

# ***Planning Commission***

**May 14, 2020  
6:30 PM**

## **ELECTRONIC MEETING**

This meeting will be held electronically. Residents interested in participating electronically or listening to this meeting should visit the City's website here to link to the meeting:

<https://www.louisvilleco.gov/government/boards-commissions/planning-commission>

The Planning Commission will accommodate public comments as much as possible during the meeting. Anyone may also email comments to Planning Commission prior to the meeting at: [planning@louisvilleco.gov](mailto:planning@louisvilleco.gov)

For agenda item detail see the Staff Report and other supporting documents included in the complete meeting packet.

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes
  - March 12, 2020
5. Public Comment on Items Not on the Agenda
6. Discussion on Mobile Food Courts
7. Planning Commission Comments
8. Staff Comments
9. Items Tentatively Scheduled for the overflow meeting on May 28, 2020:
  - Discussion of how building height and grade are determined and possible amendments
10. Items Tentatively scheduled for the meeting on June 11, 2020:
  - ConocoPhillips Campus General Development Plan Amendment (Redtail Ridge)
  - St. Louis Parish and Commercial Park General Development Plan Amendment

- Napa Auto Parts PUD Amendment
- Project 321 PUD (Medtronic)
- Mobile Food Court Code Amendment

11. Adjourn

**Planning Commission  
Meeting Minutes  
March 12<sup>th</sup>, 2020  
City Hall, Council Chambers  
749 Main Street  
6:30 PM**

**Call to Order** – Vice Chair Rice called the meeting to order at 6:30 PM.

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

Commission Members Present: Tom Rice, Vice Chair  
Jeff Moline  
Debra Williams  
Keaton Howe  
Ben Diehl  
Dietrich Hoefner  
Commission Members Absent: Steve Braunies  
Staff Members Present: Rob Zuccaro, Dir. of Planning & Building  
Lisa Ritchie, Senior Planner  
Amelia Brackett Hogstad, Planning Clerk

**APPROVAL OF AGENDA**

Commissioner Moline moved and Commissioner Williams seconded a motion to approve the March 12<sup>th</sup>, 2020 agenda. Motion passed unanimously by voice vote.

Commissioner Howe arrived after the approval of agenda vote.

**APPROVAL OF MINUTES**

Williams moved and Moline seconded a motion to approve the January 9<sup>th</sup>, 2020 minutes with Commissioner Williams' correction. Motion passed unanimously by voice vote. Commissioner Hoefner abstained.

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

None.

**NEW PUBLIC ITEMS**

**Speedy Sparkle PUD Amendment:** A request for a PUD Amendment addressing sign design and waivers for 1414 Hecla Way, 1408 Hecla Way, and 1712 Plaza Dr (Resolution 14, Series 2019)

- Applicant: Speedy Sparkle Car Wash – Louisville LLC
- Case Manager: Robert Zuccaro, Director of Planning and Building Safety

Public notice was posted as required.

Zuccaro explained that this was a continuation from two different proposals in July and October of last year. The Commission had asked staff and the applicant to work on some alternative designs. Zuccaro described the existing and proposed signs on site, including a new monument sign, existing menu board signs, an existing canopy sign, and a modified shared monument sign. He noted that the previous sign program included a sign allowance on this frontage, but it was never constructed. Proposed changes were as follows:

- Increase overall sign height and bottom sign panel heights on the existing shared monument sign, with opaque panels with translucent letters and graphics and no time limits on illumination.
- Construct a new sign facing Hecla Way with a total sign area of 17.1 sf. with an opaque panel with translucent letters and graphics and illumination limited to business hours.
- Approve the menu boards that were already built with translucent panels
- Includes the existing canopy sign so that the sign program includes all signs on the property.

Zuccaro noted that staff reviewed the proposal under the old sign code under which it came in. He described the necessary waivers:

- Number of signs allowed – one monument sign allowed per building, two proposed
- South Boulder Road Monument Sign – modification to the existing shared monument sign by increasing the overall height of the sign by 2 ft and allocating the additional height to the bottom two tenant panels. This increases the sign area from the allowed maximum of 60 sf to 80 sf. Each bottom sign panel will be increased from 10 sf to 20 sf.
- Sign Illumination on the menu board signs do not meet the criteria that only the trademark or characters are translucent. Illumination would be limited to business hours.

Zuccaro described the relevant waiver criteria and staff's recommendations. Staff found that the joint monument sign reasonably exceeds the allowance to accommodate a joint monument sign rather than multiple monument signs. Staff found the translucent panels on the menu board acceptable with the limitation on illumination.

