

ITEM: Napa Auto Parts PUD Amendment
PUD-0256-2019

REQUESTS: Approval of request for an amendment to the Napa Auto
Parts Final Planned Unit Development for Louisville Plaza
Filing No.2, Lot 4, First amendment, Lot 4B.

Supplement No. 3a: Electronic Hearing Request Form

Attached is the Electronic Hearing Request form, signed by the applicant.

Supplement No. 3b: Supplemental Public Comments

Attached are public comments received through June 9th, 2020.

ELECTRONIC LAND USE HEARING REQUEST CASE NO. PUD-0256-2019

APPLICANT INFORMATION

Firm: 6 Eyed Jack LLC
 Contact: Brandon Banks
 Address: 1940 Blake St #201
Denver CO 80202
 Mailing Address: 1940 Blake St #201
Denver CO 80202
 Telephone: 773-220-5786
 Fax: _____
 Email: brandonbanks066@gmail.com

OWNER INFORMATION

Firm: Same as applicant info
 Contact: _____
 Address: _____
 Mailing Address: _____
 Telephone: _____
 Fax: _____
 Email: _____

REPRESENTATIVE INFORMATION

Firm: Emilia Construct
 Contact: Jessica Emilia
 Address: 2606 S Josephine
Denver CO 80210
 Mailing Address: _____
 Telephone: 720-434-3980
 Fax: _____
 Email: jessica@emiliaconstruct.com

PROPERTY INFORMATION

Common Address: 1411 Hecla Way
 Legal Description: Lot _____ Blk _____
 Subdivision Lot 4B First Amendment Lot 4, Louisville plaza Filing 2
 Area: _____ Sq. Ft.

TYPE (S) OF APPLICATION

- Annexation
- Zoning
- Preliminary Subdivision Plat
- Final Subdivision Plat
- Minor Subdivision Plat
- Preliminary Planned Unit Development (PUD)
- Final PUD
- Amended PUD
- Administrative PUD Amendment
- Special Review Use (SRU)
- SRU Amendment
- SRU Administrative Review
- Temporary Use Permit: _____
- CMRS Facility: _____
- Other: (easement / right-of-way; floodplain; variance; vested right; 1041 permit; oil / gas production permit)

I hereby request the public hearing(s) on this application be scheduled to be conducted by Electronic Participation in accordance with the attached Resolution No. 30, Series 2020, as adopted by the City Council on April 7, 2020, if such hearing(s) can be scheduled during a time period when in-person meetings are not being held due to a health epidemic or pandemic. I acknowledge that holding a quasi-judicial hearing by Electronic Participation may present certain legal risks and involves an area of legal uncertainty, and that having this application heard at a meeting held by Electronic Participation is optional and undertaken at my own risk. I also understand that in-person meetings are preferred for quasi-judicial hearings, and that even if electronic hearing(s) are scheduled, this application will be heard at an in-person meeting if in-person meetings have resumed by the scheduled hearing date(s). I further agree to defend and indemnify the City of Louisville in any action that may arise out of, or in connection with, conducting the hearing by Electronic Participation.

SIGNATURES & DATE

Applicant: 
 Print: Brandon Banks 6/5/2020
 Owner: 
 Print: Brandon Banks 6/5/2020
 Representative: _____
 Print: Jessica Emilia

CITY STAFF USE ONLY

- Electronic Hearing Approved: _____
- Date(s) of Hearing(s): _____

From: [Laura R Chernikoff](#)
To: [Planning](#)
Cc: [Harry Brennan](#)
Subject: 1411 Hecla PUD Amendment
Date: Monday, June 8, 2020 12:48:58 PM

To Whom It May Concern,

I am a homeowner at 1459 Hecla Way, in the condo building directly adjacent to the lot at 1411 Hecla Way that has plans under consideration for development.

I am writing again to express my concern about the current version of the plans. I sincerely hope the City Planning Commission will take into consideration the close proximity of residential and commercial in this situation, and will take every possible action to ensure these two areas can exist harmoniously.

