

Planning Commission

October 8, 2020

6:30 PM

ELECTRONIC MEETING

This meeting will be held electronically. Residents interested in listening to the meeting or making public comments can join in one of two ways:

- 1) You can call in to +253 215 8782 or 669 900 9128 Webinar ID # 845 1749 7049.***
- 2) You can log in via your computer. Please visit the City's website here to link to the meeting: <https://www.louisvilleco.gov/local-government/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

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

Persons with disabilities planning to attend the meeting who need sign language interpretation, assisted listening systems, Braille, taped material, or special transportation, should contact the City Manager's Office at 303 335-4533. A forty-eight-hour notice is requested.

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes
 - a. September 10, 2020
5. Public Comment on Items Not on the Agenda
6. New Business – Public Hearing Items
 - a. **LMC Amendment – Mobile Food Courts**– Proposed amendments to Title 17 of the Louisville Municipal Code to establish regulations for Mobile Food Courts (Resolution No. 12, Series 2020). – **CONTINUED FROM SEPTEMBER 10, 2020**
 - i. Applicant: City of Louisville
 - ii. Case Planner: Lisa Ritchie, Senior Planner
 - b. **511 E. South Boulder Rd (The Rose and Raven) PUD, SRU, Plat and Easement Vacation:** A request to for a Planned Unit Development, a

City of Louisville

Department of Planning and Building Safety

749 Main Street Louisville CO 80027

303.335.4592 (phone) 303.335.4550 (fax) www.louisvilleco.gov

Special Review Use, a Plat and an Easement Vacation to allow construction of a 14,000 sf building and Mobile Food Court. (Resolution 13, Series 2020) – **CONTINUED FROM SEPTEMBER 10, 2020**

- i. Applicant: Caddis Collective
- ii. Case Manager: Lisa Ritchie, Senior Planner

c. Cable Labs Wireless SRU: A request to for a Special Review Use to allow a 20-foot tall freestanding wireless facility on Lot 1, Coal Creek Business Park at 858 Coal Creek Circle (Resolution 14, Series 2020)

- i. Applicant: Cable Labs
- ii. Case Manager: Lisa Ritchie, Senior Planner

7. Planning Commission Comments

8. Staff Comments

9. Items tentatively scheduled for the meeting on November 12, 2020:

- a. Planning Commission training
- b. Moxie Bread PUD and SRU
- c. St Louis Parish and Bolder Innovation Park PUD, Plat and SRU

10. Adjourn

**Planning Commission
Meeting Minutes
September 10, 2020
Electronic Meeting
6:30 PM**

Call to Order – **Chair Brauneis** calls the meeting to order at 6:30 PM.

Roll Call is taken and the following members are present:

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

Commission Members Absent: Tom Rice, Vice Chair

Staff Members Present: Rob Zuccaro, Dir. of Planning & Building
Lisa Ritchie, Senior Planner
Elizabeth Schettler, Sen. Admin Assistant

APPROVAL OF AGENDA

Moline moves and **Williams** seconds a motion to approve the September 10, 2020 agenda. Motion passes unanimously by a roll call vote.

APPROVAL OF MINUTES

Howe moves and **Williams** seconds a motion to approve the August 13, 2020 minutes. Motion passes unanimously by a roll call vote. Howe, will

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

NEW PUBLIC ITEMS

Agenda Item A: 578 S Pierce PUD and SRU

A request for a Planned Unit Development and Special Review Use to allow development of a new single-story building for pet care (dog day care) and associated site improvements. (Resolution 11, Series 2020) *Continued from August 13, 2020*

- Applicant: PM Design
- Case Manager: Rob Zuccaro, Director of Planning & Building Safety

Staff Presentation:

Before staff begins their presentation, Zuccaro verifies that this application's public notice requirements have been met. They were mailed to the surrounding property owners on July 24, 2020, published in the Boulder Daily Camera on July 26, 2020, and the property was posted on July 24, 2020.

Zuccaro discusses the property's location and background history.

He reviews the PUD and SRU proposal which is as follows:

PUD

- Building is 8,700 sq. ft.
- Shared access drive
- Storm water detention on the south side of property
- Providing 26 parking spaces

SRU

- Pet care business
- Outdoor play area
- Odor and noise management

He concludes with the applicant's waiver request. The request is as follows:

- Requesting to not plant required trees along the south property boundary due to the detention pond. This will be offset by exceeding 25% of the minimum landscape area standard (they are providing 34%) and by providing additional planting on east side of the lot

Staff Recommendations:

Staff recommends approval of Resolution 11, Series 2020, recommending to the City Council approval of the PUD and SRU for a pet care facility at 578 South Pierce Ave.

Commissioner Questions of Staff:

Moline asks that when the access is on a neighboring property, does the city require the applicant to produce an easement that shows that they have gotten the legal right to use that land in order to access the property?

Zuccaro says yes, that would be the city's standard procedure, and there is an easement in this case.

Moline asks if there is a reason from the city's perspective that we would not allow plants in the detention pond.

Zuccaro says that we do allow certain types of plants in the detention pond.

Diehl asks about the parking in relation to the number of kennels or pets the facility can handle. On Pierce Ave, if all the spaces were full, is there an opportunity for overflow parking in the street?

Zuccaro says from the city's standpoint, these are public streets and parking is allowed on those streets; however, that is not consistent with the owner's association. They do not promote parking on the streets and prefer that they do not rely on those public

streets for their business. From a city's standpoint, it would technically be allowed though.

Diehl asks that on the east side of the property, what landscaping is that? Trees or shrubs?

Zuccaro says they are a shorter type of evergreen tree. He is unclear what their mature height is though.

Diehl asks regarding the dog waste, are there any type of requirements for that type of biohazard?

Zuccaro says that the public works department brought up those types of questions as well. His understanding is that public works reviewed the operations of the business and its waste management plan and they were satisfied that there would not be excessive storm water contamination.

Diehl mentions that the city does not have a dark sky policy. We states that he would love for the applicant to consider this. He asks what the process would be in order to move that into a more formal guidance for future applicants.

Zuccaro says that they do require full cutoff fixtures and did review that the applicant has full cutoff parking lot and wall fixtures. If the city does redo the design guidelines, we can look into those standards and look to see if they adhere to the dark sky policy.

Williams asks if they have a dedicated pick up and drop off location.

Zuccaro says that they do not have a formal pick up and drop off plan for this site.

Howe asks where the shared entrance is on the site plan.

Zuccaro shows on staff's presentation slide where the entrance is on the site plan.

Howe asks if we received any public comment for this application

Zuccaro says we have not received any public comment other than from the owner's association.

Applicant Presentation:

Todd Woody, 7200 S Alton way, Centennial, CO 80012

Woody mentions that the elevations shown in staff's presentation are incorrect. He shows the commissioners the correct elevations.

Ritchie agrees with Woody and confirms that the PUD plan set are correct.

Alex and Margaret Hoover, 2767 Xanthia Ct, Denver, CO 80238

Hoover mentions that at other locations for this business, there has been no previous need for overflow parking. On average there are only four or five families dropping off their dogs at once.

Commissioner Questions of Applicant:

Diehl asks what their process is for the disposal of dog waste.

Hoover says that solid waste is picked up immediately and disposed into the dumpster. The dumpster will be picked up on the specific day that is scheduled through Waste Management. It is a standard covered dumpster though. Inside, we use a foaming cleanser/cleaner disinfectant that is wiped down. We do not use any hoses for cleanup.

Howe mentions that the entryway seems very narrow. A separate exit/entry is helpful for any emergency situations. He asks if they considered having that.

Hoover says that they did not consider that, but this floor plan is a replicate of other business locations and there have not been issues with the narrow entryway or not having a separate exit/entry.

Howe asks if they received any feedback from adjacent neighbors.

Hoover says they had a public outreach meeting at the library but nobody showed up for it. They were in contact with the neighbors to the north of them who share the easement and they had no issues with their proposal.

Public Comment:

None is heard.

Closing Statement by Staff:

None is heard.

Closing Statement by Applicant:

None is heard.

Discussion by Commissioners:

Williams says that she thinks it is a good project and a great location. She is looking forward to seeing how successful it will be and is satisfied with the parking.

Diehl believes it is an excellent idea and project. They did a good job in following the guidelines and he is fine with the waiver they are requesting.

Moline agrees with his fellow commissioners and thinks this is a good spot for this type of use.

Howe says that it is a good proposal and he supports the waiver. He mentions that he would love if they would consider using compostable trash bags and hopes that they consider having a separate entry and exit way.

Hoefner agrees with the commissioners and supports the project.

Brauneis also agrees with the commissioners.

Moline moves and **Diehl** seconds to approve Resolution 11, Series 2020.

Motion passes 6-0 by a roll call vote.

Name	Vote
Chair Steve Brauneis	Yes
Keaton Howe	Yes
Jeff Moline	Yes
Debra Williams	Yes
Ben Diehl	Yes
Dietrich Hoefner	Yes
Motion passed/failed:	Passed

Agenda Item B: LMC Amendment – Mobile Food Courts

Proposed amendments to Title 17 of the Louisville Municipal Code to establish regulations for Mobile Food Courts. (Resolution 12, Series 2020) **REQUEST TO CONTINUE TO October 8, 2020**

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

Agenda Item C: 511 E South Boulder Rd (The Rose and Raven) PUD, SRU, Plat and Easement Vacation

A request to for a Planned Unit Development, a Special Review Use, a Plat and an Easement Vacation to allow construction of a 14,000 sf building and Mobile Food Court. Resolution 13, Series 2020) **REQUEST TO CONTINUE TO October 8, 2020**

- Applicant: Caddis Collective
- Case Manager: Lisa Ritchie, Senior Planner

Diehl moves and **Moline** seconds a motion to continue agenda items B and C to the October 08, 2020 planning commission meeting. Motion passes unanimously by a roll call vote.

PLANNING COMMISSION COMMENTS

Howe mentions that there seems to be more interest and pressure on the design guidelines in relation to the dark skies policy. He asks staff what a realistic timeline would be in order for them to be able to work on that policy.

Zuccaro says that originally, staff was hoping to have drafts of the updated design guidelines by the end of the year. With COVID-19, recent staff cuts, and being short staffed, we are no longer on that trajectory any longer. We are hopeful that we can work on this project in 2020 but we have no clear date or time line for it. In regards to the dark sky initiative, having a cutoff for the light fixtures is a big step in the right direction. Also regulating the lumen output per light the color, temperature of the light, and promoting shorter lights are also great steps in the right direction. These are guidelines staff is thinking about putting into the ordinance. If any commissioners have input or best practices for this, please inform staff.

Ritchie mentions that she thinks that most applicants are accommodating for these

preferences.

Zuccaro says that if there is push back with this, it is applicants thinking that the property will not be as secure. That is often not accurate though. It is usually more secure because you will have even lighting and no dark spots on the property.

Diehl says that it sounds like there is support to improve at least some of the guidelines. Maybe we should just move forward with those items instead of doing it all at once.

Ritchie says that staff had not thought about breaking it apart but that it is an approach that we can think about.

STAFF COMMENTS

Ritchie informs the commissioners of what the agenda will look like for the October meeting. She reminds them that they need city training soon for the meetings and will give them more information at a later time on what those possible dates could be.

ITEMS TENTATIVELY SCHEDULED FOR THE MEETING ON OCTOBER 8, 2020

- LMC Amendment - Mobile Food Courts continuance
- 511 E. South Boulder Rd PUD, SRU, Plat and Easement Vacation continuance
- Coal Creek Business Park Lot 1 Wireless SRU

ADJOURN

Moline moves and **Howe** seconds a motion to adjourn the meeting. Meeting adjourns at 7:22 PM.

ITEM:	LMCA-0309-2020 – Mobile Food Court Code Amendment
PLANNER:	Lisa Ritchie, AICP, Senior Planner
APPLICANT:	City of Louisville
REQUEST:	Consideration of Resolution 12, Series 2020, recommending approval of a draft ordinance amending Title 17 of the Louisville Municipal Code to establish a mobile food court use group and criteria for consideration of mobile food courts as a special review use in specified zone districts.

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 mobile food courts. A mobile food court differs from typical food trucks, which operate in a temporary and transitory manner in right of way or occasionally on private property in areas not specifically developed for food trucks. A food truck court typically operates as part of a food and/or beverage service business on a private lot and is developed specifically to accommodate food trucks on a permanent basis. Examples of other food truck courts include the Rayback Food Truck Park in Boulder and the Improper City Food Truck Park in Denver.

Mobile food courts would not be practical under current City regulations because every food truck would need to obtain authorization from adjoining restaurants on an annual basis. An adjoining restaurant in a shopping center where the food truck court operates could in effect eliminate the ability of the food truck court to operate due to the requirement for authorization. While it is important to have this authorization requirement for typical food truck operations outside of food truck courts to ensure fair competition with brick and mortar restaurants, a food truck court operates as a brick and mortar business and would rely on the availability of food trucks for their business plan.

In addition, the proposed Special Review Use procedure will ensure food truck courts 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 mobile food court. These applications are under consideration during the same Planning Commission meeting.

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.

The Planning Commission held a discussion on this topic on May 14, 2020. The draft regulations were updated to reflect the outcome of this discussion. The minutes from that meeting are included as an attachment.

DISCUSSION:

In order to establish new regulations, the draft ordinance includes the addition of 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 for food trucks that includes the specific regulations for mobile food courts. 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

The draft ordinance requires approval of Special Review Use through public hearings (not eligible for administrative approval) in those districts identified below, and would not be permitted in the remainder:

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. The draft ordinance requires approval of a Special Review Use in the PCZD-Commercial and PCZD-Industrial zone districts.

Standards for Mobile Food Courts

The draft ordinance includes a new subsection that includes the specific standards applicable to mobile food courts. These 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. The new section would allow amended hours of operation and amplified music if authorized through the SRU.
2. Require that all activities associated with the mobile food court occur on private property and not on right-of-way.
3. 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 connections, 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

The draft ordinance includes language that when the site is adjacent to residential development, the vendor pads shall meet the applicable parking setback, or other setback determined necessary to control the external effects of the proposal.

Approval Criteria

The Special Review Use regulations in the LMC include criteria and conditions for approval in [Sec. 17.40.100](#). These are the same for all SRUs and 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.

PUBLIC COMMENTS:

Public comments received to date are included as an attachment.

STAFF RECOMMENDATION:

Staff recommends approval of Resolution 12, Series 2020, recommending approval of a draft ordinance amending Title 17 of the Louisville Municipal Code to establish a mobile food court use group and criteria for consideration of mobile food courts as a special review use in specified zone districts. to establish regulations for mobile food courts.

ATTACHMENTS:

1. Resolution 12, Series 2020
2. Draft Ordinance
3. Planning Commission minutes, May 14, 2020
4. Public Comments

**RESOLUTION NO. 12
SERIES 2020**

**A RESOLUTION RECOMMENDING APPROVAL OF A DRAFT ORDINANCE
AMENDING TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE TO ESTABLISH A
MOBILE FOOD COURT USE GROUP AND CRITERIA FOR CONSIDERATION OF
MOBILE FOOD COURTS AS A SPECIAL REVIEW USE IN SPECIFIED ZONE
DISTRICTS**

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 Planning Commission desires to amend certain provisions of the LMC to allow mobile food courts; and

WHEREAS, the Planning Commission has considered the application at a duly noticed public hearing on October 8, 2020, where evidence and testimony were entered into the record, including the findings in the Louisville Planning Commission Staff Report dated October 8, 2020.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Louisville, Colorado does hereby recommend approval of a request to amend Title 17 of the Louisville Municipal Code to a establish mobile food court use group and criteria for consideration of mobile food courts as a special review use in specified zone districts.

PASSED AND ADOPTED this 8th day of October, 2020.

By: _____
Steve Brauneis, Chairperson
Planning Commission

Attest: _____
Debra Williams, Secretary
Planning Commission

**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. 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 17.40.105.A.8. of the Louisville Municipal Code is hereby amended, to read as follows (words added are underlined; words deleted are ~~stricken through~~):

8. That the proposed use does not include the following uses: ~~limited wholesale sales as defined in section 17.08.262 of this title.~~

- i. Limited wholesale sales, as defined in section 17.08.262
- ii. Mobile food court, as defined in section 17.08.322

Section 6. 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 7. 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 8. 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 9. 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

**Planning Commission
Meeting Minutes
May 14, 2020
Electronic Meeting
6:30 PM**

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

Roll Call was taken and the following members were present:

Commission Members Present: Tom Rice, Vice Chair
Steve Brauneis, Chair
Jeff Moline
Debra Williams
Keaton Howe
Ben Diehl
Dietrich Hoefner

Commission Members Absent:

Staff Members Present: Rob Zuccaro, Dir. of Planning & Building
Lisa Ritchie, Senior Planner
Elizabeth Schettler, Sen. Admin. Assistant

APPROVAL OF AGENDA

Moline moves and **Diehl** seconds a motion to approve the May 14, 2020 agenda. Motion passes unanimously by voice vote.

APPROVAL OF MINUTES

Howe moves and **Moline** seconds a motion to approve the March 12, 2020 minutes. Commissioner Brauneis abstains from voting. Motion passes unanimously by voice vote.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None is heard.

NEW PUBLIC ITEMS

Discussion on Mobile Food Courts

Staff presents their discussion on possible amendments to the Louisville Municipal Code to establish regulations for mobile food courts.

Staff mentions the needed special review use for mobile food courts and what uses would not be permitted. Standards such as site plans and setback requirements is discussed as well. Staff closes their presentation with what the SRU approval criteria is and any SRU modifications or conditions needed.

Rice opens the discussion to the rest of the commissioners once staff completes their presentation.

Moline asks if staff thought about creating a calculation for parking spaces or is that something captured in the zone district regulations?

Ritchie says when they look at outdoor dining, they do not assign parking spaces for outdoor dining areas. In this case, through the approval of the SRU though, they can evaluate parking. As a starting point, we would apply the typical parking ratio for a restaurant. We have the discretion to evaluate the appropriateness for that particular site.

Moline asks if there is a need to create a parking calculation formula.

Ritchie says that staff had not thought of that. We did not think it is substantially different from a typical restaurant use.

Moline says he is comfortable determining that on a case-by-case SRU basis. He then asks if the city has had a chance to reach out to the stakeholders of the food truck community.

Ritchie says staff has not reached out to them yet but we do intend to do so.

Hoefner asks if this is a possible use now without this proposed change, and if so, how would you go about it?

Ritchie says that in the code you could do it through an SRU through an approval of outdoor dining. It could be problematic though given the context for the food truck operators. There are limitations in the code related to hours of operation as well as the requirement for each individual food truck to get permission from the city. Staff is trying to give more operational ease for the property owners and operators.

Hoefner then states that it is supposed to make it easier instead of opposing new regulations that did not exist before.

Ritchie agrees with Hoefner's conclusion.

Rice asks why we would not have the same setback requirements.

Ritchie says some impacts are the same but it varies per town what the setbacks are. It could be restrictive if someone is trying to add a food court to a developed site that is smaller. Staff is trying to evaluate where an appropriate location for a food court is. We are asking ourselves where the impact is, what we are mitigating, and what the best way to approach it is. We have been asking if it should be by a case-by-case basis.

Williams asks regarding the adjacency to residential, is there any criteria on its proximity?

Ritchie says adjacency in the code applies to the property that is immediately adjacent but excludes right of way. Which means that if you are across the street, you are still considered adjacent.

Williams asks about a scenario in that what if it is not within 150 feet.

Ritchie says that the 150 feet applies to the permission from the restaurants.

Williams asks what if we have no setback according to when it is adjacent to a residential area.

Ritchie says the draft ordinance would propose the parking setback if the property was adjacent to the residential development.

Williams asks if we are going to limit how many trucks we would have in a specific development or location.

Ritchie says the ordinance does not contemplate that but it would be related to the size of the property. Currently, staff is not proposing a limit.

Williams asks if the parking would create a limit anyway.

Ritchie relies with yes; it helps relate the amount of development on a property with the size of development.

Williams asks if that would limit how many trucks would be on the property.

Ritchie says that is not entirely true. You could have eight trucks but only four tables. She says she would assume the number of trucks would equate to more people visiting the site. That may or may not be true though.

Howe asks regarding the setbacks, what was the rational for removing the consent from the restaurants? Have you gotten feedback from the restaurants?

Ritchie says that we have not gotten feedback yet. The SRU process requires public notice that are within 500 feet of the SRU application. Through the approval of that SRU, all of those restaurant owners would receive the notice. If they have objections, that would be raised through the application process. The intent of removing that is because when SRU is approved, the restaurant owners of aware. The requirement would be that each individual food truck would have to get permission from each restaurant so staff is trying to remove that from the food truck operators.

Howe asks if there are existing locations that have been approved for food trucks.

Ritchie says there are no permanent mobile food truck locations right now. She does not know if staff could anticipate which locations are appropriate for a permanent location, and does not think they would want to have to select those locations through this process.

Zuccaro weighs in on the consent of the adjacent restaurants. He mentions that it is not practical for a property owner and business owner to invest in a business concept surrounded by a food truck court.

Howe states that we currently have restrictions on where restaurants can be in the city. If we could create ideal location requirements, you could also have an SRU for these types of requests.

Ritchie asks Howe if he is suggesting that some of these zone districts could be a use by right and then others would require an SRU.

Howe replies with yes; he believes it could be a mix of the two. The benefit of that is that you could have a food truck using certain locations that have been previously approved by the city, but there could also be SRU uses in conjunction with that.

Diehl states that when the agenda first came out, his first reaction asked the question of is it the right time to be promoting food trucks as an alternative. He does feel like food trucks align with the city's vision and being a small community though. Food trucks is an avenue and propels more entrepreneurship. He is therefore in favor of promoting food trucks. He mentions that his one concern is if somebody develops a food court and then it does not get used.

Diehl asks if there should be language added if the space is not being used. Does the property owner have to do something with that? He also mentions the traffic concern.

Ritchie says she cannot think of an instance where staff would require a property owner to make changes to a site just because a portion is not being utilized. She mentions that the city does require landscaping to be maintained per the municipal code.

Zuccaro says the only time he has seen an abandoned use is in the wireless code. For a business use like this, he says the business is making an investment. He mentions that staff could talk to the city attorney and have a discussion to address that concern.

Williams mentions that in regards to downtown, she is apprehensive of having a food truck court when there is a lot of space for restaurants. She wonders if they could think about omitting this from downtown or create more regulations for downtown. She adds that because it is an SRU, she is not in favor of choosing where in town this would be allowed. She does not want to tell property owners what they can do with their property.

Rice proposes to the other commissioners to reserve their discussion points for later in the meeting. Rice then asks if restrooms are going to be required for food trucks.

Ritchie says that they would want to require access to restrooms. Restrooms could be shared through the permission of the adjacent property owner.

Zuccaro says that staff could create a provision that says a food truck court has to be associated to a physical building and not just be in an open field.

Rice asks if the public has any comments. None is heard.

PLANNING COMMISSION COMMENTS

Diehl agrees with Williams that he is concerned with the downtown competition. He proposes the possibility of excluding CC zoning and shows the downtown restaurant owners that they are considering them.

Hoefner states that he does not think the commission is responsible for protecting existing restaurant owners from future competition. He thinks a food truck court is seen more as a restaurant and that it does not have the same risk or confusion element as a mobile food truck does. He brings up other concerns such as restrooms and thinks that setbacks are minimal and need to be addressed through an SRU as a case by case. He informs the other commissioners that he does not want to create many rules and inhibit a creative proposal, but instead keep it as flexible as possible given that it will be an SRU application and they will already be reviewing it. He also thinks the commissioners will not have to review many of these, so they will not be frequent approvals.

Howe agrees with Hoefner that they should not micro organize the survivability of some of these restaurants. He recognizes that there will be competition within downtown. He mentions tax revenue and wonders if they are the same to a brick and mortar to a pad that has some of these food trucks. He then asks if it was not, do we acknowledge that they have the same rights to attract customers or do you give preference to the existing restaurants?

