previous sites.

Russell says first of all, I am adamantly and strongly in favor of the water tower. I move that we remove that condition. I fully respect your perspective but I have been told frequently that we do not have design guidelines and design review in this community. I think that anybody who has been with me on this PC and I should note it in advance of my comments, that this is my last meeting, so I have to go out on a high note but with a little bit of a bang. I never let a good fight go unpicked. I do not take my direction from the CC outside of formally adopted policy that is regulatory. In fact, as a citizen, they take it from me just like we take it from you. I want to be absolutely clear, in my opinion, what distinguishes this PC is that this is a place where rational dialogue and rational planning carries the day usually, not always, but usually. It doesn’t mean we always make the decision that everyone wants us to make, but it is not a place for politics and not a place for pandering. I will say for the record that CC punted on its opportunity to tell us what to do here when it cross-hatched the Comp Plan. They just said, we don’t want to get into it. So here we are doing this and I think we are going to make a good decision. I want to make it very clear that I am a citizen of this community and they take direction from me and they take direction from all of you as well. We don’t all agree but we should voice our opinions. With that out of my system, I will tell you that first of all, I love the retail approach here. I think you are doing something frankly that I don’t think anybody has done up here, which is create this really flexible interesting scalable space. I am a huge fan of The Source. If you haven’t been to The Source, you should go down there and check it out. It is interesting and vibrant and it is not big enough and there is not enough of it, but it is really, really interesting. I think if you can come even close to that, I think you are making a real contribution and you are actually creating retail space that will be used. Who cares if you create it if nobody ever uses it? I think this is a space that will be used. I don’t want to tinker with the transportation. Designing transportation infrastructure on the fly in a PC is a terrible idea. I think inserting this access between Kaylix and Highway 42 has the making of a total disaster. I know it is not ideal for users, but from a transportation perspective, it would be a complete cluster. Finally, on the senior housing question, I think the developer has made a commitment to a key constituency, his community. These are people who will live with this. To remove that would drive fundamental redesign of the facility. I think it would probably change some of the demand that gets generated there. I will separate these issues. I think we need to stick with the 55+ housing. I am doing the arithmetic that about the time my youngest kid is out of the house, I will be eligible. I will not admit my age.
but I’m getting close. I think as an issue specific to this project, I think can’t mess with that. It is too fundamental and it is a major component of this project. I would be reluctant to unravel that. This is an issue my fellow Planning Commissioners will deal with in the future, 55+ housing is a terrible tool to manage public school demand. I think it is a terrible approach to it. It puts on us and developers this responsibility to fix a problem that we, as a community need to fix well beyond the realm of the built environment. I can think of some worse ways to manage school demand but it is a terrible way to approach it. I hope that we as a community can get around this issue and deal with it in the future. In summary, I like the project. It’s a great one and I’m going to support it.

Tengler says I am also in support of this. I do appreciate Commissioner Rice’s commentary about what is really a bit of a slippery slope. At what point does this conversion of commercial or retail into residential become very problematic? I fall back on the notion that businesses and communities vote with their dollars. There are too many instances of vacant retail space and vacant commercial space and undeveloped commercial space that I think we need to find a balance. We can’t just be hidebound and suggest that after nine years, it should just be a flip of a switch where they can go out and find commercial renters or commercial purchasers. I think we need to be cognizant of the fact that again, the economic conditions in the immediate area tend to dictate what will work. We also had a project come up just before this where we are seeing 150,000 sf of commercial development out in the CTC and we have seen a number of those developments over the last couple of years. There is a demand for it but it is not necessarily in the North End or in Takoda or in Steel Ranch. We have got to be flexible as a PC and a community to say, “What is working and how do we make the best of this?” This is another example of where RCMS has worked brilliantly with Staff and come up a great project. I am very much in support. Before I ask for a motion, I would like to ask the PC if you are interested in removing Condition #3 on the water tower element?

Motion made by Russell to approve The Foundry Final Plat/PUD: Resolution 39, Series 2015. A resolution recommending approval of a rezoning, final plat and final Planned Unit Development (PUD) to construct a multi-use development consisting of 24 age restricted condominiums, and 38,000 sf commercial/office.

1. The 24 deed-restricted condominiums shall be for ages 55 and older. The 55 years and older age restriction shall be placed on the deed of each age restricted unit and shall also be included in the subdivision agreement.

2. Staff recommends the wall signs of the In-line building, shown as vertical address numbers, be removed from the PUD and all wall signs must comply with Chapter 7 of the CDDSG and Chapter 17.24 of the LMC.

3. The applicant shall remove the water tower element from the PUD package prior to recordation. (to be removed)

4. The applicant shall continue to work with the Parks Department on the type and location of additional trees along Highway 42, prior to recordation.

5. The applicant shall continue to work with the Public Works Department on the items listed in the September 25, 2015 memo. Each item shall be completed prior to recordation.

6. Residential and commercial development shall be constructed concurrently.

7. Seconded by O’Connell. Roll call vote.

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<th>Name</th>
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<tr>
<td>Chris Pritchard</td>
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<td>Jeff Moline</td>
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<td>Ann O’Connell</td>
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<td>Steve Brauneis</td>
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<td>Scott Russell</td>
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<td>Tom Rice</td>
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Motion passes 6-0.

- **1125 Pine Street Final Plat: Resolution 38, Series 2015.** A resolution recommending approval of a replat to combine three parcels and subdivide the property into two separate lots, rezoned Mixed Use Residential (MU-R) and Residential Medium Density (RM), located at 1125 Pine Street.
  - Applicant/Owner/Representative: Arn Rasker
  - Staff member: Lauren Trice, Planner I

**Conflict of Interest and Disclosure:**
None.

**Public Notice Certification:**
Published in the Boulder Daily Camera on November 22, 2015. Posted in City Hall, Public Library, Recreation Center, the Courts and Police Building and mailed to surrounding property owners and property posted on November 20, 2015.

**Staff Report of Facts and Issues:**
Trice presented from Power Point:
- North side of Pine Street between BNSF Railroad & Highway 42.
- Currently zoned Commercial Community Zone District (CC) & part of Highway 42 Revitalization area.
- 15,813 sf.
- One property with two legal descriptions, and three parcels.
- There is a 1060 sf home built in 1930, a tool shed, and a chicken coop.
• Proposal is to take the three parcels, combine them, and re-subdivide them into Lot 1 and Lot 2.
• Lot 1 will be 4,703 sf and Lot 2 will be 10,502 sf.
• Eligible for minor subdivision review.
• Complies with all design criteria except:
  o 16.16.050(C)
• Staff recommends the public land dedication of 15% come in the form of cash-in-lieu.

• 16.16.050 (C) deals with the dimensions of the lot so the proportion of depth to width. This subdivision does not comply with it. Lot 1 does but Lot 2 does not. Even if you look at the angle of Lot 2 but taking those as two separate lots with the street frontage on the corner, even the southern part of Lot 2 does not comply with the 2.5x width.
• Staff has looked at:
16.24.010
“The city council, upon advice of the planning commission, may authorize modifications from these regulations in cases where, due to exceptional topographical conditions or other conditions peculiar to the site, an unnecessary hardship would be placed on the subdivider. Such modifications shall not be granted if it would be detrimental to the public good or impair the basic intent and purposes of this title. Any modification granted shall be in keeping with the intent of the comprehensive development plan of the city.”

- Staff believes the site is a “peculiar” shape due to the abandoned railroad right-of-way and existing depth of the lot. The subdivider would be unable to provide two lots which meet the depth to width ratio while providing the required lot frontage. Staff recommends Planning Commission authorize this modification.
- This subdivision is triggering the rezoning consistent with Highway 42 Plan.

Lot 2: Residential Medium Density
- 10,502 sf
- Up to three residential units
• Staff recommends proposed Lot 2 would be included within the Old Town Overlay Zoning District
• If approved, the Old Town Overlay will be amended to include the proposed Lot 2
• Does not require a PUD

Lot 1: Mixed Use – Residential
• 4,703 sf
• Development needs to comply with MUDDSG
• Requires a PUD
• Existing single-family dwelling would be considered a legal, non-conforming use

Staff Recommendations:
Staff recommends Planning Commission approve of Resolution No. 38, Series 2015, a resolution recommending approval of a replat to combine three parcels and subdivide the property into two separate lots, rezoned Mixed Use Residential and Residential Medium Density, located at 1125 Pine Street.

Commission Questions of Staff:
Russell asks what is the difference between a property and a lot?
Trice says this is all triggered on Boulder County as one property that comes up under one address at 1125 Pine Street. It has the two legal descriptions on Boulder County so it is recorded in two separate incidences but when it goes to the actual plat that the surveyor was working with, it comes up as three different parcels.
Moline asks what would the current residential zoning allow? Is it meaningless to ask how many residences could be developed on the property now?
Trice says any development would trigger the rezoning based on the Highway 42 plan.
Russ says there is a required rezoning.
Brauneis says you undoubtedly uncovered some curious stories adjacent to this. I trust that what you are proposing at this point would be fit with what might happen to other lots nearby going forward?
Trice says it is something that has been a concern of Staff as this area continues to redevelop and how it will all work. This application does fit.
Rice says this is all a quirk of history, the way this land is shaped and how it came together. Unless we get creative here, there is not much you can do with this property, is that a fair statement? So that’s why staff is proposing we get creative in terms of interpretation of the rules?
Trice says yes. The railroad spur is the real problem. If you want someone to blame, it is them.
Tengler asks if Lot 2 in the reconfiguration would be eligible for three dwellings?
Trice says based on the minimum square footage per dwelling unit, which is 3,500 sf in residential medium zone district, you could have three units. The applicant has discussed it and it would be tricky to fit the three units with parking and access.
Brauneis asks about the public land dedication and cash-in-lieu. What is the formula for that?
Russ says that will come in the description for CC that comes at issuance of building permit. We would require an appraisal. There were a number of appraisals done for this particular property and the City would be satisfied. It would not be an additional burden on the applicant. Based on the appraisal, it is 15% of the value for the cash-in-lieu or total land area. In reviewing this with the Parks Department, they did not see it as an appropriate land dedication. This is the property the City attempted to acquire as part of the extension of Lee Street, which CC directed to remove from the Highway 42 plan. We believe there are current appraisals that we can work out with the applicant.

Applicant Presentation:
Arn Rasker, 4782 Valhalla Drive, Boulder, CO 80301
I represent the owner. This was triggered because the City came to the owner asking for an
easement in the little triangular area for an underground drainage addition which would take the drainage from the west side of the railroad track over into the Spruce Street area underground. In the process of applying the new zoning overlay to Lot 1, it actually adds the commercial component to that. Right now, it is a residence and it is grandfathered in as a residence. It cannot be used as a commercial property although it has been in the past. Any redevelopment on Lot 1 would imply a mandatory commercial component. 

Russ says this is the rezoning. The applicant is correct. They would be required to have the ground floor of the building to be commercial.

Commission Questions of Applicant:
None.

Public Comment:
Randy Caranci, 441 Elk Trail, Lafayette, CO 80026
This is a tough property because I hate to see it go. Is it currently zoned CC? It is right on Pine Street and it is hard to access. I hate to see us continually give up more and more commercial. We need that tax base and we want that sales tax base. I am not opposed to this at all or anything like that. I think there is a little bit of creep. In the construction business, we call it scope creep. I hope we can be aware of that in moving forward with other projects. I agree with Troy regarding traffic and the stacking of Highway 42 because I drive it frequently. I want to make a point about the last one because of the U-turn situation. Up there at Steel Ranch going in off of South Boulder Road eastbound, I think we should put a No U-Turn sign up there. I get almost hit continually and it’s a bad situation. The traffic and the stacking all pertains to what we do and how we do it.

Summary and request by Staff and Applicant:
Staff supports it.

Closed Public Hearing and discussion by Commission:
No PC comments.

Motion made by Russell to approve 1125 Pine Street Final Plat: Resolution 38, Series 2015.
A resolution recommending approval of a replat to combine three parcels and subdivide the property into two separate lots, rezoned Mixed Use Residential (MU-R) and Residential Medium Density (RM), located at 1125 Pine Street, seconded by Brauneis. Roll call vote.

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Motion passes 6-0.

Comprehensive Plan Review Time–Code Amendment, Resolution 40, Series 2015:
A resolution recommending approval of an ordinance amending Section 17.64.050 of the Louisville Municipal Code to modify the minimum review schedule for review and updating of the citywide Comprehensive Plan.
- Staff member: Troy Russ, Interim Planning Director
Over the next four months, we are cleaning up the LMC while we have extra help in implementing our new building software. The current municipal code 17.64.050 requires that the Comp Plan be updated every four years. During the Comp Plan adoption of 2013, CC made it very clear that they wished it were longer from a requirement. This is an extension of the minimum review of the Comp Plan, extending it from four years to ten years. It does not preclude PC from recommending from recommending or CC from initiating an earlier review. If CC chooses to do an earlier review, this simply says that at a minimum, you are going to do it ten years from the adoption of the plan. The next one will be required to be 2023; they could certainly do it anytime earlier. That is responding to comments made during the Comp Plan and since, and trying to put breathing time as a minimum between it.

Motion made by O’Connell to approve **Comprehensive Plan Review Time–Code Amendment, Resolution 40, Series 2015**: A resolution recommending approval of an ordinance amending Section 17.64.050 of the Louisville Municipal Code to modify the minimum review schedule for review and updating of the citywide Comprehensive Plan. Seconded by Brauneis, roll call vote.

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Motion passed/failed: Pass

**Staff Comments:** None.

**Planning Commission Comments:**
Brauneis asks Russell how many years he served on the PC. All Commissioners thank Russell for his service. Russell thanks the PC for their continued service. Russ says that Staff thanks Russell who has brought a level of expertise to the Board that will be missed.

**Items Tentatively Scheduled for the regular meeting January 14, 2016:**

- **1104 Garfield Minor Subdivision:** a request for the development of a 5.82 acre land assemblage located in the Takoda Subdivision (aka Steel Ranch). The project will join two properties and consist of condominiums, retail and drive through land uses. Case #15-030- FS/FP/ZN
  - Applicant/Owner: Cyla Simon Realty LLC
  - Representative: Joni Fournier
  - Staff member: Sean McCartney, Principal Planner

- **Centennial Peaks PUD Amendment:** A request for a rezoning from Commercial Community (CC) to Mixed-Use Residential (MU-R), and minor subdivision for the creation of two lots. Case #15-029-FS
  - Applicant: Boulder Associates, Inc.
  - Owner: Avista Adventist Hospital Representative: Universal Health Services, Inc.
  - Staff member: Lauren Trice, Planner I

- **North End Market PUD/GDP Amendment:** A request for a final Planned Unit Development (PUD) to construct a 153,018 square feet single story industrial/flex building with associated site improvements. Case #15-035-FP
  - Applicant/Owner/Representative: Markel Homes
  - Staff member: Scott Robinson, Planner II

**Adjourn:** Brauneis made motion to adjourn, seconded by O’Connell. Tengler adjourned meeting at 9:12 pm.
City Council
Meeting Minutes
January 19, 2016
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 Muckle, Mayor Pro Tem Jeff Lipton;
City Council members: Dennis Maloney, Chris Leh,
Susan Loo, Jay Keany and Ashley Stolzmann

Staff Present: Malcolm Fleming, City Manager
Heather Balser, Deputy City Manager
Kevin Watson, Finance Director
Kurt Kowar, Public Works Director
Troy Russ, Interim Planning & Building Safety Director
Sean McCartney, Principal Planner
Suzanne Jannsen, Cultural Arts & Special Events
Nancy Varra, City Clerk

Others Present: Sam Light, City Attorney

PLEDGE OF ALLEGIANCE

Mrs. Rachuinski’s first grade class from Coal Creek Elementary led the pledge of allegiance.

APPROVAL OF AGENDA

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

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Jean Morgan, 1131 Spruce Street, Louisville, CO noted tomorrow, January 20, 2016 is the 80th anniversary of the Monarch Mine disaster. She asked Council to take a moment to think about the miners who made the town.
APPROVAL OF THE CONSENT AGENDA

Mayor Muckle called for changes to the consent agenda and hearing none, moved to approve the consent agenda, seconded by Council member Stolzmann. All were in favor.

A. Approval of the Bills
B. Approval of Minutes; December 15, 2015 and January 5, 2016
C. Approval of Agreement with Resource Based International for 2016 Water Rights Administration
D. Approval of Resolution No. 5, Series 2016 — A Resolution Approving Agreements Between the City of Louisville and Dutko Worldwide, LLC D/B/A Grayling, and the City of Louisville and Boyagian Consulting LLC, to Furnish Lobbyist Services to the US 36 Mayors and Commissioners Coalition
E. Approval of Changes to the March 2016 City Council Meeting Schedule

COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA

No items to report.

CITY MANAGER’S REPORT

City Manager Fleming reported the Boulder Weekly recognized the Coal Creek Golf Course as the best golf course in Boulder County.

REGULAR BUSINESS

PROCLAMATION: ONE ACTION: ART + IMMIGRATION

Mayor Muckle requested a staff presentation.

Cultural Arts & Special Events Coordinator Janssen expressed her pleasure to accept the proclamation on behalf of the Boulder County One Action — Art + Immigration Steering Committee. This project is the first arts-based collaboration to take place in the County. The intent is to present programs that foster community conversation on historic and contemporary uses of immigration. Through the arts, personal expression and individual cultures will be shared throughout 2016. The hope is to be able to engage in meaningful discussion about ancestry and heritage and what everyone brings to the community. Extensive planning efforts began in early 2015. The One Action 2016 Project Kick-Off Celebration will be held at the Longmont Museum on Saturday, January 23, 2016 from 2-5 p.m. This event is free and open to the public. She invited and encouraged the public to attend the event.
In 2016 there will be programs and events throughout the County, which will bear the One Action Logo. In Louisville alone, 15 events are currently being planned. The programming will begin on February 19th at the Louisville Center for the Arts with Rock, Karma, Arrows; a 3-part film series with panel discussion addressing the early history and immigration of the Boulder County area.

She acknowledged the efforts of the Louisville Cultural Council, the Louisville Art Association, the Louisville Public Library and the Louisville Historical Museum, as well as Clay Art Pottery and individual artists, such as Dona Laurita, Dawn DeAno and Kat Fritz, all of whom are actively involved in One Action. She encouraged local artists, performers and organizations who are interested in participating in the project to contact her. The program information can be found on the City’s Web Site.

She asked Mayor Muckle to share his contribution to the One-Action project. Mayor Muckle explained as Mayor he was asked to have his DNA tested. The reports documented his prominent Native American heritage and Basque ancestry. All of the Mayors in the County had their DNA tested as part of the program. He stated his understanding that artists will paint pictures of the Mayors based on their DNA.

Mayor Muckle read the proclamation, which proclaimed 2016 as One Action: Art + Immigration within Boulder County.

**AWARD BID FOR 95TH STREET (COUNTY ROAD) BRIDGE REPLACEMENT**

Mayor Muckle requested a staff presentation.

Public Works Director Kowar recommended Council award a contract to Hamilton Construction Co to rebuild the 95th Street Bridge over Coal Creek, which was destroyed in the 2013 flood. The contract amount is $1,817,175.20, with a 10% contingency of $180,000. Also under consideration is a contract extension with Michael Baker Jr. Inc., for additional design and construction management services for $47,582.17. If approved, the staff can proceed with CDOT review and agreement to begin the construction of the bridge. It is anticipated the bridge construction will take six months after final CDOT approval. The construction anticipates a complete replacement of roadway from Bella Vista and south, past the Wecker property. There will be space beneath for a future trail. There will be aesthetic components, with a brick look and a three rail fence. The roadway will have 4' shoulders and 11' lanes in either direction.

Staff Recommendation: Staff recommended the City Council award the 95th Street Bridge Replacement Project to Hamilton Construction Co. per their bid of $1,817,175.20, authorize a project contingency of $181,717.52, and authorize the Mayor, Public Works Director and City Clerk to sign and execute contract documents on behalf of the City. Staff also recommended the City Council approve funds for additional design and construction management services for Michael Baker Jr. Inc., per their proposal fee of $47,582.17.
COUNCIL COMMENT

Council member Maloney inquired whether the roadway would actually be open in six months or would the bridge just be replaced. Public Works Director explained the six months benchmark is when the project is complete and the roadway is open. He stressed the opening would be contingent upon the weather.

Council member Maloney noted Hamilton was the low bidder. He asked Public Works Director Kowar for his comfort level with this construction firm. Public Works Director Kowar stated he was very comfortable with the firm. Because it is a CDOT project, it came with more requirements. He noted any of the bidders would be qualified to complete the bridge project.

Council member Stolzmann explained this is a huge priority for the City Council and the Public Works Department. She felt there should be a City Council study session where Council could look at the results of the flood and the lessons learned. She stated the bridge will cost one million dollars less than expected, and she wondered if Council would have waited this long to have the bridge replaced had they known the actual cost.

MOTION: Mayor Muckle moved to award the bid for the 95th Street Bridge Replacement to Hamilton Construction Company in the amount of $1,817,175.20, authorize a project contingency of $181,717.52, and authorize the Mayor, Public Works Director and City Clerk to sign and execute contract documents on behalf of the City and approve funds for additional design and construction management services for Michael Baker Jr. Inc., per their proposal fee of $47,582.17. The motion was seconded by Mayor Pro Tem Lipton. Roll call vote was taken. The motion carried by a vote of 7-0.

Mayor Muckle referenced the process and noted this is the last really big construction project resulting from the flood. He voiced his appreciation to the Public Works Department, City Manager’s Department and all the Departments for their work on the flood recovery projects.

6TH AMENDMENT TO THE TAKODA GENERAL DEVELOPMENT PLAN (GDP) AND THE FOUNDRY PLANNED UNIT DEVELOPMENT (PUD) HIGHWAY 42 AND PASCHAL DRIVE

1. ORDINANCE No. 1712, SERIES 2016 – AN ORDINANCE APPROVING AN AMENDMENT TO THE TAKODA GENERAL DEVELOPMENT PLAN (GDP) TO REZONE THE PROPERTY FROM PCZD-C TO PCZD-C/R– SECOND READING - PUBLIC HEARING
2. ORDINANCE No. 1713, SERIES 2016 – AN ORDINANCE APPROVING THE VACATION OF VARIOUS EASEMENTS ON LOT 1, BLOCK 9 AND TRACT T OF TAKODA SUBDIVISION, AND LOT 2 OF SUMMIT VIEW SUBDIVISION – SECOND READING - PUBLIC HEARING
3. **RESOLUTION No. 3, SERIES 2016 — A RESOLUTION APPROVING A FINAL PLAT AND FINAL PLANNED UNIT DEVELOPMENT (PUD) TO CONSTRUCT A MULTI-USE DEVELOPMENT CONSISTING OF 24 AGE RESTRICTED CONDOMINIUMS, 8 NON-RESTRICTED CONDOMINIUMS, AND 38,000 SF COMMERCIAL AND OFFICE LAND USES**

Mayor Muckle requested a City Attorney introduction.

City Attorney Light introduced Ordinance Nos. 1712 and 1713, Series 2016 and Resolution No. 3, Series 2016. Members of the public may speak on any of the three agenda items.

Mayor Muckle opened the public hearing and requested a staff presentation.

Principal Planner McCartney explained several emails were received after the packet was assembled. Council member Stolzmann requested several informational items and staff's response to her requests were placed at the dais for the City Council to review.

The request before the City is for a rezoning, Final Plat and Final Planned Unit Development (PUD) to construct a multi-use development consisting of 24 age restricted condominiums, 8 non-restricted condominiums, and 38,000 SF commercial and office land uses. The subject property is located in north Louisville and zoned PCZD-C. The applicant is requesting PCZD-C/R zoning of 5.82 acres for a mixed-use development. The property is south of Indian Peaks, Filing 17.

Comp Plan: The 2013 Comp Plan identifies this area as an “Urban Corridor” with a focus on commercial, office, neighborhood retail and residential density allowance up to 25 units per acre. Principal NH-5 calls for a mix of housing types; multi-generational needs and empty nesters. The proposal is for 24 age restricted units for empty nesters.

Rezoning: The property is surrounded by PCZD-C/R and PCZD-R zoning and complies with the surrounding zoning. Public Land Dedication (PLD): 3% additional PLD for the residential portion of property. The commercial zoning has already been dedicated. The original site plan included 3 access points, no access to Kaylix Street, 48 residential units, 56,200 SF commercial (two story in-line commercial) two drive-thru’s and two in-line commercial uses. Residents requested age restricted housing and no drive-thru’s. The applicant then resubmitted the application.

Site Plan: This plan has four primary points: Highway 42 — right-in/out; Paschal Drive — right-in/out; Kaylix Street — full access and Summit View — full access. It includes 32 residential units (24 age restricted to 55 years); 37,500 SF commercial (2 story in-line 17,850 SF and flex commercial 14,110 SF); no drive-thru’s and 229 parking spaces.

Bulk and Dimension Standards: Height complies with CDDSG; Setbacks comply with
GDP and the 2-3 stories are compliant with the Comp Plan. The commercial component includes office; neighborhood retail; flex artisan space; close proximity to the roadway and complies with the CDDSG and Comp Plan.

Original Architecture: Height - 30 feet; Architecture 2\textsuperscript{nd} Submittal - Commercial – 28.5 feet in height; 2-story and 17,850 SF. Residential: 32 units (24 age-restricted, 55 years and older and 8 non-restricted units); 35 feet maximum height; buffer between commercial and existing residential. Boulder Valley School District estimates 8 unrestricted units will result in 1 student at LES, 0 students at LMS, and 1 student at Monarch High.