Staff recommended approval with following two conditions:

Include the existing wall sign on the PUD along with a description of the size and location of the sign and that the applicant should remove the note stating that staff designed the joint monument sign.

Moline asked how illumination would be enforced.

Zuccaro replied that it would be a zoning enforcement issue.

Hoefner asked if there were hours associated with wall sign on the PUD.

Zuccaro replied that the South Boulder Road sign did not have restrictions for lighting, but the Commission could seek a restriction on hours if it thought that the illumination

would effect that area. The updated sign code required limited hours for illumination in relation to residential areas.

Hoefner asked if staff thought that the South Boulder Road sign would be disruptive if it were on all the time.

Zuccaro replied that he was not aware of a direct impact to any residential property due to the location on the sign.

Diehl asked if the other property owners had agreed to this design.

Zuccaro replied that they had and the applicant supplied letters from them that were in the staff packet.

Rice asked if the PUD applied to all three properties.

Zuccaro replied that it did.

Rice asked if the other sign owners had to amend this PUD again to change their signage.

Zuccaro replied that they would have to amend their PUDs to change their signs.

Rice asked if the only part of the monument signs that were illuminated were the logos and the letters.

Zuccaro confirmed and stated that there was a note on the PUD to that effect.

Rice stated that the Commission had not been in favor of fully illuminated signage.

Zuccaro stated that the only fully illuminated signs were the menu boards, on the inside of the property and with timing restrictions.

Diehl asked if the panel would be internally illuminated.

Zuccaro confirmed that they would be internally illuminated.

Williams asked what parts of the Jiffy Lube sign would be illuminated.

Zuccaro replied that the logo and letters would be illuminated and the back would not be.

Robert Kearney, 549 4<sup>th</sup> St, Berthoud, Colorado, owner of Speedy Sparkle, acknowledge Zuccaro accurately described the proposal and is ready to entertain questions.

Williams thanked Mr. Kearney for working with the Commission and for sticking with the long process. She thought the proposal was a great collaboration with the other property owners.

Rice asked if Mr. Kearney agreed with the illumination as described tonight.

Kearney replied that it was and that it was all captured on the PUD.

Rice asked for his comments on the two staff conditions.

Kearney replied that he approved.

Rice asked for public comment.

Mark Cathcart, Sweet Clover Lane, stated that he lived within 75 square feet of Speedy Sparkle and was a member of the Louisville Cultural Council and Director of the North End HOA. He requested that the Commission deny the application. He wanted the car wash to succeed, but Speedy Sparkle had a track record of not switching off the menu boards at night. The signature petition in support of their signs includes some 203 signatures, including four North End residents, and at most 60 Louisville residents. At least two-thirds of the people out of town found their way to the car wash without this signage. He surmised that the reason the Hecla sign was never installed was because he thought that the view of the sign would be blocked from the road by a high voltage box and shrubs and trees, so motorists driving on Hecla Way would not see that signage. He did not think that Hecla should become a through-way or short-cut. He was worried about illegal left turns at Blue Star Lane. Since the car wash was pretty visible from Hecla Way, why did they need a sign there?

Brian Topping, White Violet Way, approximately 150 feet and a two-minute walk away. He did not receive a notice for this meeting. He was worried that the area would turn into Queens with bright signs. He asked if there were any regulations stopping them from turning it into a flashing sign, using a spotlight, or brightening the lights. He thought the right answer was to not have a sign on Hecla Way at all. He thought the car wash was obvious from Hecla Way. He asked why he could not put a sign on his home for his company, as a way of illustrating that there could not be applications for waiver requests like this. He noted that there were 24-hour car washes nearby and if Speedy Sparkle went that way they could become 24-hour illuminated signs. He did not have a problem with the other signage. He added that the current owner knew what he was getting into with having a car wash in that location, since it was a car wash before, and that the residents shouldn't be punished with more signs.

Rice asked for further public comment. Seeing none, he closed the public hearing and asked for additional questions of staff.

Howe asked if business hours could be changed or if there should be a limitation on the definition of business hours.

Zuccaro replied that the Commission could ask the applicant about their business hours and could provide a cap on the hours they could use.

Howe asked what the recourse would be if the signs were illuminated after business hours.

Zuccaro replied that it would be a violation that would start with a warning, which could escalate to a municipal summons with fines and other actions.

Williams asked if the Hecla Way sign was approved by a past PUD.

