

# ***Louisville Revitalization Commission***

**Monday, July 15, 2019  
Louisville City Hall  
Spruce Conference Room  
749 Main Street, Louisville CO 80027  
7:30 AM**

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda
- IV. Approval of June 10, 2019 Meeting Minutes
- V. Public Comments on Items Not on the Agenda (Limit to 3 Minutes)
- VI. Reports of Commission
- VII. Business Matters of Commission
  - a. Project Updates
    - i. Parcel O
    - ii. Terraces on Main
  - b. LRC Criteria Approved by City Council on June 11, 2019 for Consideration for Approval by LRC
- VIII. Items for Next Regular Meeting August 12, 2019, 7:30 am Library Meeting Room
  - a. Fire District Revenue Sharing Draft Agreement
  - b. Delo Lofts East / West Application
- IX. Commissioners' Comments
- X. Adjourn

# ***Louisville Revitalization Commission***

## ***Minutes***

**Monday, June 10, 2019  
Louisville Public Library  
Library Conference Room  
951 Spruce Street (NW entrance)**

**Call to Order** – Chair Steve Fisher called the meeting to order at 7:30 am in the Louisville City Library at 951 Spruce Street, Louisville, CO.

**Commissioners Present:** Chair Steve Fisher  
Alexis Adler  
Rich Bradfield  
Hank Dalton  
Bob Tofte

**Staff Present:** Heather Balsler, City Manager  
Aaron DeJong, Economic Development Director  
Rob Zuccaro, Planning and Building Safety Director  
Kathleen Kelly, Attorney to the City of Louisville  
Dawn Burgess, Executive Assistant to the City Manager

**Others Present:** Jim Tienken, Mike Kranzdorf, John Willson, Chris Schmidt,  
Debra Baskett

**Welcome to New Commission members Rich Bradfield and Deb Baskett**

### **Approval of Agenda**

Approved

### **Approval of May 13, 2019 Minutes:**

Approved as presented

### **Public Comments on Items Not on the Agenda**

None

### **Reports of Commission**

Chair Fisher thanked Aaron DeJong and Hank Dalton for their service on the board.

City Manager Balsler said she looks to fill the Economic Development Director position on an interim basis while looking for a permanent replacement.

### **Business Matters of Commission**

- **Fire District revenue sharing request**

DeJong discussed a shareback request, saying any new mill levies would go back to district. City Manager Balsler said the desire to look at scenario at 25% as that is what the County agreement is. 25% of existing and 100% of new revenues.

Can start to draft agreement to take to Council. It would start January 1, 2020.

Chris Schmidt, FPD could be happy with 25%/100%

Commissioner Bradfield asked if mill levy request does not pass, and the need is obvious, would the District want 25% now and then ask for more later? Yes.

Commissioner Tofte and Chair Fisher suggested writing the draft agreement to include a contingency that if the mill levy is not approved by the voters, then the share-back would be 50%.

Commissioner Adler is in agreement with Commissioner Tofte and Chair Fisher; she wants to support fire district. Commissioner Dalton agrees.

Draft agreement to go to LRC first then to Council.

Mike Kranzdorf – could you accept 50% and not go to public? Chief John Willson - No, we can bring down current request if the Fire Protection District has a guaranteed revenue source. Currently, in town residents get discount on ambulance rate. Businesses that have employees, those employees can be considered in-district for that service.

Chief Willson said there have been 141 calls in-district with no help needed, 26 calls needed assistance, 96 out of district calls. Other districts are adding resources. Commissioner Bradfield wants to make sure funds are not piggybacked on by other districts. Chief Willson said that is evaluated every month with the Chiefs of other districts. Board President Chris Schmidt said the

district has been under pressure to join consortium. They don't want Louisville tax dollars subsidizing other districts.

- **Draft UR Assistance Criteria**

Goal today is to see if LRC agrees that this criteria is useful for analysis. City Manager Balser asked the LRC to review the criteria. LRC and Council do not have to have the same criteria. Staff does not need direction but will communicate what Council decides on Tuesday at council meeting. Once formalized, the applicant could see if their project fits.

Both LRC and Council have to approve an agreement. Commissioner Adler said based on the previous meeting, one of her takeaways was Council wants historic preservation as part of project. Economic Development Director DeJong went through changes to the draft, adding an objective count: the applicant has to meet a minimum of 3 criteria. "Proposed projects must address at least 3 of the objectives outlined in the Plan."

Commissioner Dalton said Council not united, we need to provide to them a simple set of criteria to meet their needs. We want to provide assurance to applicants that they need to meet these criteria. Renewal means to do something different. He thinks the historic preservation item is conflicting. This needs to be discussed with Council in a constructive way.

Commissioner Adler asked how we define negative impacts on #7. DeJong said it is not as objective as it could be.

Commissioner Tofte said "does not cause" is a hard phrase. Commissioner Dalton thinks #7 should be stricken.

Planning and Building Safety Director Zuccaro said there are not historic preservation specific review criteria for a Planned Unit Development. The Downtown Design Guidelines use terms such as "traditional" material, scale, etc. It is not necessarily about the goals of the historic preservation plan but the goals of preservation of downtown character.

Commissioner Bradfield said #7 is overly broad.

"Broadly consistent with goals of historic preservation plan." Would it make sense to incorporate the word "traditional"? There are also downtown design guidelines.

Should the applicant get through PUD process then come to LRC? Language would have to reflect a downtown project versus not in downtown but still in URA.

Other projects – completion of Grain Elevator, Voltage project, (both have approved PUDs)

There is only 140,000 sf of projects that could be developed downtown.

City Manager Balsler said staff will go back and provide Council with LRC's recommended language.

Commissioner Dalton suggested members could attend the City Council meeting and give comments as individuals.

Last paragraph on page 3 should be first.

Commissioner Bradfield asked if the city has a roadmap that lays out process. No, Terraces is the first project.

Mike Krandorf believes this muddies the waters. He agrees with Commissioner Dalton. If the project meets PUD requirements, the applicant should be eligible to ask for assistance. There really isn't a basis for agreement.

City Manager Balsler said based on this conversation, staff can reference this discussion and possible suggested language. Perhaps have a joint meeting with Council.

Commissioner Adler noted that page 2, letter I, are there thoughts around working about alternative transportation? Letter E may address it.

- **Project Updates**

DeJong said that, thanks to City Manager Balsler, approvals have been short circuited for Short St. Intersection improvements are under way.

Terraces – will be discussed at Tuesday's meeting.

Ascent Church is under contract. Church would use back portion and use retail in frontage of building. Due diligence is a long process. Parcel O rezoning going to Planning Commission to allow 250 residential units this week.

**Discussion Items for Monday, July 8, 2019**

- 1) Delo Lofts East/West Application
- 2) Agreement with Fire District

**Commissioners Comments:**

None

**Adjourn:** The meeting adjourned at 8:48 am.

**Date:** July 15, 2019

**To:** Chair Fisher and Members of the Louisville Revitalization Commission

**From:** Rob Zuccaro, AICP, Planning and Building Safety Director

**Re:** Centennial Valley Parcel O General Development Plan Update

---

Staff will provide an update on the General Development Plan (GDP) amendment request for Lots 2 and 3, Parcel O in Centennial Valley. These two properties include the former Sam's Club (Lot 2) and the Kohl's (Lot 3), which the City expects will close by the end of this year. The GDP amendment would result in zoning changes to the allowed land uses, densities and heights for these two lots, and require that any future redevelopment provide public gather spaces and a more pedestrian friendly, multimodal block structure and street cross section. The GDP amendment is a primary recommendation from the McCaslin Parcel O Redevelopment Study, which the City completed in early 2019. The Planning Commission reviewed the GDP amendment on June 13, 2019 and recommended conditional approval to City Council (draft meeting minutes attached). The GDP amendment is currently scheduled for City Council public hearing on August 20<sup>th</sup>.

The following link is the packet provided to the Planning Commission for review of the GDP amendment. The McCaslin Parcel O Redevelopment Study is included in the packet starting on p. 17.