Residential Parking: 64 spaces (2 per unit) and enclosed garage spaces are compliant with the Louisville Municipal Code. Commercial Parking: 165 spaces. CDDSG requires 4.5 spaces per 1,000 SF – 5.16 spaces per 1,000 SF if measured at 85% GLA (31,960 SF), 4.4 spaces per 1,000 SF at 37,600 SF (6 spaces less than required). Waiver approved through LMC for multi-tenant reduction, public easement in excess of Public Land Dedication and exceptional design.

Landscaping: Waiver requested to reduce amount of street due to existing easements and powerlines. Staff believes alternatives can be achieved by speaking with easement owners. Applicant will continue to work with staff on final tree placement.

Staff recommendation: Staff recommended approval of Ordinance Nos. 1712 and 1713, Series 2016 and Resolution No. 3, Series 2016 with the following conditions:

1. The 24 age restricted condominiums shall be for ages 55 and older. The 55 years and older age restriction shall be placed on the deed of each age restricted unit and shall also be included in the subdivision agreement and a covenant agreement enforceable by the City of Louisville.
2. Staff recommends the wall signs of the In-line building, shown as vertical address numbers, be removed from the PUD and all wall signs must comply with Chapter 7 of the CDDSG and Chapter 17.24 of the LMC.
3. The applicant shall continue to work with the Parks Department on the type and location of additional trees along Highway 42, prior to recordation.
4. The applicant shall continue to work with the Public Works Department on the items listed in the October 25, 2015 memo. Each item shall be completed prior to recordation.
5. Residential and Commercial Development shall be constructed concurrently.

APPLICANT PRESENTATION

Justin McClure, RMCS, 2100 Sunset Drive, Longmont, CO presented the Foundry Development proposal. He stated in his mind Steel Ranch is an unfinished project. He wanted to complete the project in a quality way and is sensitive to the residents concern relative to more residential development. He explained to complete the project there is
property to develop south of Steel Ranch, which has a commercial/retail component.

He addressed the development of an adjacent project in the City of Lafayette and voiced his opinion it is not of the same quality of development found in Louisville. He felt Louisville could do better. He addressed the great recession and the economic meltdown with the elimination of big box stores. He noted the Lafayette property was zoned commercial and the developer, McStain, sold the property to get the cash. He did not want the property south of Steel Ranch to meet the same fate and that is the reason for bringing forth the Foundry development project. They hosted a community meeting at the Recreation Center to receive public input. With that input they resubmitted their proposal for the Foundry.

He noted most of the development in Louisville has been in Ward I with the North End Project; Steel Ranch and The Lanterns. He requested Council approval of the Foundry to complete the development. The Foundry contains 28 age-restricted units and 8 non-age restricted units and will be a vibrant development containing retail, boutique services and adaptable spaces for entrepreneurs. The adaptable spaces will include retail on the bottom floors and 2.5 stores for condominiums, which lends toward outdoor living. Every unit will have living space above and has elevator access. He presented site plans and artists renditions of the proposal.

COUNCIL COMMENT

Council member Maloney inquired about the metrics of the design and asked Mr. McClure how the new design differs from the original metrics design, which did not work. Mr. McClure explained the development of the condominiums will fund the speculative development on commercial property. He explained the retail viability is what the property can support.

Council member Maloney asked if the developer anticipates the same success as The Source has in Denver. Mr. McClure explained there are eight bays and not quite as many tenants as The Source. He explained currently it models with the potential rents for those spaces. The rents will be discounted upfront in order to get the right tenants and to meet the requirements of the lenders.

Council member Stolzmann explained she submitted a number of detailed questions to the staff earlier this afternoon. She asked whether Council wished to review staff’s responses during a recess or whether the staff should respond to her questions at this time. Mayor Muckle requested the staff respond to Council member Stolzmann’s questions on the record. Interim Planning and Building Safety Director Russ reviewed the responses to Council member Stolzmann’s questions as follows:

1) The applicant and the Planning Commission (minutes) cite retail vacancies over and again- what is the retail vacancy rate (percent) in a 1 mile radius of the site and what is to be expected during a reasonably strong economic period?
Staff’s response: Utilizing the Xceligent database, of the 29 retail properties within one mile of the location, there is a total of 511,540 square feet of leasable area and as of Q4 2015, there is 25,991 sf available resulting in a vacancy rate of 5.1%. In Q4 2012, there was a vacancy rate of 14.6% for the same area. Vacancy rates above 10% for retail is viewed as an early sign that challenges exist for the market.

2) How many properties have been required or will be required to remove driveways from HWY42 as part of the HWY 42 Plan and what is our City Traffic Engineers opinion/recommendation of the driveway onto 42? Staff’s response: 8 driveways will be removed; the plan was approved by the City Traffic Engineer.

3) Could you include the Fire Departments Referral Comments? Staff response: The Fire Marshal comment letter was submitted.

4) Can you make a table explaining the property tax structure on this property (including metro district) and how the mills change with the change in zoning-including a comparison showing one commercial property to the many broken up areas. Staff’s response: Commercial property is taxed at 29% of market valuation, while residential is taxed at 7.96% of market valuation. According to the model, the proposed development would generate $22,000 per year in property tax at buildout, with a 20 year cumulative total of $408,000. The original GDP would have generated $29,000 per year and $517,000 cumulatively. A table was presented.

COUNCIL QUESTIONS

Council member Stolzmann addressed tracts A through D and Blocks 1 – 6 and asked if there were individual properties. Interim Planning and Building Safety Director Russ explained tracts are typically public property/public shared spaces (Parks and Plazas). Those tracts are not revenue generating properties.

Council member Stolzmann asked if either the City or the Metro District would receive any revenue from those tracts. City Attorney Light explained if tracts are owned by an association, they would not have their own separate tax ID and separate tax bill. Under the Common Interest Act, the value of the residential and commercial property is parceled out and assumed as part of the value of the private land. None of the entities would realize the benefit of the land on a tax bill specific to a common area.

Council member Stolzmann inquired how the benefit would be distributed to a parking area in a commercial area. Mr. McClure explained parking for the commercial uses would be valued for the commercial units and would be collected with the commercial units’ tax bills. The driveways and parking spaces for the residential uses would be valued for condominium units and would be collected with the residential tax bills.

Council member Stolzmann explained this Metro District has a steep mill rate and she wanted to ensure each parcel was paying their fair share.
Questions No 4) a and 4) b:

a. What is the zoning of the parking lots? Staff’s response: PCZD-C/R, same as entire property.

b. How does this compare to other commercially zoned properties which include parking lots in the area (say the Walgreens on SOBORO or the Union Jack). Another way of asking is, can you show the mill rates in a column added to the table on page 136 & show how that is a change from the existing land use and explain how the assessment works with regard to properties with and without improvements? Staff’s response: Answered above.

5) How many residential units were in each phase of this GDP and how much commercial was in each phase?

Staff’s response:


b. 1st Amendment – Ord. 1576, Series 2010: Unit swap between Planning Areas, (no change in density) and no change to commercial square footage in Planning Area #1.

c. 2nd Amendment – Ord. 1601, Series 2011: Added Steel Ranch South; Increased density by 104 units (306 total) and no change to commercial square footage in Planning Area #1.

d. 3rd Amendment – Ord. 1656, Series 2014: Added the Lanterns – 24 Units and no change to commercial square footage in Planning Area #1.

e. 4th Amendment – Ord. 1680, Series 2015: zoned 245 North 96th Street PCZD-C/R: 231 Affordable housing units and 18,406 SF of additional commercial square footage.

f. 5th Amendment – Ord. 1710, Series 2015: Expanded commercial from 18,406 SF to 64,468 SF of commercial square footage.

g. 6th Amendment – Ord. 1712, Series 2016: The Foundry – adding 32 Units (24 age restricted), while reducing the allowed commercial development to 37,100 SF in Planning Area #1.

COUNCIL QUESTIONS

Council member Stolzmann asked Mr. McClure why he could not leverage the 478 units to fund the commercial component. She asked what was so special about the 32 units. Mr. McClure explained it was because of the global economic meltdown and the level of support it would take for speculative commercial, in order to collect rents. Council member Stolzmann asked if they have leases. Mr. McClure explained he is currently working on discussion of leases.
Council member Loo inquired about the 104 units and the 306 total. Principal Planner McCartney explained the 306 units were derived by adding 104 units to their allowable 202 units on North Main. Earlier amendments adjusted the numbers in Steel Ranch South, which added 104 additional units. Steel Ranch South has a total of 306 units.

6) Please provide the assumptions for the fiscal model in a table (income, retail $/sqft, absorption year for retail, any modifications to capacity factors from the base, and so on). Staff's response: Attachment #1 (Foundry Fiscal Model Assumptions).

7) What is the impact to the general fund (revenue and expense) if the retail is occupied in year 3, 10 or never? Staff's response: Fiscal Model Attachments # 3 year, 10 year, 20 year (Cumulative Combined Funds Results – Fiscal Impact Model.)

Council member Stolzmann stressed the importance of having the fiscal model for development projects. She stated her understanding the condo residents will spend approximately $276 per week in Louisville. When the household income is above the median, there is an assumption goods can be bought in Louisville.

8) Does the applicant own or have some right to design and rezone the Summit View subdivision? Staff's response: Yes, they own the property.

9) The drawings do not clearly depict internal circulation on the site. Does the alleyish road that runs North South go through? Staff's response: The internal roadway shown on the PUD is a private drive and provides access north, south, east and west.
   a. Is it a named street? Staff's response: No.
   b. Who is responsible for maintenance? Staff's response: The Developer.

10) The staff report refers to condominiums, which implies to me that the units being built are individually owned however I do not see the properties segregated on the plat. Are these really apartments? Staff response: We have been told they are condominiums. The City of Louisville does not have a condo platting process. These are typically done through the County.

11) What guidance is there in the City Code regarding rezoning policy? Staff's response: This is a rezoning only in terms of modifying the General Development Plan (GDP) which is processed as a Planned Community Zone District (PCZD) as established in Section 17.72. This request is an amendment to an existing GDP. City Attorney Light commented on changing plans to address condos and noted it would be a legislative change to provide the regulatory authority on filing a condo plat, which would be a subdivision action. If the PUD is for apartments and there is a desire for...
condos, there would have to be a separate condo plat to create a legal interest in the air space. There is still a compliance with the PUD.

COUNCIL QUESTIONS

Council member Stolzmann asked what enforcements or assurances does the neighborhood have. Interim Planning and Building Safety Director Russ explained it could be conditioned in the resolution. City Attorney Light stated there is probably language in the plan, but confirmed it could be conditioned in the resolution. Mr. McClure confirmed the Final Development Plan refers to the units as condominium units.

Mayor Muckle asked if the Final Plan assured park spaces have permanent public access easements. Interim Planning and Building Safety Director Russ confirmed it did.

Council member Keany asked if the applicant accepted the six conditions. Mr. McClure confirmed the applicant accepts all six conditions.

Council member Maloney noted there were several emails from the public and addressed the concern for the Paschal median and the light requirement. Interim Planning and Building Safety Director Russ explained there have been neighborhood requests for direct left turn access off Paschal into the development. The staff is working with applicant to make that entrance a right in/right out. He stressed a left turn access is not an appropriate movement with a future signal light coming to this location.

Council member Maloney inquired about reducing the lighting requirements along Kaylix sidewalks. Principal Planner McCartney stated staff can look at the lighting for traffic and pedestrian safety.

PUBLIC COMMENT

Gary Larson, 2189 Park Lane, Louisville, CO stated he will be looking at the condos from his back porch. He explained he is a member of the newly formed Steering Committee for the 95th Street Coalition. They want to ensure any residential development is compatible with the existing community and any commercial development is economically viable. At their first meeting, Mr. McClure presented the Foundry proposal. After the meeting, the applicant made changes to incorporate the public concerns. The Coalition feels this development is compatible with the community. They propose a do not block box in the eastbound lane. He addressed the street lights and noted the Steel Ranch patio homes are on timers. He noted at the Planning Commission meeting, they discussed bringing back the water tower.

Peter Wengert, 872 Meadow Lark Lane, Louisville, CO stated there is a very good positive feeling about this project. The residents feel it is a people friendly project.
There are approximately 1,000 walkers in Steel Ranch who are looking forward to walking to the Foundry. He felt this will be a beautiful entry way into the City and voiced his support for the project.

Dave Ireland, 2358 Park Lane, Louisville, CO stated he is an enthusiastic supporter of the Foundry project.

Sherry Sommers, 910 Palisade Court, Louisville, CO stated her understanding this project is in compliance with the Comprehensive Plan and has the support of the neighbors. She inquired about the role of the small area plan in this development. She noted last spring the City Council stated there would not be more rezoning and urbanization in this area until the impact of the development could be analyzed. She also addressed the project's height and stated her understanding the maximum height for most residential units is two stories. He noted these units will be 2-3 stories. She stated a lot of people worked hard on the small area plan and the plan should be considered.

Sandy Stewart, 649 August Drive, Louisville, CO voiced his support for the project.

Alex Bradley, 1385 Caledonia Circle, Louisville, CO inquired why all the units are not age-restrictive. She wanted confirmation all the age-restricted units will be universal in design. She voiced her concern over the Foundry commercial component and noted the square footage was too small. She voiced her concern over the school enrollment at Louisville Elementary. She reported on meeting a local resident, who sends her children to school in Broomfield, because LES is too large. She stressed the BVSD referrals are old and outdated and should be redone. She requested all the age-restricted units be universal in design and for an explanation on why all 32 units cannot be age-restricted to solve the school issue.

COUNCIL COMMENT

Council member Stolzmann was also interested in knowing why all the units could not be age restricted, the issue of the small area planning and how they are impactful.

Mr. McClure stated there is a need for condo units for adults who are not 55 and do not wish to do yardwork anymore. Condos are a product type, which can provide such for those individuals.

Interim Planning and Building Safety Director Russ explained the small area plan was not applicable to this application as the plan has not been adopted.

Mayor Pro Tem Lipton stated he struggled with balancing the enthusiasm for condos against some significant policy issues related to density, infill and the request for commercial property owners to stimulate their project, by including residential components, not included in the original zoning. He voiced his concern for other commercial property owners who may request equity on how they are treated.
stressed the importance of being fair, equitable and consistent. He did not believe the Council has finished its planning for potential growth. He noted there is citizen concern for the added stress on City services as new population is added. He did not believe the Council has discussed the broad principles and policy issues associated with this request.

Council member Keany stated he understood Mayor Pro Tem Lipton's concern. He asked the City Attorney whether the City is creating precedence on the Council's decision making in looking at this project and whether Council is following the City's Code. City Attorney Light explained this is a timing question. A rezoning is evaluated in light of the objectives, purposes and provisions of the Comprehensive Plan. If the small area plan is not adopted, it is not a part of the Comprehensive Plan. There are legal methods to close the time gap, but they are not available at this time. Action on one application does not have any bearing on another application being adjudicated under its own process, based on the law in effect at the time. If Council desires to make future decisions after the additional Comprehensive Plan is completed there must be a mechanism to close the time gap.

Council member Keany addressed the quasi-judicial process before the Council. He asked whether the Council was required to approve or disapprove the application this evening. City Attorney Light stated it is a matter of judgment and criteria for rezoning under common law and in the Louisville Municipal Code. It is an evaluation of judgment of a broad criteria relating to the question of whether the request is consistent with the policies and goals of the City's Comprehensive Plan. With respect to rezoning, Council must consider whether the rezoning change is in the public interest. Another criterion is whether the rezoning would be to provide land for a community use.

Mayor Pro Tem Lipton asked if there was a criteria related to a community benefit. City Attorney Light explained it is by referencing the desires of the community expressed in the Comprehensive Plan.

Mayor Pro Tem Lipton voiced his concern for a consistent process. He expressed his frustrations the small area plans have not been adopted. He was concerned the development would begin before the small area plan is complete and there will not be any guidelines. He noted if the small area plans are not adopted, the Council will not be able to use those tools in their decision making.

Council member Loo stated she also struggled with this development, but after listening to the public input, she was convinced this is a great project. She liked the design and the quality of the development. She felt if the development is not approved today, the land may lay vacant. With respect to the school issue, she did not feel this would add students to local schools. She did not agree with the full movement entrance on Paschal Drive and stated the signage needs improvement. She stated she was pleasantly surprised with the positive fiscal analysis. She noted many Louisville seniors are looking for this type of housing.
Council member Maloney stated when he first looked at this proposal he was opposed because of the erosion of the commercial space. After staff’s presentation and the public input, he believed it was a quality proposal. He agreed with Mayor Pro Tem Lipton with respect to being consistent and fair. He also was concerned over the erosion of the City’s commercial base.

Council member Leh supported the project because it would be a quality development. He agreed it is unfortunate the small area plans have not been adopted to provide guidance, but congratulated everyone on the process. He felt this would be a good project because of the age-restricted units, which would have less impact on traffic and the schools. He was concerned about what may go into the property, if the proposal is denied.

Council member Stolzmann commented she initially felt the development was not compatible with the surrounding homes, but after the neighborhood support, she has changed her mind. She felt there should be some language added to ensure condominiums and not apartments are built. She felt all the units should be age-restricted to satisfy the school and traffic issue and would be a valid reason for the rezoning. She addressed the intersection at Paschal Drive and stressed the importance of not creating an unsafe intersection. She requested comments on age-restriction and condo language. She stated the fiscal impacts are consistent with the Comprehensive Plan. She noted the $600,000 condo units will be well above the City’s median income level and those residents will be spending their dollars in Louisville. She had no opinion on the water tower and confirmed it is still in the project.

Mayor Mucke stated he was impressed by the comments, both from the public and from the Council. He stated there are definitely reasons to deny the application based on the loss of commercial and the densification, but felt the reasons to approve far outweigh those concerns, especially when considering the age-restricted units. He agreed it will be the northern gateway to the City. He felt the fiscal outcomes are acceptable. He noted there is neighborhood support for the development. He did not feel a decision on one project influences any other, as each project is judged on its own merits. He supported the water tower and well-lit sidewalks for walkers.

Council member Keany supported adding language stipulating condos only. He was comfortable with the 24 age-restricted units and leaving the remaining 8 market rate. He also supported keeping in the water tower.

Council member Maloney asked if there were five or six conditions. City Attorney Light stated there are five conditions on the PUD ordinance and one condition for the zoning ordinance regarding use issue. There is also a sixth condition for the PUD Resolution.

PUBLIC COMMENT

Jeffrey Gass, 784 Meadow Lark Lane, Louisville, CO voiced his support for the project.
He stated the Steel Ranch community is in full support of the project. He supported adding to the tax base instead of leaving the land vacant. It will improve the north entrance into Louisville by adding unique steel buildings, which would be different from the south entrance into the City and seeing the empty Sam’s Club.

Debbie Fahey, 1118 Enclave Circle, Louisville, CO supported the project because of the age-restricted units and was in favor of having all the units age-restricted.

Mayor Muckle called for public comment and hearing none, closed the public hearing.

COUNCIL COMMENTS

Mayor Pro Tem Lipton stated he would vote in favor of the application although he had concerns over the loss of commercial. He voiced his frustration with not having the tools in the small area plan. He voiced his hope guidelines could be accomplished after the Council Retreat.

City Attorney Light reviewed the City Council’s requested revisions to Ordinance No. 1712, Series 2016: In the last WHEREAS: WHEREAS, the PCZD-C/R zoning classification for the Property as further set forth on the Takoda GDP 6th Amendment, subject to the conditions herein, is consistent with the City of Louisville 2013 Citywide Comprehensive Plan.

Section 1. The City Council of the City of Louisville hereby approves the Takoda GDP 6th Amendment (the “Takoda GDP 6th Amendment”) for the property legally described in Exhibit A attached hereto (the “Property”) and, pursuant to the zoning ordinances of the City, such Property is zoned Planned Community Zone District Commercial/Residential (PCZD-C/R) for the uses permitted in the Takoda GDP for the Property, a copy of which Takoda GDP 6th Amendment is attached hereto as Exhibit A, subject to Section 2 hereof and subject further to the condition that a note shall be added to the GDP stating that drive-thru restaurants and automobile service stations are a prohibited use within the GDP and that single family attached dwelling uses are limited to duplex, townhouse and condominium uses, with apartments prohibited.

ORDINANCE No. 1712, SERIES 2016

MOTION: Council member Keany moved to approve Ordinance No. 1712, Series 2016, as amended by the City Attorney, seconded by Mayor Muckle. Roll call vote was taken. The motion carried by a vote of 7-0.

ORDINANCE No. 1713, SERIES 2016

MOTION: Mayor Muckle moved to approve Ordinance No. 1713, Series 2016, seconded by Council member Keany. Roll call vote was taken. The motion carried by a vote of 7-0.
City Attorney Light reviewed the City Council’s requested revision to Resolution No. 3, Series 2016, which adds Condition 6. Add a sentence to the PA-1B General Notes, item 1, stating “This PUD authorizes only condominium project type development.” He asked Council for their preference in the number of age-restricted units.

Council Discussion: Mayor Muckle, Council member Loo, Leh, Keany and Maloney supported 24 age-restricted units. Council member Stolzmann supported all 30 units.

City Attorney Light added the following language to the revised condition: Further, revise the phrase “a potential amount of units” to state instead “24 units.”

**RESOLUTION No. 3, SERIES 2016**

MOTION: Mayor Muckle moved to approve Resolution No. 3, Series 2016 with the six conditions as cited by the City Attorney, seconded by Council member Loo.

Council member Loo voiced her frustrations with signage and offered a friendly amendment to eliminate condition number 2. Mayor Muckle did not accept the amendment.

MOTION: Council member Loo moved to strike condition 2 from the resolution, seconded by Council member Keany.

Council member Stolzmann preferred to have public comment on the matter.

Council member Leh did not support the amendment. Council member Keany voiced his support for the amendment.

VOTE ON THE AMENDMENT: Roll call vote was taken. The motion failed by a vote of 5-2. Mayor Muckle, Mayor Pro Tem Lipton and Council members Maloney, Leh and Stolzmann voted no.

VOTE ON THE MAIN MOTION: All were in favor.

**1125 PINE STREET MINOR REPLAT**

1. **ORDINANCE No. 1711, SERIES 2016 – AN ORDINANCE APPROVING A REZONING OF A PARCEL OF LAND LOCATED AT 1125 PINE STREET FROM CITY OF LOUISVILLE COMMERCIAL COMMUNITY (CC) TO MIXED-USE RESIDENTIAL (MU-R) AND RESIDENTIAL MEDIUM DENSITY (R-M) AND AMENDING THE BOUNDARIES OF THE OLD TOWN OVERLAY DISTRICT IN CONNECTION THEREWITH – 2ND READING – PUBLIC HEARING**
2. RESOLUTION No. 2, SERIES 2016 – A RESOLUTION APPROVING A REPLAT TO COMBINE THREE PARCELS AND SUBDIVIDE THE PROPERTY INTO TWO SEPARATE LOTS AT 1125 PINE STREET

Mayor Muckle requested a City Attorney introduction.

City Attorney Light introduced Ordinance No. 1711, Series 2016 and Resolution No. 2, Series 2016 and noted members of the public may speak on either of the agenda items.

Mayor Muckle opened the public hearing and requested a staff presentation.

Interim Planning and Building Safety Director Russ explained the request for rezoning, replat to combine three parcels to subdivide the property into two separate lots, rezoned mixed use residential (MU-R) and Residential Medium Density (RM). The subject property is located on the north side of Pine Street between the Burlington Northern Santa Fe Railroad and Highway 42. It is currently zoned Commercial Community Zone (CC) and part of the Highway 42 Revitalization area. The lot is 15,813 SF.

Section 16.16.050 (C) of the Louisville Municipal Code requires the maximum depth of all residential lots not to exceed 2 1/2 times the width of the lot. For all other lots, the depth shall not exceed three times the width. The dimensions for the proposed Lot 2 are approximately 230' X 55' from the northernmost corner to the southernmost corner. The depth is 4.18 times the width. Lot 2 does not comply with the Code. Section 16.24.010 of the Louisville Municipal Code grants the City Council, upon advice of the Planning Commission, to authorize modifications from the requirements in cases where there is exceptional topographical conditions or other conditions peculiar to the site. Staff believed the site is a “peculiar” shape due to the abandoned railroad right-of-way and existing depth of the lot. The subdivider would not be able to provide two lots, which meet the depth to width ratio while providing the required lot frontage. Staff recommended the City Council authorize the modification.

Proposed Zoning: The required rezoning of this property must be consistent with the framework provided Land Use Exhibit A in the MUDDSG. Lot 2 – Residential Medium Density: 10,502 SF allows up to three residential units. Staff recommended the proposed Lot 2 be included with in the Old Town Overlay Zoning District. If authorized, the Old Town Overlay will be amended to include the proposed Lot 2, which does not require a PUD. Lot 1: Mixed Use – Residential: 4,703 SF must comply with the MUDDSG and requires a PUD. The existing single-family dwelling is considered a legal, non-conforming use and can continue with its use as a single-family home.

The Planning Commission held a public hearing on the application on December 10, 2015 and voted 6-0 to approve the replating as well as the rezoning and recommended City Council approval. Staff recommended City Council approval of Ordinance 1711, Series 2016 and Resolution No. 2, Series 2016.
PPLICANT PRESENTATION

Am Rasker, 4782 Valhalla Drive, Boulder, CO explained he represents the owner, who lives out of state. He explained this project began when the City requested a right-of-way easement for the new drainage plan on the northern parcel. He explained nothing could be done with the property until it conformed to the new zoning overlay. Once the zoning is approved plans to develop the property can begin. He noted this project will add commercial space, which is currently under design.