Moline says that the SRU is a good process for these applications, and believes it is a good way of capturing and helping the public be aware of what is happening in a particular area. He is in favor of choosing a setback that is in alignment with a parking setback just as a starting point.

Ritchie makes the point that through the SRU process, all applications will be required to go through the public notice process. If the application is not adjacent to residential development though, they are eligible for an administrative review and approval. This means that the SRU process does not necessarily trigger a public hearing. She then asks the commissioners to speak on if they believe these applications should always go through the public hearing process.

Brauneis says he believes all applications should go to a public hearing. In regards to restroom access, he thinks this should be woven in as a requirement for the applicant. He also thinks that the commissioners should steer away from picking specific locations.

Williams says she is apprehensive about the downtown discussion, but agrees with Hoefner's discussion on the points he made. She wants to make sure that they do not pick and choose which land would work best for this. She also mentions that there should be a parking setback for this. She is inclined to support everything else staff has proposed.

Rice mentions that he has had past concerns with the competition between permanent restaurant owners who are invested in the community versus the mobile food trucks who are not. He believes this discussion of mobile food courts is completely different though. A mobile food court would require leasing or buying real estate and improving it; therefore, he does not have the same concerns. He thinks going through the SRU

approval process is the best option for these and he favors that these should be subject through an SRU public hearing process.

Williams agrees that every application that comes forward should come to the planning commission so that they can get public comment.

Hoefner agrees with Williams.

Diehl agrees with Williams as well. He then discusses the parking setback and regulations regarding that setback.

Moline mentions that the pad is most like a parking facility and that it makes sense to conform to the parking setback to the zoning district it resides in. That would be a good starting point.

STAFF COMMENTS

Rice asks staff if they have anything else they would like to discuss about this subject in hearing the commissioners' feedback.

Ritchie says the commissioners covered everything except she asks if they saw the need for any other special criteria other than the already existing SRU criteria.

Rice says the criteria is broad and flexible enough that any additional or special criteria is not needed.

Ritchie mentions they want to have a conversation with some regional operators of food truck courts and review the regulations. Staff wishes to bring this subject back as an ordinance to the commissioners soon.

ITEMS TENTATIVELY SCHEDULED FOR OVERFLOW MEETING ON MAY 28, 2020

- Discussion of how building height and grade are determined and possible

Ritchie mentions that staff has no eligible development applications that are ready for public hearing but would like to plan on meeting on May 28th and discuss how building height and grade are determined and possible. City Council is planning an agenda item on May 26th to continue the conversation of how to do meetings remotely. Staff is planning to meet twice in June. They will confirm the dates for June though and is predicting that planning commission will have two meetings in July as well.

Rice asks if staff can confirm that the May 28th meeting is still happening.

Zuccaro says that it is still staff's intention to meet on May 28th.

Rice asks staff to confirm what will be on the June 11th agenda and what items will be moving to the June overflow meeting.

Ritchie says regarding the order of applications, Redtail Ridge would be the first agenda item, St. Louis Parish would be second, and Medtronic would be the third item.

Rice expresses his concern of these agenda items because they will have a heavy public presence and having that expressed via remotely might be difficult.

Zuccaro mentions the city council item of discussing the remote sessions and how the city wants to revisit these current legal procedure for these. They will be discussing managing public comments when having an electronic meeting.

Staff and commissioners discuss in more detail the electronic meeting process and how that will work with public comment.

ITEMS TENTATIVELY SCHEDULED FOR MEETING ON JUNE 11, 2020

- ConocoPhilips 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

ADJOURN

Brauneis moves and **Rice** seconds a motion to adjourn the meeting. Motion passes unanimously by voice vote. Meeting adjourns at 7:41 PM.

Lisa Ritchie

From: The Fork n' Frijole <theforknfrijole@gmail.com>
Sent: Wednesday, September 23, 2020 1:46 PM
To: Planning
Subject: Mobile Food Court - Amendment to Mobile food trucks

Attn: Planning commission re: 511 East South Boulder Road
Re: Amendment to Mobile Food truck requirements

We are reaching out to oppose the amendment to the Mobile Food Truck regulations—allowing a Mobile Food Court to be exempt from the same requirements as Mobile Food Trucks.

Mobile Food Courts that are exempt from WRITTEN PERMISSION from operating restaurants within 100-150 feet:

- removes the rights of a business owner
 - the owner pays rent (mobile trucks do not)
 - spends money on advertising
 - pays to maintain its parking lot
 - voices when there is a conflict of interest (i.e. food truck that serves Mexican fare)
- should be decided by the community and business owners, not the council or city planner

We do not oppose business coming into our community; we oppose the fact our voice, input and permission will be taken away.

We recently opened amidst COVID restrictions and want our business to thrive!

Thanks for your consideration.

Best,

Tiffany Perez
Owner & Manager
The Fork n' Frijole



theforknfrijole.com
720.244.1965

Lisa Ritchie

From: Michael B. Menaker <michael@hostworks.net>
Sent: Wednesday, August 26, 2020 10:57 AM
To: Planning
Subject: Food Truck Ordinance changes

Dear Planning Commission:

Proposed changes to the City's food truck regulations will immediately threaten several existing restaurants, and has the potential to threaten the business of every restaurant in Louisville.

Currently, any food truck that wants to operate within 150 feet of existing "brick and mortar" restaurants is required to get permission – in writing – from every restaurant within that 150' radius.

In order to create a "food truck court" as part of the cidery proposed at the old bank site in the shopping center that is home to Mudrock's and Alfalfa's at 511 E. South Boulder Rd., the City proposes to eliminate the requirement of written permission from existing restaurants and food operations...because they know that permission would be impossible to secure.

As you know, food trucks pay no property tax, employ few, if any locals, rarely support local schools and non-profits, and have no permanent ties to Louisville.

Hosea Rosenberg, the godfather of food trucks in Boulder, a Top Chef winner and local legend had this to say the last time around...it's true today

Rosenberg, who for five years served as the executive chef for Jax Fish House's downtown Boulder location and was the winner of the fifth season of "Top Chef," said he understands that mobile vendors should not unfairly poach from established brick-and-mortar operations. But he also said the two entities are not necessarily direct competition.

"Restaurants offer ambiance, service, alcohol, places you can sit, silverware. ... The trucks offer quick, convenient, handheld food," he said. "Now, having said that, if a taco truck pulls right up in front of Centro, I don't think that's fair."

Food truck courts are worse. They provide ambiance, seated dining, and in this case, as part of the cidery, alcohol too.

Our existing brew pubs have all found a way to provide food to their customers onsite, in-house, and without unfairly poaching on their neighbors' business.

In the center where the cidery is proposed there are several existing restaurants and prepared food operations...Mudrock's, the Biscuit Bar, Alfalfa's, Papa Murphy's and just opened this week, The Fork n' Frijole.

Each would be directly and negatively impacted by food trucks operating literally at the entrance to the center in which they pay rent.

What's next? A food truck court at the long-abandoned Sam's Club? One at the Steinbaugh Pavillion? The parking lot at Lowes? The lot behind the old library downtown? Who's to say?

Having established a precedent with this food truck court, it would be almost impossible to deny another at a different location. "Spot zoning" is generally considered unfair, and often illegal.

To make all this worse, as you well know, we are in a midst of a pandemic which has hit the restaurant business especially hard.

Why the City would consider harming existing businesses to the benefit of a new business is something I will never understand. To do so with taxpayer money is stunning.

A Business Assistance Package for the proposed cidery — totaling over \$220,000 in tax and fee rebates — was approved by City Council last March without any discussion of the proposed changes to the food truck regulations. I am pretty sure that Council was unaware of the of the necessary changes to the food truck regulations when the assistance was approved.

Our existing food truck regulations were crafted after a long process of public engagement that included brick and mortar restaurants, neighborhood groups who wanted the ability to have street parties, the Cultural Council who wanted to be able to have a food truck at their events, protected traditional ice cream trucks and had broad civic input.

This process has none of that. Most restaurants in town are unaware of the proposed changes. There has been no public engagement. This amounts in my view to little more than spot zoning to benefit one business at the expense of many others.

Please do not approve any change to the food truck regulations that would eliminate the requirement for written permission from existing restaurants within 150' of proposed food truck operations.

--

Michael B. Menaker
1827 W. Choke Cherry Dr.
Louisville, CO 80027

cell: 303.588.8781

ITEM: VACA-0316-2020, PLAT-0317-2020, PUD-0298-2020, SRU-0299-2020 – 511 E. South Boulder Rd - The Rose and the Raven

PLANNER: Lisa Ritchie, Senior Planner

REPRESENTATIVE: Kelly Siu, Caddis Collective

EXISTING ZONING: CC – Commercial - Community

LOCATION: 511 E. South Boulder Rd, a portion of Tract II, Louisville North Filing No. 7

TOTAL SITE AREA: 33,559 sf

REQUEST: Approval of Resolution No. 13, Series 2020, recommending approval of a Special Review Use to allow a Mobile Food Court, a Planned Unit Development to allow construction of a 14,000 sf building, and a Plat and an Easement Vacation

VICINITY MAP:



SUMMARY:

The applicant, Caddis Collective, on behalf of the owner, Corvis Nidus, LLC, requests approval of a Special Review Use to allow a Mobile Food Court, and a Planned Unit Development, a Plat and an Easement Vacation to allow the construction of a 14,000 sf building and associated site improvements. Agenda Item 6a includes an ordinance amendment creating a new use category of Mobile Food Court as a Special Review Use, under which staff has evaluated the special review use for this application.

BACKGROUND:

The property is located within the Louisville North subdivision, originally platted in 1973, and replatted in 1978 as part of Tract II in Louisville North Filing No. 7. In 1978, the City approved the Village Square Shopping Center PUD, which included a Safeway store, and the strip retail still on the property to the north which includes a Walgreens, and a mix of restaurant, retail and service uses.

In 1980, the City approved a PUD Amendment allowing the construction of the existing roughly 6,000 sf building on the subject property, which was originally a bank with a drive-through and most recently the DaVinci Institute. The building currently is vacant and has severe structural damage that limits its ability to be reused.

In 2013, the City approved a PUD Amendment that allowed redevelopment of the eastern portion of the Village Square Shopping Center PUD that included Alfalfas, a stand alone retail building and the Centre Court Apartments.

In 2015, the City approved a PUD and Plat for an urgent care center on the subject property. That applicant abandoned their plans for the project. The current owner recently purchased the property.

PROPOSAL:

The applicant requests approval of a PUD, SRU, plat and easement vacation to allow construction of a 14,000 sf food hall and cidery and associated site improvements, along with a mobile food court. The lot fronts South Boulder Road, and the existing building will be demolished to allow this development.

The single-lot subdivision creates Lot 1, Louisville North 7th Filing Replat B. The property lines established on the plat match the legal description of the property that was previously deeded separately from the larger Tract II, Louisville North 7th Filing without going through the subdivision process. Accompanying this plat is a request for an easement vacation to vacate a portion of an existing 25' sewer and water easement, which the proposed plat will reestablish in a slightly different configuration. The applicant owns the entirety of the property on the plat and it does not involve any adjacent property owners of the Village Square shopping center to the north and east.

The PUD proposes redevelopment of the entire 33,559 sf property. Access is maintained in the current configuration on the west side with a right in/right out access drive onto South Boulder Road and a full movement access drive on the east side. The

access drives serve both this property and the larger surrounding development and the plat maintains the existing access easements for these drives.

The proposed 10,240 sf building footprint is located near the center of the site, with three ADA accessible parking stalls on the east side adjacent to the main access drive, main building entry area and bicycle parking area. The project shares parking with the larger shopping center development through a shared parking agreement recorded as a private covenant. The parking arrangement is discussed in more detail below.

The southern side of the development facing South Boulder Road includes redevelopment of the right-of-way improvements to include a new 8-foot detached sidewalk and street trees. Between the sidewalk and the building are covered and uncovered outdoor dining and activity areas. The north side of the proposal includes the service areas of the building including a loading area, trash enclosures and three additional parking spaces and is adjacent to an additional access to the north of the subject property. The western side of the development maintains the existing access drive. To the east of the western access drive are two vendor pads associated with the Mobile Food Court. Between the food truck pads and the building is another covered outdoor seating area that wraps around connecting to the south.

Figure 1: PUD Site Plan

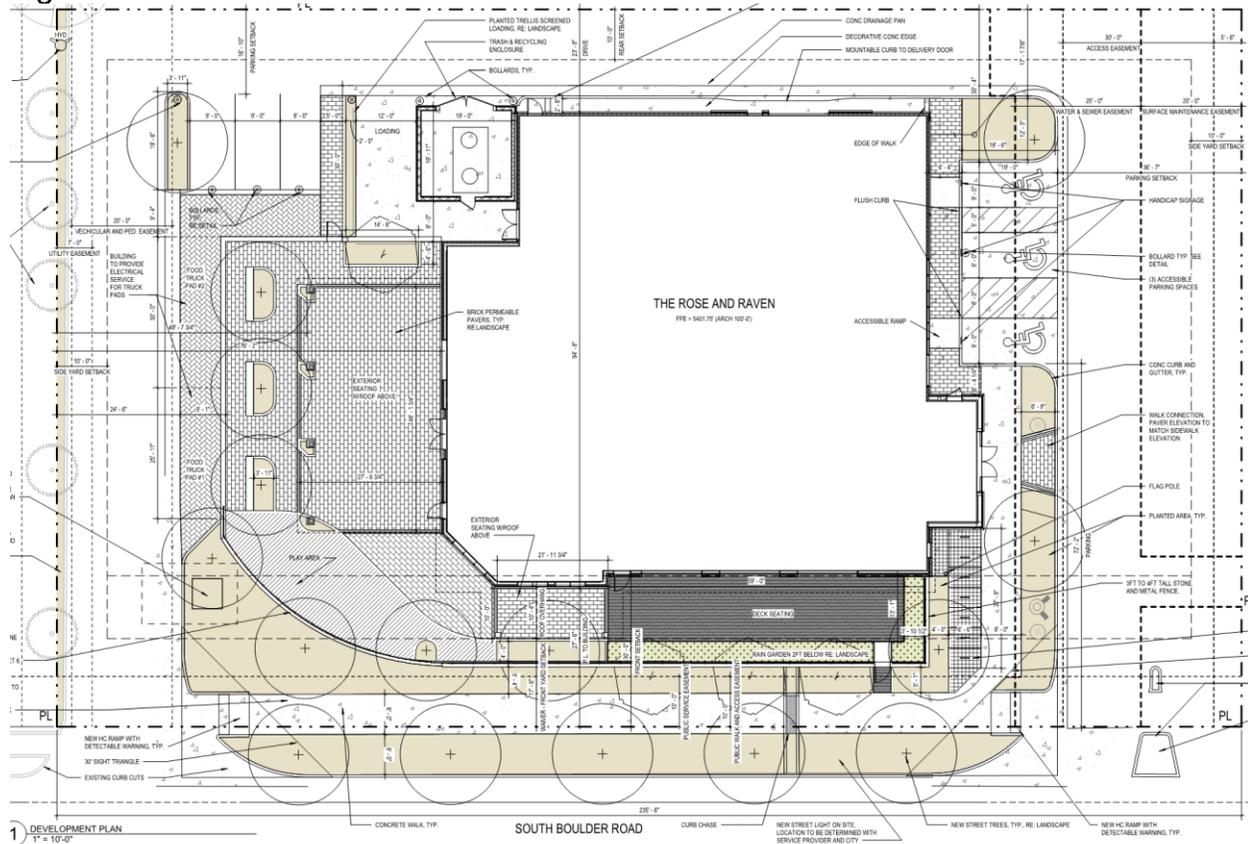


Figure 2: Site rendering, looking northwest



Figure 3: Site rendering, looking northeast



The 14,000 sf two-story building orients the primary entry to the east. The facades include a mix of stone, cementitious panels, and architectural metal panels. The sloped patio and main entry roofs are standing seam metal. The building is 35-feet tall, with the entry area roof rising to 42-feet in height. The roof includes mechanical screens up to 40-feet in height

The intended use of the building is a food hall and cidery. The northern portion of the first floor will contain the cidery, which is to be consumed onsite with limited distribution. The remainder of the building will be the food hall. Four kitchens and associated spaces for four different tenants are planned, along with a bar. All interior and exterior dining areas will be shared. The second floor will have space for dining and gathering, and additional storage and back-of-house areas for the kitchen tenants.

The proposal includes a request for a mobile food court. As noted above, the vendor pads are located on the western side of the outdoor seating areas. The plan includes permanent utility connections for the vendor pads and the location of the pads helps to screen the outdoor seating area from the adjoining property to the west. The proposal includes hours of operation for outdoor seating between 11 am and 10 pm, Sundays through Thursdays and 11 am to Midnight on Fridays and Saturdays. Outdoor amplified music is limited to 11 am to 9 pm, seven days a week.

The landscaping plan includes new street trees along South Boulder Rd and additional trees between the new wider sidewalk and the outdoor seating areas. The outdoor seating area is comprised of permeable pavers in a mix of colors to differentiate areas and crusher fines gravel. The outdoor play activity area surface is crusher fines gravel. Specific amenities for this area are not identified at this time. The site plan includes new trees near the food truck vendor pads and new trees along the eastern side near the parking area.

The site currently does not include any stormwater treatment or detention. The proposal includes a rain garden to improve water quality, but does not trigger a stormwater detention requirement due to the small size of the site.

The applicant is working with the property owner to the west to install a wood fence on the neighboring property to provide additional screening, which is noted on the PUD. Staff proposes a condition of approval that the neighboring property owner provides a letter of consent to allow construction of the fence. Due to existing landscaping, a utility easement and the access drive, there is not adequate room to install a fence on the west side within the subject property.

Other than three handicapped parking spaces on the east, and three additional parking spaces on the north, parking to serve the development is provided on the adjacent properties and is allowed through a shared parking agreement recorded as a private covenant covering this property, the Village Square shopping center to the north, and the Alfalfas and Centre Court development further east. This agreement allows all parking spaces within the entire development to be shared amongst the properties. Thus, staff evaluated the parking for this development as part of the whole development, and in particular with the western portion of the overall development. Overall, the area analyzed on the west side of the development includes 277 parking spaces. The applicant has provided an analysis estimating parking demand at 274 spaces based on existing and proposed uses for the shopping center.

While this number does not meet the requirement in the CDDSG for parking this overall site, Section 17.20.080 of the Louisville Municipal Code allows City Council to approve increases or reductions in the required amount of parking.

The proposal includes a request for three waivers. The first is to allow a 17'-6" front setback to accommodate a cover for a portion of the outdoor seating areas, and to allow the remainder of the building to have a 27'-6" front setback where 30' is required. The second is to allow a 28% landscape coverage where 30% is required. The third request is to allow one of the parking lot landscape islands to be 3'-11" wide where 6' is required.

ANALYSIS:

Final Planned Unit Development

The PUD is regulated by the CDDSG and Chapter 17.28 of the municipal code, and the property is within the South Boulder Road Small Area Plan.

CDDSG: 1. Site Planning

The application complies with the standards in this section, including all minimum setbacks and building and site orientation standards, with the exception of the front setback waiver request, discussed below. The proposal meets the standards for site grading and drainage in the CDDSG. The applicant proposes the outdoor seating areas along the frontage and western sides of the site to provide visibility into the site and an orientation to the street.

CDDSG: 2. Vehicular Circulation and Parking

The drive aisles can accommodate access for fire and service needs on the property, as well as the surrounding development to the north and east. The applicant requests approval of a waiver for the size of one parking lot island. The remainder of the application meets requirements with respect to circulation and has been reviewed and accepted by the Louisville Fire Department.

CDDSG: 3. Pedestrian and Bicycle Circulation

The proposal includes reconstruction of the existing 4'-0" wide detached sidewalk along South Boulder Road to an 8'-0" detached sidewalk. The primary pedestrian entry provided along an 8'-0" wide sidewalk along the east side of the property, connecting the frontage sidewalk to the main entry area, bicycle parking and the ADA accessible parking spaces. The pedestrian circulation design is logical and safe and meets or exceeds all minimum sidewalk widths. The proposal includes 14 exterior bicycle parking spaces where 10 are required.

CDDSG: 4. Architectural Design

The architecture of the building includes articulation and material and color variation, and properly locates entry and service areas in compliance with CDDSG requirements. The orientation of the building allows connections between the interior spaces and the exterior spaces through the use of covered canopies, roll-up doors and additional

windows. The building meets the standard for maximum allowed building height of 35' and rooftop mechanical screens at 40' where 42' is allowed. The entry area rises to 42' in order to accommodate the elevator overrun to the second story. The CDDSG allows up to 50' in height for architectural elements such as this when approved through the PUD process.

CDDSG: 5. Landscape Design

The application complies with standards in the CDDSG for perimeter landscaping and building and loading and service area landscaping except for the waiver request associated with overall landscape percentage of 28% where 30% is required. The majority of the site landscaping elements are along the street frontage and western side of the site to provide shade and screening. The CDDSG allows outdoor amenity areas to help meet landscaping requirements. A rain garden is proposed on the site to improve water quality and provide interest on the site, where currently no water quality is available on the site.

CDDSG: 6. Screen Walls and Fences

The application includes a three to four foot tall wrought iron and stone column fence along the property frontage and western sides, enclosing the outdoor seating areas. The applicant proposes to construct a wood fence on the neighboring property, which is noted on the PUD.

CDDSG: 8. Exterior Site Lighting

Staff finds the application complies with the CDDSG for the lighting design. The application includes wall mounted and pole mounted full cut-off LED light fixtures that will reduce light glare and safely light the property.

South Boulder Road Small Area Plan

The South Boulder Road Small Area Plan includes this property. This plan supports the following policies:

- *Ten to twenty foot setbacks along South Boulder Road:* This proposal includes a canopy covering a portion of the outdoor seating area with a 17'-6" setback and the remainder of the front setback at 27'-6". Additionally, the proposal includes outdoor seating areas within the front setback, which will serve to activate the street edge.
- *Mix of hard and soft landscaping:* The proposal includes generous, high quality landscaping treatments in a mix of hard and soft elements.
- *Wide sidewalks with landscaping:* The application proposes to reconstruct the existing 4'-0" detached sidewalk to an 8'-0" detached sidewalk with new street and perimeter trees and landscaping.
- *Mix of building styles:* This development introduces a new building into the area, adding to the architectural mix within the development.
- *Parking between buildings:* This development does not propose parking along the street frontage, and maintains the parking within the overall development between the buildings.

- *Single and two-story buildings:* The plan includes height policy for properties within the area. Along South Boulder Road, single story buildings are allowed, while a second story requires a special review. The municipal code and CDDSG standards have not yet been updated to make this a requirement, however staff notes the plan allows a second story in this area when it is warranted by the overall design of the development, provides improvements to the public realm, and has limited impacts on view sheds and will not cast shadows on surrounding properties. Staff finds this proposal meets these policies and will not negatively impact surrounding properties through this additional height.

Waiver Compliance with 17.28.110

Section 17.28.110 of the Louisville Municipal Code sets forth the PUD waiver process and criteria. The application includes the following waiver requests:

- CDDSG 1.2.A. requirement for a minimum setback from an arterial street of 30'. The application includes a request for a setback to allow a canopy to cover a portion of the outdoor seating area with a 17'-6" setback and the main portion of the building to have a 27'-6" setback. Staff finds this request is consistent with the setback policy within the South Boulder Road Small Area Plan and allows activation of the street edge and provision of service, utility and parking areas at the rear of the building. The retail building to the east that was recently developed has a 15'-2" setback along South Boulder Road, and the Alfalfas building has a roughly 20' setback.
- CDDSG 1.4.B. regarding minimum amount of open space within a commercial development of 30%. The application proposes 28%. The CDDSG allows pedestrian oriented areas and hardscape plazas to meet this requirement. Staff finds the site is constrained with two existing access easements comprising roughly 20% of the total site area, which limits the amount of development area within this small site. The open space amenities proposed include high quality permeable pavers and ample outdoor seating and activity areas, the construction of a new detached wide sidewalk along the site frontage, and maintains the access drives serving this property and the properties to the north and east.
- CDDSG 5.3.H.1. standard for parking lot island width. The applicant requests a reduction in the width of the northwestern parking lot island from 6'-0" to 3'-10" to allow the provision of an additional parking space. The island still includes the required tree and shrubs and the reduction of this width allows provision of additional parking on-site.