<https://www.louisvilleco.gov/Home/ShowDocument?id=23485>

Attachments:

- Draft June 13, 2019 Planning Commission Minutes

***Planning Commission  
Meeting Minutes  
June 13<sup>th</sup>, 2019  
City Hall, Council Chambers  
749 Main Street  
6:30 PM***

**Call to Order** – Chair Brauneis called the meeting to order at 6:33 PM.

**Roll Call** was taken and the following members were present:

Commission Members Present: Steve Brauneis, Chair  
Keaton Howe  
Jeff Moline  
Debra Williams  
Dietrich Hoefner

Commission Members Absent: Tom Rice, Vice Chair

Staff Members Present: Rob Zuccaro, Dir of Planning & Building Safety  
Lisa Ritchie, Senior Planner  
Felicity Selvoski, Planner/Historic Preservation  
Amelia Brackett, Planning Clerk

**APPROVAL OF AGENDA**

Moline moved and Howe seconded a motion to approve the June 13<sup>th</sup>, 2019 agenda.  
Motion passed unanimously by voice vote.

**APPROVAL OF MINUTES**

Howe moved and Moline seconded a motion to approve the April 11<sup>th</sup>, 2019 minutes.  
Motion passed unanimously by voice vote.  
Williams abstained due to her absence from the meeting.

Moline moved and Williams seconded a motion to approve the May 9<sup>th</sup>, 2019 minutes.  
Motion passed unanimously by voice vote.  
Hoefner abstained due to his absence from the meeting.

**PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

None.

**NEW BUSINESS – PUBLIC HEARING ITEMS**

**Sireno Neighborhood Child Care Center SRU:** A request for approval of a Special Review Use to allow a Neighborhood Child Care Center to provide care for up to 12 children at 224 Front Street (Resolution 8, Series 2019)

- Applicant: Front Street Child Care, Denise Ehrmann Sireno
- Case Manager: Lisa Ritchie, Senior Planner

This application, which was continued from the May 9<sup>th</sup>, 2019 meeting, has been withdrawn.

**Lot 7, Block 4, Colorado Technological Center First Filing (602 Taylor Ave) PUD:** A request for approval of a Planned Unit Development to allow the construction of a 22,500 sf building and associated site improvements. (Resolution 10, Series 2019)

- Applicant: RVP Architecture
- Case Manager: Felicity Selvoski, Planner/Historic Preservation

Public notice was met as required.

Selvoski presented the PUD application. The property owner, Elixinol, LLC, currently leases 10,000 square feet in the building at 638 Taylor, immediately south of the subject property, and is applying for a PUD to approve construction of a 22,500 square foot, two-story building at 602 Taylor. The site plan includes a new building, required parking, a screened loading dock, and a detention pond. Selvoski clarified that the color of the building was blue, not purple as it appeared on the computer screen. Staff found that the application met the standards in the IDDSG and Selvoski noted that the applicant was not requesting any waivers.

Staff recommends approval.

Brauneis asked for conflicts of interest. Seeing none, he invited questions of staff.

Hoefner clarified that there were no waivers and no conditions. Staff confirmed there were none requested now.

Bob Van Pelt of RVP Architecture in Boulder offered to answer questions from the Commission.

Williams asked about the materials.

Van Pelt replied that the structure was precast tilt-up concrete painted two different colors with a metal canopy around the front with glass storefronts, white doors, and white metal overhead and man doors. He stated that the construction materials were typical of the buildings in the area. He added that it was a steel structure.

Howe asked if there were any special ventilation systems required.

Van Pelt replied that there were no special requirements since they were not processing anything that would put off large amounts of fumes.

Williams asked about landscaping.

Van Pelt replied that they were planning to follow the IDDSG standards and that there would be a pedestrian area up front with a flower bed with seating that would be about 120 square feet.

Moline asked about the parking lot size and layout.

Van Pelt replied that it was designed to accommodate firetrucks and delivery trucks.

Brauneis asked for public comment. Seeing none, he asked for closing statements, closed the public hearing, and opened commissioner comments.

Williams stated that she did not see anything alarming or out of the ordinary in the application. General consensus from the other commissioners. Howe and Moline thanked the applicant for submitting a proposal that met all the requirements.

Brauneis noted that he would like to hear about water efficiency or landscaping in future project proposals.

Williams made a motion to approve Resolution 10, Series 2019. Howe seconded. Roll call. All in favor. Motion passed unanimously.

**Centennial Valley General Development Plan Amendment: Lots 2 and 3, Parcel O, Filing 7:** A request for an amendment to the Centennial Valley General Development Plan concerning allowed uses, heights, and densities and other development provisions at 550 S. McCaslin Blvd and 919 W. Dillon Rd. (Resolution 11, Series 2019)

- Applicant: City of Louisville, Seminole Land Holding, Inc., Centennial Valley Properties I, LLC
- Case Manager: Rob Zuccaro, Director of Planning and Building Safety

Public notice was met as required.

Brauneis asked for conflicts of interest. None disclosed.

Zuccaro presented the application, which was a partnership between developers and the City. He explained the history of the Centennial Valley General Development Plan (GDP) for Parcel O, which was originally planned as a “super block” in 1983 and included 882 acres and a mix of commercial/retail and residential. The Davidson Mesa Open Space was dedicated as part of the GDP at that time, as well. There have been 8 amendments to Centennial Valley overall since 1983. The driving factors to updating the GDP now were that the Sam’s Club lot had been vacant for the past 9 years and the Kohl’s lot would soon be vacant. Zuccaro noted that the fiscal health of this particular corridor was vital to the City as a source of sales tax revenue. Based on these issues, the City initiated a redevelopment study in February 2019, which focused on identifying market-supported and financially-viable redevelopment options, regulatory barriers and private restrictions, community-desired redevelopment options, and the fiscal impact to the City.

Zuccaro explained that the study found that there was a lot of retail competition in the area and that there were fewer large format retailers than when the GDP was originally conceived. The study suggested that within the next 10 years there would be market for 150,000 square feet for new development in the entire market area. There was currently market support for 30,000 square feet of new retail. Zuccaro summarized community engagement findings, as well, which found that participants were generally interested in boutique, walkable retail areas with gathering spaces. Zuccaro then summarized the study test scenarios and variables in detail, clarifying that the City was not supporting one particular scenario, but that they were created to test against various factors to predict outcomes. The main recommendations of the study were:

- Modify the GDP to allow greater variety of uses, including multi-family housing to incentivize retail development
- Provide additional density and allow non-sales tax generating supportive uses
- Improve connectivity and provide public amenities and gather spaces
- Focus retail development on community-oriented uses

Zuccaro described the proposed GDP amendments, which were based on the study and community feedback:

- Expand allowed uses – entertainment/commercial amusement and multi-family
- Residential cap – 240 units (incentives up to 384 units)
- Commercial density increase - .2 to .3 FAR
- Retail concurrency with new residential development – every 12 units requires 1,000 square feet of retail/restaurant and 4,000 square feet of other commercial uses
- Public space requirement with new residential development – 7% of area with 80% contiguous
- New multi-modal street and block structure – 400-600 ft street grid
- Height increase – allow 2-3 stories in buffer area and 3-4 stories in core area

Zuccaro shared the 3D models that staff used to explore what different heights could look like under the proposed GDP and he discussed the height proposal. Zuccaro also shared that the City commissioned a traffic analysis to compare development scenarios to current condition and a baseline condition (Sam's Club occupied.) Overall, the modeled scenarios found no adverse impact on intersections and that there would be more traffic during the AM peak than the PM peak.

Staff recommended approval of Resolution 11, Series 2019. Zuccaro suggested making conditional recommendations if there were modifications the Commission wanted to see. He noted that staff could provide more information if the Commission wanted, but he recommended using an overflow meeting in that case to help staff meet the goal of presenting the application to City Council in July.

Moline asked how the City would address an intersection with an F level of service.

Zuccaro replied that there were recommendations in the traffic study related to signal timing that would help the F intersection, as well as adding more turn lanes.

Moline asked what had prevented the Sam's Club lot from redeveloping.

Zuccaro replied that the market study had some information on that, but the private covenants have been a barrier that did not allow a second grocery store in that area, as had the limited demand for new retail, especially big-box retail.

Williams asked for clarification on what this development plan would achieve.

Zuccaro replied that this document would set the baseline zoning for the property, but any development would have to go through a PUD process.

Williams asked if the City would be bound in any financial way based on the proposed GDP.