Zuccaro replied that there was a PUD approved when it was the Black Diamond Car Wash, which had approval for a sign on Hecla. It has never been installed. This sign would be in a similar location as to what was proposed before.

Williams asked if there were any signs there. General discussion regarding directional signs that currently are installed.

Diehl stated that the possibility that the Hecla Way sign could be the first of more to come. He asked if there could be more sign requests for other properties.

Zuccaro replied that there was a vacancy to the north that could ask for a sign and there was a mixed-use development associated with the North End, but that development has residential on the Hecla frontage. But, there could be additional signs as part of the North End development.

Moline stated that the North End property to the east is zoned P-C. The zoning could allow future commercial development.

Zuccaro replied that there could be further development since it was mixed-use. He noted that the PUD for that development expired very recently, but it was zoned for potential commercial.

Rice asked if the menu boards would become a part of the PUD and if that would enhance the City's ability to enforce illumination compliance.

Zuccaro confirmed.

Rice asked if flashing signs were allowed.

Zuccaro stated that they were not.

Rice asked the applicant about business hours.

Iona Kearney, 549 N 4<sup>th</sup> St, Berthoud CO guest engagement director, 7 am – 7 pm, except for Sunday which is 8 am to 6 pm.

Williams asked if there were any kind of sign on Hecla Way.

Ms. Kearney replied that that sign said "Enter" which was small and hidden by a large electrical box.

Williams asked if the applicant planned to replace that sign with the new one.

Ms. Kearney replied that they would replace the sign.

Moline asked Ms. Kearney to comment on the whether or not the sign is needed.

Ms. Kearney stated yes, and their number one concern is safety. She stated that she had followed up with the HOA and had copied Director Zuccaro when responding to the HOA. She explained the lengths she had gone to ensure that the signs were switching off. She noted that the purpose of the sign on Hecla Way was safety. She stated that she saw customers drive past the business and make a big U-turn.

Moline thanked Ms. Kearney for her response.

Diehl asked if the Hecla Way sign was meant to be an advertisement or a wayfinding sign and asked if there were a way to streamline the sign to get the wayfinding purpose met.

Ms. Kearney replied that a sign with a business logo was a way to communicate where to turn, even if the sign was not directional.

Mr. Kearney added that the way the sign was placed gave it the best visibility despite the transformer from the intersection of Plaza Drive and Hecla Way. He noted that customers had commented they didn't know how to enter. He described that there was a traffic flow that he had worked with staff to establish when they changed the orientation of the car wash.

Rice thanked the applicants.

Ms. Kearney added that the illumination's purpose was to be on in the first time and the last time of the day.

Rice asked for commissioner comment.

Moline appreciated the work of the applicant and staff. He felt that the application was an approved product from what the Commission had seen before. He appreciated the neighbors, as well. He thought that a monument sign on Hecla made sense but he thought a condition regarding the business hours and illumination was a good idea.

Williams agreed with Commissioner Moline's points and thought it was important to put the note on the PUD about illumination during business hours.

Hoefner also thanked everyone and thought that it was a dramatic improvement from where they started. He supported adding actual hours on the PUD note, 7 am – 7 pm, rather than just saying business hours. He hoped that the dialogue between Speedy Sparkle and the HOU would continue and noted that code enforcement would be the next step.

Howe wished that the process could have been speedier and sparklier but he appreciated the collaboration. He thought 7 am – 7 pm addition was geared toward the citizen requests because business hours can change.

Diehl noted that he had not been involved in the case from the beginning. Regarding the sign on South Boulder, he thought that the square footage originally was too small for the business and now it was better. He thought the sign on Hecla was more than was needed.

Rice stated that the question was not whether the applicant was entitled to signage, it was whether the applicant was presenting reasonable signage. He thought that this application arrived at that point of reason and balance. He thought that the PUD should reflect that the business hours would be defined as 7 am – 7 pm and limit illumination outside those hours.

Moline suggested language similar to “the PUD reflect that business hours are defined as 7 am – 7 pm.”

Zuccaro noted that staff would work on the final language prior to City Council, but he understood the intent.

Moline moved to approve Resolution 14, Series 2019, with the staff conditions and the additional condition that the PUD reflect that business hours are defined as 7 am – 7 pm. Howe seconded.

Diehl made a motion to reduce the size of the Hecla sign.

Rice asked if Commissioner Moline was willing to allow it has a friendly amendment.

Moline responded that he was willing to allow it as a friendly amendment to allow it to be discussed further.

Rice replied that he would oppose that amendment since the applicant had come a long way and staff recommended approval and to send them back to the drawing board for a fourth time would be too much.