The current plans show no acknowledgement of the fact that multi-story residential bedrooms are directly adjacent to the property. The parking lot as it's currently situated would have cars driving around the building to a lot directly in view of the condo buildings and nearby homes. The retaining wall in the latest version of the plan would do little to prevent light, noise, and exhaust from reaching our homes. My home has a bedroom on the third floor and a deck on the second floor that directly faces the proposed parking lot. It makes no sense to situate the parking in this location when it could be on the far side, closer to the Napa Auto property where parking spaces already exist.

Furthermore, there are far more parking places indicated than the proposed business will need. In order to create space for these additional parking places, the new lot will take over the space that Napa Auto has traditionally used to turn their trucks into their loading dock. Without this option, large trucks will need to back into the property, creating additional noise, exhaust, and blocking traffic on Hecla Way.

These plans show clear disregard for the residents of the North End neighborhood in a way that is extremely likely to cause problems for years to come. I strongly recommend these plans are rejected and sent for further revision to come up with a solution that better adapts the commercial lot to the adjacent residential properties. Please respect our property values and our homes.

Sincerely,
Laura Chernikoff

From: [Scott McElroy](#)
To: [Planning](#)
Cc: [Harry Brennan](#)
Subject: 1411 Hecla Way - NAPA Auto Parts PUD Amendment
Date: Monday, June 8, 2020 3:12:43 PM

Members of the Planning Commission,

The proposed amendment to the NAPA Auto Parts PUD (“Amendment”) should not be approved, primarily because of (1) the placement of the proposed building, (2) the location of the unnecessarily expansive parking on the northeast portion of the lot, and (3) the resulting requirement for an exceedingly long faux stone fence on the east side of the lot to provide security and partially shield the neighbors from the lighting and other effects of the parking lot.

The problems with the Amendment appear to be driven by three concerns on the part of the applicant: (1) the need for extensive security for a marijuana dispensary; (2) a desire to operate the facility from 8 AM to 10 PM despite being immediately adjacent to a residential neighborhood; and (3) preservation of the ability to put a second facility on site as was initially proposed by the applicant. The result is a proposed facility that resembles a fortress on a hill as it will be seen by the adjacent neighbors, those using the greenway path alongside the site, and the many people who walk the Hecla Lake Open Space. In any event, the operator of the facility should be required to abide by the signage plan he submitted to the Local Licensing Authority (“LLA”).

Two points require clarification before turning to the merits of the application. First, the applicant who owns the lot, 6 Eyed Jacks, (“Applicant”), is not the entity who received a license from the City. 5 Eyed Jacks (“Licensee”) is owned solely by Mr. Banks who received a marijuana retail license after review of his “moral character” by the LLA. Local Licensing Authority Meeting Minutes for October 28, 2019 at 7 (“LLA Minutes”). 6 Eyed Jacks is owned by Mr. Banks and another party who was not party to the application for a license and therefore 6 Eyed Jacks is not authorized to operate a marijuana retail facility although it is free apparently to lease its facility to 5 Eyed Jacks. I am not aware that a copy of any such lease has been submitted to the City as required by Section 5.11 070.

Second, this Amendment deserves particular scrutiny from the Commission. The LLA specifically deferred the consideration of the site plan for the proposed marijuana retail store to the Planning Commission and the City Council. LLA Minutes at 7. The City Code requires the submission of a site plan and a full description of the building as part of the licensing requirement, presumably so that it can be reviewed in light of the particular use of the facility as a retail marijuana store. Section 5.11 070 B 8. That review has never occurred so strong attention must be paid to that requirement now. In addition, the proposed facility is on the cusp of a residential neighborhood and thus must be viewed in light of the need to avoid adverse effects on the adjacent neighbors.