Zuccaro replied that everything to do with the City would be addressed in the PUD process.

Howe asked if there were any tenants who were already interested in the area being redeveloped.

Zuccaro responded that he was not aware of a particular user, but the main difference at this time from before was that the proposal took 200,000 square feet of retail and trying to turn that into 20-30,000 square feet of retail, 80,000 square feet of non-residential uses, and then having the residential. The City did not think it was ever going to get another 200,000 square feet of new retail.

Brauneis asked how the plan would affect the Downtown area.

Zuccaro replied that staff had heard concern that the redevelopment area could take away from Main Street business, but the fiscal model analysis took into consideration the cannibalization of existing retail, even though the goal was to capture new retail with the redevelopment.

Brauneis asked for the square footage of retail in the redevelopment with Centre Court Apartments.

Zuccaro responded that he did not know, but he noted that the fiscal analysis for the GDP took into consideration cannibalization of retail in its calculations.

Brauneis asked how much retail was included in the Centre Court Apartment block redevelopment. Zuccaro replied that he could find out. Brauneis then asked if there were any alternatives discussed for the streetscape.

Zuccaro replied that staff had not addressed any design elements at this point.

Moline asked for the percentage of the City's revenue coming from the McCaslin trade area.

Zuccaro replied that the area accounted for almost 50% of the City's sales tax revenue, which was not necessarily the correct percentage for overall revenue.

Brauneis asked for public comment.

Jerome McQuie, 972 St. Andrews Lane in Louisville, was concerned that the heights were higher than anywhere else in the city and that the plan allowed for development right up to the sidewalk on Dahlia Street. The height of the Sam's Club and the Kohl's was higher than Dahlia and the condominiums were lower than the elevation at Dahlia, which added more to the elevation differential for people living on Dahlia. He also thought that the plan was not sensitive to the McCaslin Small Area Plan. He understood

that retail was changing, but he wanted to see the heights be more consistent with the rest of the town.

Brauneis asked about the setbacks and elevation around Dahlia and Director Zuccaro offered to get more information.

Teresa Cardoni, 730 Copper Lane #202 in Louisville, agreed with Mr. McQuie about the height. She stated that she had bought her condo because of the view of the mountains and she asked the Commission to consider the long-term residents in the area. She was also concerned about the setbacks. She suggested allowing a basement for people who wanted a three-story condominium rather than allowing three stories. She liked the walkability of the current neighborhood and was looking forward to that part of the redevelopment.

Tom Casey, 780 Copper Lane in Louisville, stated that staff presentation was a great introduction to the project, but he lived in the area across from Kohl's and he agreed with Mr. McQuie and Ms. Cardoni. He added that he was concerned about the traffic study, because the area was a major corridor. Getting across the intersections was amazing and he imagined there would be more problems with the redevelopment plan. The intersection beside McDonald's needed to be eliminated and rerouted.

John Leary, 1116 LaFarge Avenue in Louisville, stated that the Comprehensive Plan was meant to be advisory per state law, but the City specified in Section 17-28-160 that developments will be consistent with the Comp Plan. He stated that it was important to go through a Comp Plan Amendment because it was an intense public and legislative process rather than a quasi-judicial process like the one tonight. He stated that residential units do not pay for themselves. He added that the market-plan consultant was unequivocal that if it was not for the covenants and the current GDP that Sam's Club would be occupied now. The proposal, therefore, was jumping ahead to a solution without removing the barriers to the problem. He observed that mixed-use areas was that it did not attract people from outside the city and he gave examples of cases in which residential had not brought in commercial development. He ended by saying that there was a very high probability that the GDP amendment as written would go to referendum.

Alana Kunzelman, 780 Copper Lane #106 in Louisville, asked if there would be a lot of extra roadways coming out onto Dahlia based on the GDP. She liked the idea of having entertainment, commercial, residential, and walkability in the new development.

Sharon Pauley, 524 Ridge View Drive in Louisville, stated that she and her HOA had been watching various plans come and go and wondered how the Ascent Church news would play into this redevelopment process. She explained that living in the McCaslin area of Louisville felt a bit orphaned. The area was currently quite urban and noisy with the traffic and the loading dock for the grocery store, and there was a tremendous amount of traffic driving fast down Dahlia. She thought it would be a quality of life issue for current residents if the City were to add hundreds of residential units. She added that there was nothing in the plan that addressed senior housing. There were not enough single-story, affordable units for seniors who were independent but looking to downsize, a genuine need in the community. She noted that Sam's Club was high and she

requested that whatever replaced it was attractive and did not tower over the current residents.

Wendy Bohling, 624 Ridgeview Drive in Louisville was concerned that the area would be too dense and would become like Steel Ranch and she wondered if fewer residential structures had ever been considered. The additional residences would also add to traffic. She had a basement and a two-story home, so she agreed that a basement as a way to get three stories was a good idea. The view of the mountains was also important to her. She asked if there could be denser, mature trees along the corridor. She thought the whole corridor would get crazy with this plan. She was also concerned that the plan would increase the need for stoplights along Dahlia. She added that she would like to hear from Ascent Church as a possible developer and that the city did not need another hotel.

Cindy Bedell, 662 West Willow Street in Louisville reminded the Commission that their job was to preserve the small-town way of life, follow the Comp Plan, while maintaining financial stability. She noted that the area was still a positive to the City's finances and so there was no need to panic. The height and the density were not consistent with the 2017 McCaslin Small Area Plan, which reflected public input over many meetings and workshops. The four-story height allowance and the increase in density would not be consistent with the small-town character and would increase traffic. She questioned the traffic study and asked how adding more people to the area would reduce traffic. She noted that this number of residential units was not upheld by the McCaslin Small Area Plan or the Comp Plan. Residential does not pay its way and it permanently displaces tax revenue. She wanted to put in a word for dark night lighting standards, as well. Overall, she requested lower heights, lower densities, and fewer residential spaces. She did not think that the City should bow to pressure from developers who wanted to profit from residential development. She also looked to the church for its development plan.

Jim Candy, 516 Country Lane in Boulder, co-pastor at Ascent Church, stated that he had been surprised by the redevelopment plan. Ascent was under contract with the Sam's Club property. The church did not intend to take tax dollars from the City and they intended to bring alternative uses to the area. Ascent was open to creative solutions, working with residents, staff, commissioners, and Council members to developing the area.

Beth McQuie, 972 St. Andrews in Louisville, agreed with other commenters and she was particularly concerned that the height allowances would destroy the mountain views and would not fit in with the rest of the town. She did not think any developers could guarantee retail. She was curious to see what Ascent had in mind for the area. She liked having an affordable clothing option like Kohl's in town and wondered if the City could incentivize them to stay. She did not think it fit in with the McCaslin Small Area Plan and thought that the process needed more public input. Finally, she stated that the City should not benefit developers at the expense of current residents.

Robert Edward, 517 Ridgeview Drive in Louisville, stated that he and his wife had one of the only straight-on view of the Flatirons. He did not expect that their view would be affected, but he had concerns with the increased density and traffic issues. The new situation with Ascent Church should be a primary factor before considering any other

changes. He wanted to know if the proposal included any traffic mitigation along Dahlia. Without it, there would be car wrecks and pedestrians killed. He also did not like the height increase and the difference between the proposed height allowance and what exists now. He asked for clarification on the scenarios in the staff packet.

Zuccaro replied that the GDP amendment is modeled after scenario 2 as per City Council direction.

Jeff Hancock, 592 Ridgeview Drive in Louisville, expressed an objection to an increase in the height allowance as he also bought his townhouse with the view in mind. He stated that the plan served developers at the expense of current residences. He thought the Small Area Plan sounded good and these proposed changes conflict with the height recommendations in the Plan. He also noted that the Small Area Plan recommended a decrease in the total allowed development in the area from what existing zoning and regulations allowed.

Brauneis asked for further public comment. Seeing none, he asked that two recent emails be entered into the record. Hoefner moved and Moline seconded. Voice vote all in favor.