Jean Morgan, 1131 Spruce Street, Louisville, CO explained in the packet, sometimes the street is referred to as Lee Street and other times it is referred to as Lee Avenue. She requested it be referred to as Lee Avenue. She addressed the Spruce side addition and asked if it would be compatible with the existing homes on Spruce Street. Interim Planning and Building Safety Director Russ confirmed it would be compatible.

Ms. Morgan addressed the 15% public land dedication and voiced her concern that parking for the units would impact the historic miner's cabins. She requested the 15% public land dedication be for land to separate the development from the miner's cabins. She asked for confirmation there will be approval for 3-units. Interim Planning and Building Safety Director Russ confirmed there could be up to 3-units. She felt preserving the historic cabins was important.

Interim Planning and Building Safety Director Russ confirmed the subject property is south of the miner's cabins. He explained there is a drainage easement between the cabins and the subject property, which is part of the Flood Plan Improvement project.

COUNCIL COMMENT

Council member Stolzmann addressed the notion of hardship and lot layout and inquired about the long range layout for the area. She referred to the lot lines and completed calculations on the depth of the lot. She calculated it would be 125.9' deep from the property's east property line. The applicant calculated 137.2' deep. She understood why it should not apply to the whole property, but did not feel it would create a hardship to apply from the street and back (south of Spruce Street). She felt the applicant was trying to maximize the lot depth of Lot 2.

Council member Keany asked for clarification it would add 12 feet to Lot 1 on Pine Street. Council member Stolzmann confirmed it would add 12 feet.

Mayor Muckle inquired how the angled portion of property would be used. Interim Planning and Building Safety Director Russ explained it is a land dedication for Spruce Street, which is not currently part of the City's right-of-way, but has access from Spruce.

Mayor Muckle asked if the public land dedication could be for a public park for the miner's cabins. Interim Planning and Building Safety Director Russ explained the staff worked with the Parks Division and Historic Preservation and this land is not in any
adopted plans and therefore, payment in lieu is recommended.

Mayor Muckle requested the measurement for public land dedication for the north lot.

Council member Leh left the meeting at 10:05 p.m.

Council member Maloney inquired about the zoning of adjacent lots. Planning and Building Safety Director Russ explained the property is currently in the Highway 42 Revitalization Plan, which extends to South Boulder. Any request requires a mandatory rezoning. A replat is an intent to redevelop the property and Council has the option to consider the waiver.

Council member Keany inquired whether the odd depth of the property line is located on the north side. Interim Planning and Building Safety Director Russ explained Council member Stolzmann is suggesting if the property line is moved 12’ north, that portion of the site where the development would likely be would be more consistent with the Louisville Municipal Code.

Council member Keany asked if that would change the number of units allowed. The applicant, Mr. Rasker stated the recalculation would increase the square footage of the southern lot, which would increase the allowance for commercial and above residential. He felt the larger area on the back lot would be advantageous because it would minimize what is built and allow for parking. The recalculation would also reduce the number of units on the northern lot from 3 units to 2 units.

Council member Keany explained Council is asked to consider a waiver for this. Mr. Rasker noted the owner has provided the easement and the triangular piece to the City. He noted it is not a minor thing to replat the entire area.

Planning and Building Safety Director Russ stated, in response to Mayor Muckle’s question about the measurement for public land dedication, a change in the calculation would reduce the square footage by approximately 6,000 square feet, which would reduce Lot 2 by 660 SF.

Council member Keany inquired why the triangular piece of property is not acceptable as cash in-lieu. Interim Planning and Building Safety Director Russ explained public land dedication is for public use. Easements and streets are not eligible for public land dedication.

Council member Keany asked if a two lot subdivision could be done without a PUD. Interim Planning and Building Safety Director Russ explained a PUD is not required for a minor subdivision.

Council member Keany asked what would prevent the applicant from subdividing the second lot. City Attorney Light explained if the applicant met the yard and bulk
requirements they could subdivide the lot, but would have to provide legal access to both lots and provide a new subdivision plat that meets and the requirements.

Interim Planning and Building Safety Director Russ recalculated the public land dedication to be 2,000 SF and the 15% requirement would be 1,575 SF.

Mr. Rasker explained the lot is not wide enough to subdivide, and there would not be any access.

Mayor Muckle inquired about the minimum lot in the RM zoning. Principal Planner McCartney stated it is 7,000 SF, but in the MUR zoning there is no minimum lot size.

Jean Morgan, 1131 Spruce Street, Louisville, CO noted the entire area will be developed eventually. She suggested running Spruce Street to the west to access this development. This would allow a border for the south side of the miner’s cabins. She requested the Council provide a small park near the cabins.

Interim Planning and Building Safety Director Russ explained the minimum area per unit is 3,500 SF in the RM zone district. Three units will fit into the 10,500 SF, but 10,049 SF will not provide for the three units.

Mayor Muckle called for public comment and hearing none, closed the public hearing.

COUNCIL COMMENTS

Council member Stolzmann proposed the lot line be moved to the right to 125.9. This will take into account the odd angle of the lot and give the width to the applicant. This also ensures the neighborhood can allow the density for the width of the lot. She felt this would be reasonable and consistent with the Louisville Municipal Code.

Mayor Muckle voiced his support and suggested the land dedication be close to the miner’s cabins to allow a pocket park. Council member Loo requested a map be drawn to reflect the recalculations.

Interim Planning and Building Safety Director Russ explained if the calculations are changed the applicant must be allowed to respond.

Council member Keany suggested continuing this matter to allow the applicant and staff time to discuss alternatives. There was Council consensus.

Mr. Rasker explained he could not move the lot line without the consent of the owner. He stated the land is private property and if the City wanted the northern portion for a park, they could discuss purchasing it from the owner. He explained the owner has already been delayed in developing his property when the City wanted it for a street. He would discuss moving the lot line with the owner and requested a continuance.
ORDINANCE No. 1711, SERIES 2016 AND RESOLUTION No. 2 SERIES 2016

MOTION: Mayor Muckle moved to continue Ordinance No. 1711, Series 2016, and Resolution No. 2, Series 2016 to February 2, 2016, seconded by Council member Keany. All were in favor.

633 CTC BOULEVARD PLANNED UNIT DEVELOPMENT

1. ORDINANCE No. 1714, SERIES 2016 — AN ORDINANCE APPROVING THE VACATION OF AN EASEMENT WITHIN LOT 5, COLORADO TECHNOLOGY CENTER FILING NO. 2 SUBDIVISION — PUBLIC HEARING

2. RESOLUTION No. 4, SERIES 2016 — A RESOLUTION TO APPROVE A FINAL PLANNED UNIT DEVELOPMENT (PUD) PLAN TO CONSTRUCT A 153,018 SF SINGLE STORY INDUSTRIAL/FLEX BUILDING WITH ASSOCIATED SITE IMPROVEMENTS FOR LOT 1, BLOCK 4, THE BUSINESS CENTER AT CTC

Mayor Muckle requested a City Attorney introduction.

City Attorney Light introduced Ordinance Nos. 1714, Series 2016 and Resolution No. 4, Series 2016. Members of the public may speak on either agenda items.

Mayor Muckle opened the public hearing requested a staff presentation.

Principal Planner McCartney explained Ordinance No. 1714, Series 2016 is an ordinance approving the vacation of an easement within Lot 5, Colorado Technology Center Filing No. 2 Subdivision. Resolution No. 4, Series 2016 is a request to approve a Final Planned Unit Development (PUD) to construct a 153,018 SF single story industrial/flex building with associated site improvements on Lots 3, 4, 5, and 16 of the CTC Filing 2 Subdivision. The subject property is located in CTC and zoned Industrial (I). It is required to follow the IDDSG. The proposal is for a 153,018 SF general flex space with 72% hardscape; 28% soft scape; 5 access points: two on CTC; two on Boxelder and one from East.

Parking: The “office without loading” amount of 3.7 spaces per 1,000 SF requires a waiver from the IDDSG. Staff believed the waiver request is acceptable and recommended approval.

Signs: Monuments Signs: IDDSG allows one freestanding sign for each access. The applicant is requesting 4 monument signs. Wall Signs Waiver: IDDSG allows 15 SF all signs, not to total more than 80 SF. The applicant is proposing 40 SF signs not to total more than 120 SF.

Staff recommended approval of Ordinance No. 1714, Series 2016 and Resolution
No. 4, Series 2016 with the following condition: 1.) The applicant must comply with the October 22, 2015 Public Works memo prior to recordation.

APPLICANT PRESENTATION

Jim Vasbinder, Etkin Johnson Group, 1512 Larimer Street, Suite 100, Denver, CO, explained this is a proposal for the largest building to be constructed at the Colorado Technology Center. They just broke ground of the property at 2000 Taylor and with Council consideration and approval of this proposal; the applicant will apply for a building permit within the next 30 days.

COUNCIL COMMENTS

Mayor Muckle addressed the requested sign waiver. Council member Stolzmann stated there is consistency as this request is similar to their last request relative to signage.

Mayor Muckle called for public comment and hearing none, closed the public hearing.

ORDINANCE No. 1714, SERIES 2016

MOTION: Council member Stolzmann moved to approve Ordinance No. 1714, Series 2016, seconded by Mayor Muckle. Roll call vote was taken. The motion carried by a vote of 6-0. Absent: Council member Leh.

RESOLUTION No. 4, SERIES 2016

MOTION: Mayor Muckle moved to approve Resolution No. 4, Series 2016, seconded by Council member Keany. The vote was 6-0. Absent: Council member Leh.

DISCUSSION/DIRECTION/ACTION – KESTREL HOUSING PROJECT DEVELOPMENT AGREEMENTS

Mayor Muckle requested a staff presentation.

Interim Planning and Building Safety Director Russ reported on the final Subdivision Plat and Planned Unit Development (PUD), for Kestrel, the Boulder County Housing Authority’s (BCHA) affordable housing development located at 245 N.96th Street. BCHA has submitted building permits and construction plans for the required public improvements.

Traditionally, a draft subdivision agreement is not shown to City Council because the agreement follows established forms and protocols which staff can negotiate and the mayor can execute once City Council approves a resolution allowing the development. However, in some cases, applicants request non-standard solutions which require Council discussion, direction, and action. Such is the case for the Kestrel Development.
BCHA has four unique requests within the subdivision agreement requiring City Council direction:

1) Improvement guarantee: BCHA is requesting a hybrid improvement guarantee, which provides only a portion of the guarantee be in the form of a letter of credit to assure stabilization of site soils and construction of Hecla Drive and related underground utilities.

2) Traffic Signal Funding: BCHA, and it lenders, are requesting a modification to this requirement to establish at this time a cost for BCHA's share of the signal improvement. With Council approval, staff would negotiate and set in the subdivision agreement an amount and time for payment based on a City cost estimate and an inflation factor recognizing the new Paschal and Highway 42 signal warrant is anticipated to occur in 2018 (an estimated BCHA payment of $214,000).

3) Impact fee deferral: BCHA is requesting their impact fee payment be deferred from the issuance of building permits, expected this month, to March/April when State of Colorado grant monies are available to pay these fees.

4) Estoppel agreement: City Attorney Light reviewed the request for an Estoppel Agreement. Regarding the funding of the affordable housing project, the BCHA's lender (Citibank N.A.) requests the City enter into a project-specific "estoppel agreement" intended to confirm certain obligations, such as the requirement to provide the warranty guarantee for completed public improvements, will remain with BCHA notwithstanding transfer of project land into the new, single-purpose entity that will own the property, build the improvements and operate the affordable housing project. This estoppel agreement will also include a subordination stating that the required affordability restrictions for BCHA's affordable housing development are subordinate to the lender's collateral interest under its loan. All of the other funding agencies are also being asked to subordinate, under their restrictive covenants, to the lender's collateral interest under its loan.

Staff Recommendation: Staff recommended the City Council adopt a motion to (1) approve the improvement guarantee, traffic signal funding and impact fee solutions as outlined above; (2) approve as to form the proposed estoppel and subordination agreement for the project; and (3) authorize the Mayor to execute the final versions of the estoppel and subordination agreement and other development agreements for the Kestrel development.

APPLICANT PRESENTATION

Norrie Boyd, Boulder County Housing Authority, 2525 13th Street, Boulder, CO explained this has been a lengthy process and requested Council consideration.

COUNCIL COMMENT
Council member Lipton addressed the “estoppel agreement” and asked what is backstopping this project, if it fails. City Attorney Light explained the only backstop is what has been approved on the property to date. In the event of foreclosure the lender does not have the right to develop whatever they choose. The property would still be subject to general zoning laws. There are cases in Colorado between public entities and foreclosing lenders on what exactly survives on foreclosure. In the interest of the City other land use provisions of the City would continue and the zoning would still be in place. The property is in PCZD zoning, which is a negotiated zoning.

Mayor Pro Tem Lipton voiced his concern over the probable worst case scenarios, which would be the loss of affordable housing restrictions. He explained he was always leery of real estate matters.

Mayor Muckle stated the worst case scenario would be the City would end up with a nice PUD and design that was not for affordable housing. He supported the conditions as proposed.

Mayor Pro Tem Lipton asked Interim Planning and Building Safety Director Russ to address the potential risk for the public improvements not being made. Interim Planning and Building Safety Director Russ explained the downside of this project not being complete is there would not be a financial guarantee to complete the public improvements. The improvement guarantee provides the land can get to a point of development at Council’s discretion.

City Attorney Light explained because it is not automatic, the City asks for letters of credit to have ready access to the funds to complete the public improvements. If the public improvements are not completed and there is not a financial guarantee, there is still a contract, which stipulates they will complete the improvements. The standard rule for letter of credits is 115% for all public improvements. To date, the City has asked for a cash guarantee for the Hecla exchange and drainage improvements.

MOTION: Mayor Muckle moved to (1) approve the improvement guarantee, traffic signal funding and impact fee solutions as outlined above; (2) approve as to form the proposed estoppel and subordination agreement for the project; and (3) authorize the Mayor to execute the final versions of the estoppel and subordination agreement and other development agreements for the Kestrel development. Council member Keany seconded the motion. The motion carried by a vote of 6-0. Absent: Council member Leh.

CITY ATTORNEY’S REPORT

No items to report.

COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF FUTURE AGENDA ITEMS
Council member Stolzmann reported the DRCOG's representatives received a packet of information for tomorrow night's meeting, which requests a legislation position on a number of bills. She will use the City's legislative policy to guide her decisions and look at the area of local controls. DRCOG staff members have asked for Board direction on these items.

City Manager Fleming noted this is Interim Planning and Building Safety Director Russ' last meeting with the City. He thanked Troy for his contributions to the City including the DDI, the 2013 Comprehensive Plan, and future items, including the South Street Underpass and a procedure issue - the electronic development review process.

Mayor Muckle also expressed his thanks to Interim Planning and Building Safety Director Russ on behalf of the City Council.

Planning and Building Safety Director Russ expressed his thanks to City Manager Fleming and the Mayor and City Council. He stated it was a pleasure to plan a City he lives in and the City he loves.

ADJOURN

MOTION: Mayor Muckle moved for adjournment, seconded by Council member Keany. All were in favor. The meeting was adjourned at 10:55 p.m. Absent: Council member Leh.

Robert P. Muckle, Mayor

Ta., City Clerk
Call to Order – Chair 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
  - David Hsu, Vice Chair
  - Dietrich Hoefner
  - Keaton Howe
  - Tom Rice
  - Debra Williams

- **Commission Members Absent:**
  - Jeff Moline

- **Staff Members Present:**
  - Rob Zuccaro, Dir of Planning & Building Safety
  - Lisa Ritchie, Senior Planner
  - Amelia Brackett, Planning Clerk

APPROVAL OF AGENDA
Williams moved and Howe seconded a motion to approve the February 14th, 2019 agenda. Motion passed unanimously by voice vote.

APPROVAL OF MINUTES
Williams moved and Howe seconded a motion to approve the January 10th, 2019 minutes. Motion passed unanimously by voice vote. Rice abstained due to his absence at the January meeting.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA
None.

NEW BUSINESS – PUBLIC HEARING ITEMS
**The Foundry PUD Amendment:** A request to amend the phasing plan requiring that both commercial structures be built concurrently with the residential structures. The applicant requests that only one commercial structure be required with the residential structures (Resolution 4, Series 2019).

- Applicant: Foundry Builders
- Case Planner: Rob Zuccaro, Director of Planning and Building Safety

Williams disclosed that she lives in the neighborhood, knew about the application, and had not seen the full application before. She felt she could be impartial.
Zuccaro presented the application, which proposed to amend the phasing plan of the Foundry PUD to require one commercial building be built concurrently with the residential buildings, instead of both. All proper postings were made. The concurrent condition from 2016 was in pursuit of fiscal balance between commercial and residential development. This request was in response to current market and financing conditions that make it difficult to construct two commercial buildings concurrent with the residential development. Consultants for the City told staff many of the same things about development as the applicant did regarding development challenges. The retail market is saturated, there is not much demand for big-box retail, and the areas around Louisville were developing.

Zuccaro informed the Commission that staff ran a fiscal impact model, which allows staff to enter numbers into the model for different applications and different scenarios.

Staff recommended approval of Resolution 4, Series 2019, recommending to City Council approval of an amendment to the Foundry PUD phasing plan to allow one of the two proposed commercial buildings to be constructed concurrent with the residential development.

Brauneis asked for questions of staff.

Rice asked when the PUD expired. He noted that there had been issues with other projects when the PUD has gone stale.

Zuccaro responded that it would expire three years from when it was approved. He noted that if the expiration date was nearing, staff could bring a request for an extension before the Commission.

Rice asked if the proposed language allowed the applicant to pull a building permit for the four residential structures and for one of two of the commercial structures, build three residential structures, and never do anything with one commercial building.

Zuccaro confirmed.

Rice replied that the proposed language constituted a material change from the original language by changing the concurrent requirement.

Zuccaro confirmed that the City would be losing the absolute guarantee of commercial development. He noted that there were incentives to move forward with the commercial from the administration perspective.

Rice asked why the proposal was not asking for the phasing to be concurrent with one of the commercial buildings.

Zuccaro responded that the way it was written was not making that requirement, but the Commission could make that choice. He added that it would not guarantee that it would get the building finished, but it would be an incentive by requiring more investment in the future structures from the builders.
Rice asked about one of the points in the applicant’s letter.

Zuccaro replied that the applicant had submitted building permits for all the residential buildings and building F right around when the City had switched building codes. The applicant wanted assurance that the application would be reviewed under the 2012 codes and staff had confirmed that it would be.

Hsu asked if there was a possibility under the current language that there would be no commercial building at all.

Rice replied that the only thing that would be held back would be a CO on one of the residential buildings, so they could complete the others and then not complete the fourth residential building or any of the commercial buildings.

Ritchie replied to Commissioner Rice’s earlier question, noting that the PUD had been approved on January 19, 2016.

Williams asked if the Commission had to approve an extension, since it had been over three years, and how the Commission could approve something that had been expired.

Zuccaro recommended that the Commission proceed with the item and that staff would bring a request for an extension if necessary. He suggested that the Commission could note its concern and make a continuance if they wanted. Since the Commission had the information in front of them, they could also make a recommendation on the issue of concurrence.

Williams asked if a permit had been pulled.

Zuccaro replied that a building permit had been submitted and was under review for the four residential buildings and building F.

Brauneis stated that the permit process did not have a bearing on the Commission’s decision. He asked the commissioners if they were comfortable continuing the discussion with the caveat that the PUD might be expired and their recommendations would be contingent upon renewal. The commissioners voiced general agreement.

Hsu asked about the 0% occupancy estimates for the commercial buildings.

Zuccaro replied that he ran the model with no commercial development. That scenario resulted in a fiscal impact of $157,000 over 20 years, which he deemed a neutral impact for this application. When the values are relatively high, as in cases with more residential development, the larger the income assumption, the generation of some sales tax and property taxes, et cetera.

Hsu asked if the basis of staff’s recommendation was the fiscal model, and why the Commission should trust that model.

Zuccaro stated that in the three years he had been with the City, they had been using the model. They hired TischlerBise, Inc., a consulting firm out of Maryland that
specializes in these kinds of models. The model allowed staff to play out multiple scenarios for each application.

Hsu asked why staff picked building F for the model.

Zuccaro replied that he had not discussed that choice with the applicant. Staff chose it because it was the smaller building, making the model more conservative, and because a permit had been submitted for building F.

Howe asked what would happen if the residential buildings got built and the commercial buildings did not.

Zuccaro replied that the buy-in to start the process afforded some assurance. He noted that they could never eliminate the chance that the buildings would not be built, but you could reduce the risk if you required full build-out on the commercial building before giving any of the residential approvals. There was going to be a risk that there would be a vacant slab, even if that was not the developer’s intent.

Hsu asked if the 24 age-restricted units were tied to any specific building.

Ritchie replied that they were not tied to a specific building and staff was still working on the deed language.

Brauneis asked for further questions of staff. Seeing none, he invited the applicant to present.

Justin McClure, 1002 Griffith Street in Louisville explained to the Commission that the project was originally envisioned in 2004. It had been a major process to get the project to meet the original PUD. His company takes on projects that push its capacity and focuses on legacy-based projects. The original intent was to build 70,000 square feet, which was a maximum based on FAR. If you want to park the project, it could accommodate closer to 40,000 square feet. He was cognizant of Code criteria and wanted to over-park the Foundry. He invited the Commission to ask any questions.

Rice asked if they had decided which commercial building they were going to build first.

McClure replied that they had always intended to build the Foundry building in conjunction with the residential buildings. The building required a tremendous amount of equity to execute from a lender and a tenant perspective. They had lenders who were interested, but he had already lost a lender because of the timeline and uncertainty of the process.

Rice clarified that building F was the intended first building. He asked if it would be a problem if the Commission made the requirement to build building F rather than both the commercial buildings or tying it to the COs for the residential buildings.

McClure replied that that would not be a problem, but he did request as much flexibility as possible.
Hsu asked about the connection between the three loans and the concurrent construction requirement.

McClure responded that it helped with flexibility with balancing multiple lenders and equity requirements. They did not intend to bring the final commercial building to market immediately, just because the general ability to execute both properties next existed to begin with due to the availability of capital and the loan timelines.

Williams asked what had changed financially between 2016 and now.

McClure replied that construction prices had gone up, but it had always been their intention to build the Foundry building first.

Williams asked if, under the original PUD, McClure would have had to come forward with an amendment.

McClure replied that he had always intended to build the Foundry before building E and had misunderstood the original language.

Williams asked if this property was included in the mill levy.

McClure confirmed.

Williams asked about the subdivision agreement and if it was just for the residential.

McClure replied that it was for the entirety of the property.

Williams asked if there was an HOA associated with the subdivision agreement.

McClure replied that they intended to have one HOA for the condos and a property management group for the commercial buildings.

Williams asked for confirmation that all the proposed properties would be paying into the metro district at different rates.

McClure confirmed.

Hsu asked which residential building would be built last.

McClure replied that buildings A and B would be built first and in tandem, if they could get the equity in the loan package. He intended to build all 32 units as age-restricted units if possible.

Hoefner asked which residential building would be built last.

McClure replied that it would be building D.

Williams asked what triggers existed to build the second building.
McClure replied that it was based on the market and other projects, like stabilization of DELO Plaza and the Foundry building itself to execute Building E.

Williams asked what stabilization meant.

McClure replied that it meant about 85% occupancy for commercial buildings. He would not know how long that would take to meet before the building went on the market.

Williams asked if, in the scenario that building F was occupied at 85% at year one with three-year leases, there would be a trigger to build the other buildings.

McClure replied that it would definitely be a trigger. He noted that he would prefer five-year leases or three-year leases with extensions.

Hoefner asked what the chances were that the applicant would stop building after building C.

McClure replied that he would be in trouble in that case after all the time and money he would have already sunk into the project by that point. If he defaulted on any of these loans, he was personally liable.

Hoefner asked if the applicant thought he would come back to the Commission asking for another re-write.

McClure replied that the thought of coming back for a re-write gave him a hot flash.

Williams asked if there was a possibility that the applicant would ever come back and ask to change Building E to residential.

McClure replied that there was a possibility, though it was not be his intent. The intent was to build it as commercial as approved. He noted that it was more valuable as a commercial unit, but might be more marketable if they turned it into a live-work unit.

Williams asked if all the condominiums were live-work.

McClure replied that the condominiums were purely residential.

Hoefner asked how McClure would respond if the Commission changed the second condition to make the CO conditional on more buildings than just the last one.

McClure replied that the lender would not want any COs withheld at all so he would like it to be as light as possible. He noted that withholding the CO on the last unit was a big motivator, because the entire horizontal infrastructure of Building D would already be in place.

Howe noted that the applicant would not have to finish E and F to trigger the last CO for the last building. All the applicant would have to do was complete the horizontal infrastructure, not build the building. He asked how the applicant and the City could avoid having a vacant area.
McClure noted that the horizontal infrastructure would be a huge investment already of at least $3 million that increased the likelihood of development.

Williams asked if the spaces would be parking if there were no building.

McClure replied that it would be finished with landscaping improvements.

Williams stated that they would need to build the residential buildings first to get the financing for the rest of the buildings.

McClure replied that they had separate lenders for residential and commercial and the situation was therefore highly unusual.

Hsu asked about the age-restricted units. He asked what kind of language the applicant would be comfortable with to ensure that at least some of the age-restricted units would be built in some of the earlier buildings and not left to the last building.

McClure preferred to add clarity to the language overall, not to make changes. He would not support any additional language for that reason.

Hsu asked why McClure did not want the requirement in the language if it was his intent to execute it anyway.

McClure noted that the lending process was easier when he as a developer had flexibility rather than complex title issues.

Hsu replied that he appreciated that the applicant needed flexibility, but the Commission needed some security for the City and the PUD criteria.