Compliance with Section 17.20.080

Section 17.20.080 of the Louisville Municipal Code allows City Council to approve increases or reductions in the required amount of parking upon consideration of the following factors:

1. *Probable number of cars owned by occupants of dwellings in the PUD*

2. *Parking needs of any nondwelling uses*
3. *Varying time periods of use*
4. *Whatever joint use of common parking areas is proposed*

The property owners of the entire Village Square area have entered into a shared covenant, provided as an attachment, that allows all properties access to all parking areas. When the eastern portion of the site was redeveloped in 2013, that PUD evaluated parking needs for that portion of the site and demonstrated the need was met within that portion of the site, therefore staff is evaluating the western portion of the site to determine if adequate parking is remained to meet the demand.

Sheet 4 of the PUD includes the analysis for how the parking demand for this portion of the overall development was determined. The analysis includes existing uses and square footages to determine the overall parking demand for the properties. The analysis also includes estimates for demand for different times of day. Ultimately, this portion of the site has a parking ratio of 5.1 spaces per 1,000 square feet. This is within the average range for similar shopping centers within Louisville, shown in the table below:

Development	Parking Ratio
McCaslin Marketplace, 994 W Dillon Rd	7/1,000
Colony Square, 1100-1156 W Dillon Rd	4.6/1000
Centennial Valley Center, 300-400 S McCaslin Blvd	3.6/1000
Delo Plaza, 1071 Courtesy Rd	6/1000
Village Square Shopping Center (west portion)	5.1/1000

Staff finds that a ratio of 5.1/1000 is adequate to serve this portion of the development area, given the mix of uses and times of anticipated use and is consistent with other similar shopping areas in the City.

Compliance with Section 17.28.120

Section 17.28.120 of the Louisville Municipal Code lists 28 criteria for PUDs that must be satisfied or found not applicable in order to approve a PUD. Analysis and staff's recommended finding of each criterion is provided in the attached appendix.

Special Review Use for Mobile Food Court

This application includes a request for a Mobile Food Court. Staff's analysis below is based on the proposed ordinance under Agenda Item 6a, which establishes Mobile Food Court as a new use category subject to special review. If the City does not approve the this draft ordinance, and the applicant decides to maintain the site plan as proposed, any food trucks operating on the site will need to comply with the existing regulations, including obtaining approval from all restaurants within 150 feet.

Section 17.40.100 (A) of the LMC lists the five criteria to be considered:

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;*

The proposed use is consistent with the spirit and intent of the comprehensive plan and the South Boulder Road Small Area Plan. The use contributes to the economic prosperity of the city through redevelopment of an existing vacant building with limited reuse potential. The use will contribute to the vibrancy of the area and provides appropriate design techniques so that it will not negatively impact the immediate neighborhood. **Staff finds the proposal meets this criterion.**

2. *That such use/development will lend economic stability, compatible with the character of any surrounding established areas;*

The proposed use and development will improve the economic stability in the city and improves the character of the surrounding established areas. The design of the site is compatible with the shopping center and provides a neighborhood amenity for those in the area, as well as for the city as a whole. **Staff finds the proposal meets this criterion.**

3. *That the use/development is adequate for the 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;*

Staff finds that the use and development is appropriate designed when considering access and safety. The development maintains existing access points and improves pedestrian and bicycle amenities on the property. The site currently does not meet water quality standards and the proposal includes less impermeable surface and add water quality features. The proposal also reconstructs an existing city water line that is in poor condition. **Staff finds the proposal meets this criterion.**

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 affect public health, welfare, safety and convenience;*

The development plans provide adequate controls on the external effects through site layout, appropriately designed lighting, landscaping and fence on the adjacent property. The site plan provides appropriate vehicular / pedestrian circulation. The proposal limits exterior hours of operation and amplified music to reasonable times. The development

of the site improves the current state of the property which is in disrepair and vacant. **Staff finds the proposal meets this criterion.**

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.*

This development provides adequate and proper location of walks and landscaped spaces to provide for safe circulation. There is adequate capacity in the surrounding road networks to accommodate the use. Staff acknowledges the site relies upon a private covenant for shared parking throughout the entire development, but finds with this in place there is adequate parking for the development. **Staff finds the proposal meets this criterion.**

Final Plat and Easement Vacation

The Final Plat is subject to the following standards in Section 16.12.075 of the Louisville Municipal Code.

1. *Whether the plat conforms to all of the requirements of this title;*
 - The application for Lot 1, Louisville North Filing No 7 Replat B conforms in all respects to the requirements of Title 16 of the Louisville Municipal Code.
2. *Whether approval of the plat will be consistent with the city's comprehensive plan, applicable zoning requirements, and other applicable federal, state and city laws;*
 - Staff finds this application is consistent with the city's recently adopted South Boulder Road Small Area Plan because it facilitates the redevelopment of an underutilized site and meets the city's applicable requirements
3. *Whether the proposed subdivision will promote the purposes set forth in section 16.04.020 of this Code and comply with the standards set forth in chapter 16.16 of this Code and this title.*
 - The Final Plat promotes the purposes set forth in the LMC, including the assurance that public services are available, that character and economic stability of the city is protected, that there is safe and efficient circulation of traffic, pedestrians and bikeways, and provides appropriate regulation of the use of land in the city. The easement vacation accommodates the redevelopment and reconstruction of an existing city water line that is in disrepair.

PUBLIC COMMENTS:

Public comments received to date are included as an attachment.

STAFF RECOMMENDATION:

Staff recommends approval of Resolution 13, Series 2020 recommending approval of a Final PUD, SRU, Plat and Easement Vacation, with the following condition:

1. Prior to issuance of a building permit, the applicant shall provide authorization from the adjacent property owner allowing construction of the fence along the west side.

ATTACHMENTS:

1. Resolution No.13, Series 2020
2. Application Materials
3. PUD and SRU
4. Plat
5. Easement Vacation Exhibit
6. Shared Covenant
7. [South Boulder Road Small Area Plan](#)
8. Public Comments

APPENDIX: PUD Criteria Analysis – 511 E South Boulder Rd Planned Unit Development

Criteria 17.28.120 (A)	Finding	Narrative
1. An appropriate relationship to the surrounding area.	Compliant	The use is appropriate for the area and permitted in the CC zone district. The site and building design are compatible with the development scenario contemplated in the Small Area Plan
2. Circulation in terms of the internal street circulation system, designed for the type of traffic generated, safety, separation from living areas, convenience, access, and noise and exhaust control. Proper circulation in parking areas in terms of safety, convenience, separation and screening.	Compliant	The application provides for adequate and safe internal circulation. The City’s engineering division and Fire District have reviewed the parking circulation and driveway locations and have not objections to the proposal.
3. Consideration and provision for low and moderate-income housing	Not applicable	The property is zoned CC. Residential uses are not proposed on this parcel.
4. Functional open space in terms of optimum preservation of natural features, including trees and drainage areas, recreation, views, density relief and convenience of function	Compliant, with waiver	The PUD complies with landscape requirements in the CDDSG, with waiver.

5. Variety in terms of housing types, densities, facilities and open space	Not applicable	The property is zoned CC. Residential uses are not proposed on this parcel.
6. Privacy in terms of the needs of individuals, families and neighbors	Compliant	The PUD complies with site planning provisions in the CDDSG, assuring appropriate privacy of neighboring properties.
7. Pedestrian and bicycle traffic in terms of safety, separation, convenience, access points of destination and attractiveness	Compliant	The PUD complies with pedestrian and bicycle requirements in the CDDSG, ensuring adequate pedestrian and bicycle access. There is a direct sidewalk connection provided between the building and adjacent public street.
8. Building types in terms of appropriateness to density, site relationship and bulk	Compliant	The building appropriately sited and relates to the surrounding context effectively.
9. Building design in terms of orientation, spacing, materials, color, texture, storage, signs and lighting	Compliant, with waiver	The PUD complies with the architectural design and site planning requirements in the CDDSG with a waiver request for the front setback. The waiver is supported by the small area plan.
10. Landscaping of total site in terms of purpose, such as screening, ornamental types used, and materials used, if any; and maintenance, suitability and effect on the neighborhood	Compliant	The PUD complies with landscape requirements in the CDDSG ensuring adequate screening and compatible landscaping for the development
11. Compliance with all applicable development design standards and guidelines and all applicable regulations pertaining to matters of state interest, as specified in <u>chapter 17.32</u>	Compliant with waivers	The PUD complies with all applicable development design standards and guidelines, except the noted waivers.
12. None of the standards for annexation specified in <u>chapter 16.32</u> have been violated	Not applicable	The property was previously annexed.
13. Services including utilities, fire and police protection, and other such services are available or can be made available to adequately serve the development specified in the final development plan	Compliant	The Public Works Department and Louisville Fire District reviewed the PUD and meets their requirements.

Criteria 17.28.120 (B)	Finding	Narrative
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<p>1. Development shall be in accordance with the adopted elements of the comprehensive development plan of the city, and in accordance with any adopted development design standards and guidelines.</p>	<p>Compliant</p>	<p>The PUD complies with the policies of the South Boulder Road Small Area Plan, including for building setback and orientation and pedestrian amenities.</p>
<p>2. No structures in a planned unit development shall encroach upon the floodplain. Existing bodies of water and existing stream courses shall not be channelized or altered in a planned unit development plan.</p>	<p>Compliant</p>	<p>The property is not located in a floodplain, nor are there any existing bodies of water in the area.</p>
<p>3. No occupied structure shall be located on ground showing severe subsidence potential without adequate design and study approved specifically by the city.</p>	<p>Compliant</p>	<p>There is no known subsidence on the property.</p>
<p>4. The proposal should utilize and preserve existing vegetation, land forms, waterways, and historical or archeological sites in the best manner possible. Steep slopes and important natural drainage systems shall not be disrupted. How the proposal meets this provision, including an inventory of how existing vegetation is included in the proposal, shall be set forth on the landscape plan submitted to the city.</p>	<p>Compliant</p>	<p>The PUD is appropriate for the context of the existing conditions of the property. The site improves the landscape condition on the property and maintains existing trees along the west side.</p>
<p>5. Visual relief and variety of visual sitings shall be located within a development in the overall site plan. Such relief shall be accomplished by building placements, shortened or interrupted street vistas, visual access to open space and other methods of design.</p>	<p>Compliant</p>	<p>The PUD complies with site planning requirements in the CDDSG, with supported waivers, ensuring proper building placement, vistas and access to open space.</p>
<p>6. Open space within the project shall be located in such a manner as to facilitate pedestrian use and to create an area that is usable</p>	<p>Compliant</p>	<p>The PUD provides pedestrian access throughout the area.</p>

and accessible to residents of surrounding developments.		
7. Street design should minimize through traffic passing residential units. Suggested standards with respect to paving widths, housing setbacks and landscaping are set forth in public works standards of the city and applicable development design standards and guidelines. The system of streets, including parking lots, shall aid the order and aesthetic quality of the development.	Compliant	The PUD complies with requirements in the CDDSG, with supported waivers, ensuring properly designed landscaping adjacent to public streets.
8. There shall exist an internal pedestrian circulation system separate from the vehicular system such that allows access to adjacent parcels as well as to parks, open space or recreation facilities within the development. Pedestrian links to trail systems of the city shall be provided.	Compliant	The PUD complies with bicycle and pedestrian requirements in the CDDSG, ensuring adequate pedestrian and bicycle access.
9. The project and development should attempt to incorporate features which reduce the demand for water usage.	Compliant	The PUD proposes appropriate use of water. The internal areas of the lot include a rain garden, permeable pavers, and appropriate plantings.
10. Landscape plans shall attempt to reduce heating and cooling demands of buildings through the selection and placement of landscape materials, paving, vegetation, earth forms, walls, fences, or other materials.	Compliant	The PUD complies with landscape requirements in the CDDSG, providing for shading of parking and pedestrian areas.
11. Proposed developments shall be buffered from collector and arterial streets. Such buffering may be accomplished by earthen berms, landscaping, leafing patterns, and other materials. Entrance islands defining traffic patterns along with landscaping shall be incorporated into entrances to developments.	Compliant	The PUD complies with the requirements of the CDDSG and includes adequate landscaping and buffering from adjacent streets.

<p>12. There shall be encouraged the siting of lot arrangement, building orientation and roof orientation in developments so as to obtain the maximum use of solar energy for heating.</p>	<p>Compliant</p>	<p>The PUD provides unshaded roof structures so that solar energy may be utilized in the future.</p>
<p>13. The overall PUD shall provide a variety of housing types.</p>	<p>Not applicable</p>	<p>Housing is not proposed.</p>
<p>14. Neighborhoods within a PUD shall provide a range of housing size.</p>	<p>Not applicable</p>	<p>Housing is not proposed.</p>
<p>15. Architectural design of buildings shall be compatible in design with the contours of the site, compatible with surrounding designs and neighborhoods, shall promote harmonious transitions and scale in character in areas of different planned uses, and shall contribute to a mix of styles within the city.</p>	<p>Compliant</p>	<p>The PUD proposes architecture that is compatible in design with the contours of the site, with surrounding designs and neighborhoods.</p>

**RESOLUTION NO. 14
SERIES 2020**

**A RESOLUTION RECOMMENDING APPROVAL OF A SPECIAL REVIEW USE TO
ALLOW A MOBILE FOOD COURT, A PLANNED UNIT DEVELOPMENT TO ALLOW
CONSTRUCTION OF A 14,000 SF BUILDING, AND A PLAT AND AN EASEMENT
VACATION FOR THE PROPERTY AT 511 E. SOUTH BOULDER ROAD**

WHEREAS, there has been submitted to the Louisville Planning Commission an application for a Special Review Use to allow a Mobile Food Court, a Planned Unit Development, a Plat and an Easement Vacation for the property at 511 E. South Boulder Road; and

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

WHEREAS, the Planning Commission has considered the application at a duly noticed public hearing on October 8, 2020, where evidence and testimony were entered into the record, including the findings in the Louisville Planning Commission staff report dated October 8, 2020; and

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Louisville, Colorado does hereby recommend approval of a request for a Special Review Use to allow a Mobile Food Court, a Planned Unit Development, a Plat and an Easement Vacation for the property at 511 E. South Boulder Road, with the following condition:

1. Prior to issuance of a building permit, the applicant shall provide authorization from the adjacent property owner allowing construction of the fence along the west side.

PASSED AND ADOPTED this 8th day of October, 2020.

By: _____
Steve Brauneis, Chair
Planning Commission

Attest: _____
Debra Williams, Secretary
Planning Commission

LAND USE APPLICATION

CASE NO. _____

APPLICANT INFORMATION

Firm: Corvus Nidus, LLC

Contact: Joshua Martinsons

Address: 707 12th Street
Boulder, CO 80302

Mailing Address: _____

Telephone: 917-327-9301

Fax: _____

Email: joshua@theroseandraven.com

OWNER INFORMATION

Firm: Portercare Adventist Health System

Contact: Kris Ordelheide cc Dana Talarico

Address: _____

Mailing Address: PO BOX 372660
Denver, CO 80237

Telephone: Dana Talarico: 303-443-3199

Fax: _____

Email: Dana Talarico: dana@taibuild.com

REPRESENTATIVE INFORMATION

Firm: Caddis Collaborative

Contact: Bryan Bowen

Address: 1510 Zarnia Ave, #103
Boulder, CO 80304

Mailing Address: _____

Telephone: 303.443.3629

Fax: _____

Email: Bryan@caddispc.com

PROPERTY INFORMATION

Common Address: 511 E. South Boulder Rd

Legal Description: Lot Part of Tract II Blk
Subdivision North 7th Filing

Area: 33,559 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)

PROJECT INFORMATION

Summary: _____

New 2 story building for uses of a vintners restaurant, cidery and food truck park, with an enhanced outdoor seating, pedestrian, and landscaped area along south and west property lines. The second story contains 3 potential office tenant spaces. The land use is requested as indoor restaurant, outdoor eating and drinking, and offices. Proposed upgrades to water and sewer utilities have been included in this submittal.

Current zoning: CC Proposed zoning: CC

SIGNATURES & DATE

Applicant: _____

Print: Joshua Martinsons

Owner: Kris Ordelheide

Print: Portercare Adventist Health System

Representative: _____

Print: Bryan Bowen, 4/03/2020

CITY STAFF USE ONLY

- Fee paid: _____
- Check number: _____
- Date Received: _____



April 2, 2020
Revised August 18, 2020

City of Louisville Planning Department
749 Main Street, Louisville, CO 80027
303.335.4592
Att : Lisa Ritchie

Re: SRU and PUD written response for The Rose and Raven at 511 E. South Boulder Rd,
Louisville, CO

Dear Lisa:

This letter fulfils the SRU and PUD formal written response requirement for Corvus Nidus, LLC/511 E. South Boulder Road application.

Planned Urban Development (PUD) written response

- 1) An explanation of the character of the PUD and manner in which it has been planned to take advantage of the PUD regulations.*

RESPONSE:

Zoning: Existing and proposed zoning is CC. Corvus Nidus, LLC, is proposing the development of a new-construction property at 511 South Boulder Road that will consist of a ground floor Vintner Restaurant /Cidery and a ground and second floor Tavern /Food Hall, with an exterior food truck park. The physical structure and the businesses that will operate there are consistent with the values and designs described in the South Boulder Road Small Area Plan and City of Louisville Commercial Development Design Standards and Guidelines.

By providing a new use and structure for the current site, we will increase available pedestrian/cyclist connections and add pedestrian-friendly spaces, improve the landscaping and aesthetics of the location and create amenities to activate public spaces. The presence of the ground floor Tavern/Cidery and the Tavern / Food Hall will have a significant positive economic impact to the city and the neighborhood; apart from the availability of new jobs, supply-chain relationships and office space, which will engender its own set of economic benefit, this building and its tenant businesses will increase the property values of the surrounding commercial and residential real estate. We propose, additionally, that the presence of lighting and operating businesses at the location will make the area safer and cleaner.

Please note that the second-story volume and the outdoor patio eating areas that necessitate the Special Review process are integral to providing the benefits described above. The second story is generously set back from the first story perimeter, respecting the community's expressed desire for a decreasing architectural profile on additional building height. It will also create a varied and pleasing 'skyline' along South Boulder Road. The outdoor first-floor eating area will activate pedestrian and public spaces and will provide play areas. Please refer to the included Special Review Use written responses.

Hours of Operation: The Rose and Raven will serve lunch, dinner, and weekend brunch.

Monday – Thursday	11am-10pm
Friday	11am-11pm
Saturday	9am-11pm
Sunday	9am-9pm

Cidery Operation: This small production facility will generally operate from 8am-4pm Mon-Fri. Most of the cidery produced will be consumed on site. This will require a very limited delivery schedule. Incoming- will be 1 mid-sized delivery truck once every 2 weeks. Incoming deliveries will be made and completed before 11am. Outgoing deliveries will be made by a standard size delivery van going out 2 times per week. Outgoing deliveries will be made between 2-4pm

Food Truck Operation: There will be 2 fully outfitted food truck pads on site. Each will have electrical hook ups to suit the needs of our guest trucks. Trucks will arrive at 9am and depart 1 hour after close. Ample trash and recycling will be provided and managed by the host facility.

Deliveries: All deliveries will be made and completed before 11am Monday-Saturday. There will be an average of 2 mid-sized truck per day. The exception to this will be on our primary product delivery days. Tuesdays and Fridays, we anticipate 5-6 mid-sized trucks.

Waste Removal: Trash and recycling will occur 7 days a week. Compost will be picked up 2-3 times a week. Grease disposal will occur as needed currently projected at 1 time per month. All waste removal will be done in accordance with city code and mandates.

Employees: In addition to the food trucks and their employees as well as the local artists and retailers The Rose and Raven will have its own production and service staff. This will be a diverse and local employment pool. With some fluctuation with seasonality we expect to employ an average of 40-50 people at any given time. Most of our AM staff will arrive at 9am and leave between 2-4pm and most of our PM staff will arrive at 4pm and leave 1 hour after close.

Revenue: We are conservatively projecting The Rose and Raven sales to average approximately 2.5M per year over the first five years. The food trucks should account for another 1.5M in revenue generation.

Parking: Required parking spaces for indoor and outdoor eating and drinking areas have been calculated per City of Louisville CDDSG sec 2.2.1.K Parking Standards Designated For Each Use and are noted and diagramed on Sheet 4 of 16, PUD 4.0 - Parking Plan drawing sheet.

Indoor and outdoor eating and drinking areas are calculated as, 15 spaces per 1,000sf. The cidery production space are calculated as 1 space per 1,000sf (warehouse).

This is a total of 82 required parking spaces.

The existing 8 parking spaces are retained on the site, including 3 accessible spaces. The remaining required 74 parking spaces are fulfilled by the shared parking covenant reception 03288500. Per our parking calculations we determined there are 77 parking spaces out of 269 parking spaces that are available and unaccounted for.

Requested Zoning Exceptions: Proposed development is requesting 3 waivers, a reduction of the front yard setback along South Boulder Road, a reduction in Open Space, and a reduction in landscape island width.

Per South Boulder Road Small Area Plan, the front yard setback is 30ft. We are requesting a reduction in the front yard setback of 17'6" to allow a large roof overhang to help shade a pedestrian seating area along the southwest building corner. Due to other site constraints, this waiver would allow for existing vehicular circulation along the rear setback and North property line, new loading zone, trash enclosure, and screening of loading zone.

Per CC zone and Commercial Development Design Standards and Guidelines, 30% open space is required. We are requesting a reduction of open space to 28%, due to the site being surrounded on all sides with utility and vehicle easements that pose a hardship for usable building area. The proposed development increases and enhances pedestrian oriented and landscape spaces. The sidewalk and ROW plantings are upgraded to current City of Louisville standards. On-site storm water drainage quantities will be reduced by increasing the permeable and semi-permeable surfaces. Storm water quality will be improved by the inclusion of a sub-deck rain garden.

6ft landscape islands are required at ends of parking areas. New parking area to the North will end with a landscape island 3.9ft in width to allow for a pedestrian walkway and 2ft wide planted screen in front of the loading area.

2) Statement of present ownership and legal description of all land.

RESPONSE:

Legal description is; Part of Tract II, Louisville North 7th filing, as recorded at reception number 294479, county of Boulder, State of Colorado. Please refer to PLAT exhibit. The applicant (Buyer) is currently under contract to purchase the land. The Seller has given Buyer written permission to discuss and submit an application for PUD and SRU to the City of Louisville and is included with application.

*REVISION: The applicant is now the owner of the property.

3) *List of owners of properties within 500ft radius.*

RESPONSE:

The city planner has provided our team with the list of owners.

4) *Expected schedule of development.*

RESPONSE:

Due to the pandemic interruption, expected schedule will be difficult to follow at this time. Ideally, the schedule would allow our project team to have a community informational meeting before the planning commission public hearing. After Planning commission approval or support then our team would consider applying for demo and building permits. Contractor estimates a build schedule of 10 months and would target opening at the end of summer 2021.

Special Review Use (SRU) Written Response

511 E. South Boulder Road, Louisville, CO

- 1) *That the proposed use / development is consistent in all respects with the spirit and intent of the comprehensive plans 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;*

RESPONSE:

Corvus Nidus, LLC, is proposing the development of a new-construction property at 511 South Boulder Road that will consist of a ground floor Vintner Restaurant /Cidery and ground and second floor Tavern / Food Hall, with an exterior food truck park. The physical structure and the businesses that will operate there are consistent with the values and designs described in the South Boulder Road Small Area Plan (CITIATION). By providing a new use and structure for the current site, we will increase available pedestrian/cyclist connections and add pedestrian-friendly spaces, improve the landscaping and aesthetics of the location and create amenities to activate public spaces. The presence of the ground floor Vintner Restaurant /Cidery and Tavern / Food Hall, will have a significant positive economic impact to the city and the neighborhood; apart from the availability of new jobs, supply-chain relationships and office space, which will engender its own set of economic benefit, this building and its tenant businesses will increase the property values of the surrounding commercial and residential real estate. We propose, additionally, that the presence of lighting and operating businesses at the location will make the area safer and cleaner.