Moline declined the amendment.

Williams seconded Commissioner Moline’s motion. Roll call vote. Motion passed 5-1. Diehl declined to make a motion on his amendment.

**St Louis Parish and Commercial Park GDP, Second Amendment:** A request for approval of a second amendment to the St Louis Parish and Commercial Park General Development Plan to amend allowed uses and development standards, located at the northeast corner of S. 96<sup>th</sup> Street and Dillon Road. (Resolution 2, Series 2020)

- i. Applicant: United Properties
- ii. Case Manager: Lisa Ritchie, Senior Planner

The applicant requests to continue to the April 9<sup>th</sup> date.

Williams moved to continue. Moline seconded. Motion passed 6-0.

### **STAFF COMMENTS**

Moline stated the Commission and community want to express extreme sadness that Chair Steve Brauneis has been in a terrible accident and everyone wishes for a speedy recovery and that thoughts and prayers are with him.

Rice added that Chair Brauneis's contribution to the Planning Commission over the past decade had been immeasurable and hopefully he would be back soon.

### **ITEMS TENTATIVELY SCHEDULED FOR APRIL 9<sup>TH</sup>, 2020**

- Continuance for St Louis Parish and Commercial Park GPD Amendment
- Napa Auto Parts PUD Amendment

Ritchie noted that there may need to be an overflow meeting for the May meeting and requested that the commissioners let her know if they could make it.

Ritchie added that the City was involving the appropriateness of public hearings and events and staff would keep commissioners updated as the situation progressed.

**Adjourn:** Williams moved to adjourn. Howe seconded. Adjourned at 7:26 PM.

**ITEM:** Mobile Food Court Discussion

**PLANNER:** Lisa Ritchie, AICP, Senior Planner

**APPLICANT:** City of Louisville

**REQUEST:** Planning Commission discussion on Mobile Food Court regulations

**SUMMARY:**

Over the past few years, the City has reviewed and adopted regulations associated with operation of mobile food vehicles, mobile retail food establishments, mobile vending carts and ice cream vendors (collectively referred to as food trucks). To date, these regulations have not included specific allowances for food truck courts. Food truck courts may be possible under the existing regulations, but each operator would need to apply for a separate permit, operators would need the consent of nearby restaurants on an annual basis, and the regulations do not account for different impacts associated with operating in a more permanent nature. Recently, an application for a Planned Unit Development and Special Review Use was submitted requesting approval of a development that includes a food truck court. Staff is seeking input from Planning Commission regarding general food truck court regulations that could be appropriate throughout the entire City, and not specifically to the application under review.

**BACKGROUND:**

In 2014 and 2015, the City adopted ordinances establishing allowances and regulations for food trucks. In 2017, these regulations were amended based on experience with actual operations and to streamline permitting requirements. To date, staff finds that these new regulations are working well and do not propose changes to that portion of the 2017 ordinance at this time. These regulations are found in [Sec. 17.16.310](#) of the Louisville Municipal Code.

**DISCUSSION:**

Staff has attached an initial draft ordinance for discussion. The draft ordinance is not intended as a final draft for recommendation to City Council, but is provided for Commission comment and direction. A final draft will be brought back for public hearing and formal recommendation to City Council. The draft ordinance would allow a site with more than two food trucks to operate in a permanent nature, establishes zone districts where this use is permitted by Special Review Use, and creates application requirements and review criteria. This new section would not apply to food trucks operating as part of a city-permitted special event or a private catered event, even if there is more than one food truck operating at the site.

There are a few barriers in the existing code to operating mobile food courts. The first is the requirement that each operator obtain permission from existing restaurant operators within 150 feet. This could be waived for any operator located within an existing

approved mobile food court location, so that food trucks may rotate without each of them obtaining authorization.

Another is that the existing regulations do not contemplate a permanent site or the possible impacts, as individual food trucks operate in a transient manner. Establishment of new regulations could account for impacts that may occur due to establishment of a permanent site with associated activities.

The draft ordinance provided for discussion includes a new definition in Sec. 17.08, a new category in the Use Groups in Secs. 17.12.030, 17.14.050 and 17.72.090 and 100, along with a new subsection in the existing section of the code that includes the specific regulations. The following language is suggested for Planning Commission consideration:

Proposed definition

*Mobile food court* means a commercial development where two or more mobile retail food establishments, mobile food vehicles, mobile vending carts, or ice cream vendors congregate to offer food or beverages for sale to the public and includes customary outdoor areas for eating and drinking. Operations associated with a private catered event or a city-permitted special event are not considered a mobile food court.