McClure considered the current language on the age-restricted requirements a compromise between himself and the City. He reiterated his intent to build more than 24 age-restricted units. As the age-restricted language sits now, it was a very strong provision to benefit the City.

Brauneis opened the floor for public comment.

Gary Larson, 2189 Park Lane in the Steel Ranch section of the development, stated that he had been working with the applicant as a concerned resident since 2014. They put together a coalition of 11 HOAs and over 1,700 houses between South Boulder and Arapahoe Roads. They had disbanded as an organization, but he had no sense that anyone was against the development of the Foundry. Their coalition supported the Foundry, because they all felt comfortable in dealing with Justin and they liked having age restrictions on the condominiums, since the majority of residents in the area were older residents. Larson noted that the coalition’s agreement with Justin was contingent on the applicant building the Foundry first. The Foundry was a big draw, with the potential to nice retail, a rooftop bar, and/or a brewery. They also felt it was a better development than other nearby proposals full of gas stations and drive-thrus. The Foundry was meant to be more upscale.
Williams asked if the neighborhood would still be okay if the Foundry building were not built for some time.

Larson replied that he thought McClure was planning to build three of the residential buildings and then the Foundry.

Brauneis asked for a motion to include the three new emails into the record. Howe moved. Hsu seconded. Voice vote. All in favor.

Hsu asked what was on the property currently.

Zuccaro replied that the applicant was required to seed the pile of dirt as part of a storm water agreement, so the property currently looked like a big pile of dirt, but it had been seeded so there was no dust.

Brauneis asked if the applicant was planning to use the dirt for the rest of the project.

McClure confirmed.

Hoefner asked if staff had considered the likelihood of financing, since the Commission had heard from the applicant that the project was difficult to finance and that any one of the three loans necessary to finance it might not be approved.

Zuccaro replied that staff’s models assumed full financing.

McClure noted that they had loans in place, but that he was worried about additional hurdles causing those loans to change or dissolve.

Williams asked what would happen if the building were filled at 85% before you started building.

McClure replied that the loans were secured by cash, not whether there were leases.

Hoefner asked for clarification about the problem with securing loans.

McClure replied that the loans could change as the timeline and requirements changed. He had two loan commitments right now and the equity to contribute.

Brauneis noted that the Commission needed to be careful of financing questions in the hearing.

Hoefner replied that he was trying to assess the financial benefits and risks to the City, which were referenced in the PUD Amendment criteria.

Gary Larson informed the Commission about traffic issues off of Highway 42 next to the development. He proposed cutting out the median strip and put in an x box in that area.

Brauneis asked for a motion to enter Larson’s photograph into the record.
Howe asked what would happen if the applicant got 30% tenancy for Building F and therefore be allowed to finish the fourth residential building, but that did not mean they had to finish construction or find tenants for Building F.

Zuccaro replied that they would have to begin construction and identify tenants for 30% of the building and the foundation in order to get the CO for the last building. Staff thought that showed financial investment in the building itself and a good faith effort to have tenants. They had to fulfill both those requirements before getting the CO for the fourth residential building.

Howe clarified that there was still no guarantee that Building F be finished.

Zuccaro replied that technically the way it was written, in a worst-case scenario Building F could not be built.

Howe asked if it was safe to assume that the revenue to the City is less than in scenario 3 in the model.

Zuccaro replied that he hadn’t modeled that scenario. If the applicant built 24 units instead of 32, it would come out as a wash to the City from a modeling standpoint.

Brauneis asked for additional questions of the applicant or staff. Seeing none, he closed the public hearing and opened commissioner discussion.

Rice stated that the staff memo quoted from the 2016 memo to Council read, “Staff believes it is important to require the application to construct the commercial structures concurrent with the residential development…Planning Commission endorsed the amendment as they are concerned with the long-term reduction of commercially zoned property.” Rice noted that the Commission at that time had been worried that commercial property would be converted to residential property. This happened to other projects at the time. The ramifications of replacing commercial with residential included not adding to the tax base or to commerce. Rice proposed keeping the concurrent condition the same as it was originally, except instead of referring to both commercial buildings, limit the requirement to the Foundry. He thought the idea of triggering COs and having partially completed residential areas was overly complicated and ambiguous. He thought his solution was in line with the applicant’s desires, as well. Concurrent should mean to develop the Foundry at the same time as the residential elements. He did not think the language was ambiguous.

Ritchie read the language of the original resolution: “Residential and commercial development shall be constructed concurrently.”

Zuccaro noted that if they used that language, they should define concurrent.

Hoefner agreed that they should define concurrently.

Howe read the definition of concurrent from Merriam-Webster’s dictionary as “at the same time.”
Hsu agreed with Commissioner Rice. He thought the original resolution was about getting commercial units and avoiding the possibility of no commercial at all, which he thought was a big change from what had been considered under the PUD amendment. He had heard an explanation for why the applicant needed 100% flexibility with a 0% guarantee for the City.

Hoefner did not like that situation, either.

Brauneis replied that he did not hear that request from the applicant. He stated that the current resolution was meant to address the fact that all the development could not happen at the same time based on the market situation. The issue at hand was allowing the applicant to push the construction off longer.

Williams asked about the possibility for a different kind of condition in which there were a timeframe that triggered vertical construction.

Hsu noted that at least two loans were received under the old language, so modifying that language only slightly would be less of a material change to the financiers than something that involves vertical development.

Hoefner suggested saying something about concurrently with the beginning of residential construction.

Brauneis asked if the Commission wanted to reopen the public hearing to ask for staff’s thoughts about how they came to the current language.

Hoefner asked Commissioner Rice what he thought about adding more language to the definition of “concurrent.”

Rice replied that he did not want to micromanage these things, because he thought that made them more ambiguous. The spirit of the thing was very clear and he had no problem rolling it back the concurrency requirement to just Building F.

Hoefner did not think anyone was against linking the “concurrent” language to Building F.

Williams stated that she could not move forward unless she heard from the applicant.

Hoefner replied that the concurrent language in the previous language seemed to be okay with the applicant.

Brauneis reopened the public hearing to invite the applicant to speak.

McClure stated that they were comfortable moving forward with the language in the current resolution.

Williams asked if the applicant would be comfortable with adding the concurrent language.
McClure responded that that was his intent to build concurrently. He viewed the language as pulling permits simultaneously, constructing and closing both loans concurrently, and completing the horizontal construction concurrently. The vertical construction might not be exactly the same, but that was how he viewed the language. He thought they were adding clarity about building the Foundry concurrently, rather than both commercial buildings.

Hoefner asked if it was possible that they would build Building F before the residential buildings.

McClure replied that he would love to build the Foundry building as soon as possible, but it was unlikely that it would be finished before the residential buildings.

Howe asked if the applicant would consider landscaping in place of Building E until it was built.

McClure replied that he did not intend to landscape on a future building pad, but they would be providing landscaping around the building pad in accordance with city requirements.

Brauneis closed public hearing and continued commissioner discussion.

Williams suggested that the conditions should state that commercial development was concurrent with Building F.

Rice suggested keeping the proposed language in condition 1, adding to it that the concurrent language applied to Building F, and getting rid of condition 2.

Williams and Hoefner agreed.

Howe thought it was a good compromise, because the original intent seemed to be concurrent with both buildings, and this was responding to the changes that had occurred since the original PUD.

Brauneis reopened public hearing.

Hoefner asked if the CO language in condition 2 made the resolution easier to enforce.

Zuccaro replied that the more it was defined the easier it was to enforce, though that did not mean it had to be over-defined. The original intent was to have a development agreement that specified how this would work. If the Commission was not going to add additional definitional language to the resolution, it was good to have their definition of “concurrent” on the record. Zuccaro thought that concurrent meant that as soon as you start building the first residential buildings, then you will be constructing the commercial building, meaning that you will be laying the foundation. It seemed like that definition was less flexible and might not provide more certainty. Staff would have to come out and observe the site and possibly issue a stop-work order for enforcement, which was not ideal. The easiest thing in staff’s view was that the resolution still triggered a substantial amount of investment and incentive to propel the project first, which is why
staff supported the language. Requiring a CO for the commercial before getting the COs for some or all of the residential buildings provided the most certainty for the City. He noted that just saying that it was “concurrent” might be hard for staff to support. Staff wanted to tie requirements to specific steps, like issuing of building permits that were tied to actions in the process.

Brauneis noted that a half-finished building was far worse than dirt.

Hoefner replied that, based on Director Zuccaro’s explanation, he would lean toward keeping condition 2.

Rice shared his suggestion for the new language: “Residential building permits for the condominiums shall be obtained concurrent with or subsequently with the building permit for Building F and construction of the condominiums and Building F shall occur concurrently.”

Brauneis asked for staff’s perspective on Rice’s proposal.

Zuccaro replied that once you start actual construction for phase one of the residential that you would start the actual construction for the first phase of the commercial. The language does not address what would happen after that. In the worst case scenario, if they don’t have the CO hook it would be more difficult to ensure that the construction of both be finished.

Rice clarified that Commissioner Hoefner was suggesting to keep condition 2.

Zuccaro stated that the new language for condition 1 then it was saying that the applicant had to get their building permit along with the commercial. He noted that there was some contradiction between conditions 1 and 2.

Hsu clarified that the Commission was asking if there was still ambiguity about the requirements and enforcement in the language.

Zuccaro replied that if they had the two conditions, there was a contradiction in the concurrency requirements between the two conditions. The reality would be that staff would go straight to the second condition, because it was the more certain of the two.

Rice responded that he did not see it as a contradiction. Condition 1 was keeping the original resolution but taking away Building E.

Brauneis stated that the City should want to avoid issuing stop-work orders.

Zuccaro asked how the Commission would interpret concurrency in a case when the applicant was building the foundation for the first two residential buildings and had not started construction on Building F.

Brauneis replied that they could go so far as to build all four residential buildings, not do anything on the commercial buildings, and not get the CO for the fourth building.
Rice noted that there had not been any specificity in the last three years and he did not see it as a change from the original resolution.

Zuccaro replied that he always wanted to have clear conditions. He noted that even though it was not part of the adopted resolution, the staff report clearly stated that there would be a development agreement that clearly specified how this would be detailed. They had been trying to stay away from the complexity of a development agreement in the conditions of the resolution. One other option was to have the resolution of approval with the concurrency and have a subsequent amendment to the subdivision agreement that specified how that would be done. He added that sometimes simple was better and if the Commission wanted simplicity, then staff would do their best.

Hoefner proposed the following language:

1. Residential building permits for the condominiums shall be obtained concurrent with or subsequently with the building permits for one of the two commercial buildings.
2. Residential and commercial development shall be constructed concurrently.
3. In no case shall the CO for the last of the residential buildings be issued unless (1) start of construction of the first commercial building has commenced as defined by the 2018 International Building Code, which includes the first placement of permanent construction of a building, such as pouring of a slab or footings, installation of pilings, or construction of columns and (2) 30% of the net usable space has been identified with tenants with proof being a letter of intent coupled with security deposit.

Hsu added a friendly amendment to add Building F to the first condition.

Rice suggested saying Building F instead of commercial buildings.

Hsu agreed with Commissioner Rice’s broader, more general spirit of the definition of “concurrent.” He added that the CO was a possible hammer out of many hammers that could be used by staff.

Hoefner agreed.

Brauneis asked the applicant for his reaction to the proposed language.

McClure responded that the condition as proposed by Commissioner Rice fulfilled the original intent, which had been McClure’s desire all along.

Rice stated that Commissioner Hoefner’s suggestion split up the language of Rice’s own proposal, which he thought was a more elegant way of writing the resolution.

Hoefner provided a new draft of the proposed language:

1. Residential building permits for the condominiums shall be obtained concurrent with or subsequently with the building permit for Building F;
2. Residential and Commercial Development shall be constructed concurrently; and
3. In no case shall the certificate of occupancy for the last of the residential 8-plex buildings be issued unless: 1) start of construction of Building F has commenced, as defined by the 2018 International Building Code, which includes the first placement of permanent construction of a building, such as pouring of a slab or footings, installation of pilings or construction of columns; and 2) 30% of the net leasable space of Building F has identified tenants with proof being an executed Letter of Intent coupled with a security deposit.

Break at 8:36 p.m. Reconvened at 8:43 PM.

Brauneis asked the applicant to review the language.

McClure replied that he thought it would work.

Brauneis closed the public hearing.

Brauneis asked for additional questions or comments.

Rice moved for the approval of Resolution 4, Series 2019 with amendments as they appear on the board. Hsu seconded. Voice vote. All in favor.

**DISCUSSION**

**September 26, 2018 Planning Commission Development Review Audit.**

Ritchie stated that the Planning Commission had conducted an audit, which was noticed as required in the Code, and requested that the Commission discuss the results of their audit.

Brauneis asked if the areas that were ranked low in the audit had failed to meet standards due to oversight or due to problems in the Code.

Zuccaro replied that there were some situations where the guidelines were not met. It was a good question to consider if there should be more guidelines, as well.

Ritchie added that there was a difference between technically meeting the guidelines and meeting the spirit of the guidelines.

Zuccaro stated that one of a valuable part of the exercise was to help staff and the Commission translate what they see in plans into reality.

Rice noted that DELO Phase II scored well and provided a concrete example of what the Commission thought met the standards.

Hsu asked if DELO Phase II was the expensive one modeled after the woonerf street concept.

Zuccaro replied that it was. There had been a lot of investment in that project and the streetscape was much higher than any city standard, but it was a good example of what
could happen. Most developments could not be expected to get to that level, but it
would be good to get closer to that level in general.

Brauneis asked about current best practices in urban planning for reforming codes vis-
a-vis multimodal development.

Zuccaro replied that it depended on the scale of the individual development, pedestrian
and auto use, and block and grid size. A lot of cities were moving toward traditional
downtown based on community desire even though it was more expensive to build that
way sometimes. Zuccaro added that staff was working on a rewrite of their commercial
and industrial design guidelines to implement the small-area plans that were adopted
over the last several years and to do a general update.

Hsu noted that he rated the location on Centennial Parkway low because he had been
concerned about access to the plaza when the PUD first came to the Commission and
the problem had not been fixed. He added that lighting was a difficult thing to assess in
a black-and-white elevations when they came before the Commission during the
application process.

Williams commented that the areas that scored low generally reflected several
problems. First, there were issues with buffering, or transition areas, where different
types of uses were next to each other. Second, pedestrian and bike connectivity needed
to connect the development to other places, in addition to enabling movement within the
property. Third, exterior lighting was a problem, though it was difficult to measure since
it was subjective. Fourth, most commercial developments do not do a good job with
landscaping, open space, and gathering spaces within properties. Williams suggested
that there be attempts to improve those requirements in commercial developments.

Howe noted that the Commission evaluated projects or developments alone and not
within the context of the area, thereby missing whether the application was continuous
with the rest of the area. He added that the newer projects felt more isolated than the
older parts of Louisville.

Hoefner agreed and liked Commissioner Williams’ comment about buffering. He noted
that there were situations in which landscaping should provide a buffer between
different uses and others in which there should be movement between different uses.

Hsu added that the Commission did not evaluate use when they evaluated design. He
wondered if there was a way to gather feedback from the use of something like a
gathering spot in future audits.

Rice added that seeing these spaces during the day when people are using them would
be more practical, even if it was difficult to get commissioners together during the day.

Williams added that it could be helpful to ask the people in the buildings about use, as
well, in future audits.
Hoefner noted that the Commission had shown an openness to encourage creative solutions by providing waivers or other incentives to increase the number of value-add approaches.

Howe suggested getting a follow-up from the developer about what they would have done differently in a future audit.

Zuccaro noted that some of the development community would be giving comments on the guidelines.

Brauneis stated that it was important to leave stretch goals in the guidelines, which developers may not want to be included in the guidelines.

Ritchie replied that one of the directions for the guidelines might be to make them more into a toolbox where developers could select from a set of options to respond to specific site needs and use creative solutions.

Brauneis added that as long as it gave the Commission and Council the power to push back, it was important to incentive best choices.

Brauneis asked for more information on the weighted or incentivized standards bullet point.

Ritchie replied that staff was trying to think of ways to create a scoring system to support projects that went above code requirements in some elements of the development.

Zuccaro added that, for example, if you checked off certain boxes on multi-modal connectivity maybe you don’t have to park your project as much. Other cities in Colorado have replaced parking requirements with unit-based requirements to promote multi-modality. He did not think the City would go that route, but staff was trying to help promote creativity.

Hoefner stated that he thought the Commission would like to hear one-off ideas on how to deal with issues like parking.

Brauneis asked for additional comments. Seeing none, he moved to the next item.

**2019 Planning Commission work plan**

Zuccaro showed a presentation based on the Commission’s request for a review of the 2019 Commission work plan. Staff created vision statements, missions, and values to guide the work plan discussion. City Council made a 2019 work plan for the Commission, which the commissioners could discuss, and they could also discuss other topics of interest. The goals were ones that Council asked the Commission to consider.

Hsu requested background information on the development of Parcel O, since that was a big issue.
Zuccaro noted that there was a hyperlink to a study in the staff packet. He added that there would be a General Development Plan Amendment, which would be quasi-judicial and have a public hearing.

Williams suggested that the Commission be part of the budget process. She also suggested holding joint meetings with other boards, including the Commission on code amendments, and meeting with staff or commissioners from neighboring cities.

Zuccaro replied that the Commission had not been part of the process in the past three years but that they were part of zoning code amendments. He added that meeting with commissioners in Louisville could be helpful when different groups were working on the same planning project. He was not aware of any meetings with people from other cities in the past. Staff was considering how to start the review process earlier so that the Commission’s recommendations could feed into Council’s plans. Zuccaro noted that if there was something that the Commission was interested in, they should schedule some study sessions before making the formal request to Council.

**COMMISSIONER COMMENTS**

None.

**STAFF COMMENTS**

**Public Notice Posting Locations (Resolution No 3, Series 2019)**

State law requires that each year every municipal board or commission establish the location(s) where the notice of their public meetings will be posted. It is required the location be established at that body’s first regular meeting of the year.

Staff recommends the following official locations for posting of Planning Commission agendas as follows:

- City Hall, 749 Main Street
- Library, 951 Spruce Street
- Recreation/Senior Center, 900 Via Appia
- Police Department/Municipal Court, 992 Via Appia
- City Web Site: [www.LouisvilleCO.gov](http://www.LouisvilleCO.gov)


**ITEMS TENTATIVELY SCHEDULED FOR THE MEETING ON MARCH 14TH, 2019**

- Vaisala PUD Amendment and Replat
- 468 S Arthur Wireless Facility
- Business Center at CTC – GDP Amendment F
- Draft Sign Code discussion

**Adjourn:**

Rice made motion to adjourn. General second. Brauneis adjourned meeting at 9:23 PM.
Director Zuccaro noted the applicants’ request a continuance to March 19. It was noticed for this evening but the applicants had scheduling conflicts.

Mayor Muckle moved to continue Resolution No. 5 to March 19; Councilmember Keany seconded. All in favor.

RESOLUTION NO. 6, SERIES 2019 – A RESOLUTION APPROVING AN AMENDMENT TO THE FOUNDRY PLANNED UNIT DEVELOPMENT (PUD) PHASING PLAN TO MODIFY THE REQUIREMENT THAT BOTH APPROVED COMMERCIAL BUILDINGS BE CONSTRUCTED CONCURRENT WITH THE RESIDENTIAL DEVELOPMENT

Mayor Muckle introduced the item and opened the public hearing.

Director Zuccaro stated Council first reviewed this item in 2016; it is for a mixed-use development on the property. He reviewed the site plan for four residential buildings on the west of the development with 32 units (24 age-restricted) and two commercial buildings on the east side of the development. The original approval required concurrent development of the commercial and residential buildings.

He noted the PUD is now over three-years old and the applicant will need to request an extension before receiving building permits.

The applicant is proposing phasing to obtain a building permit for one of the two commercial buildings concurrently with the building permits for the residential buildings. They would provide letters of interest from 30% the tenants of the commercial space for first the commercial building prior to receiving the last residential certificate of occupancy.

Staff thinks that by assuring that level of investment they are more likely to finish the commercial building. Director Zuccaro reviewed the fiscal analysis with three different scenarios with varying time lines for the commercial buildings and absorption. All scenarios are positive to the City but if the second building is not developed it would be lower.

Director Zuccaro stated the PUD criterion that is most relevant says the development will be done in accordance with the adopted elements of the Comp Plan. The Comp Plan policy states that for this area the land use mix must provide positive fiscal benefit to the City. Staff feels this is met even if the second commercial building is not built.

The Planning Commission recommended approval with slight changes to the conditions:

1. Residential building permits for the condominiums shall be obtained concurrent with or subsequently with the building permit for one of the two commercial buildings, and
2. Residential and commercial development shall be constructed concurrently, and
3. **In no case, shall the certificate of occupancy for the last of the residential 8-plex buildings be issued unless:** The last certificate of occupancy for one of the residential 8-plex buildings shall be withheld until: 1) start of construction of the first commercial building commences, as defined by the 2018 International Building Code, which includes the first placement of permanent construction of a building, such as pouring of a slab or footings, installation of pilings or construction of columns; and 2) 30% of the net leasable space has identified tenants with proof being as an executed Letter of Intent coupled with a security deposit.

Staff recommends approval with either the originally proposed staff conditions or the proposed Planning Commission conditions.

Councilmember Maloney asked how the retail sales per square foot number was calculated. Director Zuccaro stated the number was consistent with the 2016 model when it was originally approved; it is likely a conservative number based on recent information.

Applicant presentation

Justin McClure, 1002 Griffith Street, stated nothing substantive has changed from 2016. He stated it was always the company’s intent to build the Foundry building concurrently with the condominiums but he feels the approval resolution lacked clarity.

Councilmember Maloney asked what was not clear in the resolution. McClure stated the resolution can be interpreted that both buildings should be built concurrently but that was not the intent in the conversations he had with staff at that time. He added the retail market on Highway 42 has proven to be somewhat soft.

Councilmember Stolzmann asked what percentage of DELO commercial is tenanted. McClure stated DELO Station is almost 65% tenanted. He stated they are using incentives to get office space filled. He stated signalization at Short Street and Hwy 42 would help to get DELO plaza built out.

Public Comments

Gary Larson, 2189 Park Lane, stated he lives adjacent to the proposed development. In 2015 and 2016 a coalition of the homes in the Highway 42 are had great support for this project. He stated he would like to see the Foundry Building developed as it would be an upscale addition to the community. He supports the request.

John Leary, 1116 LaFarge, stated he does not agree with the methodology for the fiscal review. He stated the fiscal analysis at the time of approval was within the margin of breaking even. By using the lower square footage number he feels the current analysis is concealing a negative fiscal impact that does not meet the Comp Plan requirement.
Mayor Pro Tem Lipton asked how the Planning Commission recommendation lines up with the staff recommendation. Director Zuccaro stated the Commission added the second condition and added language defining specifically what concurrent means and what is required. It notes the triggers that are required to get certificates of occupancy.

Mayor Pro Tem Lipton stated the requirement of a letter of intent for 30% of tenants may be too low a bar and asked if requiring a lease would be a better idea. Director Zuccaro stated this was offered by the applicant, it was not a staff request. Staff is comfortable with just the first requirement.

Mayor Pro Tem Lipton asked the applicant if they would agree to that. McClure stated they prefer as much flexibility as possible. He would prefer not to have it be that stringent, but if that is what happens they would accept it.

Councilmember Stolzmann stated the fiscal analysis is important so the City has enough income from development to provide services. In Steel Ranch, the City has multiple projects that need to be paid for including underpasses and traffic signals; the commercial development was to offset some of these costs. She stated she felt the fiscal analysis should have included all of Steele Ranch not just this site. We already gave concessions that were supposed to lead to retail development in this area and it hasn't.

Councilmember Stolzmann stated the original approval was not ambiguous. She does not want to allow an option in which the second commercial building might never be built or it be changed to residential. She wondered are we willing to forego the construction of the second building. She would prefer to continue this discussion to a time when the PUD extension is also ready for discussion. It would be beneficial to discuss the amendment and the extension at the same time so we know how long this PUD may be open.

Councilmember Maloney stated people in the area like this concept and it would be good to move forward. He stated the original language was clear that the two commercial buildings be built at least concurrently or before the residential. That is still important along that corridor. If we approve this it should be very clear what the intention is.

Mayor Muckle stated he can support it with the proposed Planning Commission language. He agreed the fiscal analysis should have included the entire area but that was decided when the Council shrank the commercial area in previous approvals. This approval will get this building completed which is good for the community; it a good next step.

Councilmember Loo stated she understands Councilmember Stolzmann’s concerns. We have shrunk the commercial numbers in the area. She stated she is sure in 2016 it was clear the residential had to go up with the commercial. However, she feels we can approve this without assuming the second commercial site won’t be built. Future decisions are up to future Councils; this does not foreclose the possibility it will be built down the road. She is concerned there is the potential that 24 residential units go up before the Foundry building is even started; she would like to see the Foundry done first.
as a selling point for the residential. She stated “concurrent” to her means at the same time, but if it needs more definition the third condition should be included.

Councilmember Leh stated the language is clear. Our goal is to get both commercial buildings built with the development. He wondered if we are sacrificing the certainty of the second building. We are facing a practical problem that if we don’t agree to this change it might mean nothing is built. It is a gamble.

Mayor Muckle closed the public hearing.

Mayor Muckle moved to approved Resolution No. 6 with the conditions recommended by the Planning Commission. Councilmember Loo seconded.

Councilmember Stolzmann offered a friendly amendment that there are maintenance standards for the undeveloped lot; that it be graded, flat, and seeded, the perimeter landscaping be installed, that the sidewalk on Hwy 42 be completed and that no fill dirt or construction equipment be stored on the lot.