Please note that the second-story volume and the outdoor patio eating areas, that necessitate the Special Review process, are integral to providing the benefits described above. The office space will be generously set back from the first story perimeter, respecting the community's expressed desire for a decreasing architectural profile on additional building height. It will also create a varied and pleasing 'skyline' along South Boulder Road. The outdoor first-floor eating area will activate pedestrian and public spaces and will provide play areas.

- 2) *That such use / development will lend economic stability, compatible with the character of any surrounding established areas;*

RESPONSE:

This project will provide both active and passive economic benefit both to the Louisville community and to Boulder County as well.

The active economic benefits are readily apparent: this will entail the creation of a large and diverse employment pool, a locus for business development opportunities and a community-minded, family-friendly gathering space. While it does bear stating that hospitality projects are inherently risky, given their exposure to slim margins and uncertain volumes, we have mitigated these risks with a dedicated and experienced management team and a proven business concept (food trucks, small-batch cider production) providing

lower costs and higher margins than average industry standards. This project will be a positive and symbiotic amenity for the community that it serves and will operate in a manner consistent with the surrounding successful businesses and services.

The passive economic benefits are those to be gained from reconditioning an old, disused and enervated area and transforming it into an appealing and revitalized one: increased property values for both residential and commercial property owners and increased flow of capital in the local business and residential communities.

- 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;*

RESPONSE:

The pedestrian/cyclist-friendly new uses, eating, drinking and playing—will encourage longer per person visits to this area, reducing the carbon footprint for its use and increasing the safety and welfare of the surrounding neighborhood. In reference to the Commercial Design guidelines, this project will significantly improve storm drainage by removing most of the extant hardscape, increasing the area allotted to planting and semi-permeable ground surfaces and the inclusion of a sub-deck rain garden. This will decrease surface-managed stormwater while increasing quality of the same. The proposed project does request a larger water tap and sewer size, one consistent with typical commercial construction use, but it also bears mention that, since Cider production utilizes only apple juice and brewer's yeast as raw materials, the Cider production facilities will produce a waste stream entirely comprised of non-toxic and swiftly biodegradable organic components (principally, water and soap.)

- 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;*

RESPONSE:

We take our impact on the neighborhood seriously.

There are no anticipated negative impacts to traffic patterns. The previous bank use was designed for traffic to circle the building, while the new development invites people and family for longer visits, reducing the amount of traffic in motion around the site.

New external building and site lighting will comply with Commercial Design Standards and Guidelines and International Dark Sky guidelines to reduce glare and light trespass. Please be assured that this project will not employ ANY neon, LCD or other digital/light emitting screen signage.

Operators of the first-floor outdoor seating and drinking area will be familiar with and abide by City of Louisville Title 9, chapter IV, Offenses against Public Peace.

By occupying this site with the proposed building and businesses, trash accumulation will be drastically reduced and public safety, particularly at night, will be increased.

Finally, this project will forever obviate the present use of the site as long-term (albeit illegal) parking for people's jetskis, Recreational Vehicles and other vehicles that should be properly stored elsewhere.

- 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.*

RESPONSE:

We are proposing to widen the existing sidewalk along South Boulder Rd and increase the width of the planting boulevard to current City of Louisville standards. As can be seen in the landscape diagrams provided, our plans call for extensive addition of garden, planter and green vegetation space. Adding these aesthetic plantings and realigning the pedestrian paths both enhances and adds continuity to the surrounding corridors. Providing planting areas along the west and east sides of the property also provides a safer buffer between the vehicular paths surrounding the site. The exterior seating areas along South Boulder Road and on the western patio will provide small comfortable and street-accessible places that will enhance pedestrian access and experience.

In short, we intend to provide an oasis of vegetation and architecture in which visitors can enjoy peaceful, pleasant and safe dining and working experiences.

Sincerely,



Bryan Bowen
Principal Architect, Caddis, p.c.



THE ROSE & RAVEN

LOT 1, LOUISVILLE NORTH 7 TH FILING REPLAT B
FINAL PLANNED UNIT DEVELOPMENT AND SPECIAL REVIEW USE
511 E. SOUTH BOULDER ROAD
THE ROSE AND RAVEN

04.02.2020

09.24.2020 RE-SUBMITTAL

PLANNING COMMISSION CERTIFICATE
Approved this ___ day of _____, 20__ by the Planning Commission of the City of Louisville, Colorado.
Resolution No. _____, Series _____

CITY COUNCIL CERTIFICATE
Approved this ___ day of _____, 20__ by the City Council of the City of Louisville, Colorado.
Resolution No. _____, Series _____ (City Seal)
Mayor Signature _____
City Clerk Signature _____

OWNERSHIP SIGNATURE BLOCK
By signing this PUD, the owner acknowledges and accepts all the requirements and intent set forth in this PUD. Witness my/our hand(s) seal(s) this ___ day of _____, 20__

Owner Name and Signature _____
Notary Name (print) _____ (Notary Seal)
Notary Signature _____
My Commission Expires _____

CLERK AND RECORDER CERTIFICATE (COUNTY OF BOULDER, STATE OF COLORADO)
I hereby certify that this instrument was filed in my office at _____ o'clock, _____ M., this ___ day of _____, 20__, and is recorded in Plan File _____, Fee _____ paid, _____ Film No. _____ Reception. _____
Clerk & Recorder _____
Deputy _____

PROJECT CONTACTS

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SURVEYOR
Est Land Surveying LLC
Contact: Don Lambert
PO Box 13529
Denver, CO 80202
O: 303.340.0113
M: 303.901.4354
Don: don@esland.com

SHEET # NO.	SHEET NAME
1	PUD 1.0 COVER SHEET
2	PUD 2.0 DEVELOPMENT PLAN
3	PUD 3.0 TENANT SPACE
4	PUD 4.0 PAVING PLAN
5	PUD 5.0 EXTERIOR ELEVATIONS
6	PUD 6.0 EXTERIOR PERSPECTIVES
7	PUD 7.0 PHOTO METRICS
8	PUD 8.0 LUMINAIRE SCHEDULE AND CUT SHEETS
9	PUD 9.0 GRADING AND DRAINAGE PLAN
10	PUD 10 OVERALL UTILITY PLAN
11	PUD 11 LANDSCAPE NOTES
12	PUD 12 OVERALL LANDSCAPE PLAN
13	PUD 13 LANDSCAPE PLAN ENLARGEMENT
14	PUD 14 LANDSCAPE PLAN ENLARGEMENT
15	PUD 15 LANDSCAPE DETAILS
16	PUD 16 LANDSCAPE DETAILS

SCOPE OF WORK

THIS NEW 2 STORY BUILDING AT 511 E. SOUTH BOULDER ROAD REPLACES THE EXISTING BANK BUILDING. THE NEW PROPOSED USE OF THE GROUND FLOOR CONSISTS OF A WINNERS RESTAURANT / CAFE AND TAVERN / FOOD HALL WITH AN EXTERIOR FOOD TRUCK PARK WITH AN ENHANCED OUTDOOR SEATING AND PEDESTRIAN AREA ALONG SOUTH AND WEST PROPERTY. THE TAVERN / FOOD HALL WILL HAVE 3 TENANT KITCHENS AND 1500 RETAIL SPACE.
PROPOSED BUSINESS HOURS: THE WINNERS RESTAURANT OPEN AT 7am TO Noon, 7 DAYS A WEEK. THE TAVERN / FOOD HALL OUTDOOR SEATING OPEN AT 11am TO 10pm, SUNDAY TO THURSDAY. THE TAVERN / FOOD HALL / OUTDOOR SEATING OPEN AT 11am TO MIDNIGHT, FRIDAY AND SATURDAY.
PROPOSED HOURS OF OUTDOOR AMPLIFIED MUSIC: 11am TO 3pm, 7 DAYS A WEEK.

PROPERTY INFORMATION

LOT AREA: 33,559 SF / 0.77 ACRES
LEGAL DESCRIPTION: LOT 1, LOUISVILLE NORTH 7TH FILING REPLAT B
FLOODPLAIN: ZONE X FLOODPLAIN

WAIVERS	
STANDARD	ALTERNATIVE
FRONT YARD SETBACK ON E SOUTH BOULDER ROAD - 30' 0"	REQUEST A WAIVER FOR SETBACK DISTANCE OF 17'-6" TO ALLOW FOR A ROOF OVERHANG TO PROVIDE SHADE FOR A PEDESTRIAN FRIENDLY SEATING AREA ALONG THE SOUTHWEST CORNER OF THE BUILDING. THIS WAIVER ALSO REQUESTS THE SETBACK DISTANCE OF 27' 0" FOR THE BUILDING FOOTPRINT TO ALLOW FOR EXISTING VEHICULAR CIRCULATION, LOADING ZONE, AND TRASH SERVICES ALONG THE NORTH PROPERTY LINE.
OPEN SPACE - 30%	REQUEST A WAIVER FOR A REDUCTION OF OPEN SPACE TO 28%. THE PROPOSED DEVELOPMENT INCREASES AND DIMINISHES PEDESTRIAN ORIENTED AND LANDSCAPE SPACES: THE SIDEWALK R.O.W. BOULEVARD AND STREET TREES WILL BE UPGRADED TO CURRENT STANDARDS. ON SITE STORMWATER DRAINAGE QUANTITIES WILL BE REDUCED AND QUALITY BE IMPROVED. HOWEVER, WITH THE SITE BEING SURROUNDED ON ALL FOUR SIDES WITH CASABELT'S, VEHICULAR CIRCULATION, AND INCREASED ROW FOR RELOCATED AND WIDDED SIDEWALK, THEY POSSESS A HARDSHIP FOR USABLE BUILDING AREA.
LANDSCAPE ISLANDS - 6' MIN	REQUEST A WAIVER FOR A REDUCTION OF LANDSCAPE ISLAND WIDTH IN NORTH WEST CORNER TO 3 FT. THIS WOULD ALLOW THE THREE PARKING SPACES AND A PEDESTRIAN WALK WITH A 2FT WIDE PLANTED LANDSCAPE SCREEN FROM THE LOADING ZONE.
SPECIAL REVIEW USE ITEMS	
EXTERIOR EATING AND DRINKING AREAS PER MOBILE FOOD COURT AND SECOND STORY, PER SOUTH BOULDER ROAD SMALL AREA PLAN	

PUD & SRU INFORMATION:

EXISTING AND PROPOSED ZONE: CO

BUILDING SETBACKS:	MIN:	PROVIDED:
SOUTH PROPERTY LINE:	30'	17'-6" *REQUIRES WAIVER
EAST PROPERTY LINE:	10'	81'-3"
NORTH PROPERTY LINE:	10'	29'-0"
WEST PROPERTY LINE:	10'	77'

LOT SIZE: 33,559 sf
BUILDING FOOTPRINT: 10,248 sf
BUILDING AREA: 14,000 sf
BUILDING HEIGHT: 35 ft MAX. ELEVATOR OVERRUN: 42'-0"
LOT COVERAGE: 39%

PUD-C: OPEN SPACE REQUIRED 30% - 10.86%
PROPOSED: 28% *REQUIRES WAIVER

PARKING (FOR ADDITIONAL PARKING DATA, SEE SHEET PUD 4.0 PARKING PLAN):
EXISTING SHARED: 74 SPACES (*COVENANT PARKING AGREEMENT REC # 0288900)
ON-SITE 8 SPACES
TOTAL 82 SPACES
NEW LOADINGS
NEW BICYCLE PARKING: 10 REQUIRED, 14 PROVIDED

PARKING SETBACKS:	MIN:	PROVIDED:
SOUTH PROPERTY LINE:	20'	72'-2"
EAST PROPERTY LINE:	10'	80'-2"
NORTH PROPERTY LINE:	10'	16'-8"
WEST PROPERTY LINE:	10'	29'-0"

MAINTENANCE WITHIN RIGHT OF WAY: SNOW REMOVAL FROM WALK AND LANDSCAPE MAINTENANCE IS PROVIDED BY THE ADJACENT PROPERTY OWNER.

VICINITY MAP (NTS)



BOULDER
1510 Zania Avenue #103
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helo@caddispc.com
www.caddispc.com

THE ROSE & RAVEN

511 E. SOUTH BOULDER ROAD
LOUISVILLE, CO

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Full Size: 0' 1" 2" 3" 4" 5" 6" 7" 8" 9" 10"

Date: 03.13.2020

Project: 2301

Archive:

Per Date: 9/24/2020 5:17:59 PM

Revisions:

Rev#	Date	Description

PUD + SRU

COVER SHEET

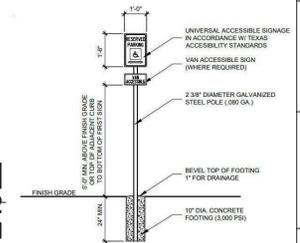
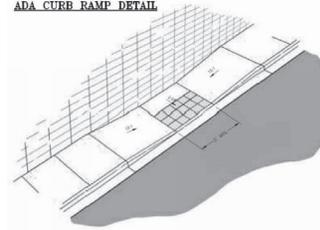
PUD 1.0

1 of 16

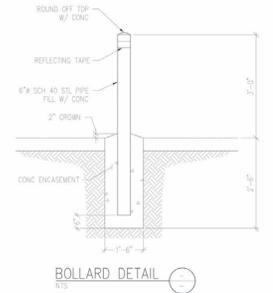
THE ROSE & RAVEN

511 E. SOUTH
BOULDER ROAD
LOUISVILLE, CO

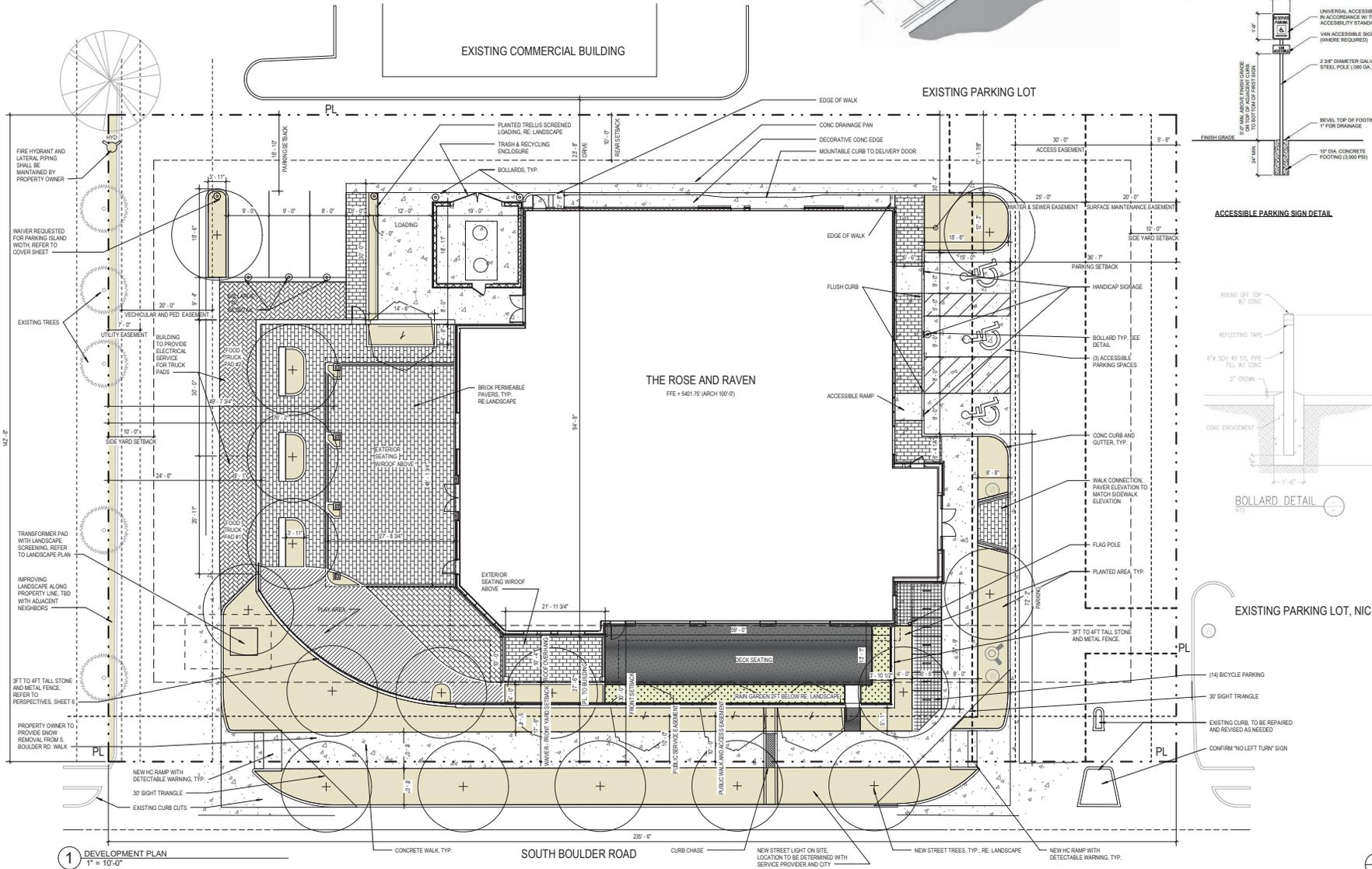
ADA CURB RAMP DETAIL



ACCESSIBLE PARKING SIGN DETAIL



BOLLARD DETAIL



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Full Size: 0' 1" 2" 3" 4" 5" 6" 7" 8" 9" 10" 11" 12"

Date: 08.18.2020

Project: 2301

Architect: []

Per Date: 9/16/2020 5:39:29 PM

Revisions:

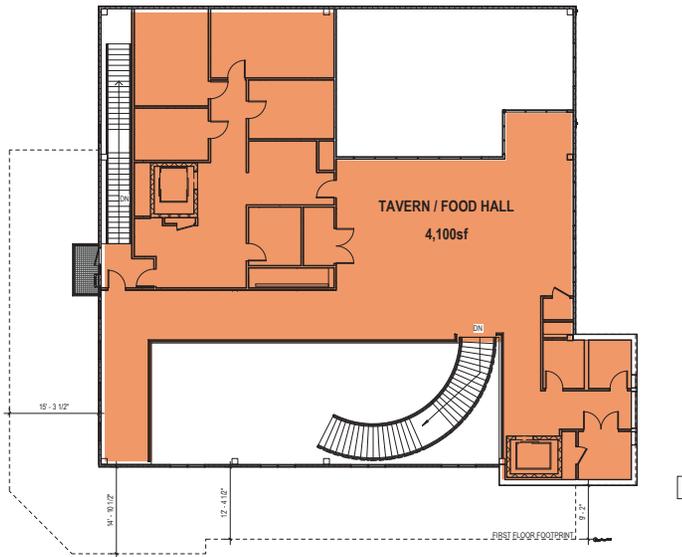
Rev#	Date	Description

PUD + SRU

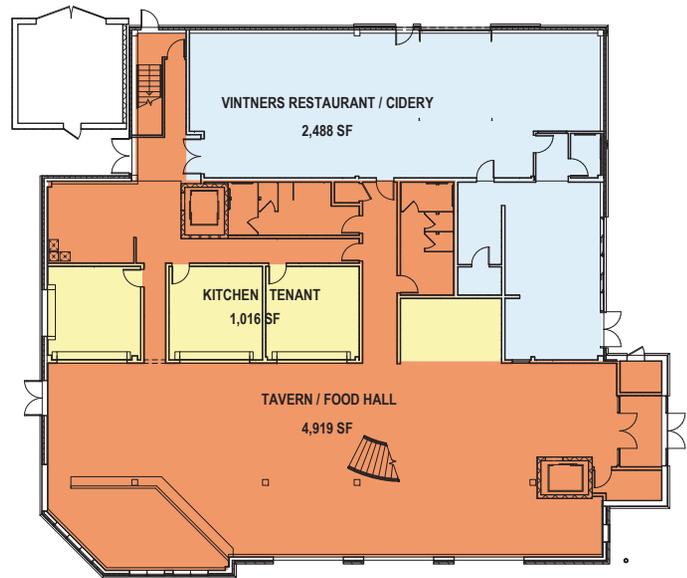
DEVELOPMENT PLAN

PUD 2.0

2 of 16



② LEVEL 2 Tenant Space
1" = 10'-0"



① LEVEL 1 Tenant Space
1" = 10'-0"

PUD + SRU

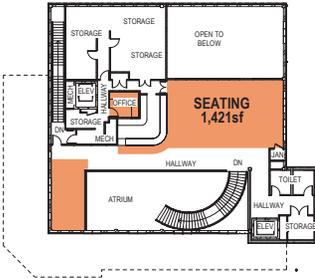
TENANT SPACE

PUD 3.0

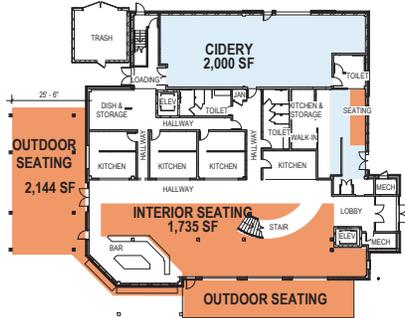
3 of 16



RESTAURANT AREA CALCULATION:
1,421 + 1,735 + 2,144 = 5,300 SF

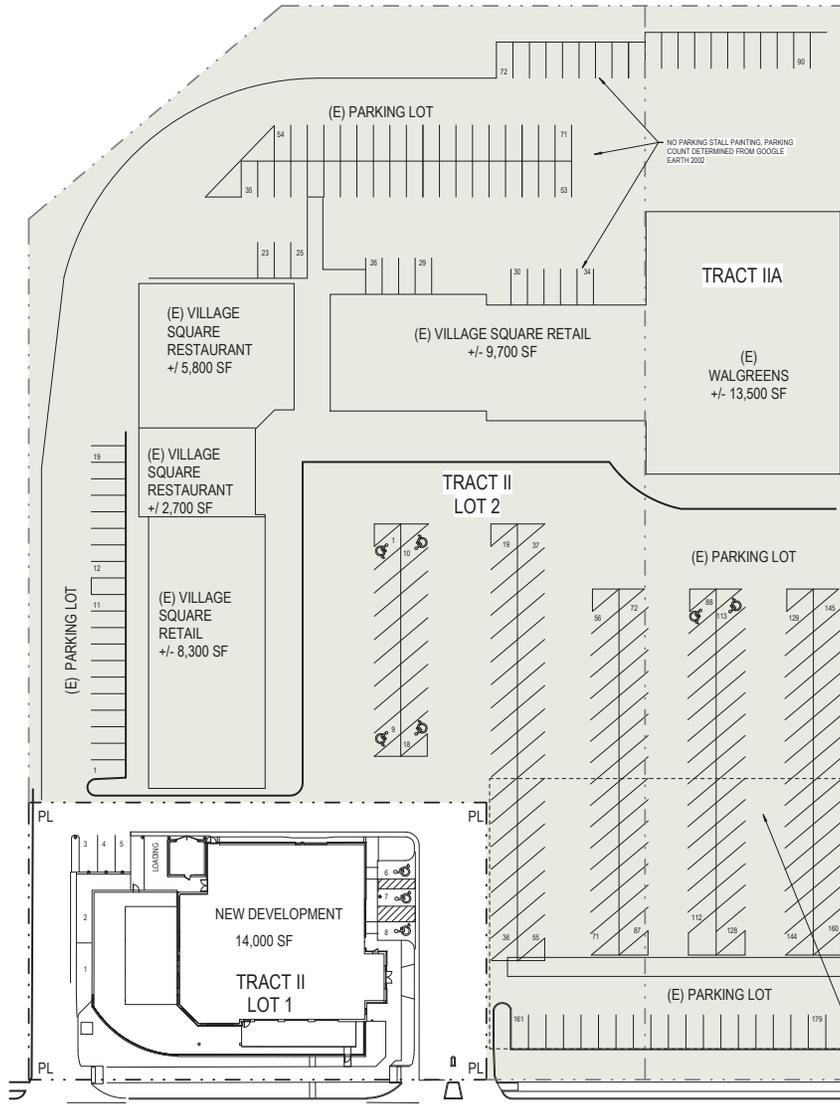


3 LEVEL 2 PARKING AREA CALCULATIONS
1" = 20'-0"



2 LEVEL 1 PARKING AREA CALCULATIONS
1" = 20'-0"

1 PARKING PLAN
1" = 30'-0"



PARKING DEMAND CALCULATIONS:

LOT 1 PARKING DEMAND:
NEW RESTAURANT PARKING DEMAND: (15 SPACES / 1000 SF)
6,300 SF TOTAL = 80 SPACES
WAREHOUSE PARKING DEMAND: (1 SPACE / 1000 SF)
2,000 SF TOTAL = 2 SPACES
TOTAL LOT 1 PARKING DEMAND: 82 SPACES

EXISTING DEVELOPMENT PARKING DEMAND:
EXISTING RETAIL PARKING DEMAND: 4.4 SPACES / 1000 SF
28,300 SF TOTAL = 128 SPACES
EXISTING RESTAURANT PARKING DEMAND: (15 SPACES / 1000 SF)
4,200 SF TOTAL = 84 SPACES
TOTAL EXISTING DEVELOPMENT PARKING DEMAND: 192 SPACES
(EXCLUDES ESTIMATED AREA FOR KITCHEN, STORAGE, WC, ETC)

TOTAL DEVELOPMENT PARKING DEMAND: 274 SPACES

PARKING PROVIDED:

LOT 1 PARKING PROVIDED: 8 SPACES
EXISTING DEVELOPMENT PARKING PROVIDED: 269 SPACES
TOTAL PARKING PROVIDED: 277 SPACES

TOTAL DEVELOPMENT PARKING RATIO: 5.1 SPACES / 1000 SF

(40,000 SF EXISTING + 14,000 SF NEW DEVELOPMENT) 54,000 SF

SHARED PARKING SPACES PER COVENANT PARKING AGREEMENT REC # 0228850

PARKING DEMAND REDUCTION RATIONALE:

SITE CONTEXT:

THERE IS NO ON-STREET PARKING ADJACENT TO THE SITE. GIVEN OUR ADJACENCY TO THE HIGHLINE LATERAL TRAIL AND A SIGNIFICANT INVENTORY OF RESIDENTIAL, HIGH AND MID-DENSITY HOUSING, WE BELIEVE THAT THIS REASONABLY ALLOWS ACCESS FOR MORE BIKE/PEDESTRIAN VISITS.