Zone Districts

Staff suggests that this use require approval of a Special Review Use in the following zone districts, and not be permitted in the remainder (“R” constitutes the requirement for Special Review Use).

District Regulations: Sec 17.12.030

Use Groups	Districts															
	A	A-O	B-O	* AO-T	R-RR	SF-R	SF-E	R-R R-E R-L	SF-LD SF-MD SF-HD	R-M	R-H	C-N	C-C	C-B	I	
Mobile Food Court	No	R	R		No	No	No	No	No	No	No	R	R	R	R	

Mixed Use Zone Districts: Sec. 17.14.050

Use Groups	Districts	
	CC	MU-R
Mobile Food Court	R	R

Planned Community Zone Districts: Sec. 17.72.090 and 100

These sections regulate uses in the Planned Community Zone Districts. Staff proposes not permitting in PCZD-Residential and requiring a Special Review Use approval in PCZD-Commercial and PCZD-Industrial.

Staff recommends that mobile food courts only be allowed Special Review Use, as this would allow for review of operations and site planning for each proposal to ensure it is appropriate for the context of its location. Mobile food courts could have external

impacts beyond those of a typical commercial business or restaurant. The Special Review Use process requires review and approval by Planning Commission and City Council in some cases, and allows administrative review in other cases. Among the criteria to allow administrative review ([Sec. 17.40.105](#)) is a requirement that the use is not adjacent to residentially zoned property. The following is the purpose statement for Special Review Uses:

*Sec. 17.40.010. - Purpose.*

*Although each zoning district is primarily intended for a predominant type of use (such as dwellings in residential districts), there are a number of uses which may or may not be appropriate in a particular district depending upon, for example, the location, nature of the proposed use, character of surrounding development, traffic capacities of adjacent streets, and potential environmental effects. These factors may dictate that the circumstances of development should be individually reviewed. It is the purpose of this chapter to provide review of such uses so that the community is assured that such uses are compatible with their locations and surrounding land uses and will further the purposes of this title.*

Standards for Mobile Food Courts

Staff suggests a new subsection that includes the specific standards applicable to mobile food courts. These could include:

1. Requirements that operators within a mobile food court follow all existing regulations in Sec. 17.16.310, which include requirements for tax licenses, public health certification, fire district permits, and operating requirements.
2. Hours of operation could be reduced or expanded and amplified music may be allowed if authorized through the SRU. The section would also exempt operators within a mobile food court from obtaining consent from nearby restaurants.
3. Require that all activities associated with the mobile food court occur on private property and not on right-of-way.
4. Require that each vendor pad be equipped with electrical connections. Use of generators would not be permitted.
5. Require a site plan for review that shows:
  - a. The location and orientation of each vendor pad;
  - b. The location of all proposed dining areas and areas designated for gathering and activities;
  - c. The location of any paving, trash enclosures, landscaping, planters, fencing, or any other site requirement by the international building code or Boulder County Public Health Department;
  - d. The location of permanent electrical and other necessary utility connections;

- e. The circulation of all pedestrian, bicycle, and vehicle traffic;
- f. The location of any fixed or movable seating and tables;
- g. The location of restrooms;
- h. The location of vehicular and bicycle parking

### Setbacks

Some communities include setbacks for vendor pads in certain circumstances, such as when the property is adjacent to residential development. Staff believes a setback could be appropriate when a mobile food court is adjacent to residential development and suggests the vendor pads meet the parking setbacks or other setback determined necessary to control the external effects of the proposal.

Staff seeks Planning Commission input on if a setback for all circumstances or only some circumstances is appropriate. Options for setbacks could include:

1. Equivalent setback to the minimum building setback in the zone district. This ranges from 10 to 60 feet, depending on the street type and adjacent property type.
2. Equivalent setback to the minimum parking setback in the zone district. This ranges from 10 to 30 feet, depending on street type and adjacent property type.
3. Alternative setback, such as 10 feet for front property lines and 5 feet for side and rear property lines.
4. No specific setback, but review the overall site design under the approval criteria for SRUs and possibly specific criteria related to mobile food courts.