Mayor Muckle accepted. Councilmember Loo asked about timing. Councilmember Stolzmann stated this would protect the neighborhood if it is vacant for a long time. If it is vacant it should not be a distraction to the neighbors if it is there for a long time.

Councilmember Loo stated her concern was there was no time frame attached to it and how it would be applied. She asked staff for suggestions. Director Zuccaro stated a condition could be added that once the other five buildings are complete or the permits expire then that condition would have to be met. That gives them the ability to stage on that lot for those five building until they are complete. Councilmember Loo agreed to that. Mayor Muckle agreed.

Councilmember Stolzmann stated it was clear with the first resolution. The intent at the time was to allow for some flexibility in the zoning to get the project going and we would get some commercial development out of it. That has not happened. If we say we are ok with this not being built now we likely won’t get the building. It is important the phasing plan be honored as it was originally worded. This should be considered with the necessary extension so we know how long we are talking about. She does not support this as presented.

Vote: Motion passed 6-1; Councilmember Stolzmann voting no.

RESOLUTION NO. 7, SERIES 2019 – A RESOLUTION APPROVING A PRESERVATION AND RESTORATION LOAN FOR THE LOUISVILLE HOSPITAL LOCATED AT 721 GRANT AVENUE

Planner Solveski stated this is a request for a preservation and restoration loan from the Historic Preservation Fund (HPF) of $69,000 for approved work on a landmarked
City Council
Robert P. Muckle, Mayor
Jeff Lipton, Mayor Pro Tem, Ward 2
Jay Keany, Ward 1
Chris Leh, Ward 1
Susan Loo, Ward 2
Dennis Maloney, Ward 3
Ashley Stolzmann, Ward 3

Planning Commission
Chris Pritchard, Chair
Cary Tengler, Vice-chair
Steve Braunes
David Hsu
Jeff Moline
Ann O’Connell
Tom Rice

City Boards and Commissions
Business Retention & Development Committee
Open Space Advisory Board
Parks & Public Landscaping Advisory Board
Revitalization Commission

Planning & Building Safety Department
Scott Robinson, Project Manager
Troy Russ, Planning and Building Safety Director
Sean McCartney, Principal Planner
Lauren Trice, Planner I
Monica Garland, Senior Administrative Assistant

City Staff
Malcolm Fleming, City Manager
Heather Balser, Deputy City Manager
Aaron DeJong, Economic Development Director
Kevin Watson, Finance Director
Kurt Kowar, Public Works Director
Craig Duffin, City Engineer
Cameron Fowlkes, Engineer III
Jolette Woodson, Engineer III
Joe Stevens, Parks and Recreation Director
Ember Brignull, Open Space Manager
Allan Gill, Parks Project Manager
Dean Johnson, Park Superintendent

Consultants
Cunningham Group Associates
Kimley-Horn
mySidewalk
National Research Center
ArtHouse Design
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The South Boulder Road area of Louisville began being annexed into the City in the late 1970s. Development occurred intermittently and by the time the 2013 Comprehensive Plan update was adopted, the area ranged from undeveloped greenfield sites to sites undergoing redevelopment. Given this diversity, the Comprehensive Plan called for a more in-depth look at how the South Boulder Road area should continue to evolve.

Purpose

The South Boulder Road small area plan is intended to define desired community character, land uses, and public infrastructure priorities to provide a reliable roadmap for public and private investments in the corridor. As an extension of the Comprehensive Plan, the small area plan is a policy document and not a regulatory document. However, the plan will serve as the basis for updated design guidelines, any potential zoning changes, capital improvement project requests, and public dedication requirements from private developers. The South Boulder Road small area plan translates the broad policies of the Comprehensive Plan into the specific actions and regulations that will achieve those policies. The 2013 Comprehensive Plan update had two key purposes:

1. Better meet today’s unique challenges of redevelopment versus new development, regional traffic and City transportation policy, the economy and the realities of retail growth, and neighborhood issues and concerns
2. Better clarify the Community’s vision in terms of community character and physical design to provide the public and staff with a common language and tools to review and discuss redevelopment requests

How to use this plan

The South Boulder Road small area plan defines the community’s vision for the corridor to guide future public and private investment. The document is divided into five sections:

1. The Process describes the public involvement and community outreach effort used to generate the small area plan
2. The Context describes the current conditions in the study area and key trends and challenges facing the corridor
3. The Principles describe the general goals for the plan, referred to as the Measures of Success, and the broad design principles to guide future action in the corridor
4. The Plan includes maps and illustrations describing the desired land uses, building character, and street, trail, and park improvements in the study area
5. Implementation describes steps to be taken to achieve the goals of the plan, and includes cost estimates for the anticipated public improvements
The South Boulder Road small area plan was developed through a five-step process and involved extensive input from residents, both within the corridor and throughout the community, property owners, business owners, and elected and appointed officials.

**Step 1 – Set Goals**

Goals, represented by the Measures of Success (see page 15), were needed to guide the development of the plan. This began with stakeholder interviews in December, 2013, with residents, property owners, and business owners in and around the corridor. They discussed their views on the study area and how they would like to see it evolve. Questions were also posted on the City’s discussion website, EnvisionLouisvilleCO.com, allowing anyone in the community to provide early input.

A public Kick-off Meeting was held in October, 2014. Over 120 people attended the meeting. Participants were asked to identify areas they liked, disliked, and wanted to see change.

They also discussed how they would like to use the corridor in the future and how the Core Community Values from the Comprehensive Plan could be incorporated into the area. This input was used to develop a Strengths, Weaknesses, Opportunities, and Threats (SWOT) analysis (see page 13) and the Measures of Success, which were endorsed by Planning Commission and City Council.

**Step 2 – Corridor Analysis**

The current built environment of the corridor was analyzed, including the existing regulations and how people currently use the corridor. A corridor character assessment was conducted, as was a buildout analysis estimating how much development the existing zoning would allow. Members of the public participated in a Walkability Audit to identify areas where pedestrian and bicycle facilities could be improved.

A Placemaking Workshop was held where participants could brainstorm ideas for solving the problems identified in the Walkability Audit.

Areas participants like (green dots), dislike (red), and want to see change (blue) from the Kick-off Meeting.

Community members participating in the South Boulder Road Walkability Audit.
Attendees reviewed the major intersections in the corridor and the corridor as a whole, identifying opportunities where connections could be enhanced. The City also conducted a mail and internet survey of 1,200 randomly selected homes throughout the community to receive input on the desired land uses and physical character for the corridor.

Step 3 – Development of Alternatives

Three alternative development scenarios were created based on the community’s desires for the corridor. A second Placemaking Workshop was held in February, 2015, where participants were asked how they would like to see example sites develop or redevelop in the future. Attendees identified desired land uses and selected sample photos showing the types of buildings and park spaces they would prefer to see on the sites.

The results of this meeting and all the previous public input and analysis were used to develop outlines for three varying development alternatives. Each alternative indicated future allowed land uses and development intensities throughout the corridor. Planning Commission and City Council reviewed and refined the alternatives before endorsing them.

Step 4 – Review of Alternatives

The alternatives were analyzed and the results presented to the public for review. For each alternative, a maximum potential buildout, including employee and population projections, was calculated. These data were used to generate a fiscal impact analysis. Potential transportation improvements were also identified, and the buildout data were used to run traffic analyses.

Drawings showing possible building size, location, and character were created for various sites in the corridor. This information was presented to the public at a third Placemaking Workshop in November, 2015, where attendees were asked to identify the character elements, transportation improvements, and buildout scenarios they preferred.

Step 5 – Creation of Preferred Alternative

All the input gathered in the previous steps was used to develop a preferred alternative to
serve as the basis for the plan. Input from the third public workshop was utilized to determine favored elements of each alternative to be incorporated into the preferred alternative. Details of the preferred alternative, which serves as the basis for this plan, were then developed for analysis.

Staff estimated the maximum amount of development the preferred alternative could generate and analyzed the expected transportation and fiscal impacts. The preferred alternative was also evaluated against the Measures of Success defined in Step 1. The preferred alternative was documented in the draft plan presented to Planning Commission and City Council at public hearings. The South Boulder Road small area plan was adopted by City Council on April 19, 2016.
The study area for the South Boulder Road small area plan is in the northeast portion of Louisville, stretching along South Boulder Road from Via Appia to the west to the City limit with Lafayette to the east. The study area includes areas on both sides of South Boulder Road, and extends north along Hwy 42/96th Street to the City limit at Paschal Drive.

History

With a modest beginning as a narrow dirt road connecting small mining towns and farms, South Boulder Road follows the township and range system laid out in the early 1860s across Boulder County. South Boulder Road is just outside of the area that Louis Nawatny platted in 1878 for the small mining town of Louisville. The Hecla Mine, north of South Boulder Road, was the setting of the Louisville area’s struggle for labor rights during the Long Strike from 1910-1914. Both Louisville and the South Boulder Road area experienced minimal change until after World War II and the closing of the last Louisville area mine in 1955.

In 1962, Louisville reached a population of 2,500. Increasing ease of commute to new employment opportunities led to the first significant population increases in Louisville since the 1910s. The Scenic Heights neighborhood, the first residential subdivision along South Boulder Road, developed in the 1960s to meet the need for more housing. Residential development along the corridor continued to diversify throughout the latter part of 20th century, including apartment complexes, affordable housing, a mobile home park and senior living. This residential growth continues today in the northern part of the Louisville.

The commercial development along South Boulder Road began with the Wagon Wheel Inn, the building known today as Union Jack’s
Liquor Store, at the intersection with Hwy 42. From the 1940s until the 1970s, this prominent restaurant brought people throughout the area to Louisville. The Village Square Shopping Center, constructed in the late 1970s, offered shopping to new residents on the north side of the Louisville. Large-scale commercial development continued with Louisville Plaza and Christopher Plaza.

Emphasis on commercial growth along McCaslin Boulevard and South Boulder Road was representative of Louisville’s growing economy and contributed to the preservation of historic buildings within the commercial core of Old Town. Both residential and commercial development throughout the area has thrived as Louisville achieved national recognition for being one of the best places to live.

**2013 Comprehensive Plan update**

The 2013 Comprehensive Plan update divided the City into three character zones and five development types. Most of the South Boulder Road area is in the Urban character zone, except for the western portion of South Boulder Road, which was left undetermined between Urban and Suburban. The final designation was to be decided by this small area plan process. The Urban character zone calls for smaller blocks, more connected streets, and a more pedestrian friendly environment, while the Suburban character zone calls for more auto-oriented development on larger blocks with larger streets.

The area around the intersection of South Boulder Road and Hwy 42/96th Street was designated a Center development type, with the Corridor development type to the east, west, and north, and the Neighborhood type further off the major roads. Centers are intended for a mix of uses and more activity, while Corridors are for more specialized uses along major roads, and Neighborhoods are for residential development.
South Boulder Road Small Area Plan

Existing Conditions

Character

South Boulder Road provides a good cross section of development in Louisville since it was primarily developed in the late 1970s and early 1980s. The corridor contains a mix of land uses: single family residential, multi-family residential, office, neighborhood commercial and big box retail. Building setbacks range from 20 feet to 120 feet from the street with a “sea of parking” located between the building and the road. Because of these large setbacks most businesses have large monument signs, lending to the auto-centric focus of the corridor.

Architecture in this corridor ranges from 1960s ranch (residential), to 1980s stucco and masonry (commercial), to 1990s brick and glass block. Commercial building forms are relatively square with flat roofs and parapets used to hide rooftop mechanical units. The buildings are articulated with large aluminum frame windows, post and lintel awnings with metal roof coverings used to engage the public realm. New commercial development in the corridor is governed by the Commercial Development Design Standards and Guidelines, adopted by the City in 1997.

Pedestrian movement in the corridor is on attached and detached sidewalks that vary from 4 to 6 feet in width. Tree lawns are placed sporadically through the corridor and bicycle movement is in the right-of-way with designated bike lanes.
There is a broad mix of uses in the South Boulder Road study area, including a variety of commercial and residential types of use. Taking all types together, commercial and residential uses each make up about 30 percent of the land in the corridor. Most of the land immediately outside the study area is residential development, providing support for the businesses in the corridor. Much of the vacant land in the corridor has development planned or under construction at the time of the small area plan’s adoption.

City Utilities

The City provides water, sanitary sewer, and storm sewer in the study area. According to the Public Works Department, the utility infrastructure has the capacity to serve future growth in the area. The sanitary sewer along South Boulder Road and several storm sewer pipes crossing under South Boulder Road are in need of rehabilitation or replacement.
The study area is fairly well served by parks and open space around the periphery of the corridor, but lacks significant public green space in the core of the area. The nearby amenities range from protected agriculture and open fields to playgrounds and sports facilities, but there is not a central civic gathering space. The recent acquisition of additional land adjacent to Cottonwood Park provides an opportunity to further enhance the park offerings in the corridor.

There are several trails leading into the study area, but few of them connect through the area. The planned underpasses at the BNSF railroad and Hwy 42/96th Street north of South Boulder Road will improve connectivity, but crossing South Boulder Road itself remains difficult. The bike lanes along South Boulder Road have made bike travel easier, but many of the sidewalks in the area are narrow and close to the street, creating an unpleasant walking environment. Connections from sidewalks and trails to destinations in the corridor are often inadequate.

South Boulder Road and Hwy 42/96th Street are the major roads in the study area, each carrying on average 20,000 to 25,000 cars per day. The street network in the area is not fully connected, but the planned extensions of Hecla Drive, Kaylix Drive, and Front Street (see page 22) will improve connectivity. The Highway 42 Gateway plan, adopted in 2013, includes several modifications to the street to improve operations and safety, which will be completed as funding allows.

The study area is served by two RTD bus routes: the 228 and the Dash. The 228 serves the west end of the study area, connecting to McCaslin Blvd, Flatirons Crossing mall, and the Broomfield Park-n-Ride, with 30 minute intervals during peak hours, and 60 minute intervals off-peak. The Dash serves the length of the corridor along South Boulder Road, connecting to Downtown Louisville, Lafayette, and Boulder, with 15 minute intervals during peak hours and 30 minute intervals off-peak.
CONTEXT

Redevelopment Pressure

Property Values

The ratio of a property’s structure value to total value is one indicator of how likely the property is to redevelop. While many other factors will be considered before a property owner redevelops a property, a low ratio of structure value to property value indicates the property is not being used to its fullest potential. By this measure, there are many stable properties at the core of the study area, but several properties elsewhere in the corridor are potential candidates for redevelopment.

Existing Zoning

The zoning for a property sets limits for how much can be built on a property based on the allowed building height and lot coverage. The ratio of existing square footage to allowed maximum square footage is another indicator of which properties may redevelop, where additional development is more likely on properties with a low ratio. Several commercial properties in the center of the study area could see additional development under the existing zoning, while many of the residential properties are near their maximum allowed buildout.

Development Potential

The ratio of existing development to maximum potential buildout

Remaining potential development in the corridor:
- Residential: 645 units
- Office: 1,254,406 square feet
- Retail: 145,382 square feet
## South Boulder Road Small Area Plan

### SWOT Analysis

<table>
<thead>
<tr>
<th>Positive</th>
<th>Negative</th>
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<tbody>
<tr>
<td><strong>Internal</strong></td>
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<tr>
<td><strong>Strengths</strong></td>
<td><strong>Weaknesses</strong></td>
</tr>
<tr>
<td>• Parks and open space near corridor</td>
<td>• Pedestrian and bike connections are lacking, uninviting, and perceived as unsafe</td>
</tr>
<tr>
<td>• Physical form of the corridor (parcel sizes and rights-of-way)</td>
<td>• Conformity to community values</td>
</tr>
<tr>
<td>• Proximity to existing neighborhoods</td>
<td>• Aesthetic appearance of corridor</td>
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<td></td>
<td>• Connections to adjacent neighborhoods</td>
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<tr>
<td><strong>External</strong></td>
<td></td>
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<tr>
<td><strong>Opportunities</strong></td>
<td><strong>Threats</strong></td>
</tr>
<tr>
<td>• Corridor as transportation link</td>
<td>• Impact of the market and regional competition on existing and desired land uses</td>
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<tr>
<td>• Shops, businesses, and services on corridor</td>
<td>• Traffic</td>
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<tr>
<td>• Valuable mix of uses on corridor</td>
<td>• Train noise and impacts</td>
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<td></td>
<td>• Lack of community consensus on purpose of corridor</td>
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<td>• Upkeep of existing buildings</td>
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**SWOT Analysis**

A strengths, weaknesses, opportunities, and threats (SWOT) analysis categorizes characteristics of the study area based on their value and the amount of control the City has over them. Strengths and weaknesses are positives and negatives of the area that are under the direct control of the City. Opportunities and threats are positives and negatives that may be influenced by the City, but are outside the City’s direct control.

The above SWOT analysis was compiled based on comments from the public collected at stakeholder interviews, public meetings, and through EnvisionLouisvilleCO.com. The analysis was endorsed by Planning Commission and City Council during the goal setting phase of the project to help identify project principles and measures of success and guide the creation of the plan.

### Survey Preferences

**Survey Preferences**

The City mailed out a community survey in November, 2014, the results of which were returned in February, 2015. The survey was mailed to 1,200 randomly selected residents, of whom 380 returned the completed survey. The survey included questions about how respondents currently use the corridor and how they would like to use it in the future, as well as which land uses they felt were lacking or over-represented. The survey also included a visual preference portion, providing respondents with photos showing options for different types of buildings, parks, and rights of way, and asking them to rate how appropriate each element was for the study area.

The survey respondents indicated a preference for more senior and affordable housing, but not much residential development otherwise. Respondents also wanted more restaurants and community shops, public gathering spaces, and shared work spaces in mixed-use environments. Pedestrian-friendly buildings of one to three stories were the most desired in the visual preference questions. The most preferred photos are shown above.

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**Community Survey**

The survey respondents indicated a preference for more senior and affordable housing, but not much residential development otherwise. Respondents also wanted more restaurants and community shops, public gathering spaces, and shared work spaces in mixed-use environments. Pedestrian-friendly buildings of one to three stories were the most desired in the visual preference questions. The most preferred photos are shown above.
Project Principles and Measures of Success

The overall goal of the South Boulder Road small area plan project, based on direction from the Comprehensive Plan and City Council, is to create a land use and infrastructure plan that conforms to Louisville’s character and is supported by the community. To that end, the plan must support the core community values identified in the Comprehensive Plan. Based on community input, the four values in which the South Boulder Road area is deficient and most needs improvement are as follows:

- Integrated open space and trail networks
- Our livable small town feel
- A sense of community
- A balanced transportation system

To address these deficiencies, the following six Project Principles were adopted with associated Measures of Success for each. The Principles and Measures of Success were endorsed by Planning Commission and City Council early in the planning process and served as guides for the development and evaluation of the alternative scenarios. The preferred alternative adopted as the basis for this plan best satisfied these Principles and Measures of Success.

Principle 1 - Provide for safer and more convenient connections across South Boulder Road and Hwy 42 for bikes and pedestrians.

a) Provide safe and convenient facilities that serve a broad range of users with multiple modes of travel
   i) Are all modes of travel accommodated?
   ii) Are users of all ages and ability levels accommodated?
   iii) Do the improvements proposed provide safer conditions for all users and ability levels?

b) Design solutions that the City can realistically maintain over time

c) Promote regional trail connectivity within the study area

Principle 2 - Utilize policy and design to encourage desired uses to locate in the corridor.

a) Do allowed uses serve community needs as defined in the survey and elsewhere?

b) Are allowed uses supported by the market?
   i) To what extent are incentives needed to induce identified uses to locate in the study area?

Principle 3 - Establish design regulations to ensure development closely reflects the community’s vision for the corridor while accommodating creativity in design.

a) Physical form should incorporate desires expressed in community survey and elsewhere

b) Allow flexibility to respond to changes in market requirements, design trends, and creativity in design

Principle 4 - Mitigate impacts of trains and improve safety of railroad crossings.

a) Address train noise

b) Address traffic impacts from train

Principle 5 - Balance the regional traffic needs of South Boulder Road and Hwy 42 with the community’s desire for safety and accessibility.

a) Accommodate future regional transportation plans and maintain the area as a regional corridor

Principle 6 - Provide for community gathering spaces and public infrastructure to encourage visitors to spend time in the corridor.

a) Provide for community gathering spaces

b) Provide programming to activate public spaces

Community Design Principles and Placemaking Concepts

The Project Principles and Measures of Success, along with additional public input and analysis, led to the development of the community design principles and placemaking concepts described on the following pages. While the previous section directed the outcome of the plan, the following section provides general guidelines for development in the corridor. The community design principles provide general goals for public and private investment in the corridor, while the placemaking concepts call for more specific items to be included in new development. Both the principles and concepts will be incorporated into new design standards and guidelines to be developed after adoption of this plan.
Community Design Principles

**Places to go and places to stay**
- Public spaces that encourage gathering and interaction
- A range of retail and entertainment uses that encourage longer visits
- Small parks and plazas that increase the appeal and experience of daily activities

**Easy to get to, easy to get around**
- Safe trail connections to all quadrants
- Properties connected with driveways and walks
- A street network that offers balanced choices to move around
- Opportunities to “park once and walk”
South Boulder Road Small Area Plan

Knitting the community together

- Sidewalks and plazas facing onto South Boulder Road
- Safe intersections for people to cross South Boulder Road and Hwy 42/96th Street
- Traffic flow and speed that is not detrimental to businesses or people along the corridor
- A continuous and connected high quality pedestrian experience

Development that contributes

- Uses that provide services for the community and are fiscally positive
- Building designs that add to the character of the corridor
- Greenspaces, trails, and semi-public gathering spaces
**PRINCIPLES**

Placemaking Concepts

**Parking rooms** – smaller, comfortable, high-performing places to park your car once and walk from place to place.

**Transitional streets** – streets that fill the gap between busy and quiet.
Pedestrian refuges – small, comfortable places along the corridor enhance the pedestrian experience.

Views into the community – perpendicular streets and spaces that showcase the community.
The urban design plan is a conceptual illustration of how the corridor could develop under this plan. It includes allowed land uses as well as footprints for existing, planned, and conceptual future buildings. Allowed land uses match existing allowed land uses, except special review uses for residential are not allowed. However, properties with previously approved residential special review uses would be allowed to apply to redevelop at the same density. The plan also includes transportation and pedestrian improvements further detailed on following pages. This map and the maps and illustrations that follow are conceptual and not intended to show the exact locations or designs of improvements. Some areas in the original study area, such as Scenic Heights, have been removed from the plan area. It is recommended these areas be left mostly as they are, with detailed recommendations to come from the neighborhood planning process.
THE PLAN

The street improvement plan shows where new automobile connections should be made. Some will be full City streets, such as the Kaylix Drive/Cannon Circle extension. Others will be privately-maintained cross-access easements providing connections across redeveloping sites. The plan also includes new signals and railroad crossing improvements. This plan builds from the adopted Highway 42 Gateway plan. Roadway and streetscape improvements are detailed below and in that plan.
The trail improvement plan includes proposed new trails in and around the corridor, including expanded sidewalks along South Boulder Road. The plan also shows recommended locations for new or enhanced crosswalks and underpasses, including the two already in process under Hwy 42/96th Street and the BNSF railroad, plus a new one near South Boulder Road and Via Appia at Cottonwood Park. The City should also continue to evaluate the possibility of an underpass near Main Street as the properties in the area develop and redevelop.
THE PLAN

Roadway Improvements

- Continue to evaluate options to improve safety and convenience of crossings near Main Street, including a potential underpass.
- Construct an offset left turn at Main Street and combine Steel Street with Christopher Village access drive.
- Construct Hwy 42 Underpass.
- Extend curbing and remove acceleration and deceleration lanes.
- Adjust median to allow for a southbound left from Blue Star.
- Add crosswalk to Plaza Drive at Hecla Way.
- Construct island in the eastbound right turn lane at Main Street.
- Create a southern trail parallel to South Boulder.
- Consider a pedestrian underpass at Via Appia if an underpass is not constructed.
- Tighten Main Street's turn radius.
- Pedestrian improvements at Via Appia if an underpass is not constructed.
- Construct an island in the eastbound right turn lane at Main Street.
Roadway Improvements

The roadway improvements map provides an illustration of the transportation and trail improvements. More specifically, this plan calls for modifications to South Boulder Road described by intersection in the table to the right. These improvements will in some places help traffic function more efficiently or provide additional vehicular access, and in others will increase pedestrian safety and accessibility without significant detrimental impacts on traffic operations.

Hwy 42/96th Street should be modified in accordance with the adopted Highway 42 Gateway plan. In addition, as properties develop and redevelop, pedestrian connections from streets and sidewalks to destinations inside developments must be provided.

Transit

As the corridor develops, two transit improvements are desired. First is the 96th Street bus route described in the Hwy 42 Gateway plan. Second is the extension of the 228 bus route, from its current turnaround at Cottonwood, further east toward Highway 42/96th Street. The Dash route, which already serves most of the South Boulder Road corridor, should be periodically evaluated to ensure it is providing adequate service as development occurs. The City should continue to work with RTD to implement these enhancements.