PARKING REDUCTION:

AS PER SEC. 17.02.080, PARAGRAPH A, SECTION 3, THE PARKING DEMAND GENERATED BY OUR PROJECT WILL BE SIGNIFICANTLY DISTRIBUTED OVER VARYING TIMES OF USE—FROM 7 OR 7:30AM (TBD) UNTIL 9AM/9AM WEEKDAYS/WEEDAYS, AND WILL DO SO IN A MANNER THAT, FOR THE MOST PART, VARIES INVERSELY WITH THE PARKING NEEDS FOR THE NEARBY RETAIL BUSINESSES.

PARKING NEEDS:

THERE WILL BE AROUND 10-15 STAFF NEEDING PARKING SPACES AT GIVEN TIMES OF THE DAY. WE ARE PROVIDING 228 TOTAL SEATS (INDOOR AND OUTDOOR).

25% (1 OF 4) OF OUR HOODED KITCHEN SPACE WILL BE SOLELY ENGAGED IN AM BREAKFAST SERVICE OF A 'GRAB-AND-GO' NATURE FOR COMMUTERS. THE REMAINDER WILL OPEN AS THAT KITCHEN CLOSSES AND WILL OPERATE FOR LUNCH AND DINNER. BECAUSE OF THIS, THE OVERALL STAFF AND CUSTOMER OCCUPANCIES WILL BE DISTRIBUTED THROUGHOUT THE DAY.

WE ANTICIPATE LIGHT GUEST AND STAFF VISITS/PARKING OCCUPANCY IN THE AM. THE MAJORITY OF GUEST AND STAFF VISITS WILL OCCUR FROM 5PM TO 9PM. WE ESTIMATE 10 GUEST AND STAFF PARKING NEEDED IN THE AM AND 75-80 PARKING SPACES NEEDED FOR FAMILIES, GUESTS AND STAFF PARKING NEEDED IN PM. SEE BELOW FOR FURTHER EXPLANATION.

VARYING TIME PERIODS OF USE:

THE WINNERS RESTAURANT OPEN AT 9am TO noon, 7 DAYS A WEEK
THE TAVERN / FOOD HALL/ OUTDOOR SEATING OPEN AT 11am TO 10pm, SUNDAY TO THURSDAY.
THE TAVERN / FOOD HALL / OUTDOOR SEATING OPEN AT 11am TO MIDNIGHT, FRIDAY AND SATURDAY.

AS ABOVE, WE WILL HAVE ONE KITCHEN THAT OFFERS BREAKFAST FARE FROM 7 OR 7:30 TO NOON. THESE WILL BE 1 TO 3 FOOD HALL KITCHENS SERVING LUNCH BETWEEN 11AM TO 3PM. DINNER FARE WOULD BE OFFERED AROUND 4:30PM TO 9:30PM. WE ANTICIPATE PEAK VOLUME OF VISITORS BETWEEN 5 AND 9 PM. DINNER FARE WOULD BE OFFERED AROUND 4:30PM TO 9:30PM. WE ANTICIPATE PEAK VOLUME OF VISITORS BETWEEN 5 AND 9 PM.

COMMON PARKING AREAS:

THE COVENANT PARKING AGREEMENT REC # 0228850 EXPLICITLY ALLOWS FOR SHARED USE OF ALL PARKING SPACES IN LOT 2, TRACT II AND TRACT IA. THESE ESTIMATED 269 PARKING SPACES ARE SHARED WITH EXISTING RETAIL AND RESTAURANT USE. ADDITIONALLY, MANY OF THE RETAIL BUSINESSES WILL CLOSE OR EXPERIENCE REDUCED CUSTOMER VOLUMES IN THE LATE AFTERNOON/EARLY EVENING, WHICH SHOULD REDUCE/DISTRIBUTE THE OVERALL PARKING OCCUPANCY RATES OVER THE SPAN OF THE DAY.

DASHED LINE INDICATES 77 SHARED PARKING

REFER TO COVENANTS AGREEMENT FOR COMMON AREA SHARED PARKING

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Full Size	1" = 30'-0"	
Date	03.13.2020	
Project	2001	
Archive		
Per Date	9/24/2020 5:11:52 PM	
Revisions		
Rev#	Date	Description

PUD + SRU

PARKING PLAN

PUD 4.0

4 of 16

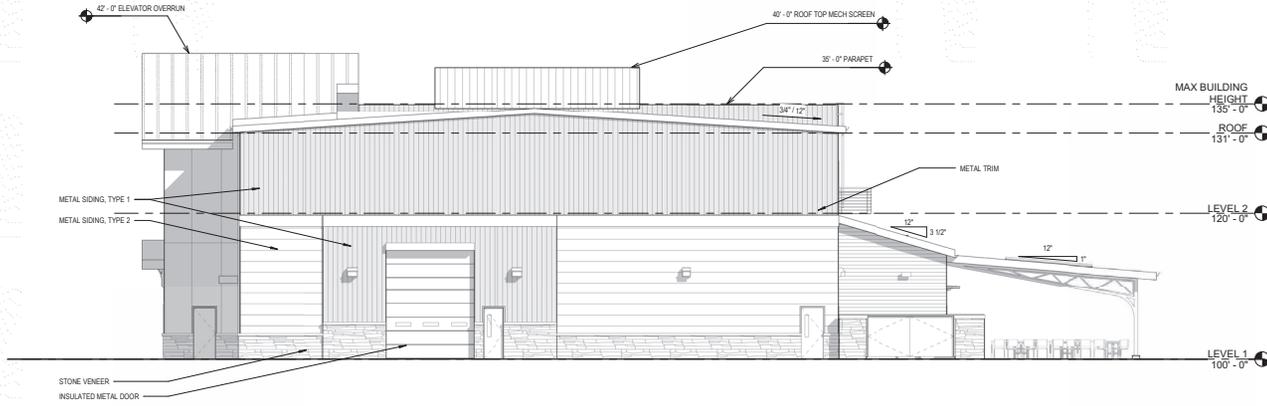


ELEVATION LEGEND

	DRY STACK STONE VENEER
	SINGLE SKIN METAL PANEL - TYPE 1 - Midspan Designer Series 16 Fluted Panel (OR EQ)
	SINGLE SKIN METAL PANEL - TYPE 2 - Showstopper (OR EQ)
	CEMENTITIOUS PANEL
	CEMENTITIOUS SIDING

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Full Size:	0'	10'	20'	30'	40'	50'	60'	70'	80'	90'	100'
Date:	08.18.2020										
Project:	2301										
Architect:											
Plot Date:	8/18/2020 9:23:50 PM										
Revisions:											
Rev#	Date	Description									



1 NORTH ELEVATION
1/8" = 1'-0"



2 SOUTH ELEVATION
1/8" = 1'-0"



3 EAST ELEVATION
1/8" = 1'-0"



4 WEST ELEVATION
1/8" = 1'-0"

PUD + SRU

EXTERIOR ELEVATIONS

PUD 5.0

THE ROSE & RAVEN
511 E. SOUTH
BOULDER ROAD
LOUISVILLE, CO

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Full Size:	1" = 10'-0"
Date:	08.19.2020
Project:	2301
Architect:	
Per Date:	8/19/2020 9:23:52 PM
Revisions:	
Rev#:	Date Description



SOUTH-WEST PERSPECTIVE - OUTDOOR PATIO



SOUTH-EAST PERSPECTIVE - FRONT ENTRY



NORTH-WEST PERSPECTIVE - OUTDOOR PATIO AND LOADING



NORTH-EAST PERSPECTIVE - ACCESSIBLE PARKING

PUD + SRU

EXTERIOR PERSPECTIVES

PUD 6.0

THE ROSE & RAVEN
511 E. SOUTH BOULDER ROAD
LOUISVILLE, CO

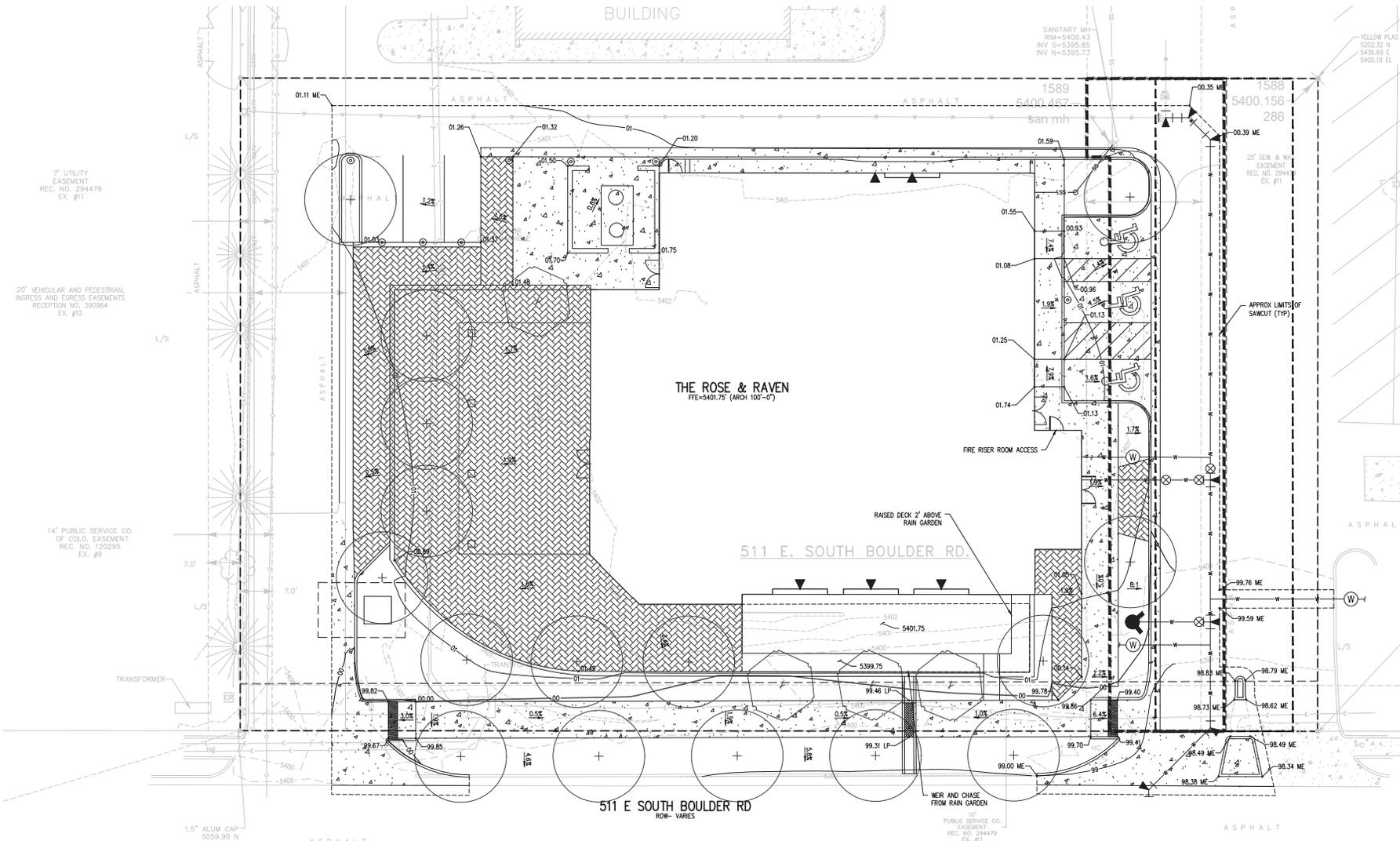


JPA, Inc. 1918 Larimer Street, Suite 710
Denver, CO 80202 - 303.444.4594
www.jpainc.com
16,000 sq ft of office + retail space
100,000 sq ft of storage + office

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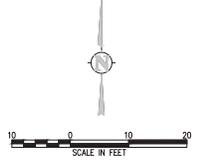
Project:	2021
Architect:	
Client:	
Revision:	08-16-2020

Rev#	Date	Description



GRADING AND DRAINAGE NOTES:

- CONTRACTOR TO FIELD VERIFY ALL EXISTING UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION. REFER TO GENERAL NOTES FOR UTILITY LOCATION AND PROTECTION.
- REFER TO HORIZONTAL CONTROL PLAN FOR FURTHER INFORMATION PERTAINING TO CURB & GUTTER, CHASES, AND DRAINAGE PANS.
- CONTRACTOR IS RESPONSIBLE FOR RESTORING ALL DISTURBED AREAS TO THEIR ORIGINAL CONDITIONS.
- ALL SPOT ELEVATIONS ARE TO FINISHED GRADE OR FLOWLINE UNLESS OTHERWISE SPECIFIED.
- IF WALL IS SHOWN, TO DENOTES THE FINISHED GRADE ADJACENT TO THE HIGH SIDE OF THE WALL. BG DENOTES THE FINISHED GRADE ADJACENT TO THE LOW SIDE OF THE WALL. REFER TO ARCH PLANS/DETAILS FOR WALL ELEVATIONS BEYOND THE ADJACENT FINISHED GRADES (EXPOSED WALL, CMP/FOOTER, ETC.)



PUD + SRU

GRADING AND DRAINAGE PLAN

PUD 9.0
9 of 16

LANDSCAPE DESIGN STATEMENT

THIS LANDSCAPE PLAN IS DESIGNED TO MEET OR EXCEED THE REQUIREMENTS OF THE LOUISVILLE COMMERCIAL DEVELOPMENT DESIGN STANDARDS AND GUIDELINES (CDDSG) WITH RESPECT TO LANDSCAPE STANDARDS, PLANT SELECTION, LANDSCAPE AREA, AND WATER CONSERVATION.

WATERWISE LANDSCAPING BEST PRACTICES ARE UTILIZED THROUGHOUT THE PROPOSED LANDSCAPE, INCLUDING NATIVE AND ADAPTED PLANTS, SOIL AMENDMENTS, HYDROZONING, EFFICIENT IRRIGATION PRACTICES, MULCHING, AND CONSIDERATION OF MAINTENANCE REQUIREMENTS.

ALL PROPOSED PLANTINGS WILL BE WATERED WITH AN AUTOMATIC, UNDERGROUND IRRIGATION SYSTEM DESIGNED FOR EFFICIENCY (EXCEPT THE RAIN GARDEN SEEDING AREA WHICH IS DESIGNED TO REQUIRE NO SUPPLEMENTAL IRRIGATION AFTER ESTABLISHMENT).

PLANT LEGEND

DECIDUOUS SHADE TREES

SYMBOL	QUANTITY	BOTANIC NAME	COMMON NAME	SIZE	WATER NEEDS	TYP. MATURE SIZE	
						HEIGHT	SPREAD
CE OC	4	CELTIS OCCIDENTALIS	WESTERN HACKBERRY	2" CAL.	L-M	50'-60'	40'-50'
QL TR	5	QLEDITSA TRIACANTHOS INERMIS 'SKYLINE'	SKYLARK HONEYLOCUST	2" CAL.	M	30'-60'	30'-60'
QYM DCF	2	QYMOGLAUCUS DIOICUS 'MOXBRANCHED' PPAF	DECAF KENTUCKY COFFEETREE	2" CAL.	M	50'	40'
QU MU	3	QUERCUS MUEHLBERGII	OHNKAPIN OAK	2" CAL.	M	40'	40'
ULM ACC	2	ULMUS X 'MORTON'	ACCOLADE ELM	2" CAL.	M	50'	30'
TOTAL 16							

DECIDUOUS ORNAMENTAL TREES

SYMBOL	QUANTITY	BOTANIC NAME	COMMON NAME	SIZE	WATER NEEDS	TYP. MATURE SIZE	
						HEIGHT	SPREAD
AC GRH	1	ACER GRANDIDENTATUM 'HBPZAM'	HIGHLAND PARK BIGTOOTH MAPLE	2" CAL.	L-M	25'-35'	18'-25'
KO PA	3	KOELREUTERA PANICULATA	GOLDENRAIN TREE	2" CAL.	M	20'-30'	20'-30'
TOTAL 4							

DECIDUOUS SHRUBS

SYMBOL	QUANTITY	BOTANIC NAME	COMMON NAME	SIZE	WATER NEEDS	TYP. MATURE SIZE	
						HEIGHT	SPREAD
CH MI	3	CHAMAEBATARIA MILLEFOLIUM	FERNBUSH	#5 CONT.	L	3'-5'	3'-6'
CR DWR	9	CHRYSOTHAMNUS NAUSEOSUS VAR. NAUSEOSUS	WARF BLUE RABBITBRUSH	#5 CONT.	L	2'-3'	2'-3'
DRV KR	7	DIERLLIA RIVULARIS 'G2X8854'	KODIAK ORANGE HONEYSUCKLE	#5 CONT.	L-M	3'-4'	3'-4'
HOL DUM	6	HOLDISOSUS DUMOSUS	HOOK SPIREA	#5 CONT.	L	4'-6'	4'-6'
PF FA	9	POTENTILLA FRUTICOSA 'TARGO'	DAKOTA SUNSPOT POTENTILLA	#5 CONT.	L	3'	3'
PR PB	10	PRUNUS BESSYI 'PAMNEE BUTTES'	CREeping WESTERN SANDCHERRY	#5 CONT.	L	18"	4'-6"
RH AR	13	RHUS AROMATICA 'GROW-LOW'	GRo-LOW SUMAC	#5 CONT.	L-M	2'-3'	6'-8"
RH TR	8	RHUS TRILOBATA	THREE-LEAF SUMAC	#5 CONT.	L	3'-6"	3'-6"
RUS GLA	6	ROSA GLAUCIA	REDLEAF ROSE	#5 CONT.	L-M	6'	4'-6"
VIB MN	2	VIBURNUM BUREJAEICUM 'P0175'	MINI MAN DWARF VIBURNUM	#5 CONT.	L-M	4'-6"	4'-6"
TOTAL 73							

EVERGREEN SHRUBS

SYMBOL	QUANTITY	BOTANIC NAME	COMMON NAME	SIZE	WATER NEEDS	TYP. MATURE SIZE	
						HEIGHT	SPREAD
PI BT	8	PINUS MUDD 'BIG TUNA'	BIG TUNA MUDD PINE	#5 CONT.	L-M	6'-8"	5'-6"
TOTAL 8							

ORNAMENTAL GRASSES

SYMBOL	QUANTITY	BOTANIC NAME	COMMON NAME	SIZE	WATER NEEDS	TYP. MATURE SIZE	
						HEIGHT	SPREAD
AND MN	7	ANDROPOGON CERARDI 'WINDWALKER'	WINDWALKER BIG BLUESTEM	#1 CONT.	L	4'-6"	24"-36"
BA BC	83	BOUTELOUA GRACILIS 'BLONDE AMBITION'	BLONDE AMBITION BLUE GRAMA GRASS	#1 CONT.	L	30"	30"
PA HE	34	PANICUM VIRGATUM 'HEAVY METAL'	HEAVY METAL SWITCHGRASS	#1 CONT.	L	3'-4'	12"-18"
SOH SCO	21	SCHIZACHYRIUM SCOPARIUM 'STANDING OVATION'	UPRIGHT LITTLE BLUESTEM	#1 CONT.	L	36"-48"	15"-18"
SOR TH	17	SORGHASTRUM NUTANS 'THIN MAN'	THIN MAN INDIAN GRASS	#1 CONT.	L	4'-6"	24"-30"
SPO HET	54	SPOROBOLUS HETEROLEPIS	PRAIRIE DROPSEED	#1 CONT.	L	24"-30"	24"-36"
TOTAL 216							

VINES

SYMBOL	QUANTITY	BOTANIC NAME	COMMON NAME	SIZE	WATER NEEDS	TYP. MATURE SIZE	
						HEIGHT	SPREAD
PAR QU	85	PARTHENOISSUS QUINQUEFOLIA	WIRGINA CREEPER	#1 CONT.	L	20'-30'	36"
TOTAL 85							

PERENNIALS

SYMBOL	QUANTITY	BOTANIC NAME	COMMON NAME	SIZE	WATER NEEDS	TYP. MATURE SIZE	
						HEIGHT	SPREAD
AQH MSH	2	ACHILLEA 'MOONSHINE'	MOONSHINE YARROW	#1 CONT.	L	18"-24"	18"-24"
CER PLU	4	CERATOSTIGMA PLUMBAGNODDES	LEADWORT / PLUMBAGO	#1 CONT.	L-M	8"-12"	12"-24"
ERI SPC	5	ERIGERON SPECIOSUS	SHOWY DAISY (SHOWY FLEABANE)	#1 CONT.	L	18"-24"	18"-24"
LIA KOB	13	LIASTRIS SPICATA 'KOBOLD'	KOBOLD GAYFEATHER	#1 CONT.	L	18"-24"	12"-18"
RUD GOL	13	RUBROBEA PULGIDA 'GOLDSTURM'	BLACK-EYED DAISY	#1 CONT.	L-M	30"-36"	18"-24"
TAN ON	25	TANCRETUM CNERARIFOLIUM	DALMATIAN DAISY	#1 CONT.	L	15"-20"	18"-24"
TOTAL 62							

PLANT LEGEND NOTES

- ALL TREES B&B.
- UTILITY LOCATIONS ARE SHOWN ON THE PLANS FOR REFERENCE ONLY. CONTRACTOR IS RESPONSIBLE FOR VERIFYING ACTUAL UTILITY LOCATIONS.