The fundamental problem with the Amendment is the siting of the building at the southwest corner of the lot immediately adjacent to the street and the existing NAPA parking lot, thus necessitating excessive lighting and security measures for the remainder of the lot. Those measures include a six foot faux stone wall encircling most of the east and north sides of the lot and extensive lighting of the overly expansive parking that is immediately adjacent to the

surrounding neighbors' houses. The proposed hours of operation are from 8 AM to 10 PM seven days a week. The lighting will be on for at least sometime before and after that when "two employees" will be opening and closing the store. General Security Plan submitted to the Local Licensing Authority at 10 of the licensing application ("The opening and closing periods of the day present high risk times for armed robbery or unauthorized intrusions.") ("Security Plan"). Both the lighting and the walls will be visible from the greenway path on the east side of the lot and the Hecla Lake Open Space as well as the surrounding neighborhood.

The problems with the Amendment are exacerbated by the insistence on providing more parking spaces than required, especially when given the present location of the entrance to the building, most customers will use the existing NAPA parking lot. And, of course, the Commercial Design Guidelines emphasize that parking and site coverage should be limited in order to preserve open space. In sum, the building should be located in a spot that (1) does not result in a stone fence extending well over half way down the east side of the lot and along the full north side of the lot which is most visible from Hecla Lake and (2) does not require lighted parking in the northeast part of the lot.

The need for the extensive wall appears to stem from two factors: security and the compelling need to try to shelter the adverse effect of the unnecessarily large parking lot and accompanying lighting on the surrounding neighbors. I don't doubt the need for security which presumably the wall and lighting would help provide. The Licensee has explained that the facility will operate in a "high-risk security environment . . ." Security Plan at 7. The Licensee further noted that among other things, barriers are needed in the effort to prevent "armed violence." Security Plan at 8. See also 9News.com, 7 Marijuana Dispensaries Robbed Since Early November (Jan. 7, 2020)(last viewed 6/6/2020). It is clear, however, that the needed security can be provided in a far less intrusive manner by placing the building in a different location which would minimize the need for lengthy walls and lighting that interferes with the surrounding neighborhood. Presumably, the Applicant has not done that in order to preserve its ability to propose a second building in the future.

Finally, any amendment approved by the Commission should include a note memorializing the Licensee's commitments to the LLA regarding signage. In his Security Plan, the Licensee committed to its signage only being illuminated "30 minutes prior to the dispensary's closing" and "no neon signage." Security Plan at 19. The Licensee further promised that "external signage will only display the registered company name [Louisville Organics] to assist customers in locating the business." Business Operations and Marketing Plan submitted to the LLA at 22. These provisions should be noted on the plat.

To conclude, the proposed Amendment is not compatible with the surrounding neighborhood and open space. It is obvious that a more appealing and less intrusive facility that still meets the needs of the Applicant could be built. As a result, the Amendment should not be approved.

Thank you for your consideration of these points.

Scott McElroy
1873 Sweet Clover Lane

From: [Matt Welton](#)
To: [Planning](#)
Cc: [Harry Brennan](#)
Subject: 1411 Hecla Way PUD Ammendment
Date: Monday, June 8, 2020 9:31:14 PM

To whom it may concern,

I am writing to express my concern regarding the approval of the development at 1411 Hecla way. I am in favor of rejecting this proposal mainly due to its close proximity to a quiet residential neighborhood. The proposed layout of the structure, parking lots and barrier walls will cause numerous problems to the existing residents of Hecla Way.

I'm new to Louisville and intend to be engaged in this community. I was shocked to learn that this business was approved at this location. Louisville is a very sought after town to live in and it's going to continue to grow. I realize this development was well underway before I became a resident and I assume the process is too far along to prevent it entirely. Wouldn't a business such as this be better suited in an existing location with a comparable business model? If it is too late to reject this business at this site altogether, then I urge you to please take the time to look deeply into the impact it will have on the neighboring residential community and act accordingly.

I also ask you to think ahead and consider what different approach you may take with regard to the future development of North End Market 1st Amended Block 11 PUD (also on Hecla Way) when the time comes. You have a choice to make and you have an opportunity to lead by example. Are we a community where businesses pop up in random locations with no rhyme or reason or do we have an actual plan for growth like the title of your Committee might suggest. Do we want to be a model for other communities or one where other townships learn from our poor choices. I hope you look at all those impacted by this development and choose the former, now and in the future.