### South Boulder Road Traffic Improvements by Intersection

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Improvement Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Via Appia</td>
<td>Build underpass under South Boulder Road and eliminate north-south crosswalk.</td>
</tr>
<tr>
<td></td>
<td>Adjust signal timing to eliminate walk phase.</td>
</tr>
<tr>
<td></td>
<td>Move Cottonwood Park entrance 150 feet east, extend westbound left-turn storage 150 feet east.</td>
</tr>
<tr>
<td>Cottonwood Drive</td>
<td>Close median in South Boulder Road.</td>
</tr>
<tr>
<td>Garfield Avenue</td>
<td>Introduce protected left-turn signal. Eliminate eastbound acceleration and deceleration lanes. Shift roadway to accommodate offset left-turn lanes.</td>
</tr>
<tr>
<td>Longs Peak Drive</td>
<td>Convert to 3/4 movement, eliminating lefts onto South Boulder Road.</td>
</tr>
<tr>
<td>Jefferson Avenue</td>
<td>Close north-south through movement. Allow left turns onto Jefferson from South Boulder Road.</td>
</tr>
<tr>
<td>Centennial Drive</td>
<td>Remove on-street parking on Centennial Drive to extend right-turn queue.</td>
</tr>
<tr>
<td>Main Street</td>
<td>Add pedestrian island at eastbound right-turn lane on South Boulder Road and improve geometrics of northbound Main Street right turn. Modify westbound South Boulder Road left-turn lane to create offset configuration and provide pedestrian refuge. When possible, install an underpass somewhere in the vicinity of Main St.</td>
</tr>
<tr>
<td>Steel Street</td>
<td>Combine the access for Christopher Village and Steel Street when Christopher Village redevelops and allow right-in-right-out.</td>
</tr>
<tr>
<td>Front Street</td>
<td>Convert to 3/4 movement, eliminating lefts onto South Boulder Road. Remove right-turn lane.</td>
</tr>
<tr>
<td>Cannon Circle/Kaylix Drive</td>
<td>Close westbound left-turn movement from South Boulder Road.</td>
</tr>
<tr>
<td>Hwy 42/96th Street</td>
<td>Extend eastbound and westbound left-turn lane storage on South Boulder Road.</td>
</tr>
<tr>
<td>Louisville Plaza Entrance</td>
<td>Reduce eastbound left-turn lane storage on South Boulder Road. Remove continuous acceleration/deceleration lane on westbound South Boulder Road.</td>
</tr>
<tr>
<td>Plaza Drive</td>
<td>Introduce protected left-turn signal on South Boulder Road. Remove continuous acceleration/deceleration lane on westbound South Boulder Road.</td>
</tr>
<tr>
<td>Blue Star Lane</td>
<td>Allow un-signalized full movement. Remove continuous acceleration/deceleration lane on westbound South Boulder Road.</td>
</tr>
</tbody>
</table>

Parks and Open Space

The expansion of Cottonwood Park is an opportunity to provide a significant benefit to the surrounding area. The City should use a robust public process to identify what the community would like to see in the park as it is redesigned. This plan recommends the existing driveway entrance to the park be moved east to improve operations on South Boulder Road. A new driveway from Via Appia should also be investigated. This plan also recommends improved trail connections to the east to the Errietto Ballfields and to the north, via an underpass under South Boulder Road.

The plan also recommends a new green space and public plaza on the Louisville Plaza site. The space can be acquired either through dedication or easement if and when the shopping center redevelops. The public space should provide connections to South Boulder Road and the Balfour development to the north.

Finally, the City should evaluate the purchase of the Santilli property, at the southeast corner of the study area, and the Seventh Day Adventist property, at the southeast corner of Hwy 42 and Paschal Drive, for public land when the properties becomes available.
THE PLAN

A variety of building styles

Active pedestrian plazas

Mix of hard and soft landscaping

Not a consistent street wall

10-20 foot setbacks

Wide sidewalks with landscaping

Views into the development

Parking between buildings

Village Square Concept Illustrative

Urban Design Elements
The Plan

South Boulder Road Small Area Plan

Urban Design Elements

- Break up larger parking lots
- Connections between developments
- Series of smaller building footprints
- Varied 2-3 stories within the development
- Green spaces within the development
- Connections into the development
- Mix of pedestrian and auto-oriented design
- Varied 1-2 stories along the arterial
- Create internal network
- Connections into the development

Louisville Plaza Concept Illustrative
The building height plan shows where different heights are allowed in the corridor. Buildings along South Boulder Road and Hwy 42/96th Street should primarily be one story, with a second story allowed under specific conditions. Further back from the corridor, buildings should primarily be a maximum of two stories, with a third story allowed conditionally. The conditions for an additional story should include overall design of the development, increased improvements to the public realm, and limited impacts on view sheds or shadows cast on surrounding properties. In addition, residential protection standards should be developed to ensure existing residential neighborhoods are not adversely impacted by the height of new development. These conditions and standards are to be further defined in the new design standards and guidelines for the corridor.
Development Impact

This plan does not change allowed land uses in the corridor, but it does affect the amount of development allowed. The tables below show what development is currently in the study area and how much more development could occur under this plan at full buildout. This is a reduction from what the existing zoning allows at the time of adoption, mostly because of the decreased height allowances.

Existing Development in Study Area

<table>
<thead>
<tr>
<th>Category</th>
<th>Square Feet</th>
<th>People</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail</td>
<td>352,729</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>178,608</td>
<td></td>
</tr>
<tr>
<td>Residential</td>
<td>407</td>
<td></td>
</tr>
<tr>
<td>Employees</td>
<td>1,682</td>
<td></td>
</tr>
<tr>
<td>Residents</td>
<td>569</td>
<td></td>
</tr>
</tbody>
</table>

Projected 20 year Increase over Existing

<table>
<thead>
<tr>
<th>Category</th>
<th>Square Feet</th>
<th>People</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail</td>
<td>26,931</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>374,298</td>
<td></td>
</tr>
<tr>
<td>Residential</td>
<td>546</td>
<td></td>
</tr>
<tr>
<td>Employees</td>
<td>1,658</td>
<td></td>
</tr>
<tr>
<td>Residents</td>
<td>724</td>
<td></td>
</tr>
</tbody>
</table>

Fiscal Impact

The table below shows the projected 20 year cumulative fiscal impact based on the projected maximum buildout and the City’s 2015 fiscal model. As required by the 2013 Comprehensive Plan update, the area will have a positive fiscal impact.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$34,171,000</td>
</tr>
<tr>
<td>Urban Revitalization District Fund</td>
<td>$4,461,000</td>
</tr>
<tr>
<td>Open Space &amp; Parks Fund</td>
<td>$6,117,000</td>
</tr>
<tr>
<td>Lottery Fund</td>
<td>$0</td>
</tr>
<tr>
<td>Historic Preservation Fund</td>
<td>$2,166,000</td>
</tr>
<tr>
<td>Capital Projects Fund</td>
<td>$20,081,000</td>
</tr>
</tbody>
</table>

**TOTAL REVENUE** $66,966,000

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$28,303,000</td>
</tr>
<tr>
<td>Urban Revitalization District Fund</td>
<td>$0</td>
</tr>
<tr>
<td>Open Space &amp; Parks Fund</td>
<td>$923,000</td>
</tr>
<tr>
<td>Lottery Fund</td>
<td>$0</td>
</tr>
<tr>
<td>Historic Preservation Fund</td>
<td>$0</td>
</tr>
<tr>
<td>Capital Projects Fund</td>
<td>$25,033,000</td>
</tr>
</tbody>
</table>

**TOTAL EXPENDITURES** $54,259,000

**Net Fiscal Result by Fund**

<table>
<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>$5,868,000</td>
</tr>
<tr>
<td>Urban Revitalization District Fund</td>
<td>$4,461,000</td>
</tr>
<tr>
<td>Open Space &amp; Parks Fund</td>
<td>$5,193,000</td>
</tr>
<tr>
<td>Lottery Fund</td>
<td>$0</td>
</tr>
<tr>
<td>Historic Preservation Fund</td>
<td>$2,166,000</td>
</tr>
<tr>
<td>Capital Projects Fund</td>
<td>($4,952,000)</td>
</tr>
</tbody>
</table>

**NET FISCAL IMPACT** $12,736,000

Schools Impact

The South Boulder Road corridor includes portions of the attendance areas of two elementary schools, one middle school, and one high school. The table below shows the projected peak enrollment for each of the schools as provided by Boulder Valley School District. This plan does not increase the amount of residential allowed in the study area, so increases in enrollment come from previously approved or entitled residential development under the existing zoning.

<table>
<thead>
<tr>
<th>School</th>
<th>Enrollment</th>
<th>Percent of Capacity Filled</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coal Creek Elementary</td>
<td>438</td>
<td>78%</td>
</tr>
<tr>
<td>Louisville Elementary</td>
<td>655</td>
<td>101%</td>
</tr>
<tr>
<td>Louisville Middle</td>
<td>676</td>
<td>98%</td>
</tr>
<tr>
<td>Monarch High</td>
<td>1,832</td>
<td>100%</td>
</tr>
</tbody>
</table>

Traffic Impact

The table below summarizes traffic impacts by using the amount of time it would take a car to travel the length of the South Boulder Road corridor during the morning and evening rush hours. By optimizing signal timing, current travel times can be reduced and much of the impact from buildout and regional traffic increases can be mitigated.

<table>
<thead>
<tr>
<th>South Boulder Road Corridor</th>
<th>Average Corridor Travel Time</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Eastbound</td>
</tr>
<tr>
<td>Existing Network</td>
<td>AM Peak</td>
</tr>
<tr>
<td></td>
<td>3 min 17 sec</td>
</tr>
<tr>
<td></td>
<td>3 min 38 sec</td>
</tr>
<tr>
<td>Existing Optimized</td>
<td>AM Peak</td>
</tr>
<tr>
<td></td>
<td>2 min 53 sec</td>
</tr>
<tr>
<td></td>
<td>3 min 8 sec</td>
</tr>
<tr>
<td>Buildout</td>
<td>AM Peak</td>
</tr>
<tr>
<td></td>
<td>3 min 27 sec</td>
</tr>
<tr>
<td></td>
<td>3 min 50 sec</td>
</tr>
</tbody>
</table>

Impacts Analysis
The South Boulder Road small area plan does not call for any rezoning or changes in allowed uses in the study area. The major recommendations of the plan will be implemented through the adoption of new design standards and guidelines for the corridor. The design elements highlighted in the Plan section will serve as the basis for the new guidelines, which will need to be adopted by Planning Commission and City Council. The new design standards and guidelines will ensure future private development in the corridor complies with the community’s vision and this plan. Funding for this will come from the City’s annual operating budget.

Public improvements in the corridor will be implemented either by City funding, contributions from private developers, or a combination. The City’s annual capital improvement program budgeting process provides an opportunity for the City to fund and construct infrastructure. The capital improvements listed in the table below are recommended for inclusion in upcoming budgets to help meet the goals of the plan. The timeline is intended to guide requests as funding and opportunity allows.

Some public infrastructure may be built and paid for by private property owners in conjunction with development of their property. The City may require such improvements if the need for them is identified in an adopted plan, such as this one. Some of the capital improvements identified in this plan and listed below can be required from private development projects, and some may be funded or built jointly by the developer and the City.

Infrastructure design, whether built by the City or by private developers, is governed by the Public Works Department’s construction standards. The construction standards control the design of streets, sidewalks, and public utilities. The standards will need to be updated along with the design standards and guidelines so public infrastructure conforms to the principles of this plan. In addition, most of the infrastructure improvements called for in this plan have not been engineered yet, so they will continue to be evaluated and modified as design work proceeds.

The plan also calls for additional public spaces, including plazas, parks, and open space. The expanded Cottonwood Park will require a future public process to determine the community’s desires for the park, then funded through the capital budgeting process.

The Louisville Plaza public space should be acquired when and if the shopping center redevelops. The Santilli and Seventh Day Adventist properties should be evaluated by the Open Space Advisory Board and purchased if determined appropriate when they become available.

### Cost Estimates

Cost estimates in the table below use broad ranges because the improvements have not been designed yet and to account for changing construction costs. Estimates are categorized as follows:

- $ Less than $100,000
- $$ Between $100,000 and $500,000
- $$$ Between $500,000 and $1 million
- $$$$ More than $1 million

### Recommended Public Improvements

<table>
<thead>
<tr>
<th>Project</th>
<th>Description</th>
<th>Opinion of Probable Cost</th>
<th>Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PLANNING (Operating Budget)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>South Boulder Road Design Guidelines</td>
<td>New design standards and guidelines for the study area based on this plan</td>
<td>$</td>
<td>*</td>
</tr>
<tr>
<td>LMC Title 17 Modification</td>
<td>Amend the zoning code to remove the allowance for residential special review uses</td>
<td>$</td>
<td>*</td>
</tr>
<tr>
<td>Cottonwood Park Master Plan</td>
<td>Public process to determine the future of the expanded Cottonwood Park</td>
<td>$</td>
<td>*</td>
</tr>
<tr>
<td><strong>DESIGN AND CONSTRUCTION (Capital Budget)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parks and Public Spaces</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cottonwood Park</td>
<td>Improvements to Cottonwood Park based on Master Plan</td>
<td>$$$</td>
<td>*</td>
</tr>
<tr>
<td>Louisville Plaza Public Space</td>
<td>Public plaza and green space in the Louisville Plaza development</td>
<td></td>
<td>*</td>
</tr>
<tr>
<td>Santilli Property</td>
<td>Possible purchase of Santilli property for public land</td>
<td>$$$</td>
<td>*</td>
</tr>
<tr>
<td>Seventh Day Adventist Property</td>
<td>Possible purchase of Seventh Day Adventist property for public land</td>
<td>$$$</td>
<td>*</td>
</tr>
<tr>
<td>Pedestrian and Bicycle Underpasses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hwy 42/96th Street</td>
<td>Underpass connecting North End and Kestrel between Hecla Drive and Summit View</td>
<td>$$$</td>
<td>*</td>
</tr>
<tr>
<td>BNSF/Bullhead Gulch</td>
<td>Underpass connecting North Louisville and Steel Ranch</td>
<td>$$$</td>
<td>*</td>
</tr>
<tr>
<td>South Boulder Road/Cottonwood Park</td>
<td>Underpass connecting Cottonwood Park and Centennial Park</td>
<td>$$$</td>
<td>*</td>
</tr>
<tr>
<td>Main Street</td>
<td>Underpass under South Boulder Road near Main Street</td>
<td>$$$</td>
<td>*</td>
</tr>
</tbody>
</table>
# Implementation

## Recommended Public Improvements

<table>
<thead>
<tr>
<th>Project</th>
<th>Description</th>
<th>Opinion of Probable Cost</th>
<th>Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Trails</strong></td>
<td></td>
<td></td>
<td>1-5 Years</td>
</tr>
<tr>
<td>Kestrel</td>
<td>Trail between Steel Ranch and Hwy 42/96th Street underpass</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Centennial Park to North Open Space</td>
<td>Trail along Goodhue Ditch</td>
<td>$$</td>
<td></td>
</tr>
<tr>
<td>Enrietto Fields and LMS Connections</td>
<td>Connect Enrietto Ballfields and Louisville Middle School to existing and future trails</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>LMS and Main Street North</td>
<td>Trail from LMS to South Boulder Road along Main Street</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>LMS South</td>
<td>Trail from LMS and Pirate Park to Main Street</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Hwy 42/96th Street</td>
<td>Trail along east side of Hwy 42/96th Street north of South Boulder Road</td>
<td>$$</td>
<td></td>
</tr>
<tr>
<td>Hwy 42/96th Street Northwest</td>
<td>Trail along west side of Hwy 42/96th Street north of South Boulder Road</td>
<td>$$</td>
<td></td>
</tr>
<tr>
<td>Hwy 42/96th Street Southeast</td>
<td>Trail along east side of Hwy 42/96th Street south of South Boulder Road</td>
<td>$$</td>
<td></td>
</tr>
<tr>
<td>Hwy 42/96th Street Southwest</td>
<td>Trail along west side of Hwy 42/96th Street south of South Boulder Road</td>
<td>$$</td>
<td></td>
</tr>
<tr>
<td>South Boulder Road North-Central</td>
<td>Trail along north side of South Boulder Road between Centennial Drive and Steel Street</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>South Boulder Road South-Central</td>
<td>Trail along south side of South Boulder Road between Centennial Drive and BNSF railroad</td>
<td>$$</td>
<td></td>
</tr>
<tr>
<td>South Boulder Road Northwest</td>
<td>Trail along north side of South Boulder Road between Via Appia and Village Square</td>
<td>$$</td>
<td></td>
</tr>
<tr>
<td>South Boulder Road Southwest</td>
<td>Trail along south side of South Boulder Road between Via Appia and Garfield</td>
<td>$$</td>
<td></td>
</tr>
<tr>
<td>Coal Creek Station</td>
<td>Trails along and through Coal Creek Station development</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td><strong>Roadways (Public)</strong></td>
<td></td>
<td></td>
<td>1-5 Years</td>
</tr>
<tr>
<td>Kaylix Drive North</td>
<td>Extension between Kestrel development and Summit View Drive</td>
<td>$$</td>
<td></td>
</tr>
<tr>
<td>Kaylix Drive South</td>
<td>Extension between Kestrel development and South Boulder Road</td>
<td>$$</td>
<td></td>
</tr>
<tr>
<td>Steel Street</td>
<td>Conversion to two-way traffic and realignment with Christopher Village access</td>
<td>$$</td>
<td></td>
</tr>
<tr>
<td>Cottonwood Park Access Drive</td>
<td>New access drive off of Via Appia</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td><strong>Pedestrian Crossings/Traffic Calming</strong></td>
<td></td>
<td></td>
<td>1-5 Years</td>
</tr>
<tr>
<td>Davidson Trail</td>
<td>Crossings at Regal, Garfield, and Centennial</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Kestrel and North End Trail</td>
<td>Crossings at West Hecla and Kaylix</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Plaza Drive and Hecla Way</td>
<td>Crosswalks and intersection improvements</td>
<td>$</td>
<td></td>
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<tr>
<td>Cottonwood Trail</td>
<td>Crossings at Garfield</td>
<td>$</td>
<td></td>
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<tr>
<td>Coyote Run Trail</td>
<td>Crossings at Lincoln, Jefferson, Main Street</td>
<td>$</td>
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<tr>
<td>LMS Trail</td>
<td>Crossings at Main Street</td>
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<tr>
<td>Louisville Middle School</td>
<td>Crosswalks at Main Street and Griffith Street</td>
<td>$</td>
<td></td>
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<tr>
<td>Hwy 42/96th Street</td>
<td>Crosswalks at Griffith Street</td>
<td>$</td>
<td></td>
</tr>
</tbody>
</table>
### Recommended Public Improvements

<table>
<thead>
<tr>
<th>Project</th>
<th>Description</th>
<th>Opinion of Probable Cost</th>
<th>Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hwy 42 Plan</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New Signals</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cannon Circle</td>
<td>As part of Coal Creek Station development when warranted</td>
<td>$$</td>
<td></td>
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<tr>
<td>Roadway</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hwy 42/96th Street North of S Boulder Rd</td>
<td>Improvements described in Highway 42 Gateway plan</td>
<td>$$$</td>
<td></td>
</tr>
<tr>
<td>Hwy 42/96th Street South of S Boulder Rd</td>
<td>Improvements described in Highway 42 Gateway plan</td>
<td>$$$</td>
<td></td>
</tr>
<tr>
<td>South Boulder Road Plan</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New Signals</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kaylix Drive/Cannon Circle</td>
<td>Optional new signal</td>
<td>$$</td>
<td></td>
</tr>
<tr>
<td>Intersection Improvements</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Via Appia and South Boulder Road</td>
<td>With underpass, remove crosswalk and extend left-turn storage</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Garfield and South Boulder Road</td>
<td>Remove acceleration and deceleration lanes, install offset left</td>
<td>$$</td>
<td></td>
</tr>
<tr>
<td>Jefferson and South Boulder Road</td>
<td>Close north-south through movement</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Main Street and South Boulder Road</td>
<td>Add pedestrian island in eastbound right turn lane, create offset left, tighten geometrics</td>
<td>$$</td>
<td></td>
</tr>
<tr>
<td>Kaylix Drive/Cannon Circle</td>
<td>Close westbound left movement</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Plaza and South Boulder Road</td>
<td>Introduce protected left phase</td>
<td>$</td>
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<tr>
<td>Blue Star and South Boulder Road</td>
<td>Allow un-signalized full movement</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Median Improvements</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cottonwood Park</td>
<td>Move access east, extend median</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>Cottonwood Drive</td>
<td>Close median</td>
<td>$$</td>
<td></td>
</tr>
<tr>
<td>Longs Peak Drive</td>
<td>Make 3/4 movement, allow left in</td>
<td>$$</td>
<td></td>
</tr>
<tr>
<td>Front Street</td>
<td>Make 3/4 movement, allow left in</td>
<td>$$</td>
<td></td>
</tr>
<tr>
<td>Curb Adjustments and Landscaping</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Westbound South Boulder Road</td>
<td>Remove continuous acceleration/deceleration lane along westbound South Boulder Road</td>
<td>$$$</td>
<td></td>
</tr>
</tbody>
</table>
Subject: FW: Foundry Expiration Extension

From: Gary Larson [mailto:GaryLarson@Q.com]
Sent: Saturday, March 2, 2019 2:34 PM
To: Planning <planning@Louisvilleco.gov>
Subject: Foundry Expiration Extension

Planning Commission,

Based on the community support for the Foundry, as indicated in my email of 2/2/19 below, I encourage you to extend the expiration date for the Foundry PUD at your 3/14/19 meeting.

Thanks, Gary

***********
Gary Larson
2189 Park Lane, Louisville, CO 80027
M: 303.717.5555
E: GaryLarson@Q.com

From: Gary Larson <GaryLarson@Q.com>
Sent: Saturday, February 2, 2019 5:47 PM
To: 'Planning@LouisvilleCo.gov' <Planning@LouisvilleCo.gov>
Subject: Foundry Phasing Plan Amendment

Louisville City Council and Planning Commission,

In late 2015, I was instrumental in putting together a coalition of 11 HOAs comprised of over 1,700 homes along the 95th Street corridor, between South Boulder Road and Arapahoe. Two of our key objectives were to force changes in the proposed Indian Peaks Marketplace in Lafayette (WW Reynolds), and gain approval for the more “upscale” Foundry in Louisville. We were successful in both efforts.

The Foundry Phasing Plan Amendment, coming before Planning and Council during February 2019, revives the Foundry concept, including the age restriction for 75% of the condominiums, as well as “commencing with one of the commercial buildings first”, per the Foundry Builders’ letter to the Louisville Planning and Building Safety Director, dated January 18, 2019.

During the City Council meeting of January 19, 2016 when the Foundry was approved, Council members mentioned ‘Good community involvement” and were “Convinced by the neighborhood’s overwhelming support”. Mayor Muckle also mentioned that he was “Impressed with the public input” and that we “Couldn’t get a better project”.

Having been very involved in the community support for the Foundry in 2015/2016, I am very confident in pointing out that the “Foundry building consisting of retail and restaurant space (including rooftop deck)” per the Foundry Builders’ letter of January 18, 2019 was a vital and differentiating feature to this PUD, which earned this impressive community support, and the City’s approval.
I support the Foundry Builders’ PUD amendment with the condition that the promised “Foundry building consisting of retail and restaurant space (including rooftop deck)” be specified as the first commercial building to be included with the residential component.

Sincerely, Gary Larson

**********
Gary Larson
2189 Park Lane, Louisville, CO 80027
M: 303.717.5555
E: GaryLarson@Q.com
Planning Commission
Meeting Minutes
March 14th, 2019
City Hall, Council Chambers
749 Main Street
6:30 PM

Commission Members Present: Steve Brauneis, Chair
David Hsu, Vice Chair
Dietrich Hoefner
Keaton Howe
Tom Rice
Debra Williams
Jeff Moline

Commission Members Absent: None

Staff Members Present: Rob Zuccaro, Dir of Planning & Building Safety
Lisa Ritchie, Senior Planner
Amelia Brackett, Planning Clerk

NEW BUSINESS – PUBLIC HEARING ITEMS

The Foundry PUD Amendment: A request or an extension of the expiration date for
The Foundry PUD (Resolution 7, Series 2019).

- Applicant: Foundry Builders
- Case Planner: Rob Zuccaro, Planning and Building Safety Director

Required public notice was met.

Zuccaro reminded the Commission that when it had recently reviewed the Foundry PUD
Amendment application Commissioner Hsu had observed that the PUD required an
extension. The applicant requests an extension to April 2, 2020, which the applicant
states would allow them to complete all phases of the development, including both
commercial phases.

Zuccaro explained that the reason that staff has an expiration on PUDs is that the
conditions in the neighborhood could change as could City values and guidelines could
change. In this case, there have been no changes to Design Standards and Guidelines
and Comprehensive Plan. The South Boulder Road Small Area Plan in April 2016
contemplated this development. Staff finds that it is consistent with the Small Area Plan,
which was adopted in April 2016.

Staff recommended approval of this resolution.
Hsu asked if Steel Ranch had been developed by the same development group.

Williams noted that that area was already developed.

Zuccaro replied that Steel Ranch was a new master plan community, which required looking at the fiscal analysis for the whole community. The fiscal analysis was set up as a marginal cost model, not a per-resident model. However, an overall increase in the number of residents could trigger additional costs.

Hsu asked how the fiscal analysis would account for the possibility that the second commercial building could become residential.

Zuccaro replied that it would be smart to do the fiscal analysis for the whole community in the future. The Council and the Commission could ask staff to re-run the analysis with the entire Master Plan community for a future project.

Williams asked why the applicant was asking for a 14-month extension instead of the full three years.

Brauneis welcomed the applicant to answer.

David Starnes, 1002 Griffith Street, replied that it was their intent to have building permits issued for all 6 buildings by April 2, 2020.

Brauneis asked for additional questions of staff and the applicant. Seeing none, he closed the public hearing and opened commissioner discussion.