SOUTH BOULDER ROAD STREET FRONTAGE: TREE REQUIREMENTS

1 TREE PER 40 LINEAL FEET OF PUBLIC STREET FRONTAGE BETWEEN THE SIDEWALK AND CURB IN A MINIMUM 8-FOOT WIDTH STRIP (CDDSG 5.1.E.2.a)	
LENGTH OF TREE PLANTING STRIP	151 LF
TREES REQUIRED	4
TREES PROVIDED (SPACED AT 1 TREE PER 30 LINEAL FEET)	5

SOUTH BOULDER ROAD STREET FRONTAGE: SHRUB REQUIREMENTS

1 SHRUB PER 5 LINEAL FEET OF PUBLIC STREET FRONTAGE BETWEEN THE SIDEWALK AND CURB IN A MINIMUM 8-FOOT WIDTH STRIP (CDDSG 5.1.E.2.a)	
LENGTH OF TREE PLANTING STRIP	151 LF
SHRUBS REQUIRED	30
SHRUBS PROVIDED	17
ORNAMENTAL GRASSES PROVIDED	106
ORNAMENTAL GRASS CREDITS AT 1:5 RATIO	21
TOTAL SHRUB PLANTING CREDITS	38

SOUTH BOULDER ROAD LANDSCAPE BUFFER: TREE REQUIREMENTS

1 TREE PER 40 LINEAL FEET OF PUBLIC STREET FRONTAGE WITHIN 10 FEET OUTSIDE THE SIDEWALK, INTERNAL TO THE DEVELOPMENT (CDDSG 5.1.E.2.b)	
PUBLIC STREET FRONTAGE	236 LF
TREES REQUIRED	6
TREES PROVIDED	7

SOUTH BOULDER ROAD LANDSCAPE BUFFER: SHRUB REQUIREMENTS

1 SHRUB PER 5 LINEAL FEET OF PUBLIC STREET FRONTAGE WITHIN 10 FEET OUTSIDE THE SIDEWALK, INTERNAL TO THE DEVELOPMENT (CDDSG 5.1.E.2.c)	
PUBLIC STREET FRONTAGE	236 LF
SHRUBS REQUIRED	47
SHRUBS PROVIDED	39
ORNAMENTAL GRASSES PROVIDED	41
ORNAMENTAL GRASS CREDITS AT 1:5 RATIO	8
TOTAL SHRUB PLANTING CREDITS	47

LANDSCAPE NOTES:

- EXISTING TREES:** NO EXISTING TREES TO REMAIN WITHIN THE SITE OR RIGHT OF WAY.
- PLANT MATERIAL:** REQUIRED PLANT MATERIAL SHALL BE GROWN IN A NURSERY IN ACCORDANCE WITH PROPER HORTICULTURAL PRACTICE. PLANTS SHALL BE HEALTHY, WELL-BRANCHED, VIGOROUS STOCK WITH A GROWTH HABIT NORMAL TO THE SPECIES AND VARIETY, AND FREE OF DISEASES, INSECTS, AND INJURIES.
- MULCH (FOR MULCHED PLANTING BEDS):** 3" DEPTH RIVER ROCK, 2-1/2" SIZE, BUFF COLOR.
- INSTALL WEED BARRIER FABRIC** AT ALL MULCHED PLANTING BEDS CONFORMING TO THE FOLLOWING: NONWOVEN GEOTEXTILE FILTER FABRIC: POLYPROPYLENE OR POLYESTER FABRIC, 3 OZ./SQ. YD. MINIMUM, COMPOSED OF FIBERS FORMED INTO A STABLE NETWORK SO THAT FIBERS RETAIN THEIR RELATIVE POSITION. FABRIC SHALL BE INERT TO BIOLOGICAL DEGRADATION AND RESIST NATURALLY ENCOUNTERED CHEMICALS, ALKALIS, AND ACIDS.
- TREE STAKES:** TWO INCH (2") DIAMETER BY SIX FOOT (6') LENGTH ROUND WOODEN POSTS OR SIX FOOT (6') LONG, HEAVY-DUTY T-BAR STEEL POSTS WITH WHITE TOPS
- TREE GUYS:** 1/2" STRAP-X (FLAT SYNTHETIC WEBBING MATERIAL) OR 1/2" CENTRAL BAG POLYESTER STRAPPING WITH 17 GAUGE GALVANIZED STEEL WIRE
- SOIL AMENDMENT** TO BE TYPE 1 COMPOST. TYP. PROVIDE BIO-COMP BY A-1 ORGANICS OR APPROVED EQUAL: FINELY SHREDDED, FREE OF PLANTS, ROOTS, STICKS, STUMPS, LIMBS, AND NOXIOUS WEEDS. THE MATERIAL SHALL CONTAIN A MINIMUM OF 30% ORGANIC MATTER AND SHALL HAVE A pH RANGE OF 4.5 TO 7.5, AND A SALT CONTENT NOT MORE THAN 3 MMHOS/CM AND MEET THE CLASS 1 REQUIREMENTS.
- SOIL AMENDMENT AT PLANTING BEDS:** 4 CUBIC YARDS PER 1000 SQUARE FEET TILLED THOROUGHLY TO A MINIMUM DEPTH OF 6"-9".
- UTILITIES:** NO TREES SHALL BE PLANTED WITHIN 10' OF A WATER OR SEWER LINE. NO TREES SHALL BE PLANTED WITHIN A 10' RADIUS AROUND FIRE HYDRANTS.
- DRY UTILITIES:** ALL EXISTING DRY UTILITIES SHALL BE FIELD LOCATED BEFORE ANY DIGGING OR TREE LOCATION STAKING TAKES PLACE. DO NOT PLANT A TREE WITHIN 4' OF ANY EXISTING DRY UTILITY WITHOUT VERIFYING THE DEPTH OF THE UTILITY.
- IRRIGATION SYSTEM OPERATION IN RIGHT OF WAY** SHALL BE INSPECTED AND APPROVED BY PUBLIC WORKS PRIOR TO CONSTRUCTION ACCEPTANCE. ADJUST SPRAY PATTERN TO IRRIGATE LANDSCAPE, NOT OVERTHROW ONTO PAVED SURFACES.
- PRECONSTRUCTION CONFERENCE WITH IRRIGATION CONTRACTOR** REQUIRED BY PUBLIC WORKS.
- TREE ROOT BARRIERS** SHALL BE USED AT ALL LOCATIONS WHERE TREES ARE PLANTED 5' OR CLOSER TO PUBLIC WALKS OR CURBS.

LANDSCAPE SHEET INDEX

PUD 11	LANDSCAPE NOTES
PUD 12	OVERALL LANDSCAPE PLAN
PUD 13	LANDSCAPE PLAN ENLARGEMENT
PUD 14	LANDSCAPE PLAN ENLARGEMENT
PUD 15	LANDSCAPE DETAILS
PUD 16	LANDSCAPE DETAILS

RAIN GARDEN SEED MIX

RAIN GARDEN SEED MIX SHALL CONFORM TO THE FOLLOWING SPECIFICATIONS:

COMMON NAME	SCIENTIFIC NAME	LBS/PLS/ACRE
PLAINIS COREOPSIS	COREOPSIS TINCTORIA	0.17
WHITE PRAIRIE CLOVER	DALEA CANDIDA	0.65
PURPLE PRAIRIE CLOVER	DALEA PURPUREA	0.81
BLUE FLAX	LINUM LEWISII	0.83
MEXICAN HAT	RATIBIDA COLUMNIFERA	0.20
PRAIRIE ASTER	MACHAERANTHERA TANACETIFOLIA	0.49
BLACK-EYED SUSAN	RUDEBECKIA HIRTA	0.14
INDIAN RICEGRASS	ACNATHERUM HYMENOIDES	1.13
SIDEOTS GRAMA	BOUTELOUA CURTIPENDULA	1.15
BUFFALOGRASS	BOUTELOUA DACTYLOIDES	3.27
BLUE GRAMA	BOUTELOUA GRACILIS	0.25
INLAND SALTGRASS	DISTICHLIS STRICTA	0.35
BOTTLEBRUSH SQUIRRELTAIL	ELYMUS ELYMOIDES	0.95
STREAMBANK WHEATGRASS	ELYMUS LANCEOLATUS SSP. LANCEOLATUS	1.36
PRAIRIE JUNEGRASS	KOELERIA MACRANTHA	0.08
WESTERN WHEATGRASS	PASCOPYRIUM SMITHII	1.61
LITTLE BLUESTEM	SCHIZACHYRIUM SCOPARIUM	0.70
TOTAL SEEDING RATE FOR RAIN GARDEN SEED MIX		14.14 LBS/PLS/ACRE

RAIN GARDEN SEEDING NOTES:

- PLS = PURE LIVE SEED
- SEEDING RATE IS FOR DRILL SEEDING; SEEDING RATE TO BE DOUBLED FOR HAND BROADCASTING.
- ALL MATERIALS FURNISHED SHALL BE FREE OF COLORADO STATE NOXIOUS WEEDS.
- PROVIDE RAIN GARDEN PLANTING MEDIUM PER CIVIL ENGINEER'S RAIN GARDEN DESIGN CRITERIA.
- NATIVE SEEDING TO BE PERFORMED USING A DRILL SEEDER WHEREVER FEASIBLE. AREAS INACCESSIBLE TO A DRILL SEEDER TO BE HAND BROADCASTED.
- SEED IN TWO DIRECTIONS TO DISTRIBUTE SEED EVENLY.
- AFTER SEEDING, THE AREA SHALL BE COVERED WITH CRIMPED STRAW OR JUTE MESH.
- TEMPORARY IRRIGATION MAY BE USED FOR ESTABLISHMENT OF RAIN GARDEN SEED MIX. NO IRRIGATION IS REQUIRED AFTER ESTABLISHMENT FOR SPECIES INCLUDED IN MIX.

STANDARDS AND GUIDELINES:

- THE PROPERTY OWNER SHALL REMOVE AND REPLACE DEAD OR DISEASED PLANT MATERIALS IMMEDIATELY WITH THE SAME TYPE, SIZE, AND QUANTITY OF PLANT MATERIAL AS ORIGINALLY INSTALLED.
- AVOID REPLACING PLANT MATERIALS DURING THE DRY WINTER MONTHS BETWEEN DECEMBER AND FEBRUARY AND IN MID-SUMMER.
- CONTACT THE PLANNING DIVISION FOR SPECIFIC TIME REQUIREMENTS FOR LANDSCAPE MATERIAL REPLACEMENT.
- LANDSCAPE MATERIALS LOCATED IN THE PUBLIC RIGHT-OF-WAY ARE TO BE MAINTAINED BY THE ADJUTING PROPERTY OWNER.



BOULDER
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THE ROSE & RAVEN

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Full Size: 1" = 10'-0"

Date: 08.10.2020

Project: 201

Author:

Plot Date:

Revisions:

Rev#	Date	Description

PUD + SRU

LANDSCAPE NOTES

PUD 11

11 of 16

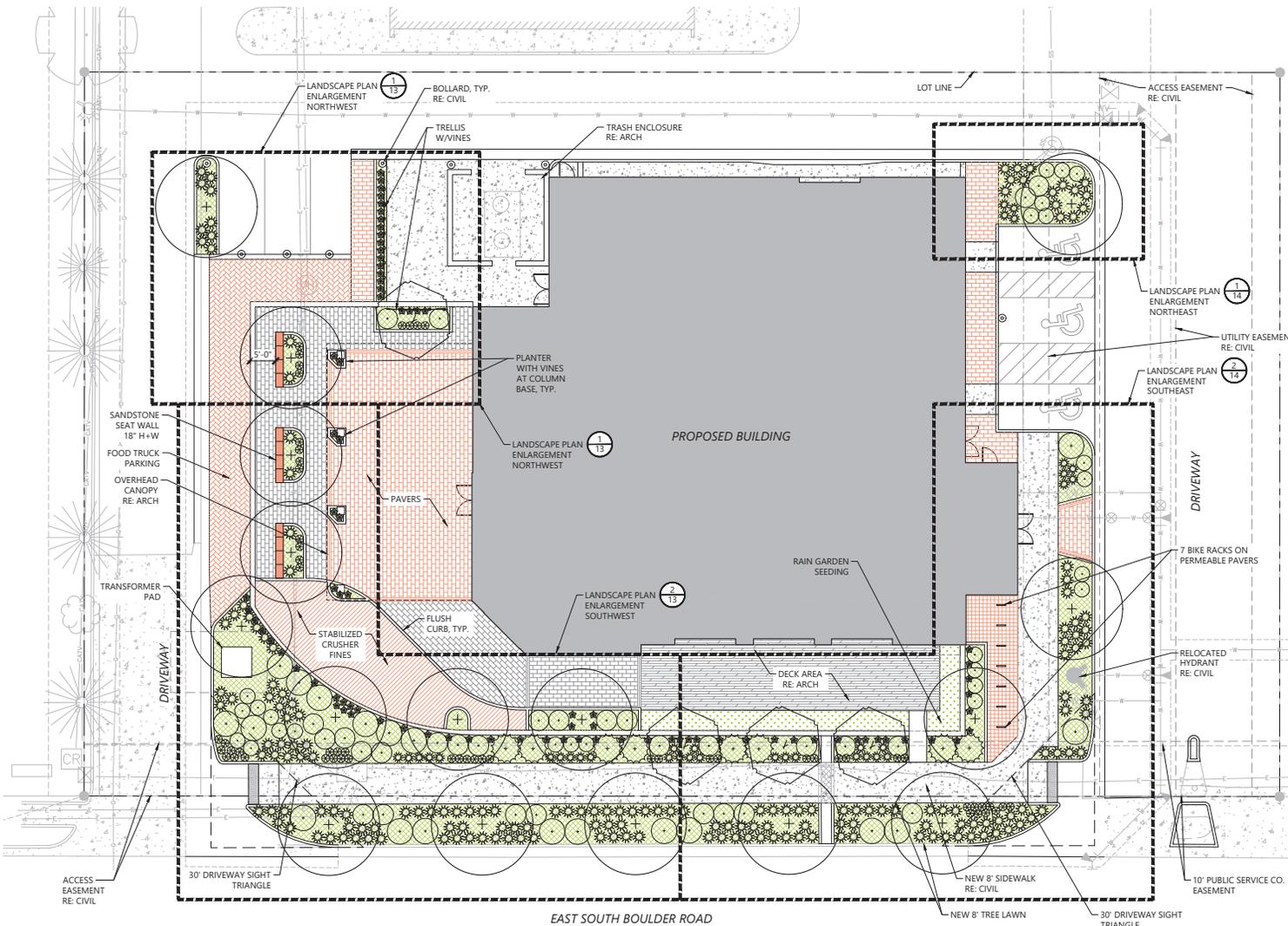
NOTES

1. SEE SHEETS 13-14 FOR DETAILED PLANTING INFORMATION

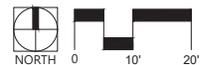
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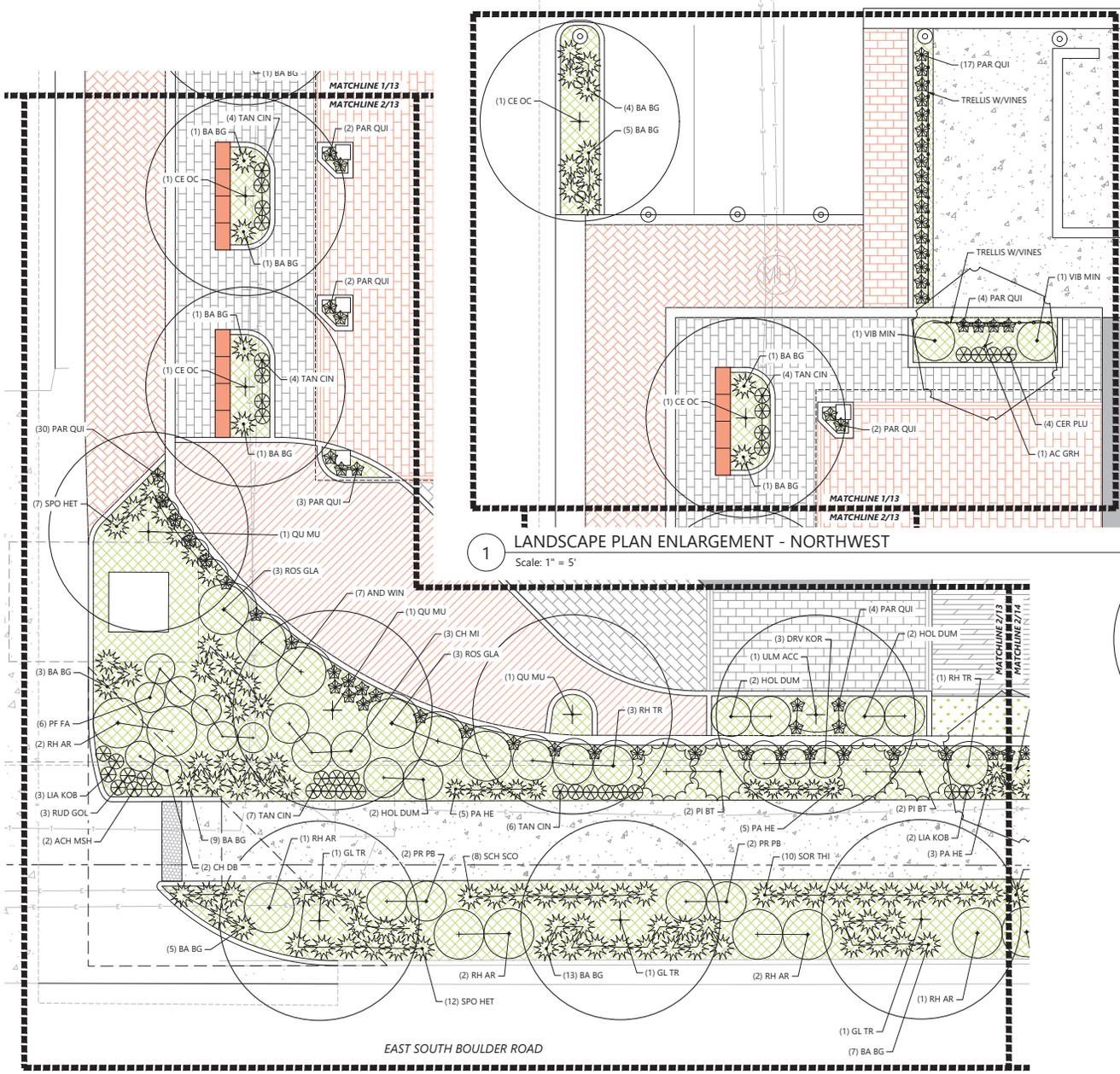
- CONCRETE FLATWORK RE: CIVIL
- MULCHED LANDSCAPE BED
- RAIN GARDEN SEEDING
- STABILIZED CRUSHER FINES
- PAVERS - TYPE 1
- PAVERS - TYPE 2
- PAVERS - TYPE 3
- PERMEABLE PAVERS
- DECK RE: ARCH

- PROPOSED DECIDUOUS SHADE TREE
- PROPOSED DECIDUOUS ORNAMENTAL TREE
- SHRUB
- ORNAMENTAL GRASS
- PERENNIAL
- CLIMBING VINE
- EXISTING DECIDUOUS TREE
- EXISTING EVERGREEN TREE



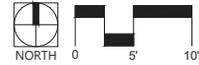
1 OVERALL LANDSCAPE PLAN
Scale: 1" = 10'





1 LANDSCAPE PLAN ENLARGEMENT - NORTHWEST
Scale: 1" = 5'

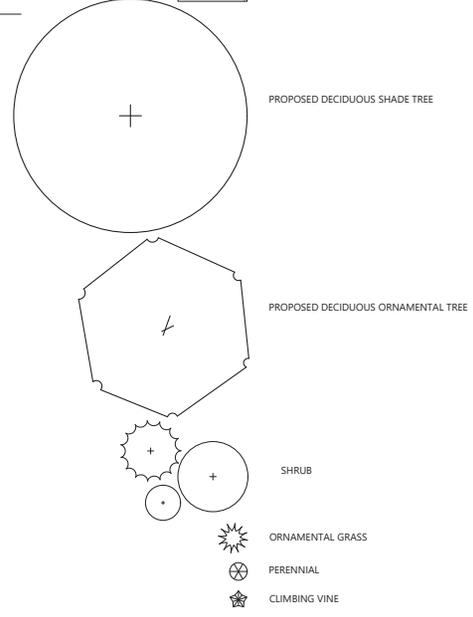
2 LANDSCAPE PLAN ENLARGEMENT - SOUTHWEST
Scale: 1" = 5'



NOTES
1. SEE SHEET L11 FOR PLANT LEGEND.