Zuccaro responded to earlier questions from the Commission. First, square feet of commercial development at the Centre Court Apartment lot, which did not include anything from the Walgreens westward, was 36,000 square feet, with the Alfalfa's being a little over 26,000 of that. Second, the elevation along Dahlia varied between 4 and 10 feet between street grade going up onto the properties. Third, the setbacks for residential development would go to underlying residential zoning and would be negotiated in the design process. For commercial, for a building footprint less than 30,000 square feet, the setback would be 20 feet. Over that would be 40 feet.

Moline asked staff how a developer might respond if the City allowed more units but at a lower height.

Zuccaro replied that the Parcel O market study chose areas that would accommodate the development densities that were in there and it was never contemplated that there would be a four-story development. Staff did not design out a plan under that scenario, but believed that generally the land area could accommodate it. When staff talked to the property owners they said that the project would be better with the four-story allowance to provide for more flexibility within the site design. He also noted that the GDP was trying to create a financially feasible plan for the area.

Williams asked if staff knew if Ascent had plans to stay in the development.

Zuccaro replied that he did not know.

Tom McGimpsey, 671 Manorwood Lane in Louisville, requested that the Commission include studies on noise and nighttime light.

Zuccaro responded that within the commercial development guidelines there were specific lighting standards that had maximum heights and required cut-off fixtures.

There were no residential dark-sky lighting requirements, though the City is currently updating those requirements and that could change. The City did not have light standards for residential areas or on traffic noise.

Williams asked what would happen if there was no amendment.

Zuccaro replied that based on the market analysis there were limitations on what the City could be expected to see. Someone could come in with a PUD but there were limitations to what could be expected to come in under the current regulations. He added that the current height would be 35 feet, though with the current designed guidelines they were considering having a buffer and allowing three-story structures.

Hoefner asked if the current property owners had a position on this amendment.

Zuccaro replied that they had consented to the application being made, which they had to do, and they were comfortable with it moving forward as is and were curious to hear what the Commission had to say. The City had not had direct coordination with anyone under contract.

Hoefner asked for more information on the private covenants versus City regulations.

Zuccaro replied that there were real barriers in the covenants, including height limitations and the grocery store use limitation. The property owners intended to work to remove barriers.

Hoefner asked if there had been a study about traffic on Dahlia.

Zuccaro replied that the study looked at the major intersections at Dahlia and Cherry and Dahlia and Dillon. It also looked at all transportation and safety issues. They suggested a series of more regional connections and having an improved pedestrian crossing across Dahlia. They did not raise any flags that there would be any particular issues along Dahlia, however.

Hoefner asked how a future PUD would address traffic.

Zuccaro replied that the PUD process required a new traffic analysis based on the actual application, which typically included analyses of current conditions, changed conditions at current and future dates, and recommendations on safety improvements and vehicular congestion to accommodate the development.

Hoefner asked if it was possible that an intersection could be changed based on a proposal.

Zuccaro gave the example that sometimes there were full-movement intersections in the area that could be limited if there was too much traffic.

Williams asked if the fiscal models in the staff packet included property taxes and if the model could incorporate a property owner who was tax-exempt.

Zuccaro confirmed that the model did include property taxes and that the model could include tax-exemptions. The Parcel O Study did not have that in the fiscal analysis. He responded to Commissioner Hoefner's earlier question about covenants by directing the Commission to the staff packet for more details on the limitations in the private covenants.

Williams stated that she would like to see a fiscal model where most of the properties were tax-exempt to consider the possible church development.

Zuccaro asked the Commission if that information would be material to the amendment decision, staff could bring that to a future meeting.

Williams stated that Lafayette could have insight into the tax-exempt question.

Howe asked what would happen to lot 3 to be financially feasible if lot 2 was not to be developed.

Zuccaro replied that a hypothetical scenario in which lot 2 were not developed, lot 3 could have 120 residential units as its base, with incentives to get more, required to provide 10,000 square feet of new retail development and 40,000 square feet of other non-residential development. Zuccaro did not know if lot 3 would need 4 stories to achieve the 120 units, but the assumption had been that the land areas might be tight but could probably fit the units without 4 stories, but he had not done a full analysis to test that.

Hoefner asked how long it would take to achieve a result if an offer were placed on a lot or a building.

Zuccaro replied that it varied, each one was individual but it was usually a matter of months.

Brauneis asked for additional questions of staff. Seeing none, he closed public comment and opened commissioner discussion.

Brauneis noted that there had been a newspaper article in the last week that publicized the fact that Ascent Church was under contract with the Sam's Club property and suggested that the Commission address that issue first.

Brief adjournment at 8:49 PM. Reconvened at 8:55 PM.

Brauneis recommended that the Commission address the Ascent Church news, how the plan related to the Comp Plan and the Small Area Plan, height, and setbacks.

Moline stated that he was prepared to act on the amendment as presented tonight regardless of the Ascent Church news. He appreciated Commissioner Williams's concern in wanting to get additional fiscal analysis related to the Ascent news, but he was prepared to move forward.

Howe thanked staff for the presentation and the 3D imaging. His main concern was balancing the small-town values with the long-term revitalization goals. He saw it as an opportunity to create a pedestrian-friendly thoroughfare, improve the attractiveness of Louisville, increase the availability of residential properties, and provide a financial opportunity. These represented opportunities within the proposal to improve the city. He would probably need to agree a condition on height allowance. He added that traffic was of concern. He liked the idea of the entertainment uses and noted that public comment did not approve of the allowance of hotels. Finally, he liked the idea of allowing basements.

Hoefner stated that he thought the private covenants needed action to deal with the development limitations in the area, questioning whether it was appropriate for the City to take action before the property owners had, especially on a contentious project. He also agreed that height was an issue.

Brauneis clarified that the private covenants were not anything that the current owners wanted to enforce and that they were limited by the covenants, as well.

Zuccaro replied that the intent was to work with the property owners to change the covenants and they seemed willing to do so. It required all the owners within a parcel to approve a covenant change.

Hoefner observed that it was hard to consider an amendment against which there was a lot of opposition without having the property owners working on the covenants. He wondered if there could be a way with the setbacks to bring things closer into the core while achieving the walkability feel. Finally, he thought that 5,000 square feet of development was pretty aspirational.

Williams wanted to see more financial models based on specific types of owners. She was also concerned about the buffer to existing residential to make sure that there would be a natural berm, or a gradual height differential, or something similar. She had an issue talking about view corridors when, at the same time, the core would have four stories – those were contradictory goals. She was not in favor of four stories for that reason. She would rather see the cap on residential units a bit lower, like 200, and then adding the residential incentives up to 250. She added that the residential incentive for senior housing meant units no stairs with main living all on one floor. She summarized that she was between alternative 1 and 2. She did not think there was anything wrong with the status quo and the City did not need to rush changes.

Brauneis stated that he was not content with getting worse before getting better and he was happy being proactive on trying to incentivize something that looked like it would work better in the long term for the City. Things as they are now increase the probability of vacancy and that having similar use as now would now be looking toward the long-term needs of the area. When Sam's Club closed, it was roughly 5% of the City's general fund. He was concerned about the view shed to a degree. He thought there could be a balance between setbacks and height allowances to preserve views.

Moline stated that one of the things in terms of traffic and safety was underpasses that the City was able to provide, but those kinds of quality-of-life improvements could not

continue without revenue. He was generally in support of the amendment. He agreed with Chair Brauneis that the City had been waiting for something to happen organically and nothing had happened in 9 years so he appreciated that the City was trying to find a solution. He thought the Centre Court example was a good one and he appreciated having a shopping area and a grocery store in the neighborhood. The market study showed that without some form of residential, the City would be unlikely to see that kind of development. He noted that from a design standpoint they were moved away from a corridor plan toward a centered plan that was more walkable and with some open space. He wanted a buffer to the existing residential. He thought going higher in heights in the core area was more appropriate.

Zuccaro reminded the Commission that the 200 was the mixed-commercial buffer at a lower height than the core. From a pedestrian design standpoint, having buildings near the street is always better. He acknowledged that view corridors were important as well. The amendment could be brought down or the Commission could suggest allowing higher allowances with further view analysis.

Moline stated that discussing setbacks was easier at the PUD stage, but the things that were discussed in the Small Area Plan regarding design should be retained as much as possible. He stated that the area was closest to mass transit and the busiest highway, this was the place to draw in regional shoppers to create revenue for the City.