### Approval Criteria

The Special Review Use regulations in the LMC include criteria and conditions for approval in [Sec. 17.40.100](#). These would also apply to an application for a mobile food court. The review criteria follows:

1. That the proposed use/development is consistent in all respects with the spirit and intent of the comprehensive plan and of this chapter, and that it would not be contrary to the general welfare and economic prosperity of the city or the immediate neighborhood;
2. That such use/development will lend economic stability, compatible with the character of any surrounding established areas;
3. That the use/development is adequate for internal efficiency of the proposal, considering the functions of residents, recreation, public access, safety and such factors including storm drainage facilities, sewage and water facilities, grades, dust control and such other factors directly related to public health and convenience;
4. That external effects of the proposal are controlled, considering compatibility of land use; movement or congestion of traffic; services, including arrangement of signs and lighting devices as to prevent the occurrence of nuisances; landscaping and other similar features to prevent the littering or accumulation of trash, together with other factors deemed to effect public health, welfare, safety and convenience;

5. That an adequate amount and proper location of pedestrian walks, malls and landscaped spaces to prevent pedestrian use of vehicular ways and parking spaces and to separate pedestrian walks, malls and public transportation loading places from general vehicular circulation facilities.

In addition to the above criteria, the LMC also allows the city to impose modifications or conditions to the following development features to the extent such modifications or conditions are necessary to insure compliance with the approval criteria. These include:

1. Size and location of the site;
2. Internal traffic circulation and access to adjoining public streets;
3. Location and amount of off-street parking;
4. Fencing, screening and landscaped separations, including open space;
5. Building bulk and location;
6. Signs and lighting;
7. Noise, vibration, air pollution and other environmental influences.

Staff believes that the existing provisions in the LMC to allow approval of a SRU are sufficient for mobile food court operations. However, staff seeks input from Planning Commission if other specific standards or criteria should be considered.

**NEXT STEPS:**

Following the Planning Commission discussion, staff will finalize a draft ordinance to allow mobile food courts and bring the ordinance to Planning Commission and City Council for adoption through public hearings.

**ATTACHMENTS:**

1. Draft Ordinance

**ORDINANCE NO. XXXX  
SERIES 2020**

**AN ORDINANCE AMENDING TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE TO  
ALLOW MOBILE FOOD COURTS**

**WHEREAS**, the City of Louisville is a Colorado home rule municipal corporation duly organized and existing under laws of the State of Colorado and the City Charter; and

**WHEREAS**, the popularity of food trucks, food carts and mobile retail food establishments have increased significantly in recent years; and

**WHEREAS**, the zoning ordinances within the Louisville Municipal Code (LMC) allow mobile retail food establishments, mobile food vehicles, mobile vending carts, and ice cream vendors subject to certain regulations; and

**WHEREAS**, the City Council desires to amend certain provisions of the LMC to allow mobile food courts; and

**WHEREAS**, after a duly noticed public hearing held \_\_\_\_\_, where evidence and testimony were entered into the record, including the Louisville Planning Commission Staff Report dated \_\_\_\_\_, the Louisville Planning Commission has recommended the City Council adopt the amendments to the LMC set forth in this ordinance; and

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

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

**Section 1.** Chapter 17.08 of the Louisville Municipal Code is hereby amended by the addition of new Section 17.08.322 to read as follows (words added are underlined; words deleted are ~~stricken through~~):

**Sec. 17.08.322. Mobile Food Court.**

Mobile Food Court means a commercial development where two or more mobile retail food establishments, mobile food vehicles, mobile vending carts, or ice cream vendors congregate to offer food or beverages for sale to the public and includes customary outdoor areas for eating and drinking. Mobile food courts may be temporary or permanent. Operations associated with a private catered event or a city-permitted special event are not considered a mobile food court.

**Section 2.** Section 17.12.030 of the Louisville Municipal Code is hereby amended by adding the following use group:

Use Groups	Districts																	
	A	A-O	B-O	* AO-T	R-RR	SF-R	SF-E	R-R R-E R-L	SF-LD SF-MD SF-HD	R-M	R-H	C-N	C-C	C-B	I	PCZD	MU-R	OS
Mobile Food Court	No	R	R		No	No	No	No	No	No	No	R	R	R	R			

**Section 3.** Section 17.14.050 of the Louisville Municipal Code is hereby amended by adding the following use group:

Commercial Use Group	Districts	
	CC	MU-R
Mobile Food Court	R	R

**Section 4.** Section 17.16.310 of the Louisville Municipal Code is hereby amended, to read as follows (words added are underlined; words deleted are ~~stricken through~~):

**Sec. 17.16.310. – Mobile retail food establishments, mobile food vehicles, mobile vending carts, and ice cream vendors.**

A. All mobile retail food establishments, mobile food vehicles and mobile vending carts are subject to the following requirements:

1. *Special events sales/use tax license.* Applicant is required to obtain a special events sales/use tax license. Prior to commencing any operations, applicant shall complete a special events sales/use tax license application, including other required attachments listed on the checklist of required documents, and shall submit the application and application fee to:

City of Louisville  
Sales Tax and Licensing Division  
749 Main Street  
Louisville, CO 80027

2. *Boulder County Public Health Certificate.* Applicant shall obtain a Boulder County Public Health Certificate.