Hsu explained that his questions came from a desire to avoid having future projects use a fiscal model to be used in favor of the applicant both ways. For example, if the second commercial building in this case became residential, the model should avoid a situation in which it didn’t account for the cost of Steel Ranch against the Foundry but then if the applicant were to change the commercial to residential they should not get the benefit of the rest of the Foundry for that change. Other than that, he supported the extension.

Rice stated that he was happy that the extension was only for 14 months because the short timeframe suggested that the development would come to be. There have also been several approved PUDs that are not built even in the extended timeframe, which concerned the Commission.

Williams agreed.

Brauneis asked for additional comments from the Commission.

Rice and Ritchie noted that the numbering of the resolutions on the cover of the staff report was wrong but the agenda had the correct numbers.

Hoefner moved to approve the extension. Howe seconded. Roll call vote. All in favor.
City Council Public Hearing
April 2, 2019

Foundry Planned Unit Development Extension Request

Resolution 12, Series 2019, recommending approval of an extension of the Foundry Planned Unit Development to April 2, 2020

Public Notice Certification:
Published in the Boulder Daily Camera – February 24, 2019
Posted in Required Locations, Property Posted and Mailing Notice – February 22, 2019

The Foundry PUD Extension
Background

- PUD, GDP Amendment and Plat Approved January 16, 2016
- 32 Residential Units (24 age restricted)
- 31,960 sq. ft. Commercial Development
The Foundry
PUD Extension
Request

LMC Sec. 17.28.200.D and E
- No building permit may be issued more than 36 months after City Council approval of a PUD unless an extension of time is approved.
- PUD is not voided, but extension must be approved for permits issued after January 18, 2019.

Extension Request
- Applicant requests extension to April 2, 2020.
- Applicant states this would allow for permit to be issued for all phases of development, including both commercial buildings.

The Foundry
PUD Extension
Analysis

Reasons for Expiration
- Provide opportunity to address changed conditions, policies and codes since original approval

Code or Policy Changes Since Original Approval
- No Changes to Design Standards and Guidelines and Comprehensive Plan
- April, 2016 – City Adopted South Boulder Road Small Area Plan
- The Foundry is Consistent with Small Area Plan
The Foundry PUD Extension
Staff Recommendation

Staff recommends approval of Resolution 12, Series 2019, recommending approval of an extension to the Foundry PUD to April 2, 2020
REQUEST:
The owner, Vaisala, Inc., represented by Oz Architecture, requests approval of a replat to adjust the location of the lot line between Lots 3 and 4 and a Planned Unit Development Amendment to allow the construction of a 40,000 sf building on Lot 4 and associated site improvements, including additional landscaping and parking.

BACKGROUND:
The City approved the original plat for the property in 1998 as part of the Business Center at CTC subdivision, and approved a replat in 1999 under the Business Center at CTC Replat B. The City approved the first PUD for the property in 1999 that
contemplated three buildings on three lots and approved an amendment in 2002 modifying the site design for the third building, which was never constructed. The City approved a Special Review Use in 2011 to allow satellite antenna on the east side of the existing building.

Vaisala, Inc acquired the property following the approval of the first PUD and was the owner of the property for the PUD Amendment in 2002. The original PUD and PUD Amendment included the two lots under this proposal along with the lot to the south. This application only includes the north two lots, as no changes are proposed to the southern lot.

More recently, the applicant submitted a PUD Amendment and a replat to allow the construction of a 40,000 sf addition to the existing building and lot consolidation. Planning Commission reviewed and recommended approval of this application by Vaisala during a Public Hearing on October 11, 2018, which was subsequently approved by City Council on November 27, 2018. Following that approval, the owner determined that adjustments to the concept were desired. The applicant submitted a new plan that proposes to separate the addition into a standalone building, and adjust the lot line rather than vacate it. The previously approved plat and PUD Amendment were never finalized and recorded.

PROPOSAL:

Plat
The purpose of the replat is to adjust the lot line between lots 3 and 4 to facilitate the construction of a new building, and to align the lot line with certain parking spaces. The plat includes two new easements for water utilities. The previous application in 2018 included a request to vacate a portion of an access easement, which was approved by City Council and recorded with the Boulder County Clerk and Recorder. This plat application reflects this easement vacation, and the reception number under which it was recorded. Because the previous application for a plat to vacate the lot line and consolidate Lots 3 and 4 was not recorded, this plat has the same name, The Business Center at C.T.C. Replat H. This plat renames the lots to Lot 3A and Lot 4A.
**Planned Unit Development Amendment**

The applicant requests a PUD Amendment to allow the construction of a new building on Lot 4A at 152 Taylor Avenue, along with additional parking, landscaping and other associated site improvements. Also within the Lot 4A is a weather station with miscellaneous equipment that will remain. Lot 3A at 194 Taylor Avenue includes an existing 39,300 square foot single-story building with 125 parking spaces and with minor changes to the architecture shown in this application. The applicant proposes to construct additional parking with this application on Lot 4A, and defer some parking spaces to a later date, further discussed below. Additionally, this application will not
provide the minimum landscaped area on Lot 3A, but will exceed it on Lot 4A, also discussed in greater detail below.

Figure 2: Vaisala Site Plan

ANALYSIS:

PUD Amendment

The PUD Amendment is subject to the IDDSG and Section 17.28.120 of the Louisville Municipal Code.
**IDDSG: 1. Site Planning**
The application complies with the standards in this section, including all minimum setbacks and building and site orientation standards. The proposal includes two new pedestrian connections to Taylor Avenue, varied building setbacks, and appropriate screening of utilities. No new loading or service areas are proposed, and the site landscaping will further buffer the existing areas with additional landscaping. The proposal includes a new visitor entrance oriented toward Taylor Avenue and a new employee entrance on the east side, both with high quality paving materials and landscape design. The application proposes to continue to utilize the existing shared detention pond to the south, not shown on this PUD.

**IDDSG: 2. Vehicular Circulation and Parking**
The site is adjacent Taylor Avenue on the west and north, and private property on the south and east. Access is accommodated through two drive aisles: an existing drive aisle on the western side of the property between the existing building and the new building, intended for visitor access; and a proposed drive aisle located near the northeast corner intended for employer access and as a service entrance.

The applicant proposes to construct some parking with the initial construction of the new building and defer some parking if needed at a later date. The applicant proposes to construct 186 parking spaces with the initial construction. However, when evaluating the parking spaces required relative to the applicant’s known uses of office and manufacturing, the proposal requires 266 parking spaces. The plans include a deferred parking area with 102 parking spaces, for a total of 288 planned spaces. The PUD includes a note that states “At any time, the City of Louisville may require that the deferred parking be constructed.”

**IDDSG: 3. Pedestrian and Bicycle Circulation**
The applicant proposes pedestrian connections and bicycle parking consistent with the standards of the IDDSG. The application includes 14 exterior bicycle parking spaces near the employee entrance, and an enclosed bicycle shelter to the northeast of the new building. The plans include pedestrian access via sidewalks to each adjacent street and throughout the site.

**IDDSG: 4. Architectural Design**
The PUD provides for appropriate building relationships and compatibility by including landscaping and orientation that minimizes from public view the loading areas of the site. The existing building on Lot 3A is a single story tilt-up concrete structure with metal canopies over entry areas. The plans show minor updates to this structure, which could include cladding the southern elevation with solar panels.

The new two-story building on Lot 4A orients to Taylor Avenue to the west and northwest. A prominent entry area connects the visitor entry with the employee entry and is approximately 47 feet tall and is allowed under the IDDSG as an architectural projection, which may be up to 50 feet in height. The proposal includes a roof-top deck incorporated in this entry area. The remainder of the addition is 31 feet tall, and roof-top
mechanical enclosures are an additional 9 feet tall, within the maximum allowed height of 40 feet.

The applicant proposes the use of both architectural metal panels and phenolic panels surrounding large expanses of windows on the new two-story building with a faux wood finish and a finish that mimics gray concrete. The proposal includes a portion of the black standing-seam metal roof wrapping down to the wall elevation on the north elevation and the south elevation of the entry feature. Staff determined that the use of these metal components complies with the IDDSG because when considering the building as a whole, the use of metal is intended to complement and enhance the phenolic panels and glazing. Entry areas are enhanced with canopies, large areas of glass, and recesses.

**IDDSG: 5. Landscape Design**
If the two properties were evaluated as one development, the overall development complies with standards in the IDDSG for perimeter landscaping, parking lot landscaping, and building and loading and service area landscaping. The applicant will be providing a portion of the landscaping at the time the deferred parking is constructed, and the landscape and site data tables reflect that the application complies with regulations in both conditions. The applicant proposes to screen the existing weather station and the new parking areas to meet the requirements.

When considered on a lot by lot basis, Lot 3A will not meet the minimum landscape requirement and Lot 4A will exceed the minimum requirement. Collectively, the landscape area is 45.6% before the deferred parking is built, and 37.2% after the deferred parking is built, exceeding the minimum requirement of 25%. However, Lot 3A alone has a landscape area of 20.4%, which does not meet the requirement. Therefore, the applicant requests a waiver to the landscape requirement on Lot 3A, and the PUD includes this request, and a note that states, “A waiver is being requested for landscape coverage on Lot 3(A). Since the majority of Lot 3(A) is existing area to remain, the area available for landscaping is primarily on Lot 4(A). Per the site data table, both lots combined meet the 25% minimum requirement. Any further PUD Amendments for either lot or the lots combined shall not result in a landscape coverage less than 25% for both lots combined, or the minimum coverage requirement in effect at the time, whichever is greater.”

Staff supports the waiver request and finds the request is warranted by the design and amenities incorporated into the plan. Collectively, the lots are landscaped to a greater extent than required, and the plan includes amenities such as a covered bike shelter, enhanced paving and site design, and elevated architectural design.

**IDDSG: 6. Fences and Walls**
The applicant does not propose additional fences or walls. As noted above, the applicant proposes to screen the existing fencing surrounding the weather station.

**IDDSG: 7. Sign Design**
The site plan includes the relocation of the monument sign facing Taylor Avenue, which
complies with the regulations in the IDDSG. The PUD does not include a waiver request for wall signage, therefore any future signs will comply with the IDDSG.

**IDDSG: 8. Exterior Site Lighting**
Staff finds the application complies with the IDDSG for the lighting design. The application includes wall mounted and pole mounted full cut-off LED light fixtures that will safely light the property.

**Compliance with 17.28.120**
Section 17.28.120 of the Louisville Municipal Code lists 28 criteria for PUDs that must be satisfied or found not applicable in order to approve a PUD. Analysis and staff’s recommended finding of each criterion is provided in the attached appendix.

**Replat**
The replat is subject to the following standards in Section 16.12.075 of the Louisville Municipal Code.

1. *Whether the plat conforms to all of the requirements of this title;*
   - The application for Lots 3A and 4A, Business Center at CTC Replat H conforms in all respects to the requirements of Title 16 of the Louisville Municipal Code.

2. *Whether approval of the plat will be consistent with the city’s comprehensive plan, applicable zoning requirements, and other applicable federal, state and city laws;*
   - The city’s comprehensive plan designates this area as a Special District and identifies the CTC as a key employment center for the City. The replat accommodates a design that can meet the intent of the comprehensive plan for the CTC, and all other applicable laws.

3. *Whether the proposed subdivision will promote the purposes set forth in section 16.04.020 of this Code and comply with the standards set forth in chapter 16.16 of this Code and this title.*
   - The replat promotes the purposes set forth in the LMC, including the assurance that public services are available, that character and economic stability of the city is protected, that there is safe and efficient circulation of traffic, pedestrians and bikeways, and provides appropriate regulation of the use of land in the city. The replat also meets the standards set forth in chapter 16.16 of the LMC.

**FISCAL IMPACT:**
The proposal will allow expansion for an existing business in Louisville. Staff anticipates a positive fiscal impact from the applications.
PLANNING COMMISSION:
The Planning Commission reviewed the application on March 14, 2019 and recommended approval with the following conditions:

1. Prior to the City Council hearing, the applicant shall revise the plans to relocate the fire hydrant as requested by the Louisville Fire Department.
2. Prior to the City Council hearing, the applicant shall revise the plat to establish the new easements by plat, rather than by separate instrument.

The applicant updated the PUD and Plat to comply with these conditions.

STAFF RECOMMENDATION:
With the landscape waiver, staff finds the applications comply with the PUD and plat requirements of the Louisville Municipal Code and recommends approval of the Resolution, with the following condition:

1. Prior to recordation of the plat, the applicant shall revise the 20’ water line easement to include the fire hydrant on the north side of the parking lot.

ATTACHMENTS:
1. Resolution 13, Series 2019
2. Application Materials
3. PUD Amendment
4. Replat
5. Planning Commission minutes, March 14, 2019
6. Presentation
# APPENDIX: PUD Criteria Analysis – Vaisala

<table>
<thead>
<tr>
<th>Criteria 17.28.120 (A)</th>
<th>Finding</th>
<th>Narrative</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. An appropriate relationship to the surrounding area.</td>
<td>Compliant</td>
<td>The use is appropriate for the area and permitted in the Industrial zone district. The site design is consistent with the context of the surrounding area.</td>
</tr>
<tr>
<td>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. Proper circulation in parking areas in terms of safety, convenience, separation and screening.</td>
<td>Compliant</td>
<td>The application provides for adequate and safe internal circulation.</td>
</tr>
<tr>
<td>3. Consideration and provision for low and moderate-income housing</td>
<td>Not applicable</td>
<td>The property is zoned Industrial. Residential uses are not allowed.</td>
</tr>
<tr>
<td>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</td>
<td>Compliant</td>
<td>The PUD complies with landscape requirements in the IDDSG, the Ordinance and the Conservation Easement.</td>
</tr>
<tr>
<td>5. Variety in terms of housing types, densities, facilities and open space</td>
<td>Not applicable</td>
<td>The property is zoned Industrial. Residential uses are not allowed.</td>
</tr>
<tr>
<td>6. Privacy in terms of the needs of individuals, families and neighbors</td>
<td>Compliant</td>
<td>The PUD complies with site planning provisions in the IDDSG, assuring appropriate privacy of neighboring properties.</td>
</tr>
<tr>
<td>7. Pedestrian and bicycle traffic in terms of safety, separation, convenience, access points of destination and attractiveness</td>
<td>Compliant</td>
<td>The PUD complies with pedestrian and bicycle requirements in the IDDSG, ensuring adequate pedestrian and bicycle access.</td>
</tr>
<tr>
<td>8. Building types in terms of appropriateness to density, site relationship and bulk</td>
<td>Compliant</td>
<td>The PUD complies with site planning and building height requirements in the IDDSG, ensuring an appropriate bulk for buildings and relationship to other development in the CTC.</td>
</tr>
<tr>
<td>9. Building design in terms of orientation, spacing, materials, color, texture, storage, signs and lighting</td>
<td>Compliant</td>
<td>The PUD complies with the architectural design and site planning requirements in the IDDSG. The design incorporates</td>
</tr>
<tr>
<td>Criteria 17.28.120 (B)</td>
<td>Finding</td>
<td>Narrative</td>
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<td>------------------------</td>
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<tr>
<td>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.</td>
<td>Compliant</td>
<td>The PUD complies with the adopted elements of the comprehensive plan, and the adopted development design standards and guidelines.</td>
</tr>
<tr>
<td>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.</td>
<td>Compliant</td>
<td>The property is not located in a floodplain, nor are there any existing bodies of water in the area.</td>
</tr>
<tr>
<td>3. No occupied structure shall be located on ground showing severe subsidence potential without adequate design and study approved specifically by the city.</td>
<td>Compliant</td>
<td>There is no known subsidence on the property.</td>
</tr>
</tbody>
</table>

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, with waiver

The PUD complies with landscape requirements in the IDDSG with the waiver, ensuring adequate screening and compatible landscaping for the CTC.

11. Compliance with all applicable development design standards and guidelines and all applicable regulations pertaining to matters of state interest, as specified in chapter 17.32

Compliant, with waiver

With the waiver, the PUD complies with all applicable development design standards and guidelines.

12. None of the standards for annexation specified in chapter 16.32 have been violated

Not applicable

The property was annexed in 1976.

13. Services including utilities, fire and police protection, and other such services are available or can be made available to adequately serve the development specified in the final development plan

Compliant

The Public Works Department and Louisville Fire District reviewed the PUD and meets their requirements.
4. The proposal should utilize and preserve existing vegetation, landforms, 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.

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<tr>
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<th>Compliant</th>
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<tbody>
<tr>
<td></td>
<td>The PUD is appropriate for the context of the existing conditions of the property.</td>
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</table>

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.

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<thead>
<tr>
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<th>Compliant</th>
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<tr>
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<td>The PUD complies with site planning requirements in the IDDSG, ensuring proper building placement, vistas and access to open space.</td>
</tr>
</tbody>
</table>

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.

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<tr>
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<th>Compliant</th>
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<tbody>
<tr>
<td></td>
<td>The PUD complies with requirements in the IDDSG.</td>
</tr>
</tbody>
</table>

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.

<table>
<thead>
<tr>
<th></th>
<th>Compliant</th>
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<tbody>
<tr>
<td></td>
<td>The PUD complies with requirements in the IDDSG, ensuring properly designed landscaping adjacent to public streets.</td>
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</table>

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

<table>
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<tbody>
<tr>
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<td>The PUD complies with bicycle and pedestrian requirements in the IDDSG, ensuring adequate pedestrian and bicycle access.</td>
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</table>
the development. Pedestrian links to trail systems of the city shall be provided.

9. The project and development should attempt to incorporate features which reduce the demand for water usage.

<table>
<thead>
<tr>
<th>Compliance Level</th>
<th>Reason</th>
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<tbody>
<tr>
<td>Compliant</td>
<td>The PUD proposes minimal use of water.</td>
</tr>
</tbody>
</table>

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.

<table>
<thead>
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<tbody>
<tr>
<td>Compliant</td>
<td>The PUD complies with landscape requirements in the IDDSG, providing for shading of parking and pedestrian areas.</td>
</tr>
</tbody>
</table>

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 shall be incorporated into entrances to developments.

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<tr>
<td>Compliant</td>
<td>The PUD complies with the requirements of the IDDSG and includes adequate landscaping and buffering from adjacent streets.</td>
</tr>
</tbody>
</table>

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.

<table>
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<tr>
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<th>Reason</th>
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<tbody>
<tr>
<td>Compliant</td>
<td>The PUD provides unshaded roof structures so that solar energy may be utilized in the future.</td>
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</table>

13. The overall PUD shall provide a variety of housing types.

<table>
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<tbody>
<tr>
<td>Not applicable</td>
<td>Housing is not proposed.</td>
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</table>

14. Neighborhoods within a PUD shall provide a range of housing size.

<table>
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<tr>
<td>Not applicable</td>
<td>Housing is not proposed.</td>
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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.

<table>
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<tr>
<td>Compliant</td>
<td>The PUD proposes architecture that is compatible in design with the contours of the site, with surrounding designs and neighborhoods.</td>
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RESOLUTION NO. 13
SERIES 2019

A RESOLUTION APPROVING A FINAL SUBDIVISION PLAT TO ADJUST AN EXISTING LOT LINE AND AN AMENDMENT TO THE FINAL PLANNED UNIT DEVELOPMENT TO ALLOW THE CONSTRUCTION OF A NEW 40,000 SQUARE FOOT BUILDING AND ASSOCIATED SITE IMPROVEMENTS ON THE PROPERTY AT 152 AND 194 TAYLOR AVENUE

WHEREAS, there has been submitted to the Louisville Planning Commission an application requesting approval of a final subdivision plat to adjust an existing lot line; The Business Center at C.T.C. Replat H, and approval of an amendment to the final PUD; and

WHEREAS, the City Staff has reviewed the information submitted and found that the application complies, with a waiver, with the Louisville zoning and subdivision regulations and other applicable sections of the Louisville Municipal Code; and

WHEREAS, after a duly noticed public hearing on March 14, 2019, where evidence and testimony were entered into the record, including the findings in the Louisville Planning Commission Staff Report dated March 14, 2019, the Planning Commission recommended approval the Final Plat and recommended approval of the PUD Amendment to City Council, with two conditions; and

WHEREAS, City Council has reviewed the application, including the recommendation of the Planning Commission and finds that said Final Plat and said amendment to the final Planned Unit Development should be approved.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Louisville, Colorado does hereby approve a final subdivision plat to adjust an existing lot line; The Business Center at C.T.C. Replat H; and an amendment to the Final Planned Unit Development to allow the construction of a new 40,000 square foot building and associated site improvements on the property at 152 and 194 Taylor Ave, with the following condition:

1. Prior to recordation of the plat, the applicant shall revise the 20’ water line easement to include the fire hydrant on the north side of the parking lot.

PASSED AND ADOPTED this 2nd day of April, 2019.

By: ____________________________
Robert P. Muckle, Mayor

Attest: ___________________________
Meredyth Muth, City Clerk
2 story, 40,000 sf new build comprised of office use adjacent to the existing 1-story, 40,000 sf building consisting of office and manufacturing use.
January 19, 2019

Lisa Ritchie
Associate Planner
City of Louisville
749 Main Street
Louisville, CO 80027

Vaisala PUD Submittal – Letter of Request

Vaisala is a global company that has had a presence in Louisville as the location for their North American Headquarters. The company has decided to invest further into this location and is planning to build a 40,000 sf building comprised of office space to add to their existing 40,000 sf building at 194 S. Taylor Ave. The existing building is comprised mainly of office use, although there is an approximately 15,000 sf area dedicated to manufacturing and warehouse use. This warehouse use would remain in the current location of the existing building and continue to use the same loading dock that is in place today. The buildings hours of operations would remain as they are today, with office hours from approximately 8:00 to 5:00 Monday through Friday. Vaisala has teamed with Morgan Creek Development and OZ Architecture to design the addition, and selected JVA Civil Engineers, Dig Studio landscape architects, and Mazzetti MEP engineering to round out their team.

The proposal includes lots 3 and 4 of Block 2 in The Business Center at C.T.C., a site of 292,030 square feet or roughly 6.7 acres. An additional 61 parking spaces will be added as well as location dedicated to 100 deferred parking spaces. The site will be updated with landscaping, arrival and employee plazas, Coal Creek Trail access, and feature lighting. Existing landscaping will be preserved in the best manner possible and an inventory of existing vegetation will be submitted to the city. Site signage would include removing the existing monument sign and installing a monument sign further north along Taylor Ave adjacent to the new building entry, and as shown on the site plan as a part of this submittal. Additional building signage will include a surface mounted building sign near the front entry and small informational signs near rear or loading doors. All signs will comply with the Industrial Development Design Standards and Guidelines.

The existing building will be updated with a fresh coat of paint. In addition, Vaisala is dedicated to moving towards a Net Zero energy building and is proposing adding solar panels both to the roof and the south façade of the existing building at a point in the future.

A 40,000 sf, two-story new building will be added to the north of the existing building, turning with the curvature of the site to keep a strong street presence. The façade is designed with a blend of high quality materials including phenolic panel, storefront, aluminum composite metal panel, and standing seam metal roofing. These materials, along with the paint on the existing building, create a pallet of neutral colors that fit well within the existing business center. The new build will feature a cantilevered roof canopy that creates a strong visual presence from Taylor Ave and marks the entrance to the building. While the main body of the building has a 32’ tall parapet the height of the lobby enclosure and cantilevered roof element extends above the 32’ tall roof parapet for a maximum feature height of 47’-11”.

Two waivers from the IDDSG are being requested. The parking ratio as outlined in the IDDSG requires 286 parking spaces, but the Vaisala operation requires less than 186 spaces to meet their employee load. 186 spaces exceeds the code minimum of 2/1000 sf and the design team has indicated an area on the site plan where an additional 100 spaces can be laid out should Vaisala ever choose to sell the building and a future tenant require more parking. This deferred parking helps to meet the Louisville Municipal Code section
17.28.120.B.4 to preserve and utilize existing vegetation and landforms. Additionally, the IDDSG notes that all properties are to include a minimum of 25% landscaped area. The current proposal does not allow for a full 25% landscaped area on lot 3, but lot 4 far exceeds this percentage even after taking into account any future deferred parking build out. Vaisala is asking that since the two lots combined far exceed the landscape requirement the lots are viewed as a whole and a waiver is granted to allow for the combined lots to meet the landscape requirement.

Vaisala is excited to move forward with this investment in the Louisville community and is pleased to submit this PUD for review and approval.
LEGAL DESCRIPTION

THE BUSINESS CENTER AT C.T.C., LOTS 3A AND 4A, BLOCK 2, CITY OF LOUISVILLE, COUNTY OF BOULDER, STATE OF COLORADO

PUD AMENDMENT

The owner is requesting an amendment to the amended PUD to relocate the property line between lots 3 and 4 of block 2 and building a new structure on lot 4.

GENERAL NOTES

1. The property owner shall replace all existing curb and gutter that has settled or is otherwise damaged adjacent to the site.
2. All signs and development structures shall conform to the applicable city of Louisville zoning and land use regulations.
3. The city of Louisville is not responsible for damage to pavement surfaces or landscaping caused during maintenance of deferred parking.
### PLANT SCHEDULE

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### DEFERRED AREA PLANT SCHEDULE

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### DEFERRED AREA SEED MIX

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### SEED MIXTURE

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### LANDSCAPE NOTES

1. These areas shall be seeded with a shortgrass mixture as well as a wildflower mixture.

2. The seed mixtures are described in accordance with the Native Plant Council of America’s recommendations forclusion on change.

3. All turf areas shall be irrigated with an automatic pop-up irrigation system. All shrub beds and trees to be irrigated with an automatic drip (trickle) irrigation system or acceptable alternative. The irrigation system to be adjusted to meet the water requirements of the individual plant materials. In fireway areas, irrigation spray heads shall be spaced and adjusted to prevent irrigation water from spaying on public walkways or driveways.