Thank you,
Matthew Welton
1505 Hecla Way

From: Tim Merkel [mailto:tim@bigcompass.com]

Sent: Monday, June 8, 2020 10:59 AM

To: Planning <planning@Louisvilleco.gov>

Subject: 1411 Hecla PUD Amendment

Dear Planning Commission,

"Poor planning on your part doesn't make an emergency on my part". We've all heard our parents and teachers say this to us. When I look at the 1411 Hecla PUD Amendment plan this is what echoes in my head.

From a common sense perspective, this PUD Amendment plan looks and feels wrong. Buildings, parking lot, trash, and loading docks all competing for space and placed in aesthetically silly locations. Even if this plan meets all the requirements on paper with the city, this plan needs serious improvement. We don't have a planning commission to simply read the rules and check for compliance, we have a planning commission to protect the beauty and value of our community by preventing silly & ugly designs/plans to be built.

I have several issues with the plan:

1. Logistics - Trucks will have a very difficult time with this layout, creating extra noise and traffic issues
2. Design - The 6' privacy wall is darn right silly. Why are homeowners prevented from putting these up, but business can. We have no precedent for this style wall in the city. Let's not start now.
3. Aesthetics - There is now way this building and parking lot layout would ever be dreamt up by the city's planners...because it's ugly. If we allow this to happen with our new developments, what is a planning commission for? What will this tell future developers about they can get away with?

It is unfortunate that the owners of this land have spent so much time and money trying to make this lot work. It's unfortunate that the Napa building is situated the way it is. It's unfortunate that this lot was one of the only spaces that legal marijuana could be sold in Louisville. However this doesn't translate into an obligation by the City to "make it work". Once built, this building will impact the city for decades to come. Please uphold your duty as a pragmatic commission and force these developers to create a safe, functioning, and aesthetically palatable plan.

Thank you all for your hard work.

Tim Merkel

Partner, Big Compass

-----Original Message-----

From: Marsha McClanahan [<mailto:marshamccl@icloud.com>]

Sent: Monday, June 8, 2020 1:46 PM

To: Planning <planning@Louisvilleco.gov>

Subject: 1411 Hecla Way

I have studied the revised plan for the retail marijuana store to be built next to the residential properties of North End. I am a property owner at 1459 Hecla Way. I would again like to voice my concern with placing the parking along the eastern side of the back of the lot, adjacent to the residences. Entering cars will be driven around the entire building and enter the parking lot behind the building with their lights pointing at the residential properties. It would seem so much wiser to locate the parking adjacent to the parking of the other business, NAPA auto. The condos are 3 floors high with their master bedrooms on the top floor at the back of the building and the closest single story house has a bedroom at the back of the house. The parking area will be as close as possible on the lot to the residential bedrooms. Since this is a business that is open every day until 10 pm and will have employees leaving after 10 pm, this will be a problem for all the nearby residents. A wall along the property edge will not stop the lights, noise and car exhaust from reaching the residents, especially since 2 of the 3 floors of the condos are above the wall.

If I understand the drawings, there are 14 parking spaces for a single business which seems excessive. It looks as if more than 50% of the lot will become asphalt which could create flooding in heavy rain. The water runoff from the property is directed toward the concrete pathway and to Sweet Clover Way. The concrete pathway is a sidewalk, not an aqueduct. I continue to have concerns about over saturation of the ground there which could lead to water entering basements or cause other property damage.