Hoefner stated that if they approved the GDP amendment while allowing the continuance of the private covenants, they were risking having residential development while the covenants continued to prohibit commercial development. He wanted to understand the plan for the covenants and the chance of success.

Brauneis replied that the covenants were not as big a stumbling block for him because the property owners would not want to create a financially viable property.

Hoefner observed that an application a month ago had requested increased residential area in comparison to the previously approved residential-commercial balance in that area.

Moline stated that he was under the impression that the GDP would be drafted to require the commercial commitment to allow residential development.

Hoefner replied that he was under the same impression, but developers could always come ask for a waiver.

Brauneis stated that the covenants were not up to the Commission to change.

Hoefner replied that he did not have a sense of how hard it was to dispense with the covenants and how important they were to the property owner. To allow residential on a property that was previously commercial only was the City giving something, and everyone should be giving something. He read out loud the allowed uses by the covenants, which included office, hotel, hospital, nursing and rest homes, childcare, marijuana sales; limited uses included retail, trade, or service business; cultural facilities; restaurants; one drive-through; and recreational facilities inside and outside.

Brauneis stated that no one wanted to sit on the property without building so there would be a financial incentive for property owners to deal with the covenants.

Hoefner replied that the financial incentive would be to maximize residential development.

Brauneis replied that the proposal allowed residential development alongside commercial.

Howe agreed with the idea that the Commission should move forward with a vision to addressing the vacancies and that the goal for this proposal was to make it easier for a developer to reduce the amount of vacancies to create an opportunity that could benefit the City.

Williams observed that too many times cities include residential to incentivize commercial and lost the mixed-use and commercial. Once you build the residential, it's very difficult to get rid of the residential. She noted that in Superior there was no downtown or Main Street, it was just residential and she would hate to see that happen here.

Brauneis agreed with Commissioner Howe's comment that the Commission was not trying to approve a specific development plan, it was trying to address an area that has been an issue for nine years when the studies said that the area could not support the 200,000 square feet of commercial.

Hoefner stated that other than his objections to the covenants and with changes to setbacks, he was generally supportive of the GDP's easing of restrictions.

Brauneis reopened the public hearing and asked Zuccaro about the City's options for dealing with covenants.

Zuccaro replied that there would likely need to be covenant changes to fulfill the vision. The City does not control covenants at all and condemnation of covenants was an extreme measure that was not part of the discussion with this effort now. Staff was trying to control what was in their power to control.

Brauneis asked what checks the City had in place to giving away the residential without any commercial development.

Zuccaro replied that the goal of the concurrency requirement was to avoid that situation. Technically, future developers could not get a waiver, but they could request a GDP amendment.

Jeff Sheets with Koelbel and Company, 5291 East Yale Avenue in Denver, stated that he owned the Kohl's building and he understood the concerns over the covenants. He explained that it took 100% of the property owners to change the covenants. In his experience, changes to covenants follow changes to zoning so property owners can know what might happen under the new regulations. He thought his building could find

tenants again, but maybe not at 100% occupancy. At the time of the original development, the area was trying to make a regional play, but the area was no longer in competition for regional retail due to developments like Flat Irons and in Boulder. Now it needed to be a community retail space.

Jim Candy added that Ascent wanted to work with Mr. Sheets to amend the covenants and that the owners are interested in amending the covenants.

Brauneis closed public hearing and reopened closed discussion.

Howe stated that as a business owner, he had thought about the risk of an idea versus satisfaction with the status quo, and that it took a risk to change the status quo. He suggested approving the majority of what was proposed with the conditions to include setbacks to preserve view corridors and to create a pedestrian infrastructure that would support the plan no matter how many residential units were built.

Moline agreed with Commissioner Howe's comments and suggested approving the plan with a condition that the 200 foot buffer pulled from the Small Area Plan that the height limitations in that plan be applied to this GDP and he was willing to flex on the eight of the other portions of the plan.

Zuccaro stated that the Small Area Plan didn't specify the depth of the buffer but it set a two-story limit. The Commission could amend the GDP so that the mixed commercial buffer area was limited to 2 story residential and commercial development within the 200 foot buffer, while outside the buffer would allow what's currently written in the plan.

Moline thought that was reasonable.

Howe asked about preserving view corridors.

Brauneis responded that the corridors were undefinable and this would definitely change the views.

Williams stated that she would agree to two-story residential and a 200-foot buffer on Dahlia, but she was not in favor of a four-story residential in the core and she wanted to see a different cap on residential. She added that she still wanted to understand the financial aspect to move forward.

Hoefner agreed with the height statements and didn't have a problem with the four-story core but he did not think the Commission could decide which height allowances to put where on the fly. He stated that there was no way the Commission could ballpark the changes to the covenant so he thought it would be helpful to have something on the record about the intentions of the property owners.

Zuccaro presented an option to the Commission for a condition on the height: Under the current zoning framework, there could be a structure up to 35 feet with two-story commercial within the buffer area, and the Commission could suggest applying that cap to residential, as well.

Moline supported Director Zuccaro's suggestion and asked about height under current regulations.

Zuccaro replied that under current regulations it was 35 feet under all of Parcel O. He clarified that his recommendation would reduce residential from three stories to two stories and from 40 feet to 35 feet while keeping the commercial heights the same. He stated that there was no setback within the GDP. He noted that having a walk-out might create a better streetscape, for example, so staff had wanted some flexibility there. The Commission could say that they did not want any buildings within the Dahlia line, which could provide some protections to the property owners.

Moline noted that there had been no residential use allowed before and there had been commercial uses going all the way up to a street across from residential. He would rather see setbacks develop with the PUD proposals.

Zuccaro stated that the current commercial design requirements would have minimum setbacks and the Commission could make recommendations on the updated commercial design requirements.

Moline stated that he liked Zuccaro's wording for the condition dealing with the 200-foot buffer.

Zuccaro summarized that the Commission could approve the resolution with the condition that the MCB height restriction be reduced for residential from 3 stories to 2 stories and from 40 feet to 35 feet (and 35 feet or 30.)

Howe made a motion to approve Resolution 11, Series 2019 with the condition as stated by Director Zuccaro. Roll call vote. Williams voted nay. All else in favor. Motion passed 4-1.

**LMC Amendment – Sign Code Update:** A request for approval of an ordinance amending Title 17 of the Louisville Municipal Code regarding sign regulations throughout the City of Louisville. (Resolution 12, Series 2019)

- Applicant: City of Louisville
- Case Manager: Lisa Ritchie, Senior Planner

Notice met as required.

Ritchie presented the sign code update, noting that the consultants and staff were still working through how to handle signs for civic events on City property. She presented the changes to the amendment since the April Planning Commission meeting:

- Additional language for sign purpose in Downtown, taken from Downtown Sign Manual
- Property owners may follow PUD or new sign code
- Removed requirement that building mounted flags count toward wall sign allowance
- Master Sign Program removed
- Waiver criteria, per Planning Commission discussion

- Some specificity for Electronic Message Centers (EMCs) removed
- Properties east of the railroad tracks in Downtown subject to the Mixed-Use standards
- Murals allowed on accessory and other structures
- Up-lit monument signs not permitted
- Sandwich Board signs – removed provision to allow alley-fronting businesses a sign anywhere within the block
- Other minor clarifications

Ritchie explained that the ordinance would repeal all existing sign regulations and adopt the new regulations as a single ordinance. She noted that a Council member wanted to know the Commission's opinion on expanding allowed size for painted wall signs.

Moline asked how that was different from a mural.

Ritchie replied that murals did not have commercial speech.

Staff recommends approval of Resolution 12, Series 2019.

Hoefner thought that the new proposal incorporated the feedback from the previous Commission meeting. He noted that there were compelling public comments about the sandwich board signs for businesses that front onto alleys.

Ritchie acknowledged that the feedback on the boards was not unanimous.

Howe asked about the options for temporary business signs beyond downtown.

Ritchie replied that sandwich boards were allowed beyond downtown, but they could not be on right-of-way and they would have to be on building frontage. Temporary banners were allowed for up to 60 days a year and the size of those signs was tied to the building size up to 60 square feet in commercial areas. There were also sign allowances and requirements for yard and site signs.

Brauneis asked about the logic on the painted signs.

Ritchie replied that her understanding was that it was an aesthetic preference for painted signs.