LEGEND

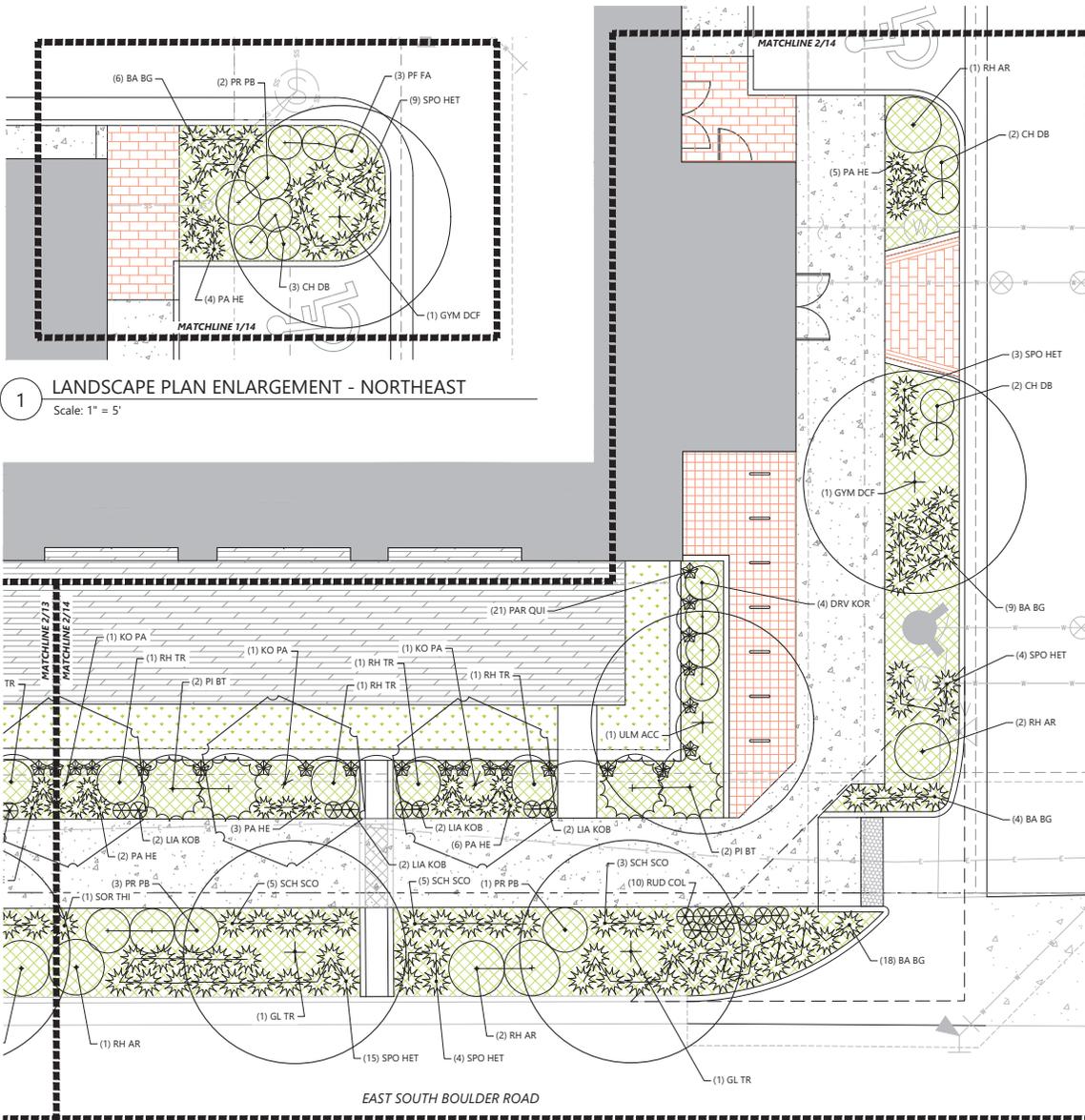
- CONCRETE FLATWORK RE: CIVIL
- MULCHED LANDSCAPE BED
- RAIN GARDEN SEEDING
- STABILIZED CRUSHER FINES
- PAVERS - TYPE 1
- PAVERS - TYPE 2
- PAVERS - TYPE 3
- PERMEABLE PAVERS
- DECK
RE: ARCH



PUD + SRU

LANDSCAPE PLAN ENLARGEMENT

PUD 13



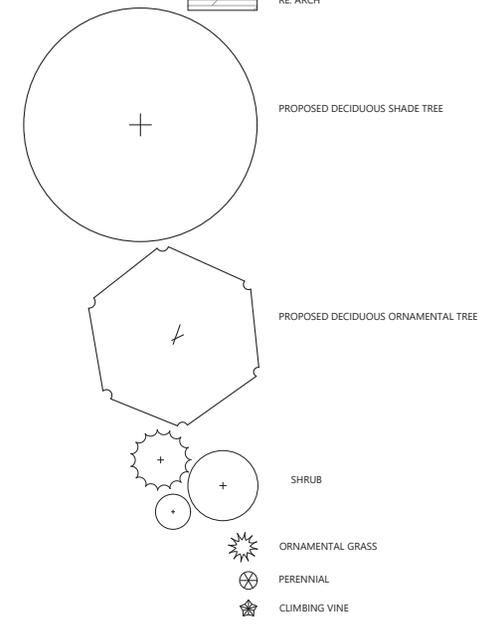
1 LANDSCAPE PLAN ENLARGEMENT - NORTHEAST
Scale: 1" = 5'

2 LANDSCAPE PLAN ENLARGEMENT - SOUTHEAST
Scale: 1" = 5'



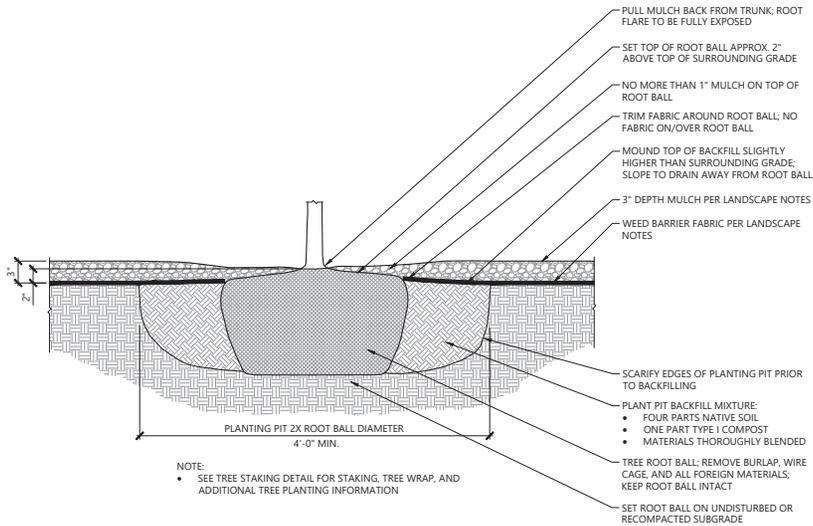
NOTES
1. SEE SHEET 11 FOR PLANT LEGEND.

- LEGEND**
- CONCRETE FLATWORK RE: CIVIL
 - MULCHED LANDSCAPE BED
 - RAIN GARDEN SEEDING
 - STABILIZED CRUSHER FINES
 - PAVERS - TYPE 1
 - PAVERS - TYPE 2
 - PAVERS - TYPE 3
 - PERMEABLE PAVERS
 - DECK
RE: ARCH

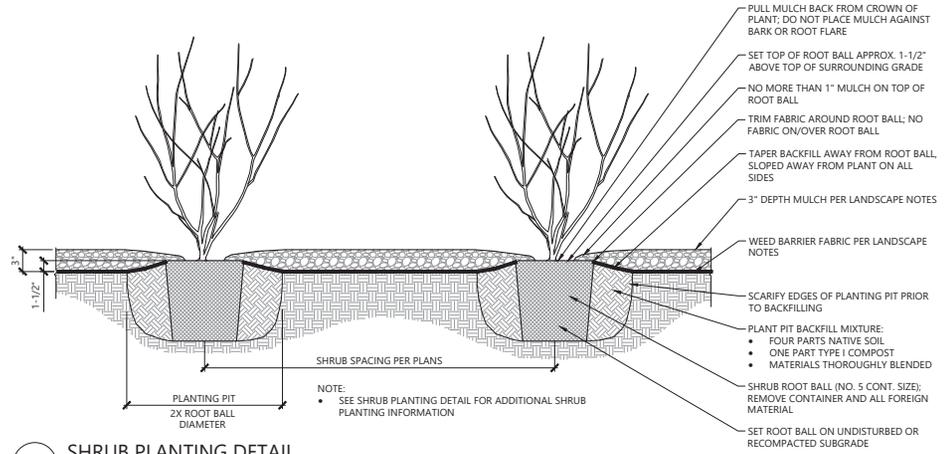


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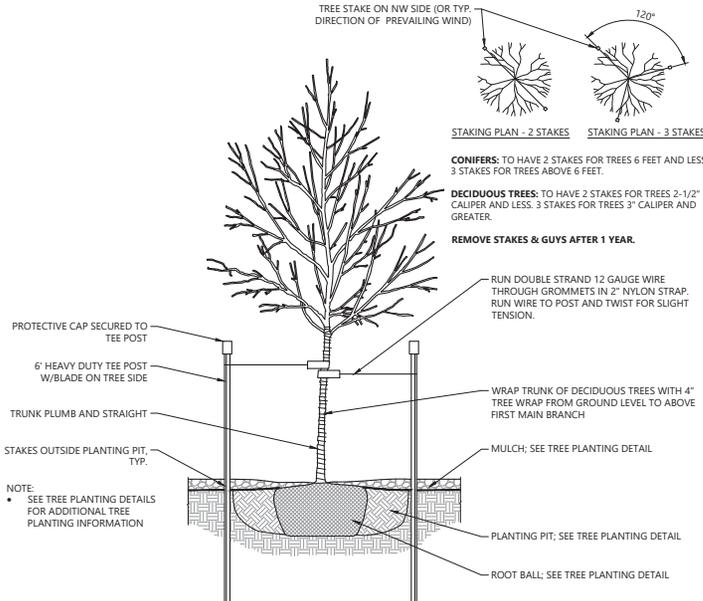
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Date:	08.18.2020
Project:	2001
Archive:	
Plot Date:	
Revisions:	
Revised:	Date Description



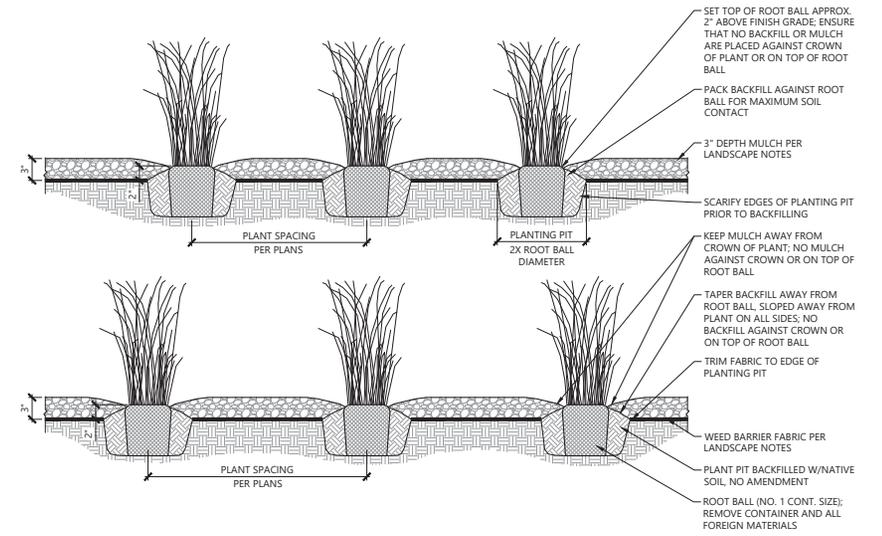
1 TREE PLANTING IN MULCHED PLANTING BEDS
SCALE 1-1/2" = 1'



2 SHRUB PLANTING DETAIL
SCALE 1-1/2" = 1'



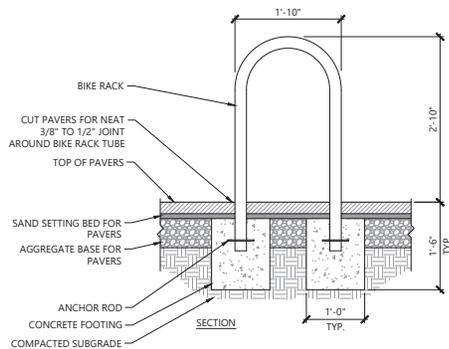
3 TREE STAKING DETAIL
SCALE 3/4" = 1'



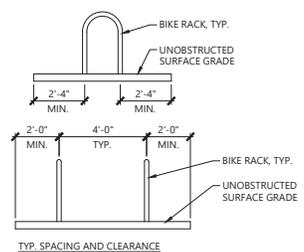
4 ORNAMENTAL GRASS / PERENNIAL PLANTING DETAIL
SCALE 1-1/2" = 1'

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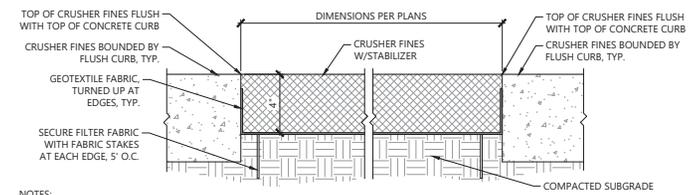
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Date:	08.18.2020		
Project:	2020		
Archive:			
Plot Date:			
Revisions:			
Rev#	Date	Description	



1 BIKE RACK DETAIL
NOT TO SCALE



- NOTES:
1. PRODUCT: U238-IG
 2. DESCRIPTION: 'U' BIKE RACK 2 BIKE, IN GROUND UNIT
 3. FINISH: POWDER COAT
 4. COLOR: GUMMETAL
 5. MFR: MADRAX DIVISION GRABER MANUFACTURING, INC. (800) 448-7931, WWW.MADRAX.COM
 6. INSTALL BIKE RACKS ACCORDING TO MANUFACTURER'S SPECIFICATIONS.



- NOTES:
1. EXCAVATED AREA TO BE COMPACTED USING A DOUBLE-DRUM VIBRATORY ROLLER.
 2. WHILE WET, THE SURFACE SHALL BE COMPACTED DOWN TO THE FINAL GRADE WITH THE VIBRATORY ROLLER.
 3. INSTALL STABILIZED CRUSHER FINES OVER GEOTEXTILE FABRIC IN 4" DEEP TRENCH.
 4. CRUSHER FINES TO BE COMPACTED UNTIL MATERIAL IS FIRMLY LOCKED TOGETHER. MATERIALS SHALL BE A MIN. OF 4" DEEP AFTER COMPACTION.
 5. CRUSHER FINES CROSS SLOPE SHALL BE 2% W/ NO DEPRESSIONS TO COLLECT WATER.
 6. STABILIZED CRUSHER FINES PRODUCT TO BE "RED STABILIZER CART PATH: 3/8" SCREENED RED CRUSHER FINES WITH STABILIZER" BY G&S SOLUTIONS (GOLFSANDSPORTSOLUTIONS.COM)
 7. FOLLOW MANUFACTURER'S RECOMMENDATIONS FOR STORAGE AND INSTALLATION.

2 STABILIZED CRUSHER FINES
NOT TO SCALE

UB 18-2 TECH SHEET

This 18" high by 24" wide barrier is for linear, surround, and root pruning applications. It is suitable for use on sidewalks, paths, and patios, as well as other tree planting situations.

UB 18-2	SPECIFICATIONS + FEATURES
	<p>USES Retract tree roots down and away from hardscape.</p> <p>MATERIALS High-quality 75% recycled recycled injection molded polypropylene. Manufactured in ISO 9001:2008 registered factories.</p> <p>SIZES & PACKAGING Each panel is 18" (H) x 24" (W) x 1/2" (D). 25 Panels (25 linear feet) / 1.8 m² per carton, 20 cartons per pallet, approximately 40 lbs. (17.5 kg) per carton.</p> <p>FEATURES - 90° sloped root growth down and away from hardscape. - Instant assembly, panels slide together with a zipper joint system. - Patented double top edge for strength, safety, appearance and root overgrowth protection. - Included UV inhibitors prevent breakdown from sun exposure. - Rounded edges for safety in handling. - Made in the USA.</p>
APPLICATIONS	
<p>LINEAR</p>	<p>LINEAR Provide maximum hardscape protection while utilizing all available rooting space for improved tree health by placing guides in a straight line directly along the hardscape to be protected.</p>
<p>SURROUND</p>	<p>SURROUND Protect hardscapes that surround a planting on all four sides. Plan to line the perimeter of the planting area with the panels (this provides the maximum available uncompacted soil volume for immediate root growth).</p>
<p>ROOT PRUNING</p>	<p>ROOT PRUNING Root pruning can help save existing trees and prevent future damage to parking. Directional roots are clearly cut and removed. Linear Root Barrier is then installed. There are limitations to root pruning, and an ISA Certified Arborist should be consulted.</p> <p>HOW TO SPECIFY</p> <ol style="list-style-type: none"> 1. Determine linear, surround, root pruning or specialty application. 2. Pick appropriate barrier depth for application and site. 3. Calculate number of panels required. 4. For details on these or any other installation instructions, please refer to our Specification and Installation Manual, or visit www.deeproo.com.
<p>ZIPPER JOINING SYSTEM</p>	<p>ZIPPER JOINING SYSTEM Each panel has a built-in zipper joint along one edge, making assembly of the panels in the field quick and easy.</p> <p>DOUBLE TOP EDGE Patented double top edge adds strength, safety, and root overgrowth protection.</p>

Deeproot Green Infrastructure, LLC
 10000 E. Harvard Avenue, Suite 1000, Denver, CO 80231
 (303) 751-1100 • (303) 751-1101 • (303) 751-1102
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 Printed on 100% FSC Recycled Paper

- NOTES:
1. TREE ROOT BARRIER TO BE INSTALLED FOR ALL TREES WITHIN 5 FEET OF PUBLIC WALKS, CURBS, OR STREETS.
 2. TREE ROOT BARRIER TO BE MODEL UB 18-2 BY DEEPROOT OR APPROVED EQUAL.
 3. INSTALLATION TO BE PER MFR'S RECOMMENDATIONS.

3 TREE ROOT BARRIER
NOT TO SCALE

This document contains proprietary information belonging to Caddis, or its affiliated companies and shall be used only for the purpose for which it was supplied with the prior written consent of Caddis pa.

Full Size	11"	17"	24"
Project	2021		
Date	08.18.2020		
Project	2021		
Active	<input type="checkbox"/>		
Plot Date			
Revisions			
Rev#	Date	Description	



LOUISVILLE NORTH 7th FILING REPLAT B

A REPLAT OF TRACT II, LOUISVILLE NORTH FILING NO. 7,
 LOCATED IN THE SOUTHWEST QUARTER OF SECTION 5,
 TOWNSHIP 1 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
 CITY OF LOUISVILLE, COUNTY OF BOULDER, STATE OF COLORADO
 SHEET 1 OF 2

LEGAL DESCRIPTION

KNOWN ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED BEING THE OWNER OF A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 1 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF LOUISVILLE, COUNTY OF BOULDER, STATE OF COLORADO, AND BEING DESCRIBED AS FOLLOWS:

PART OF TRACT II, LOUISVILLE NORTH 7TH FILING, AS RECORDED AT RECEPTION NUMBER 294479, COUNTY OF BOULDER, STATE OF COLORADO,

DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF TRACT II, LOUISVILLE NORTH 7TH FILING, CITY OF LOUISVILLE, BOULDER COUNTY, COLORADO, AS PLATTED; THENCE NORTH 0°01'40" EAST ALONG THE WEST LINE OF SAID TRACT II, 142.50 FEET; THENCE SOUTH 89°58'20" EAST, 235.50 FEET; THENCE SOUTH 0°01'40" WEST, 142.50 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT II; THENCE NORTH 89°58'20" WEST, 235.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.077 ACRES OR 33,559 SQUARE FEET MORE OR LESS.

HAS LAID OUT, SUBDIVIDED AND PLATTED SAID LAND AS PER DRAWING HEREON CONTAINED UNDER THE NAME AND STYLE OF LOUISVILLE NORTH 7TH FILING REPLAT B, A SUBDIVISION OF A PART OF THE CITY OF LOUISVILLE, COUNTY OF BOULDER, STATE OF COLORADO, AND BY THESE PRESENTS DO HEREBY DEDICATE TO THE CITY OF LOUISVILLE AND THE PUBLIC, THE UTILITY AND DRAINAGE EASEMENTS AS SHOWN ON THE ACCOMPANYING PLAT AND DOES FURTHER DEDICATE TO THE USE OF THE CITY OF LOUISVILLE AND ALL MUNICIPALLY OWNED AND/OR FRANCHISED UTILITIES AND SERVICES THOSE PORTIONS OF SAID REAL PROPERTY WHICH ARE SO DESIGNATED AS EASEMENTS AND RIGHT-OF-WAYS FOR THE CONSTRUCTION, INSTALLATION, OPERATION, MAINTENANCE, REPAIR AND REPLACEMENT FOR ALL SERVICES, INCLUDING WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, TELEPHONE AND ELECTRIC LINES, WORKS, POLES AND UNDERGROUND CABLES, GAS PIPELINES, WATER PIPELINES, SANITARY SEWER LINES, STREET LIGHTS, CULVERTS, HYDRANTS, DRAINAGE DITCHES AND DRAINS AND ALL APPURTENANCES THERETO, IT BEING EXPRESSLY UNDERSTOOD AND AGREED BY THE UNDERSIGNED THAT ALL EXPENSES AND COSTS INVOLVED IN CONSTRUCTING AND INSTALLING SANITARY SEWER SYSTEM WORKS AND LINES, GAS SERVICE LINES, ELECTRICAL SERVICE WORKS AND LINES, STORM SEWERS AND DRAINS, STREET LIGHTING, GRADING AND LANDSCAPING, CURBS, GUTTERS, STREET PAVEMENT, SIDEWALKS AND OTHER SUCH UTILITIES AND SERVICES SHALL BE GUARANTEED AND PAID FOR BY THE SUBDIVIDER OR ARRANGEMENTS MADE BY THE SUBDIVIDER THEREOF WHICH ARE APPROVED BY THE CITY OF LOUISVILLE, COLORADO, AND SUCH SUMS SHALL NOT BE PAID BY THE CITY OF LOUISVILLE, COLORADO, AND THAT ANY ITEM SO CONSTRUCTED OR INSTALLED WHEN ACCEPTED BY THE CITY OF LOUISVILLE, COLORADO, SHALL BECOME THE SOLE PROPERTY OF SAID CITY OF LOUISVILLE, COLORADO, EXCEPT PRIVATE ROADWAY CURBS, GUTTER AND PAVEMENT AND ITEMS OWNED BY MUNICIPALLY FRANCHISED UTILITIES WHICH WHEN CONSTRUCTED OR INSTALLED, SHALL REMAIN THE PROPERTY OF THE OWNER AND SHALL NOT BECOME THE PROPERTY OF THE CITY OF LOUISVILLE, COLORADO.

OWNERSHIP SIGNATURE BLOCK

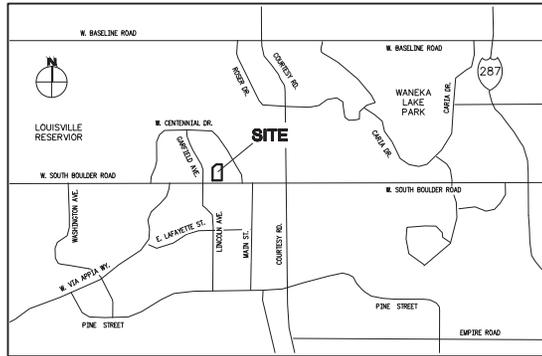
HAVE LAID OUT, PLATTED AND SUBDIVIDED THE SAME INTO LOTS UNDER THE NAME OF LOUISVILLE NORTH 7TH FILING REPLAT B AND ALSO DEDICATE EASEMENTS AS SHOWN ON SAID LOUISVILLE NORTH 7TH FILING REPLAT B AS LAID OUT AND DESIGNATED ON THIS PLAT.

WITNESS MY/OUR HAND(S) SEAL(S) THIS ____ DAY OF _____, 2020.

OWNER NAME & SIGNATURE

NOTARY NAME (PRINT)

NOTARY SIGNATURE



VICINITY MAP
 SCALE: 1"=2000'

NOTES

1. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY Est land surveying, llc TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. TITLE COMMITMENT NO. A8270448181-4 PREPARED BY LAND TITLE GUARANTEE COMPANY, EFFECTIVE DATE SEPTEMBER 17, 2015 AT 17:00 WAS SOLELY RELIED UPON FOR ALL INFORMATION REGARDING EASEMENTS, RIGHTS-OF-WAY AND TITLE OF RECORD OR OTHER ENCUMBRANCES AFFECTING THE SUBJECT PARCEL.
2. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-580, C.R.S.
3. CITY MAINTENANCE VEHICLES ARE GRANTED ACCESS OVER ALL PAVED ROADWAYS AND PARKING AREAS.
4. NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE (3) YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED ON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN (10) YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON. C.R.S.13-80-106(3)(A).

FLOOD PLAIN INFORMATION

THE SUBJECT PROPERTY APPEARS IS SITUATED WITHIN: ZONE X
 AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN
 THIS INFORMATION HAS BEEN TAKEN FROM FLOOD INSURANCE MAP (FIRM) MAP NUMBER MAP 0813C0582J.
 DATED: 12/18/12.

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE PLATTED RECORD BEARING OF S00°01'40"W, ALONG THE WEST LINE OF THE SUBJECT PROPERTY BETWEEN THE FOUND MONUMENTS AS SHOWN HEREON. SAID BEARING IS AS PER THE PLAT OF LOUISVILLE NORTH 7TH FILING.

PLANNING COMMISSION CERTIFICATE

APPROVED THIS ____ DAY OF _____, 2020 BY THE PLANNING COMMISSION OF THE CITY OF LOUISVILLE, COLORADO.

RESOLUTION NO. _____ SERIES _____

CITY COUNCIL CERTIFICATE

APPROVED THIS ____ DAY OF _____, 2020 BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO.

RESOLUTION NO. _____ SERIES _____
 (CITY SEAL)

MAYOR SIGNATURE

CITY CLERK SIGNATURE

CLERK AND RECORDER'S CERTIFICATE (COUNTY OF BOULDER, STATE OF COLORADO)

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT _____ O'CLOCK ____M. THIS ____ DAY OF _____, 2020, AND IS RECORDED IN PLAN FILE

SEE _____ PAID.