4. All materials used in the landscape installation must be approved by the City's Building Division. Any changes in species and planting locations during construction as required by site conditions or available materials shall be approved by the City’s Building Division. A change in species or planting location shall be provided to the City’s Building Division in writing before the change is made.

5. Owners shall ensure that the landscape plans are coordinated with the plans done by other consultants to the respective project. Storm drainage, or other construction does not conflict with pre-existing installation and maintenance of landscape elements on the project.

6. Any changes in species and planting locations during construction as required by site conditions or available materials shall be approved by the City’s Building Division. A change in species or planting location shall be provided to the City’s Building Division in writing before the change is made.

7. Prior to installation of seed, plant materials, and soil, contractor to thoroughly loosen all areas that have been compacted or disturbed by construction. Contractor to thoroughly inoculate seed (if cube) with predetermined compost or compost-free seed mixture. Seed shall be covered with four (4) cubic yards of lime premixed organic material to have the following characteristics:

- Organic Matter: 35% or greater
- C/N Ratio: 25:1
- Water Retention: 8.5-14%
- pH: 6-7
- Textural Classification: Loam
- Sodium Content: 8%
- Seed shall be covered with four (4) cubic yards of lime premixed organic material to have the following characteristics:

- Organic Matter: 35% or greater
- C/N Ratio: 25:1
- Water Retention: 8.5-14%
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- Seed shall be covered with four (4) cubic yards of lime premixed organic material to have the following characteristics:

- Organic Matter: 35% or greater
- C/N Ratio: 25:1
- Water Retention: 8.5-14%
- pH: 6-7
- Textural Classification: Loam
- Sodium Content: 8%
1. PROVIDE 1.5% SLOPE MIN. UNLESS OTHERWISE NOTED.

2. EXPANSION JOINTS AT 30'-0" O.C. MAXIMUM, AT SIDEWALK INTERSECTIONS AND WHERE CONCRETE PAVING ABUTS STRUCTURES, UNLESS OTHERWISE NOTED.

3. CONTROL JOINTS AT 8'-0" O.C. MAXIMUM.

4. SAND SET PEDESTRIAN PAVING

NOTES:
1. PAVING: 1.0% SLOPE MIN. UNLESS OTHERWISE NOTED.
2. VERTICAL SEPARATION BETWEEN FINISHED SUBSURFACES ADJUSTED AS REQUIRED.
3. CONTROL JOINTS AT 8" O.C. MAXIMUM.

CONCRETE PAVING

NOTES:
1. VOLKWEY 1% SLOPE MIN. UNLESS OTHERWISE NOTED.
2. EXPANSION JOINTS AT 30'-0" O.C. MAXIMUM, AT SIDEWALK INTERSECTIONS AND WHERE CONCRETE PAVING ABUTS STRUCTURES, UNLESS OTHERWISE NOTED.
3. CONTROL JOINTS AT 8" O.C. MAXIMUM.

CRUSHER FINES PAVING

NOTES:
1. INSTALL CRUSHER FINES PAVING IN (2) 5" LIFTS TO 95% SPD

ADJACENT PAVING

NOTES:
1. INSTALL GEOTEXTILE FABRIC, TURN UP AT EDGES
2. INSTALL AGGREGATE BASE, COMPACT TO 95% SPD

ADJACENT TO CONCRETE

NOTES:
1. INSTALL GEOTEXTILE FABRIC
2. INSTALL AGGREGATE BASE, COMPACT TO 95% SPD
3. INSTALL CRUSHER FINES PAVING

PAVERS

NOTES:
1. INSTALL GEOTEXTILE FABRIC
2. INSTALL AGGREGATE BASE, COMPACT TO 95% SPD
3. INSTALL 4" STEEL BOLTS FLUSH WITH GRADE
4. INSTALL CRUSHER FINES PAVING

PAVERS (SAND SETTING BED)

NOTES:
1. INSTALL GEOTEXTILE FABRIC
2. INSTALL AGGREGATE BASE, COMPACT TO 95% SPD
3. INSTALL CRUSHER FINES PAVING

PAVERS (CONCRETE PAVING)

NOTES:
1. INSTALL GEOTEXTILE FABRIC
2. INSTALL AGGREGATE BASE, COMPACT TO 95% SPD
3. INSTALL CRUSHER FINES PAVING

CONCRETE PAVING, SEE PLANS AND SPECS FOR FINISH AND COLOR

1 1/2" VERTICAL SEPARATION BETWEEN FINISHED SURFACES. ADJUST PLANTING SOIL MIX AS REQUIRED.

WELDED WIRE MESH

NOTES:
1. PROVIDE 1.5% SLOPE MIN. UNLESS OTHERWISE NOTED.

2. EXPANSION JOINTS AT 30'-0" O.C. MAXIMUM, AT SIDEWALK INTERSECTIONS AND WHERE CONCRETE PAVING ABUTS STRUCTURES, UNLESS OTHERWISE NOTED.

3. CONTROL JOINTS AT 8'-0" O.C. MAXIMUM.

AGGREGATE BASE

COMPACT TO 95% SPD

COMPACT SUBGRADE

TO 95% SPD

SEALANT 1 1/2" BELOW SURFACE, TO MATCH PAVING COLOR, TO BE APPROVED BY LANDSCAPE ARCHITECT

CONCRETE PAVING, SEE PLANS AND SPECS FOR FINISH AND COLOR

12" #4 EPOXY COATED DOWEL @ 2'-0" O.C.

BOND BREAKER COATING ON ONE SIDE

12" #4 EPOXY COATED DOWEL @ 2'-0" O.C.

BOND BREAKER COATING ON ONE SIDE

CONCRETE PAVING, SEE PLANS AND SPECS FOR FINISH AND COLOR

CONCRETE PAVING

NOTES:
1. PROVIDE 1.5% SLOPE MIN. UNLESS OTHERWISE NOTED.

2. EXPANSION JOINTS AT 30'-0" O.C. MAXIMUM, AT SIDEWALK INTERSECTIONS AND WHERE CONCRETE PAVING ABUTS STRUCTURES, UNLESS OTHERWISE NOTED.

3. CONTROL JOINTS AT 8" O.C. MAXIMUM.

AGGREGATE BASE

COMPACT TO 95% SPD

COMPACT SUBGRADE

TO 95% SPD

ADJACENT PAVING

GEOTEXTILE FABRIC

TURN UP AT EDGES

CRUSHER FINES PAVING

1" = 1'-0"

WELDED WIRE MESH

1 1/2" = 1'-0"

1" = 1'-0"

249
NOT 1. THICK RUBBER SAFETY TOP CAN BE PROVIDED

2. RUBBER SAFETY TOP ON ALL EDGER

3. MULCH - FLUSH WITH TOP OF EDGE

4. 1/8" x 4" DEEP STEEL EDGING

5. SPlicing STEEL STAKE, 14" LONG MIN., 30" O.C.

6. PLANTING AREA

7. ADJACENT CONDITION

8.ochastic (GRAVEL, ETC.)

9. NOTE MANUFACTURER: FORMS + SURFACES

PRODUCT: BEVEL LITTER RECEPTACLE, OPENING: TOP OPENING WITH RAIN COVER

SIZE: 22 GAL.

MOUNTING: SURFACE MOUNT

FINISH: BODY FRAME & LID - SILVER TEXTURE

INSETS - STAINLESS STEEL SATIN FINISH

LATCH - STANDARD LIST LATCH

10. 5' BACKLESS BENCH

MANUFACTURER: FORMS + SURFACES

PRODUCT: BACKLESS BEVEL BENCH, 74" LONG X 18" DEEP X 18" HIGH

FRAME: TENSL ULTRA HIGH PERFORMANCE CONCRETE

TOP: TENSL ULTRA HIGH PERFORMANCE CONCRETE

FINISH: NATURAL GRAY

MOUNTING: SURFACE MOUNT, WITH S.S. INSTALLATION HARDWARE

INSTALL BENCH LEVEL END TO END, SHIM AS NEEDED

MOUNT TO CONCRETE. PER MANUFACTURER'S RECOMMENDATION, PROVIDE ANCHORING SYSTEM FOR APPROVAL PRIOR TO INSTALLATION.
THE BUSINESS CENTER AT C.T.C.
REPLAT H, LOTS 3A AND 4A
152 S TAYLOR AVE AND 194 S TAYLOR AVE
FINAL PLANNED UNIT DEVELOPMENT
LOCATED IN THE NORTH HALF QUARTER OF SECTION 16,
TOWNSHIP 1 SOUTH, RANGE 69 WEST OF THE 6TH P.M.
CITY OF LOUISVILLE, COUNTY OF BOULDER, STATE OF
COLORADO

MANUFACTURER: FORMS + SURFACES
MODEL: CAPITAL BIKE RACK (SKCAP)
MATERIAL: CAST ALUMINUM
FINISH: POWDERCOAT SILVER TEXTURE
MOUNTING: BRACKET, AS SHOWN

NOTES:
1. INSTALL PER MANUFACTURER'S RECOMMENDATIONS

FRONT ELEVATION
CONCRETE, REF. DETAIL 1/LS501
MOUNTING BRACKET BY MANUFACTURER
CAST ALUMINUM BIKE RACK,
SEE NOTES THIS DETAIL
TIMBER RESISTANT SCREW
CONNECTING BOLLARD TO BASE
PLATE, REF. MANUFACTURER
SPECIFICATIONS
CONCRETE, REF. DETAIL 1/LS501

SIDE ELEVATION
6" 12" 6"

MANUFACTURER: FORMS + SURFACES
PRODUCT: TANGENT TABLE ENSEMBLE
STYLE: TYPE A: FOUR-SEAT BACKLESS SEATS, FSC IPE HARDWOOD SLATS
TYPE B: SIX-SEAT BACKLESS SEATS, FSC 100% IPE HARDWOOD SLATS
SIZE: 48" ACROSS
FINISHES:
ENSEMBLE FRAME: STANDARD SILVER TEXTURE
SEATS: FSC 100% IPE HARDWOOD SLATS WITH NATURAL OILED FINISH
TABLE TOPS: STAINLESS STEEL SATIN FINISH WITH CENTER HOLE
MOUNTING: FREESTANDING

TABLES AND CHAIRS (F.F.&E.)
**DO NOT CUT SINGLE LEADER. PRUNE ONLY DAMAGED, DEAD WOOD, OR CO-DOMINANT LEADERS.**

- 12" NYLON TREE STRAP WITH GROMMETS ON GUY WIRE. DO NOT TWIST STRAPS TO TIGHTEN AROUND TRUNK.
- 8" DIAMETER WASTE PVC PIPE SECTION ON ENTIRE LENGTH OF EACH TREE. 14"-16" GUSSETED RIGID PIPE. DOUBLE STRING LEAVES. 1/2" BLACK WIRE TO ALLOW FOR TRUNK MOVEMENT.
- IF NEEDED, STEEL TREES POST OR WOOD STAKE IS EXPOSED. 2 IN. UNDISTURBED SUBGRADE WITH SAFETY CAPE. SET TO WINDWARD SIDE AND OTHER OPPOSITE. OR OTHER FREE ARMS IN STANDARDS MANNER.
- PLANT CROWN 1" ABOVE FINISH GRADE. 3" DEEP SHREDDED WOOD MULCH.
- PLACE ON UNDISTURBED SUBGRADE. INTEGRATE LIQUID ROOT STIMULANT AS PART OF PLANTING OPERATION.
- SCARIFY SIDES OF HOLE PRIOR TO BACK-FILLING. REMOVE PLANT FROM CONTAINER OR PEEL BACK BURLAP AND REMOVE TWINE/WIRE 3" DEEP.
- IF NEEDED, 6' STEEL T-POST OR WOOD STAKE (4' EXPOSED, 2' IN UNDISTURBED SUBGRADE) WITH SAFETY CAPS, SET TO WINDWARD SIDE AND OTHER OPPOSITE; OR OTHER PRE-APPROVED STAKING METHOD.
- DECIDUOUS TREE FALL PLANTING: WRAP TRUNK TO FIRST BRANCH WITH SPECIFIED TREE WRAP MATERIAL. SECURE AT TOP WITH GAFFING TAP. DO NOT WRAP ROUGH BARK. REMOVE TRUNK WRAP IN SPRING AFTER LAST FROST.
- SET TOP OF ROOT FLARE 2 TO 3" HIGHER THAN FINISHED GRADE. REMOVE EXCESS SOIL FROM TOP OF ROOT BALL.
- CIRCLE OF SHREDDED WOOD MULCH, 3" DEEP AND 4-6" AWAY FROM TRUNK, TO OUTER EDGE OF PLANTING HOLE.
- PLACE ON UNDISTURBED SUBGRADE.
- ANY BROKEN, GRIFFLING, OR OTHERWISE DAMAGED ROOTBALL SHOULD BE REJECTED. DO NOT DAMAGE DURING PLANTING.

**SPACE GROUNDCOVER OR PERENNIAL TO SPECIFIED TRIANGULAR SPACING**

**PLANTING MIX**

- SCARIFY SIDES OF HOLE PRIOR TO BACK-FILLING. PLACE ON UNDISTURBED SUBGRADE.

**PLANTING DETAILS**

1. All plant materials shall meet or exceed current American Standards for Nursery Stock Regulations.

2. Any planting of trees under overhead utilities and within utility easements shall be coordinated with the utility(s) and letter acknowledging permission by the utility shall be provided to the City.

3. Trees shall be centered in tree lawns and/or planting areas.

4. Trees shall not be planted in tree lawns less than 5' in diameter unless authorized by the DCD.

5. Trees shall be located and positioned by office of the City Forester.

6. Planting in corners triangles, maps of the first 36 ( thirty-six) feet of the firm in each direction from the corner is not permitted.

7. Planting within 10 (ten) feet of alleys, driveways, or fire hydrants is not permitted.

8. Planting within 20 (twenty) feet of street lights is not permitted.

9. Planting within 50 (fifty) feet of water pipes is not permitted.

10. Planting within 20 (twenty) feet of water meters, or water pipes is not permitted.

11. Shrub and perennial trees shall be spaced 3'-3' (three feet) o.c. and ornamental trees 10'-15' (ten to fifteen) feet o.c. or as designated by DCD.

12. Trees shall be pruned to maintain a clearance of 12'-0" over streets and alleys and 6'-0" over remaining portions of firm, including sidewalks.

**STANDARD TREE PLANTING DETAIL**

- Trees planted upon park lawns, public property, or within the public right of way (PRW) are subject to the following restrictions:

1. For a list of prohibited or suspended FIRM trees, contact the DCD website.

2. Any planting of trees under overhead utility lines and within utility easements shall be coordinated with the utility(s) and letter acknowledging permission by the utility shall be provided to the City.

3. Trees shall be centered in tree lawns and/or planting areas.

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12. Trees shall be pruned to maintain a clearance of 12'-0" over streets and alleys and 6'-0" over remaining portions of firm, including sidewalks.

Prior to dig, the utility notification center of Colorado shall be contacted at 811 to locate underground utilities.
THE BUSINESS CENTER AT C.T.C.
REPLAT H, LOTS 3A AND 4A
152 S TAYLOR AVE AND 194 S TAYLOR AVE
FINAL PLANNED UNIT DEVELOPMENT
LOCATED IN THE NORTH HALF QUARTER OF SECTION 16,
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CITY OF LOUISVILLE, COUNTY OF BOULDER, STATE OF
COLORADO

EXTERIOR MATERIAL LEGEND

PHENOLIC PANEL
COLOR - ENIGMA
STANDING SEAM METAL PANEL
COLOR - MATTE BLACK
BLACK KYNAR PAINTED CURTAINWALL SYSTEM
WITH 1" CLEAR INSULATED GLAZING
EXISTING GLAZING TO REMAIN
ROUTE AND RETURN ALUMINUM COMPOSITE METAL PANEL
COLOR - NIGHTFALL METALLIC
PT - E1 - SHERWIN WILLIAMS, SW7634 PEDIMENT
PT - E2 - SHERWIN WILLIAMS, SW7527 NANTUCKET DUNE
PT - E3 - SHERWIN WILLIAMS, SW6990 CAVIAR
FACE FASTENED ALUMINUM COMPOSITE METAL PANEL
COLOR - ZINC PATINA
GLAZED IN ALUMINUM COMPOSITE METAL PANEL
COLOR - NIGHTFALL METALLIC

PROJECT FLAGNOTES

9 2" REVEAL, TYP
12 TILT UP CONCRETE, PAINTED, NEW COLOR 1
13 TILT UP CONCRETE, PAINTED, NEW COLOR 2
14 TILT UP CONCRETE, PAINTED, NEW COLOR 3
17 LOCATION FOR FUTURE CLIP MOUNTED SOLAR PANELS
E4 EXISTING PAINTED METAL CANOPY, COLOR 4
E5 EXISTING DARK BRONZE ANODIZED ALUM STOREFRONT WITH 1" SOLAR G REY INSUL. GLASS, TYP.
E6 EXISTING STONE TILE INSET
E7 EXISTING WINDOW FILM SIGNAGE
E8 EXISTING TRASH ENCLOSURE, TILT UP CONCRETE, PAINTED
E10 EXISTING OVERHEAD DOOR

KEY PLAN

1/16" = 1'-0" 1 SOUTH - EXISTING BUILDING ELEVATION - NEW
1/16" = 1'-0" 2 WEST - EXISTING BUILDING ELEVATION - NEW
1/16" = 1'-0" 3 EAST - EXISTING BUILDING ELEVATION - NEW
1/16" = 1'-0" 4 NORTH - EXISTING BUILDING ELEVATION - NEW
Call to Order – Chair 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
David Hsu, Vice Chair
Dietrich Hoefner
Keaton Howe
Tom Rice
Debra Williams
Jeff Moline

Commission Members Absent: None

Staff Members Present: Rob Zuccaro, Dir of Planning & Building Safety
Lisa Ritchie, Senior Planner
Amelia Brackett, Planning Clerk

APPROVAL OF AGENDA
Williams moved and Hsu seconded a motion to approve the March 14th, 2019 agenda. Motion passed unanimously by voice vote.

APPROVAL OF MINUTES
Williams moved and Hoefner seconded a motion to approve the February 14th, 2019 minutes. Motion passed unanimously by voice vote. Moline abstained.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA
None.

NEW BUSINESS – PUBLIC HEARING ITEMS
The Business Center at CTC GDP Amendment F: A request to amend The Business Center at CTC General Development Plan to rezone Lot 19 to PCZD-I and to allow industrial zone district uses on Lots 18 and 19, Block 1, The Business Center at CTC. (Resolution 5, Series 2019).

- Applicant: RVP Architecture
- Case Planner: Lisa Ritchie, Senior Planner

Required notice met.
Vaisala PUD Amendment and Replat: A request for a replat to adjust the lot line between Lots 3 and 4. The Business Center at CTC Replat B and a PUD Amendment to allow the construction of a 40,000 sf building, additional parking and associated parking and associated site improvements (Resolution 6, Series 2019).

- Applicant: Oz Architecture
- Case Planner: Lisa Ritchie, Senior Planner

Required public notice was met.

Ritchie reminded the Commission that they had seen an application for Vaisala recently. The plat application proposes to adjust the lot line to accommodate the altered building design. The PUD amendment included the same architectural style and a similar lot layout from the previous application, but the new building was shifted north from the previous location. Some of the site design had changed, including the addition of a covered bike shelter. The applicant requested a deferral for 102 parking spaces, but the City may require at any time that the remaining parking lots be constructed. This application includes a landscape waiver due to the new configuration of the lot line for one of the structures, while the other lot exceeds the landscaping requirements. Staff recommended approving this waiver since the lot to the north will exceed the landscape requirement and there is language requiring that the two lots cannot have less than 25% landscape coverage collectively.

Ritchie noted that the application meets the standards in the IDDSG and has metal elements but staff finds that the use of metal is acceptable in this case since the design result will appear as wood with metal accents.

Staff recommends approval of Resolution 6, Series 2019, with two conditions:

- Prior to City Council, the applicant shall revise the plans to relocate the fire hydrant as requested by the Louisville Fire Department.
- Prior to the City Council hearing, the applicant shall revise the plat to establish new easements by plat, rather than by separate instrument.

Moline asked about the current landscape coverage on Lot 3.

Ritchie responded that the previous PUD had met the 25% coverage since the lot line had been slightly higher whereas now the lot was mostly parking lot.

Hoefner asked why they were proposing to put the lot line back if they had vacated it last time.

Ritchie replied that the applicant wanted to retain the options afforded by having two lots in the future.

Williams asked if the two buildings could be occupied by separate businesses and property owners and asked if that would change the landscape waiver.

Ritchie confirmed that they could be owned by different businesses and property owners, but that the landscape waiver would be attached to the property, not the property owner.
Williams asked about the fee-in-lieu applicability for parking.

Ritchie replied that fee-in-lieu was only for properties downtown.

Hsu asked why the lot line was not a straight line.

Ritchie replied that the line trajectory was meant to capture the number of parking spaces required should the building sell separately.

Hsu asked what kind of waiver would be required if the lot line were drawn straight.

Ritchie replied that one of the options they had discussed with the applicant in the future was to create a shared parking agreement between the two lots.

Jen Fumuso, Oz Architecture, 3003 Larimer Street in Denver, stated that the reason for the jog in the lot line was to capture parking spaces to get to 125 spaces on Lot 3 and which are required. She confirmed that Vaisala was in conversation with others at the CTC to create a shared parking agreement, though the current owner preferred not to do a shared parking agreement.

Hsu asked if the applicant would prefer to have a straight line and a waiver for the parking.

Fumuso replied that she did not think the applicant minded the jog in the lot line and that the applicant would have to have a shared agreement with both lots for automotive entry.

Williams asked if the two buildings were already set up for two different companies.

Fumuso replied that both were for the Vaisala company, since two buildings worked better for their current needs while also providing more flexibility for future sales.

Williams asked if the applicant would have to add the deferred parking if the lot were sold.

Fumuso confirmed that the parking deferment would be triggered if a new user came in that needed more parking.

Ritchie replied to Commissioner Hsu’s earlier question, stating that there were 31 parking spaces that were being captured by the job. Ritchie stated that staff did not see a long-term concern with creating a crooked lot line related to a setback.

Moline asked if the City would prefer to have a lot line or a waiver.

Ritchie replied that it was always better to have an applicant to meet the Code and this represented an option available to the applicant to avoid a waiver.
Williams asked if a new property owner could build something additional on one of the lots.

Ritchie replied that it would depend on what they were proposing, but maybe. There was no more development capacity on the southern lot, but the northern lot had more development opportunities.

Brauneis asked for additional questions for staff and the applicant.

Motion to bring the materials board into the record. Hoefner moved. Williams seconded. Voice vote. All in favor.

Hoefner stated that he did not see anything about this change that would require the Commission to reach a different result than they had previously.

Rice noted that properties became less marketable the larger and less flexible they were, so from a planning perspective having two separate buildings was a better approach.

Howe agreed with Commissioner Rice. He worried about the additional parking triggered by a second business, but it seemed as though there was some flexibility to respond to that issue.

Rice replied that anytime the City said to build the parking spaces, the property owner had to build them.

Williams, Hsu, and Moline supported the application.

Brauneis stated that his concern had been over the landscaping, but the collective requirement across the two properties made him feel comfortable with the waiver.

Rice moved to approve Resolution 6, Series 2019. Williams seconded. Roll call vote. All in favor.

The Foundry PUD Amendment: A request or an extension of the expiration date for The Foundry PUD (Resolution 7, Series 2019).

- Applicant: Foundry Builders
- Case Planner: Rob Zuccaro, Planning and Building Safety Director

Required public notice was met.

Zuccaro reminded the Commission that when it had recently reviewed the Foundry PUD Amendment application Commissioner Hsu had observed that the PUD required an extension. The applicant requests an extension to April 2, 2020, which the applicant states would allow them to complete all phases of the development, including both commercial phases.

Zuccaro explained that the reason that staff has an expiration on PUDs is that the conditions in the neighborhood could change as could City values and guidelines could change. In this case, there have been no changes to Design Standards and Guidelines.
City Council Public Hearing
April 2, 2019

Vaisala
Replat & Planned Unit Development Amendment

Approval of Resolution No. 13, Series 2019, a resolution recommending approval of a Replat and a Planned Unit Development for Lots 3 and 4, Business Center at CTC Replat B

Public Notice Certification:
Published in the Boulder Daily Camera – February 24, 2019
Posted in Required Locations, Property Posted and Mailing Notice – February 22, 2019
Vaisala

Background

• Business Center at CTC Plat - 1998
• Business Center at CTC Replat B - 1999
• Business Center at CTC Replat B PUD - 1999
  - Allowed construction of three buildings on three lots
• Vaisala acquired property
• PUD Amendment - 2002
  - Amended site design for third lot
  - Never constructed
• SRU to allow satellite antenna on east side – 2011
• Similar application in 2018, approved but not finalized and recorded

Vaisala

Replat
Vaisala
PUD Amendment
• Deferred parking shown to meet the anticipated uses at the site
  • 102 spaces deferred
  • Same rationale as previous application
  • PUD includes a note that states, “At any time, the City of Louisville may require that the deferred parking be constructed

• Landscape waiver
  • Lot 3 does not meet the minimum landscaped area – 20.4% / 24,468 sf
  • Lot 4 exceeds minimum landscaped area – 48.9% / 84,189 sf
  • Collectively, Lots 3 and 4 have 37.2% / 108,657 sf
  • Staff supports due to elevated design and amenities

• IDDSG
  • Application meets remainder of IDDSG

Staff Recommendation

• Staff recommends approval of Resolution 13, Series 2019, a resolution recommending approval of a replat and a Planned Unit Development amendment to allow the construction of a two story building and associated site improvements.