Hoefner stated that he liked painted signs, but he did not see any need to further incentivize them.

Gerald Dahl of Murray Dahl Beery Renaud LLP, discussed banner signs in the right-of-way. The 2015 Supreme Court ruling meant that cities could no longer regulate signs based on content. Now most people identify signs by type, like banner or roof signs. Exempt signs on public property include city-related communications, like speed signs or city library events signs. There was also concern over regulating the public forum. He stated that there were three choices for dealing with this issue:

- City events only

- Generally civic-related signs
- Using a permit program for the signs, with the City reserving a certain number for itself

He stated that options 1 and 2 were the safest, even though most people went with a middle route. He requested guidance from the Commission as to if the City was interested in allowing limited civic signs beyond just those of the City itself, like from a county library or a private hospital.

Brauneis asked Ritchie about quasi-public events.

Ritchie replied that the current status was to allow city-related events on City property and staff was comfortable with keeping the allowance for city-sponsored or city-related events.

Dahl noted that City-sponsored events were a safer option.

Zuccaro added that city-sponsored meant either contributing money to or using staff time on the event. There were probably some events that people think are city-sponsored that are not.

Dahl noted that codifying that would mean that the City would have to say no to a sign based on the use of the banner.

Moline asked for staff's perspective on the permitted option.

Zuccaro did not recommend that option since it opened up a slew of issues, including people not understanding the limit.

Hoefner asked staff if they received inappropriate signage requests currently.

Ritchie replied that in her experience someone who wanted to put up something controversial typically did not ask for permission from the City.

Zuccaro noted that option 3 would not allow the City to distinguish between commercial and city-sponsored events.

Ritchie added that the City-sponsored event was a clear line that staff could administer.

Dahl replied that he would help codify that desire since it was not in the Code currently.

Howe stated that he was supportive of the city-sponsored idea.

Martin Landers with Plan Tools stated that he had been working with City staff on technical issues and offered to answer questions from the Commission.

Brauneis asked for additional comment from the Commission. None.

Howe stated his support for the proposal because it addressed the needs of businesses and citizens without allowing signs everywhere.

Williams stated that she did not approve of the edit that an alley-facing business could not put their signs on the street.

Hoefner shared that concern.

Hoefner moved to approve Resolution 12, Series 2019. Howe seconded. Roll call vote. All in favor. Motion passed unanimously.

### **COMMISSIONER COMMENTS**

None.

### **STAFF COMMENTS**

None.

### **ITEMS TENTATIVELY SCHEDULED FOR JULY 11<sup>TH</sup>, 2019**

- Speedy Sparkle PUD Amendment
- Transportation Master Plan
- 824 South Street SRU
- 1776 Boxelder PUD

**Adjourn:** Chair Brauneis adjourned meeting at 10:36 PM.

**SUBJECT: LRC CRITERIA FOR CONSIDERING DIRECT FINANCIAL ASSISTANCE APPLICATIONS**

**DATE: JULY 15, 2019**

**PRESENTED BY: HEATHER BALSER, CITY MANAGER**

**SUMMARY:**

City Council reviewed the LRC Criteria for considering direct financial assistance applications three times on May 14, 2019, June 4, 2019 and at their June 11, 2019 meeting. Please find attached the June 11, 2019 LRC Criteria, a redline copy of the changes made by City Council and a clean copy. City Council approved the final version at this meeting.

**PREVIOUS DISCUSSION:**

The main components of the LRC Criteria when considering direct financial assistance application are below.

**Project Objectives**

The project objectives are a shortened list of the Highway 42 Urban Renewal Plan objectives. City Council is wanting direct financial assistance applications to satisfy three or more of them to be considered for assistance.

**Criteria for Evaluation**

City Council has provided input and is considering the criteria for evaluation to be as follows:

1. The ability to stimulate growth and reinvestment in the URA
2. The elimination or prevention of blight in the URA
3. The need for public assistance to complete the project
4. The economic benefits to the community from the project
5. The effect of the project on surrounding property
6. The increase in property value created from the project
7. The project does not cause negative impacts to the City's historic resources or stated historic preservation goals and objectives.

**Potential Assistance Levels**

The LRC and the City may consider awarding a 50% property tax rebate for a period of five (5) years from the direct collection of the incremental property taxes attributable to the project. However, for projects that provide extraordinary community benefits and that will generate substantial sales and other taxes for the City, the LRC and the City Council may consider awarding up to a 90% property tax increment rebate for a period of up to ten (10) years. No assistance will be provided beyond the 2033 LRC budget year.

**SUBJECT: LRC DIRECT ASSISTANCE DRAFT CRITERIA**

**DATE: JUNE 10, 2019**

**PAGE 2 OF 2**

**Project Transfer Criteria**

Approved projects are allowed to be transferred to certain entity relationships to the original applicant as specified in the LRC criteria.

**RECOMMENDATION:**

The LRC may approve the same LRC Criteria for direct financial assistance as City Council or may make modifications for the criteria that the LRC would specifically consider as they review such applications. Lastly, the LRC could decide not to consider such criteria at all in the review of such applications. Staff recommends the LRC approve the same criteria as City Council.

**ATTACHMENTS:**

- 1) June 11, 2019 LRC Criteria
- 2) Redline Copy of Final LRC Criteria and Clean Copy

# DRAFT Version 6/6/2019

## LOUISVILLE REVITALIZATION COMMISSION Property Tax Increment Financing Rebate Assistance Policy

### **Implementation Date:** \_\_\_\_\_

### **Introduction:**

The Louisville Revitalization Commission (“LRC”) is the Urban Renewal Authority for the City of Louisville, Colorado (“City”). The LRC’s mission includes implementing the Highway 42 Revitalization Area Urban Renewal Plan ([the](#) “Plan”) which was adopted by the City of Louisville in December 2006.

The purpose of the Plan is to reduce, eliminate and prevent the spread of blight within the Urban Renewal Area (“URA”) and to stimulate growth and reinvestment within the Area boundaries, on surrounding blocks and throughout the Louisville downtown business district.

### **Policy on Use of Property Tax Increment Rebates:**

It is the principal goal of the urban renewal effort to afford maximum opportunity, consistent with the sound needs of the City as a whole, to redevelop and rehabilitate the Area by private enterprise. The rehabilitation and redevelopment of properties within the Urban Renewal Area will be accomplished through the improvement of existing structures and infrastructure, attraction of new investment and reinvestment, and preventing deterioration of properties in the Area. It is the City’s general intent to use urban renewal funds to support public infrastructure improvements that are needed to facilitate private investment and reinvestment in the plan area.

In unique situations, and on a case-by-case basis, in the sole and absolute discretion of the LRC and the City, certain forms of financial and other economic assistance may be awarded to a private property owner to undertake projects to redevelop or rehabilitate properties contained in the Area. Projects that are awarded support must demonstrate that they would provide exceptional and unique public benefits to qualify and would not be reasonably expected to be feasible without City financial or other economic support.

[\\*NOTE: Historic preservation language removed and moved as the #7 criteria for evaluation](#)

### **Property Tax Increment Rebates for Private Development:**

It is the policy of the LRC and the City that consideration may be given to requests for financial assistance by the use of property tax increment rebates to private property

owners within the LRC authority to collect incremental property taxes from taxable new construction in the Area and to provide assistance to projects meeting the goals and objectives in the Highway 42 Urban Renewal Plan and which are also deemed to be in the best interests of the City.

To be considered for assistance, proposed projects must support the overall goals of the City and the Plan which specifically include promoting an environment which allows for a range of uses and product types which can respond to market conditions over time along with furthering the goals and objectives of the Louisville Comprehensive ~~Plan~~ [Plan](#); Highway 42 Framework [Plan](#), [Historic Preservation Plan](#) and other relevant policies, while leveraging the community's investment in public improvement projects in the Area.