3. *Louisville Fire Protection District.* Applicant shall obtain a Mobile Food Vending Permit from the Louisville Fire Protection District.
4. *Location requirements.* The use shall be located at least 150 feet from any existing restaurant, unless approved by the city manager, or written consent from all restaurant owners within 150 feet is provided. Distances shall be measured by the city on the best mapping available as a buffer from the property perimeter in which the mobile retail food establishment, mobile food vehicle, or mobile vending cart is located, or from the closest point of the mobile retail food establishment, mobile food vehicle, or mobile vending cart itself if located in city-owned right of way, to the closest point of the property perimeter of a restaurant.
5. *Private catered event.* For the purposes of this Section 17.16.310, a private catered event is an event that sells food and beverages for a limited time coinciding with an event not open to the general public and only to attendees of the event. A city issued food truck permit is not required to operate as a private catered event.
6. *Operating requirements.* No person who operates any mobile retail food establishment, mobile food vehicle or mobile vending cart shall:
  - i. Sell anything other than food and non-alcoholic beverages, unless a special events liquor license is approved by the local licensing authority;
  - ii. Operate before 7:00 a.m. or after 9:00 p.m.;
  - iii. Park in city-owned right-of-way or city-owned property overnight.
  - iv. Set-up within any designated sight triangle/vehicle clear-zone;
  - v. Set-up within any ADA Accessible parking space;
  - vi. Impede safe movement of vehicular and pedestrian traffic, parking lot circulation or access to any public alley or sidewalk;
  - vii. Provide amplified music;
  - viii. Place signs/banners in or alongside the public right-of-way or across roadways. Signs must be permanently affixed to or painted on the mobile food vehicle or mobile vending cart, or in the case of a mobile retail food establishment, attached directly to the table, awning, canopy or similar item upon or under which sales are directly made;
  - ix. Fail to have the vehicle/cart attended at all times;
  - x. Fail to permanently display to the public in the food handling area of the mobile food vehicle/cart the permit authorizing such use;
  - xi. Fail to provide separate and clearly marked receptacles for trash, recycling and compost and properly separate and dispose of all

trash, refuse, compost, recycling and garbage that is generated by the use;

- xii. Cause any liquid wastes used in the operation to be discharged from the mobile food vehicle;
- xiii. Fail to provide documentation confirming private property owner's permission upon application or request; or
- xiv. Operate without a city issued food truck permit, unless operating as a private catered event, ~~or~~ as part of a city-permitted special event, ~~or~~ as part of, and with service limited to a city-permitted block party, or as part of a mobile food court.

B. Mobile retail food establishments, mobile food vehicles and mobile vending carts are permitted as follows, subject to Subsection A above:

1. *Residential Zone Districts.*

- i. *Private property.* Mobile retail food establishments, mobile food vehicles and mobile vending carts are not permitted to operate on private property unless operating as a private catered event.
- ii. *City-owned property.* Mobile retail food establishments, mobile food vehicles and mobile vending carts are not permitted to operate on city-owned property unless operating as part of a private catered event or as part of a city-permitted special event. Mobile retail food establishments and mobile vending carts are allowed to operate at Coal Creek Golf Course and at the Louisville Recreation Center in connection with its daily operations.
- iii. *Right-of-way.* Mobile retail food establishments, mobile food vehicles and mobile vending carts are not permitted to operate within city-owned right-of-way, except as follows: Mobile retail food establishments, mobile food vehicles, and mobile vending carts are permitted to operate on rights-of-way that abut a city-owned property as part of a city permitted special event or private catered event located at the abutting city-owned property and being conducted under a city issued park or shelter reservation, and mobile retail food establishments, mobile food vehicles, and mobile vending carts are permitted to operate on rights-of-way as part of, and with service limited to a city-permitted block party.

2. *Non-Residential, Mixed-Use and Agricultural Zone Districts.*

- i. *Private property, city-owned property and right-of-way.* Mobile retail food establishments, mobile food vehicles and mobile vending carts are permitted to operate with a city issued food truck permit or as a private catered event.