Marsha McClanahan

--Original Message-----

From: Marsha McClanahan [<mailto:marshamccl@icloud.com>]

Sent: Monday, June 8, 2020 1:46 PM

To: Planning <planning@Louisvilleco.gov>

Subject: 1411 Hecla Way

I have studied the revised plan for the retail marijuana store to be built next to the residential properties of North End. I am a property owner at 1459 Hecla Way. I would again like to voice my concern with placing the parking along the eastern side of the back of the lot, adjacent to the residences. Entering cars will be driven around the entire building and enter the parking lot behind the building with their lights pointing at the residential properties. It would seem so much wiser to locate the parking adjacent to the parking of the other business, NAPA auto. The condos are 3 floors high with their master bedrooms on the top floor at the back of the building and the closest single story house has a bedroom at the back of the house. The parking area will be as close as possible on the lot to the residential bedrooms. Since this is a business that is open every day until 10 pm and will have employees leaving after 10 pm, this will be a problem for all the nearby residents. A wall along the property edge will not stop the lights, noise and car exhaust from reaching the residents, especially since 2 of the 3 floors of the condos are above the wall.

If I understand the drawings, there are 14 parking spaces for a single business which seems excessive. It looks as if more than 50% of the lot will become asphalt which could create flooding in heavy rain. The water runoff from the property is directed toward the concrete pathway and to Sweet Clover Way. The concrete pathway is a sidewalk, not an aqueduct. I continue to have concerns about over saturation of the ground there which could lead to water entering basements or cause other property damage.

Marsha McClanahan

-----Original Message-----

From: Nancy K [<mailto:nancymkoch@gmail.com>]

Sent: Saturday, June 6, 2020 5:44 PM

To: Planning <planning@Louisvilleco.gov>

Subject: Comments regarding the retail store proposal at 1411 Hecla Way

Louisville Planning,

I have a few comments regarding the plans for the new building near NAPA Auto parts.

1. I am not pleased that the building is close to the sidewalk. Especially in this neighborhood setting. Everything seems to be about open space. This would be a contrast to the North End development. Isn't there a better location for this building? Balfour designed its new building back away from the sidewalk. Giving one an open feeling. When I walk near the building, there is a sense of calm.
2. I am not pleased about the wall that will be adjacent to the trail. Again, it seems opposite of an open space idea.
3. I do not want a business open from 8 to 10. It is important to remember that this is a residential area. It is quiet. Maybe near King Sooper's is a better location. At least that is a commercial area not in our back yard.

It just seems that there are better suited commercial areas for a store like this.

Nancy Kochevar
1805 Blue Star Lane
Louisville, CO

---Original Message-----

From: Brian Topping [<mailto:brian.topping@gmail.com>]

Sent: Tuesday, June 9, 2020 1:48 PM

To: Planning Commission <PlanningCommission@louisvilleco.gov>

Subject: PUD-0256-2020

Dear Commissioners,

Thank you for your mailing of public notice on case number PUD-0256-2020. While of course we residents of North End would have liked to be similarly notified before this project was originally approved, it is a nice consolation to have been notified here and moving forward..

As a neighbor to this development, I have reviewed the plans to the best of my ability and am personally satisfied with the overall outcome. By moving the parking lot to the back of the property and taking the structure out of alignment with the neighboring NAPA store, it removes that horrid feel of strip malls with parking lots in front of them. The landscaping, including the faux stone fencing and it's arrangement thereon provides an aspect of privacy that exceeded my expectations and think it is a great solution to the various goals of interested parties.

The only consideration I have is that the fence height would be at a minimum in the 78"-90" range instead of the proposed 72". Small height increases in such structures change the incident angle of unobstructed sound and light quite measurably at distance. This is especially important for the adjacent row homes on Hecla. While the taller fence line may feel more imposing, I imagine that to be a temporary situation until the foliage grows in. While we have no three-dimensional renderings to go from here, the overall development could look quite stately as the canopies of the trees start to obscure the top of the fence line in places.

This feel could be enhanced by planting vines on along the fence. I am not a landscape professional, but my sense is that vines would take to that concrete treatment and once again improve the elegance of the overall structure with time. It seems like the customers might also enjoy this "hidden oasis" treatment as well, transforming their visits from transactional to more experiential in nature. Noting the waterfall at the northeast corner of the parking lot, I believe these additions could be keeping with that theme.

Kind regards,

Brian Topping
White Violet Way
Louisville CO 80027