In addition [to eliminating and preventing blight](#), proposed projects must address at least several of the objectives outlined in the Plan. Those objectives include:

~~A.~~ [Eliminate and prevent blight](#)

~~B.A.~~ [Improve relationship between the URA and surrounding areas](#)

~~C.B.~~ [Provide uses supportive of and complementary to planned improvements](#)

~~D.C.~~ [Encourage a mix of uses and/or mixed-use projects](#)

~~E.D.~~ [Promote a variety of products to address multiple income segments](#)

~~F.E.~~ [Provide ease of vehicular and pedestrian circulation and improve connections](#)

~~G.F.~~ [Encourage continued presence of businesses consistent with the plan vision](#)

~~H.G.~~ [Mitigate impacts from future transportation improvements](#)

~~I.H.~~ [Encourage public-private partnerships to implement the plan](#)

~~J.I.~~ [Encourage shared parking among projects in the area](#)

~~K.J.~~ [Landscape streetscapes to unify uses and plan components.](#)

As specifically related to the use of property tax increment financing, a proposed project must clearly demonstrate that the project will provide the clear and present potential to generate substantial increases to the property tax values directly attributable to the project which could support the sharing of the incremental property tax increments between the property owners and the LRC.

### **Criteria for Evaluation**

After a property owner submits an application for property tax increment rebate assistance, the project will be evaluated ~~using the following criteria to describe the magnitude of positive impact to the community by the project based on how the project provides positive impacts to the community and how the project addresses the following criteria:~~

[1. The elimination or prevention of blight in the URA](#)

~~1.2.~~ [The ability to stimulate growth and reinvestment in the URA](#)

- ~~2. The elimination or prevention of blight in the URA~~
- 3. The need for public assistance to complete the project
- 4. The economic benefits to the community from the project
- 5. The effect of the project on surrounding property
- 6. The increase in property value created from the project
- 6.7. The project does not cause negative impacts to the City's historic resources or stated historic preservation goals and objectives.

In addition to the criteria listed above, the LRC will give special consideration to projects that will also provide potential sales and other forms of tax revenue increases to the City and/or other significant community benefits, which might include but would not be limited to: providing outdoor and indoor public spaces, public art, affordable housing, transportation infrastructure improvements, parking beyond the needs of the project and historic building restoration or improvements.

### Potential Property Tax Increment Rebate Consideration

The LRC and the City may consider awarding a 50% property tax increment rebate for a period ~~of up to~~ five (5) years from the direct collection of the incremental property taxes attributable to the project. However, for projects that provide extraordinary community benefits ~~and or that~~ will generate substantial sales and other taxes for the City, the LRC and the City Council may consider awarding up to a 90% property tax increment rebate for a period of up to ten (10) years. No assistance will be granted to a project beyond the 2033 LRC budget year.

### Project Transfer Criteria

Transfers of ~~an a~~ property tax increment rebate agreement may be made under at least one of the following circumstances:

- The new entity is wholly or significantly owned by the previous owners of the project
- The project is being transferred to at least one of the business/tenant (or an entity owned and controlled by the business/tenant) occupying the building
- ~~To a non-related entity only after the project receives a Certificate of Occupancy after construction is complete, and only with the written consent of the City and LRC.~~

A property tax increment rebate agreement will contain an expiration date, upon which the agreement will expire if the project is not timely completed. ~~expire if the project is not constructed within three years from the execution of the agreement.~~

Applicants for tax increment property tax rebates or other financial assistance must first obtain the City's required land-use approvals for the project prior to receiving approval by the LRC and by the City for the financial assistance.

Applicants must submit all pertinent project financial information related to the project and the developer organization, including estimated development costs and a financing and operating plan. All financial information may be referred by the City to a qualified professional for third-party review at LRC expense ~~will be subject to a City-appointed third-party review by a qualified appraiser and/or real estate consultant.~~

All information submitted to the LRC or to the City is subject to public disclosure consistent with the requirements of the Colorado Open Records Act, the City of Louisville Charter, and related City, policies and ordinances.

The application for property tax increment rebate assistance may be found on the City's website at the following address:

<http://www.louisvilleco.gov/home/showdocument?id=22682>

**Contact Information**

For additional information on Louisville's Urban Renewal assistance options, please contact [XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX](#).

DRAFT

# DRAFT Version 6/6/2019

## LOUISVILLE REVITALIZATION COMMISSION Property Tax Increment Financing Rebate Assistance Policy

**Implementation Date:** \_\_\_\_\_

### **Introduction:**

The Louisville Revitalization Commission (“LRC”) is the Urban Renewal Authority for the City of Louisville, Colorado (“City”). The LRC’s mission includes implementing the Highway 42 Revitalization Area Urban Renewal Plan (the “Plan”) which was adopted by the City of Louisville in December 2006.

The purpose of the Plan is to reduce, eliminate and prevent the spread of blight within the Urban Renewal Area (“URA”) and to stimulate growth and reinvestment within the Area boundaries, on surrounding blocks and throughout the Louisville downtown business district.

### **Policy on Use of Property Tax Increment Rebates:**

It is the principal goal of the urban renewal effort to afford maximum opportunity, consistent with the sound needs of the City as a whole, to redevelop and rehabilitate the Area by private enterprise. The rehabilitation and redevelopment of properties within the Urban Renewal Area will be accomplished through the improvement of existing structures and infrastructure, attraction of new investment and reinvestment, and preventing deterioration of properties in the Area. It is the City’s general intent to use urban renewal funds to support public infrastructure improvements that are needed to facilitate private investment and reinvestment in the plan area.

In unique situations, and on a case-by-case basis, in the sole and absolute discretion of the LRC and the City, certain forms of financial and other economic assistance may be awarded to a private property owner to undertake projects to redevelop or rehabilitate properties contained in the Area. Projects that are awarded support must demonstrate that they would provide exceptional and unique public benefits to qualify and would not be reasonably expected to be feasible without City financial or other economic support.

\*NOTE: Historic preservation language removed and moved as the #7 criteria for evaluation

### **Property Tax Increment Rebates for Private Development:**

It is the policy of the LRC and the City that consideration may be given to requests for financial assistance by the use of property tax increment rebates to private property

owners within the LRC authority to collect incremental property taxes from taxable new construction in the Area and to provide assistance to projects meeting the goals and objectives in the Highway 42 Urban Renewal Plan and which are also deemed to be in the best interests of the City.

To be considered for assistance, proposed projects must support the overall goals of the City and the Plan which specifically include promoting an environment which allows for a range of uses and product types which can respond to market conditions over time along with furthering the goals and objectives of the Louisville Comprehensive ~~Plan~~Plan; Highway 42 Framework Plan, Historic Preservation Plan and other relevant policies, while leveraging the community's investment in public improvement projects in the Area.

In addition to eliminating and preventing blight, proposed projects must address at least 3 or more-several of the objectives outlined in the Plan. Those objectives include:

~~A.~~ Eliminate and prevent blight

~~B.~~A. Improve relationship between the URA and surrounding areas

~~C.~~B. Provide uses supportive of and complementary to planned improvements

~~D.~~C. Encourage a mix of uses and/or mixed-use projects

~~E.~~D. Promote a variety of products to address multiple income segments

~~F.~~E. Provide ease of vehicular and pedestrian circulation and improve connections

~~G.~~F. Encourage continued presence of businesses consistent with the plan vision

~~H.~~G. Mitigate impacts from future transportation improvements

~~I.~~H. Encourage public-private partnerships to implement the plan

~~J.~~I. Encourage shared parking among projects in the area

~~K.~~J. Landscape streetscapes to unify uses and plan components.

As specifically related to the use of property tax increment financing, a proposed project must clearly demonstrate that the project will provide the clear and present potential to generate substantial increases to the property tax values directly attributable to the project which could support the sharing of the incremental property tax increments between the property owners and the LRC.

### Criteria for Evaluation

After a property owner submits an application for property tax increment rebate assistance, the project will be evaluated ~~using the following criteria to describe the magnitude of positive impact to the community by the project based on how the project provides positive impacts to the community and how the project addresses the following criteria:~~

1. The elimination or prevention of blight in the URA

~~1.2.~~ The ability to stimulate growth and reinvestment in the URA

- ~~2. The elimination or prevention of blight in the URA~~
- ~~3. The need for public assistance to complete the project~~
- 4.3. The economic benefits to the community from the project
- ~~5.4. The effect of the project on surrounding property~~
5. The increase in property value created from the project
6. The project does not cause negative impacts to the City's historic resources or stated historic preservation goals and objectives.