- ii. *City-permitted special events.* Mobile retail food establishments, mobile food vehicles and mobile vending carts authorized to operate as part of a city-permitted special event shall be allowed to locate within 150 feet of an existing restaurant and operate without a city issued food truck permit. Hours of operation shall be the same as authorized for the city-permitted special event.
- C. Ice cream vendors are permitted to operate in right-of-way throughout the City of Louisville subject to the requirements below. An ice cream vendor operating in any other manner shall be subject to the regulations for mobile retail food establishments, mobile food vehicles and mobile vending carts. A city issued food truck permit is not required to operate as an ice cream vendor.
  1. *Special events sales/use tax license.* Applicant is required to obtain a special events sales/use tax license. Prior to commencing any operations, applicant shall complete a special events sales/use tax license application, including other required attachments listed on the checklist of required documents, and shall submit the application and application fee to:
    - City of Louisville
    - Sales Tax and Licensing Division
    - 749 Main Street
    - Louisville, CO 80027
  2. *Boulder County Public Health Certificate.* Applicant shall obtain a Boulder County Public Health Certificate.
  3. *Operating requirements.* No person who operates as an ice cream vendor shall:
    - i. Operate before 7:00 a.m. or after 9:00 p.m.;
    - ii. Park in city-owned right of way or city-owned property overnight.
    - iii. Set-up within any designated sight triangle/vehicle clear-zone;
    - iv. Impede safe movement of vehicular and pedestrian traffic or access to any public alley or sidewalk;
    - v. Place signs/banners in or alongside the public right-of-way or across roadways. Signs must be permanently affixed to or painted on the ice cream vending vehicle/cart;
    - vi. Fail to have the vehicle/cart attended at all times;
    - vii. Fail to permanently display to the public in the food handling area of the vehicle/cart the Boulder County Public Health Certificate;
    - viii. Cause any liquid wastes used in the operation to be discharged from the vehicle/cart; or
    - ix. Remain in the same location for longer than a 15 minute period.

- D. Mobile Food Courts. Operating as a mobile food court shall only be allowed within designated zone districts and with approval of a Special Review Use pursuant to Chapter 17.40. In addition to the application requirements and review criteria in Chapter 17.40, the following additional requirements and criteria shall apply:
1. All mobile retail food establishments, mobile food vehicles, mobile vending carts, and ice cream vendors shall comply with Section 17.16.310.A above, except the location requirements from existing restaurants and requirements for consent from existing restaurants shall not apply, hours of operation may be reduced or expanded and amplified music may be allowed through the Special Review Use approval.
  2. All of the proposed activities will be conducted on private property owned or otherwise controlled by the applicant and none of the activities will occur on any public right-of-way.
  3. If the property is adjacent to property developed with residential uses, then the vendor pads shall meet the applicable parking setback or other setback determined necessary to control the external effects of the proposal.
  4. Each vendor pad shall be equipped with electrical connections. Use of generators is prohibited.
  5. A site plan is required showing the following:
    - i. The location and orientation of each vendor pad;
    - ii. The location of all proposed dining areas and areas designated for gathering and activities;
    - iii. The location of any paving, trash enclosures, landscaping, planters, fencing, or any other site requirement by the international building code or Boulder County Public Health Department;
    - iv. The location of permanent electrical and other necessary utility connections;
    - v. The circulation of all pedestrian, bicycle, and vehicle traffic;
    - vi. The location of any fixed or movable seating and tables;
    - vii. The location of restrooms;
    - viii. The location of vehicular and bicycle parking;
- E. It shall be unlawful to operate any mobile retail food establishment, mobile food vehicle, mobile vending cart, or ice cream vending vehicle/cart within the City except in compliance with the provisions of this section.

**Section 5.** Section 17.72.090. of the Louisville Municipal Code is hereby amended by the addition of a new Subsection 17.72.090C. to read as follows:

C. Special Review Uses. The following commercial and noncommercial uses may be permitted by special review pursuant to Chapter 17.40 within any planning area designated “commercial on the adopted planned community development general plan:

1. Mobile food court

**Section 6.** If any portion of this ordinance is held to be invalid for any reason such decisions shall not affect the validity of the remaining portions of this ordinance The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

**Section 7.** The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

**Section 8.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portions hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED PUBLISHED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Ashley Stolzmann, Mayor

ATTEST:

\_\_\_\_\_  
Meredyth Muth, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Kelly, P.C.  
City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Ashley Stolzmann, Mayor

ATTEST:

\_\_\_\_\_  
Meredyth Muth, City Clerk

DRAFT