For property within downtown Louisville the project is consistent with historic preservation goals and objectives

In addition to the criteria listed above, the LRC will give special consideration to projects that will also provide potential sales and other forms of tax revenue increases to the City and/or other significant community benefits, which might include but would not be limited to: providing outdoor and indoor public spaces, public art, affordable housing, transportation infrastructure improvements, parking beyond the needs of the project and historic building restoration or improvements.

### Potential Property Tax Increment Rebate Consideration

The LRC and the City may consider awarding a 50% property tax increment rebate for a period ~~of up to~~ five (5) years from the direct collection of the incremental property taxes attributable to the project. However, for projects that provide extraordinary community benefits ~~and or that~~ will generate substantial sales and other taxes for the City, the LRC and the City Council may consider awarding up to a 90% property tax increment rebate for a period of up to ten (10) years. No assistance will be granted to a project beyond the 2033 LRC budget year.

### Project Transfer Criteria

Transfers of ~~an a~~ property tax increment rebate agreement may be made under at least one of the following circumstances:

- The new entity is wholly or significantly owned by the previous owners of the project
- The project is being transferred to at least one of the business/tenant (or an entity owned and controlled by the business/tenant) occupying the building
- ~~—~~ To a non-related entity only after the project receives a Certificate of Occupancy after construction is complete, and only with the written consent of the City and LRC.

A property tax increment rebate agreement will contain an expiration date, upon which the agreement will expire if the project is not timely completed. ~~expire if the project is not constructed within three years from the execution of the agreement.~~

Applicants for tax increment property tax rebates or other financial assistance must first obtain the City's required land-use approvals for the project prior to receiving approval by the LRC and by the City for the financial assistance.

Applicants must submit all pertinent project financial information related to the project and the developer organization, including estimated development costs and a financing and operating plan. All financial information ~~should~~ may be referred by the City to a qualified professional for third-party review at LRC expense will be subject to a City-appointed third-party review by a qualified appraiser and/or real estate consultant.

All information submitted to the LRC or to the City is subject to public disclosure consistent with the requirements of the Colorado Open Records Act, the City of Louisville Charter, and related City, policies and ordinances.

The application for property tax increment rebate assistance may be found on the City's website at the following address:

<http://www.louisvilleco.gov/home/showdocument?id=22682>

**Contact Information**

For additional information on Louisville's Urban Renewal assistance options, please contact XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX.

# DRAFT Version 6/6/2019

## LOUISVILLE REVITALIZATION COMMISSION Property Tax Increment Financing Rebate Assistance Policy

**Implementation Date:** \_\_\_\_\_

### **Introduction:**

The Louisville Revitalization Commission (“LRC”) is the Urban Renewal Authority for the City of Louisville, Colorado (“City”). The LRC’s mission includes implementing the Highway 42 Revitalization Area Urban Renewal Plan (the “Plan”) which was adopted by the City of Louisville in December 2006.

The purpose of the Plan is to reduce, eliminate and prevent the spread of blight within the Urban Renewal Area (“URA”) and to stimulate growth and reinvestment within the Area boundaries, on surrounding blocks and throughout the Louisville downtown business district.

### **Policy on Use of Property Tax Increment Rebates:**

It is the principal goal of the urban renewal effort to afford maximum opportunity, consistent with the sound needs of the City as a whole, to redevelop and rehabilitate the Area by private enterprise. The rehabilitation and redevelopment of properties within the Urban Renewal Area will be accomplished through the improvement of existing structures and infrastructure, attraction of new investment and reinvestment, and preventing deterioration of properties in the Area. It is the City’s general intent to use urban renewal funds to support public infrastructure improvements that are needed to facilitate private investment and reinvestment in the plan area.

In unique situations, and on a case-by-case basis, in the sole and absolute discretion of the LRC and the City, certain forms of financial and other economic assistance may be awarded to a private property owner to undertake projects to redevelop or rehabilitate properties contained in the Area. Projects that are awarded support must demonstrate that they would provide exceptional and unique public benefits to qualify and would not be reasonably expected to be feasible without City financial or other economic support.

\*NOTE: Historic preservation language removed and moved as the #7 criteria for evaluation

### **Property Tax Increment Rebates for Private Development:**

It is the policy of the LRC and the City that consideration may be given to requests for financial assistance by the use of property tax increment rebates to private property

owners within the LRC authority to collect incremental property taxes from taxable new construction in the Area and to provide assistance to projects meeting the goals and objectives in the Highway 42 Urban Renewal Plan and which are also deemed to be in the best interests of the City.

To be considered for assistance, proposed projects must support the overall goals of the City and the Plan which specifically include promoting an environment which allows for a range of uses and product types which can respond to market conditions over time along with furthering the goals and objectives of the Louisville Comprehensive Plan; Highway 42 Framework Plan, Historic Preservation Plan and other relevant policies, while leveraging the community's investment in public improvement projects in the Area.

In addition to eliminating and preventing blight, proposed projects must address at least 3 or more of the objectives outlined in the Plan. Those objectives include:

- A. Improve relationship between the URA and surrounding areas
- B. Provide uses supportive of and complementary to planned improvements
- C. Encourage a mix of uses and/or mixed-use projects
- D. Promote a variety of products to address multiple income segments
- E. Provide ease of vehicular and pedestrian circulation and improve connections
- F. Encourage continued presence of businesses consistent with the plan vision
- G. Mitigate impacts from future transportation improvements
- H. Encourage public-private partnerships to implement the plan
- I. Encourage shared parking among projects in the area
- J. Landscape streetscapes to unify uses and plan components.

As specifically related to the use of property tax increment financing, a proposed project must clearly demonstrate that the project will provide the clear and present potential to generate substantial increases to the property tax values directly attributable to the project which could support the sharing of the incremental property tax increments between the property owners and the LRC.

### **Criteria for Evaluation**

After a property owner submits an application for property tax increment rebate assistance, the project will be evaluated based on how the project provides positive impacts to the community and how the project addresses the following criteria:

1. The elimination or prevention of blight in the URA
2. The ability to stimulate growth and reinvestment in the URA
3. The economic benefits to the community from the project
4. The effect of the project on surrounding property
5. The increase in property value created from the project
6. For property within downtown Louisville the project is consistent with historic preservation goals and objectives

In addition to the criteria listed above, the LRC will give special consideration to projects that will also provide potential sales and other forms of tax revenue increases to the City and/or other significant community benefits, which might include but would not be limited to; providing outdoor and indoor public spaces, public art, affordable housing, transportation infrastructure improvements, parking beyond the needs of the project and historic building restoration or improvements.

### **Potential Property Tax Increment Rebate Consideration**

The LRC and the City may consider awarding a 50% property tax increment rebate for a period up to five (5) years from the direct collection of the incremental property taxes attributable to the project. However, for projects that provide extraordinary community benefits or will generate substantial sales and other taxes for the City, the LRC and the City Council may consider awarding up to a 90% property tax increment rebate for a period of up to ten (10) years. No assistance will be granted to a project beyond the 2033 LRC budget year.

### **Project Transfer Criteria**

Transfers of a property tax increment rebate agreement may be made under at least one of the following circumstances:

- The new entity is wholly or significantly owned by the previous owners of the project
- The project is being transferred to at least one of the business/tenant (or an entity owned and controlled by the business/tenant) occupying the building To a non-related entity only after the project receives a Certificate of Occupancy after construction is complete, and only with the written consent of the City and LRC.

A property tax increment rebate agreement will contain an expiration date, upon which the agreement will expire if the project is not timely completed.

Applicants for tax increment property tax rebates or other financial assistance must first obtain the City's required land-use approvals for the project prior to receiving approval by the LRC and by the City for the financial assistance.

Applicants must submit all pertinent project financial information related to the project and the developer organization, including estimated development costs and a financing and operating plan. All financial information shall be referred by the City to a qualified professional for third-party review at LRC expense

All information submitted to the LRC or to the City is subject to public disclosure consistent with the requirements of the Colorado Open Records Act, the City of Louisville Charter, and related City, policies and ordinances.

The application for property tax increment rebate assistance may be found on the City's website at the following address:

<http://www.louisvilleco.gov/home/showdocument?id=22682>

**Contact Information**

For additional information on Louisville's Urban Renewal assistance options, please contact xx.

DRAFT