_____ FILM NO. _____ RECEPTION

CLERK AND RECORDER

DEPUTY

SURVEYOR'S CERTIFICATION

I, DONALD L. LAMBERT, A DULY REGISTERED LAND SURVEYOR, LICENSED IN THE STATE OF COLORADO, HEREBY STATE FOR AND ON BEHALF OF EST LAND SURVEYING, LLC THAT THIS FINAL PLAT OF LOUISVILLE NORTH 7TH FILING REPLAT B, AS SHOWN HEREON WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT IS IN SUBSTANTIAL ACCORDANCE WITH C.R.S. TITLE 38, ARTICLE 51

DONALD L. LAMBERT, PLS 30830

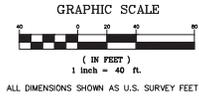
Est land surveying, llc

NO.	DATE	DESCRIPTION	BY
3	9/16/20	3rd SUBMITTAL	D.L.L.
2	8/18/20	2nd SUBMITTAL	D.L.L.
1	6/9/20	1st SUBMITTAL	D.L.L.

2021 © Est Land Surveying, LLC
 303-648-8113
 Utah D-824
 Registered, CE#000173

LOUISVILLE NORTH 7th FILING REPLAT B

A REPLAT OF TRACT II, LOUISVILLE NORTH FILING NO. 7,
 LOCATED IN THE SOUTHWEST QUARTER OF SECTION 5,
 TOWNSHIP 1 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
 CITY OF LOUISVILLE, COUNTY OF BOULDER, STATE OF COLORADO
 SHEET 1 OF 2



LEGEND

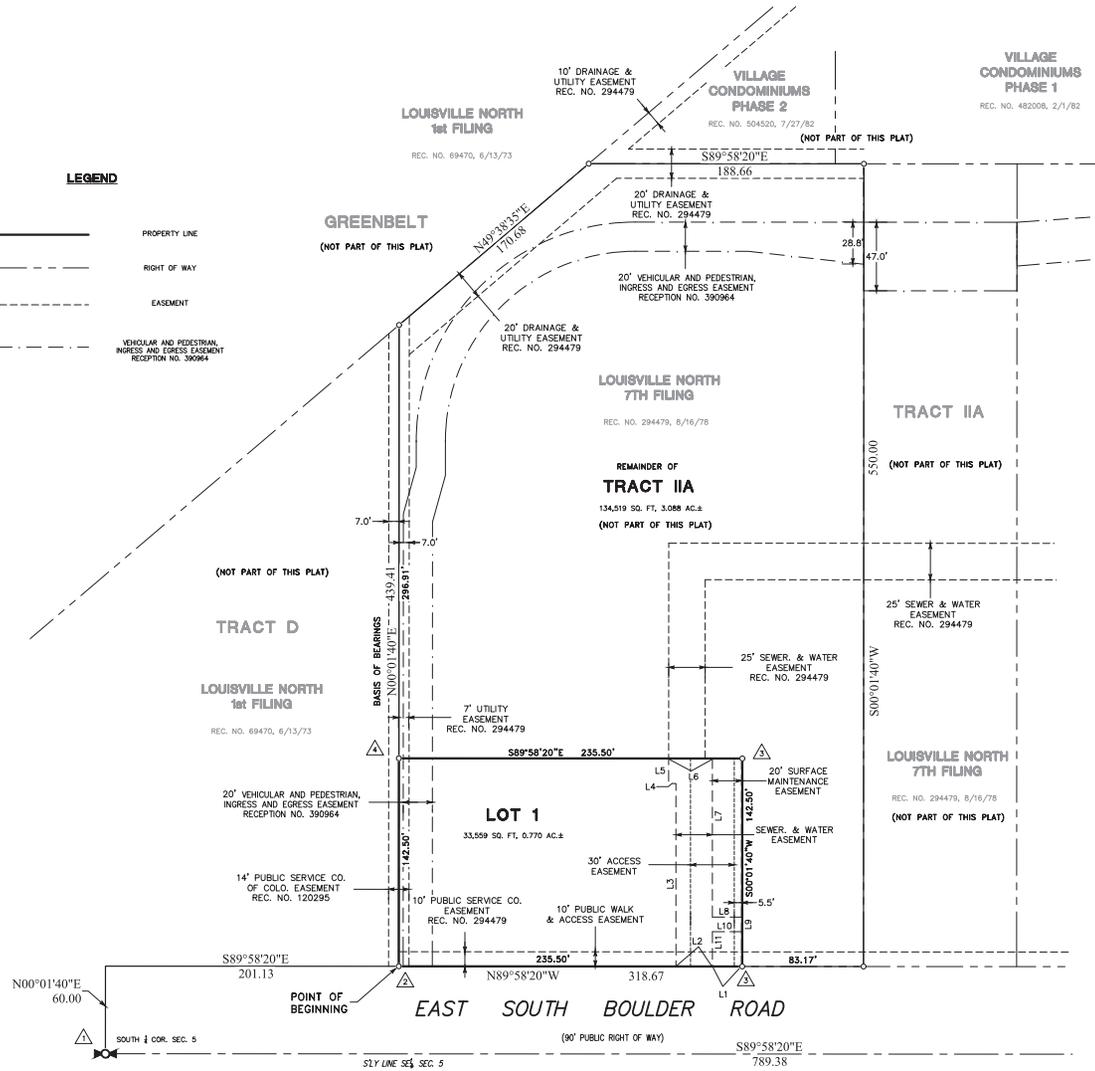
- PROPERTY LINE
- RIGHT OF WAY
- EASEMENT
- VEHICULAR AND PEDESTRIAN, INGRESS AND EGRESS EASEMENT RECEPTION NO. 390964

SEWER & WATER EASEMENT DEDICATED BY THIS PLAT

Line #	Length	Direction
L1	20.43	N00° 01' 40"E
L2	25.00	N89° 58' 20"W
L3	125.35	N00° 01' 40"E
L4	5.00	N89° 58' 20"W
L5	17.16	N00° 01' 40"E
L6	30.00	S89° 58' 20"E
L7	108.68	S00° 01' 40"W
L8	20.45	S89° 58' 20"E
L9	10.00	S00° 01' 40"W
L10	20.45	N89° 58' 20"W
L11	23.82	S00° 01' 40"W

MONUMENT LEGEND

- FOUND A 2-1/2" ALUMINUM CAP IN A RANGE BOX STAMPED "PLS 14070 - 2002" AT THE SOUTH QUARTER CORNER OF SECTION 5, T1S, R69W 6th P.M.
- FOUND A 1.5" ALUMINUM CAP ON A REBAR STAMPED "THOMAS E CAVE - PLS 14070"
- FOUND AN ILLEGIBLE YELLOW PLASTIC CAP
- SET A YELLOW PLASTIC CAP ON A #5 REBAR STAMPED "PLS 30830"



NO.	DATE	DESCRIPTION	BY
3	9/16/20	3rd SUBMITTAL	D.L.L.
2	8/18/20	2nd SUBMITTAL	D.L.L.
1	6/9/20	1st SUBMITTAL	D.L.L.

Esti land surveying, LLC
 2021 S. Logan St. 800-918-8119
 Unit D-824
 Englewood, CO 80110

EXHIBIT A

A PARCEL OF LAND BEING A PORTION OF TRACT IIA, LOUISVILLE NORTH 7TH FILING, AS FILED IN THE BOULDER COUNTY CLERK AND RECORDER'S OFFICE AT RECEPTION NUMBER 294479 ON AUGUST 16, 1978; SITUATED IN THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 1 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF LOUISVILLE, COUNTY OF BOULDER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT IIA; THENCE S89°58'20"E, ALONG THE SOUTH LINE OF SAID TRACT IIA, A DISTANCE OF 185.00 FEET TO THE SOUTHWEST CORNER OF A 25 FOOT WIDE SEWER AND WATER EASEMENT AS SHOWN ON THE PLAT OF SAID LOUISVILLE NORTH 7TH FILING; SAID POINT BEING THE POINT OF BEGINNING;

THENCE N00°01'40"E, ALONG THE WEST LINE OF SAID 25 FOOT WIDE SEWER AND WATER EASEMENT, A DISTANCE OF 142.50 FEET; THENCE S89°58'20"E A DISTANCE OF 25.00 FEET TO A POINT ON THE EAST LINE OF SAID 25 FOOT WIDE SEWER AND WATER EASEMENT; THENCE S00°01'40"W, ALONG THE EAST LINE OF SAID 25 FOOT WIDE SEWER AND WATER EASEMENT, A DISTANCE OF 142.50 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT IIA; THENCE N89°58'20"W, ALONG THE SOUTH LINE OF SAID TRACT IIA, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING;

CONTAINING: 3563 SQUARE FEET, 0.082 ACRES, MORE OR LESS.

THIS LEGAL DESCRIPTION WAS PREPARED BY:
DON LAMBERT, PLS 30830
FOR AND ON BEHALF OF Esi land surveying, llc

SHEET 1 OF 2

*Esi land
surveying, llc*

*3531 S. Logan St. D-324
Englewood, CO 80113
Ph: 303-340-0113*

EXHIBIT A

TRACT IIA

LOUISVILLE NORTH
7TH FILING

REC. NO. 294479, 8/16/78

25' SEWER. & WATER
EASEMENT
REC. NO. 294479

S89°58'20"E
25.00

TRACT IIA

PORTION OF
25' SEWER. & WATER EASEMENT
REC. NO. 294479
TO BE VACATED

142.50'

142.50'

N00°01'40"E

S00°01'40"W

TRACT IIA

POINT OF
COMMENCEMENT

10' PUBLIC SERVICE CO.
EASEMENT
REC. NO. 294479

POINT OF
BEGINNING

S89°58'20"E 185.00'

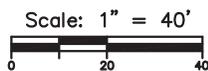
N89°58'20"W
25.00

EAST SOUTH BOULDER ROAD

(90' PUBLIC RIGHT OF WAY)

SHEET 2 OF 2

S 1/4 LINE SE 1/4 SEC. 5



*Esi land
surveying, llc*

3531 S. Logan St. D-324
Englewood, CO 80113
Ph: 303-340-0113

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

David M. Packard, Esq.
Packard and Dierking, LLC
2595 Canyon Blvd., Suite 200
Boulder, CO 80302

925570 \$96.00


(Above space for Recorder's use only)

AMENDED AND RESTATED EASEMENT WITH COVENANTS AGREEMENT

This Amended and Restated Easement and Covenants Agreement (this "Agreement"), dated as of December 31, 2012 (the "Effective Date"), is entered into by and between, **SAFEWAY STORES 45 INC.**, a Delaware corporation ("Safeway"), **VILLAGE SQUARE SC LLC**, a Colorado limited liability company ("Village"), **VALLEY BANK & TRUST**, a Colorado banking corporation ("Bank"), and **DPM INVESTMENTS, L.L.C.**, a Colorado limited liability company ("DPM") (collectively, the parties are each sometimes referred to herein singularly as a "Party", and collectively as the "Parties"), with respect to the following facts:

A. The Parties or their predecessors in interest entered into that Easements with Covenants and Restrictions Affecting Land (ECR) dated April 5, 1978, recorded in the records of the Clerk and Recorder for Boulder County, Colorado on April 17, 1978, at Reception No. 274300 (the "ECR"), and modified the ECR in that Modification to Easements with Covenants and Restrictions Affecting Land (ECR) dated July 8, 1980, recorded in the records of the Clerk and Recorder for Boulder County, Colorado on August 21, 1980, at Reception No. 407014 (the "Modified ECR").

B. Safeway is the owner in fee simple of a certain tract of land in the City of Louisville (the "City"), County of Boulder, Colorado, which property is more particularly described in **Exhibit "A"** attached hereto and incorporated herein by reference ("Parcel I").

C. Village is the owner in fee simple of a certain tract of land in the City of Louisville (the "City"), County of Boulder, Colorado, which property is more particularly described in **Exhibit "B"** attached hereto and incorporated herein by reference ("Parcel II").

D. Bank is the owner in fee simple of a certain tract of land in the City of Louisville (the "City"), County of Boulder, Colorado, which property is more particularly described in **Exhibit "C"** attached hereto and incorporated herein by reference ("Parcel II-B").

E. DPM is the owner in fee simple of a certain tract of land in the City of Louisville (the "City"), County of Boulder, Colorado, which property is more particularly described in **Exhibit "D"** attached hereto and incorporated herein by reference ("Parcel II-A"). As used herein, the "Project:" shall refer collectively to Parcel I, Parcel II, Parcel II-B, and Parcel II-A, and "Parcel" shall refer to any of the foregoing properties.

F. Safeway intends to develop a mixed-use project on Parcel I which will include retail and residential uses and reconfigure the existing surface parking thereon, as well as construct a parking structure on said Parcel I.

G. The Parties desire to fully amend and restate the terms and conditions of the ECR as modified by the Modified ECR.

NOW, THEREFORE, for good and valuable consideration and the mutual benefits being derived therefrom and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

1. ECR ENTIRELY AMENDED. The ECR, as modified by the Modified ECR and as otherwise amended, is hereby amended, restated and replaced in its entirety by this Agreement.

2. DEFINITIONS. As used herein, the following terms shall have the following definitions in this Agreement:

a. Building Area. "Building Area" shall mean that portion of any Parcel devoted from time to time to building improvements, including without limitation above or below grade parking structures. Canopies may extend beyond Building Areas but shall not be considered part of the Building Area.

b. Common Areas. "Common Areas" shall mean all of the Project from time to time except the Building Areas. The Common Areas are subject to modification and change automatically as Building Area(s) change on any Parcel from time to time. The fact that any portion of a Parcel is a Common Area does not preclude the owner of a Parcel from creating, replacing, expanding, or otherwise modifying Building Area on such Parcel.

3. BUILDING COVENANTS.

a. Design and Construction. All newly constructed buildings shall be designed so that the exterior elevation of each will be architecturally and aesthetically comparable and so that the buildings' wall footings shall not encroach from one Parcel onto another Parcel. The design and construction shall be in conformity with sound architectural and engineering standards and the construction shall be first quality.

b. Use. Buildings within the Project shall be for commercial, retail, residential or other uses as permitted by City of Louisville zoning, as may be amended from time to time. Notwithstanding the foregoing, no building within the Project may be used for bowling alleys or theatres.

c. Encroachment Easements. In the event building wall footings encroach from one Parcel onto another Parcel, despite efforts to avoid that occurrence, the party onto whose Parcel the footings encroach shall cooperate in granting an encroachment permit or easement to the party whose building wall footings encroach.

4. COMMON AREAS USE. Subject to easements of record (other than the ECR and Modified ECR), the Common Areas shall be used for roadways, walkways, ingress and egress,

parking of motor vehicles, loading and unloading of commercial and other vehicles, for driveway purposes, and for the comfort and convenience of owners, tenants, customers, invitees, and employees of all occupants of the buildings constructed on the Building Areas. Sidewalk and patio areas of the Common Areas may be used for café or other seating, temporary sales areas, and similar commercial uses for adjacent retail businesses providing such use does not interfere with access to any other building in the Project.

a. Grant of Easements. Each Party, as grantor, hereby grants to the other Parties for the benefit of said other Parties, its tenants, residents, customers, invitees, and employees, a nonexclusive easement for roadways, walkways, ingress and egress, the parking of motor vehicles and use of facilities installed for the comfort and convenience of customers, invitees, and employees on the Common Areas of the grantor's Parcel.

b. Limitations on Use. All of the uses permitted within the Common Areas shall be exercised with reason and judgment so as to not interfere with the primary purpose of the Common Areas which is to provide parking for owners, tenants, customers, invitees, and employees of all occupants of the buildings constructed on the Building Areas and for servicing and supplying businesses and residents within those buildings. Persons using the Common Areas in accordance with this Agreement shall not be charged a fee for such use.

c. Grant of Utility and Service Easements. The Parties shall cooperate in the granting of appropriate and proper easements for the installation, repair and replacement of storm drains, sewers, utilities and other proper services necessary for the orderly development and operation of the Common Areas and buildings to be erected upon the Building Areas. Parties will use reasonably diligent efforts to cause the installation of such utility and service lines prior to paving of the Common Areas.

5. MAINTENANCE, DEVELOPMENT AND REDEVELOPMENT OF BUILDINGS.

a. Parking Requirements. Each owner may utilize the shared parking available on the Common Areas to meet the parking requirements required by the City of Louisville in connection with the City of Louisville's approval of any development, redevelopment, or use review.

b. Reconstruction of Common Areas. In the event an owner of a Parcel modifies, replaces, or otherwise changes the Building Areas, and buildings within same, and thus the Common Areas, on its Parcel, following completion of such demolition and reconstruction, said owner shall promptly, at its cost, repave and reconstruct the modified Common Areas on such Parcel to comport to the requirements of this Agreement. Any owner of a Parcel planning to modify the Building Areas or Common Areas on its Parcel shall notify the other Parties hereto at least twenty (20) days in advance of the commencement of construction or other interference on the Common Areas in connection with such modification.

c. Construction Activities. In connection with construction of buildings or other improvements performed on a Parcel, the owner of the Parcel may utilize the Common Areas on said Parcel for construction staging and other construction activities. Each Party agrees to exercise reasonable diligence to maintain access drives, parking and other improvements on such Common Areas to the extent reasonably feasible. All Parties recognize and agree that major construction projects may utilize all of the Common Areas on a Parcel during the period of construction.

d. Maintenance of Buildings and Common Areas. Each owner of a Parcel is responsible for the maintenance and repair of the buildings within the Building Areas and the Common Areas located on that owner's Parcel.

i. Standards. Following completion of the construction of buildings within the Building Areas, the Parties shall maintain the exteriors of such buildings in good condition and repair. Following completion of the improvement of the Common Areas, the Parties hereto shall maintain the Common Areas in good condition and repair. The maintenance is to include, without limiting the generality of the foregoing, the following:

- (1) Maintaining the surfaces in a level, smooth and evenly covered condition with the type of surfacing material originally installed or such substitute as shall in all respects be equal in quality, use and durability.
- (2) Removing all papers, debris, filth and refuse and thoroughly sweeping the area to the extent reasonably necessary to keep the area in a clean and orderly condition.
- (3) Placing, keeping in repair and replacing any necessary appropriate directional signs, markers and lines.
- (4) Operating, keeping in repair and replacing, where necessary, such artificial lighting facilities as shall be reasonably required.
- (5) Maintaining all perimeter walls in a good condition and state of repair; and
- (6) Maintaining all landscaped areas and making such replacements of shrubs and other landscaping as is necessary.

ii. Self Help. In the event any Party fails to perform the maintenance required under this Agreement, another Party shall have the right, upon thirty (30) days advanced written notice to the non-performing Party (except in the case of emergency, when notice which is reasonable under the circumstances, but not more than twenty-four

hours advance notice, shall be required) to perform the maintenance obligations of the non-performing Party. In such case, the non-performing Party shall reimburse the other Party the actual costs incurred in performing the maintenance in question, which reimbursement is due and payable fifteen days after the non-performing Party's receipt of a statement indicating the amount expended by the other Party.

e. Expense of Maintenance and Construction. The owner of each Parcel within the Project is responsible for and shall pay all expenses related to the development, construction, maintenance and repair of Common Areas and buildings located on such owner's Parcel.

f. Quality. Each Party agrees that all construction activities performed or authorized by it to buildings or Common Areas on its Parcel shall be performed in compliance with all applicable laws, statutes, ordinances, codes, rules, regulations, and orders of the City of Louisville and the state and federal governments ("Governmental Requirements"). All construction shall utilize new materials and shall be performed in a good, safe, workman-like manner. Where construction is replacing existing improvements, the replacement materials must be of like quality or better.

g. Safety Measures. Each Party shall at all times take, or cause to be taken, any and all commercially reasonable safety measures reasonably required to protect the other Parties hereto and all persons entitled to use the Common Areas from injury or damage caused by or resulting from the performance of its construction.

h. Restrictions on Construction. Each Party agrees that any construction activities performed or authorized by it shall not: (i) cause any unreasonable increase in the cost of constructing improvements upon another Party's Parcel; (ii) unreasonably interfere with construction work being performed on any other part of the Project; (iii) unreasonably interfere with the use, occupancy or enjoyment of any Building Area of the remainder of the Project by any other Party; or (iv) cause any building located on another Parcel to be in violation of any Governmental Requirements.

i. Appointment of Agent for Common Areas Maintenance. Subject to the mutual agreement of the parties hereto, a third party may be appointed as an agent of the parties to maintain the Common Areas in the manner as above outlined. Said third party may receive for such agency a fee that is mutually acceptable to all parties to cover supervision, management, accounting and similar fees which sums are to be included in the general maintenance expense paid by the respective owners of the Common Areas.

6. SIGNS. No new signs shall be located on the Common Areas except monument signs advertising businesses, apartment complexes, condominium complexes, or institutional facilities conducted on the Project, with no more than two (2) monument signs on the Common Areas on the Project, which locations shall be by agreement of the Parties. No signs shall

obstruct the ingress and egress to the Project or any Parcel. Signs on buildings are not restricted by this Agreement.

7. INDEMNIFICATION AND INSURANCE.

a. Indemnification. Each Party hereby indemnifies and saves the other Parties harmless from any and all liability, damage, expense, causes of action, suits, claims, or judgments arising from any injury to person or property and occurring on its own Parcel, except if caused by the act or neglect of the other Party hereto.

b. Insurance. Each Party shall provide comprehensive general liability insurance affording protection to itself and the other Parties, naming the other Parties as "additional insureds" under the policy or policies, for a combined bodily injury and property damage limit of liability of not less than \$1,000,000 each occurrence.

8. EMINENT DOMAIN.

a. Owner's Right to Award. Nothing herein shall be construed to give any Party any interest in any award or payment made to another Party in connection with any exercise of eminent domain or transfer in lieu thereof affecting another Party's Parcel or give the public or any government any rights in any of the Project. In the event of any exercise of eminent domain or transfer in lieu thereof of any of the Common Areas, the award attributable to the land and improvements of such portion of the Common Areas shall be payable only to the owner in fee thereof and no claim thereon shall be made by the owners of any other portion of the Common Areas.

b. Collateral Claims. All other owners of the Common Areas may file collateral claims with the condemning authority for their losses which are separate and apart from the value of the land area and improvements taken from another owner.

c. Tenant's Claim. Nothing in this paragraph shall permit or prevent a tenant from making a claim against an owner pursuant to the provisions of any lease between tenant and owner for all or a portion of any such award or payment.

d. Restoration of Common Areas. The owner of the fee of each portion of the Common Areas so condemned shall promptly repair and restore the remaining portion of the Common Areas so owned as near as practicable to the condition of same immediately prior to such condemnation or transfer to the extent that the proceeds of such award are sufficient to pay the cost of such restoration and repair and without contribution from any other owner.

9. RIGHTS AND OBLIGATIONS OF LENDERS. The charges and burdens of this Agreement, are and shall at all times be, prior and therefore superior to the lien or charge of any mortgage or deed of trust made in good faith and for value affecting any Parcel or any part thereof, or any improvements now or hereafter placed thereon. However, a breach of any of the easements, covenants, or restrictions hereof shall not defeat or render invalid the lien or charge

of any mortgage or deed of trust. The superiority of this agreement shall be LIMITED to the extent that the title to any property acquired through sale under foreclosure of any mortgage or deed of trust effected by powers of sale, judicial proceedings, or otherwise, shall be subject to all the charges and burdens affecting the Parcels by virtue of this agreement.

10. DEFAULT. In the event of any default under the provisions of this Agreement, a non-defaulting Party shall give written notice to the defaulting Party of such default. The defaulting Party shall have thirty (30) days within which to cure such default, or, with respect to a nonmonetary default, if such default cannot be cured within thirty (30) days, such longer time as may be reasonably necessary to cure such default, provided that the defaulting Party commences to cure such default within said thirty (30) days and diligently prosecutes the same to completion. If such default is not timely cured, a non-defaulting Party shall be entitled to (a) cure such default at the expense of the defaulting Party (and the defaulting Party shall pay the expense thereof upon demand) and (b) any other remedies at law or in equity, including without limitation specific performance. In the event of a monetary default, any unpaid amounts shall constitute a lien against the defaulting Party's Parcel to secure the payment of such amounts. The Parties acknowledge that damages may be an inadequate remedy for a default hereunder and agree that each Party shall be entitled to injunctive relief, specific performance and other equitable remedies to enforce the terms of this Agreement. Each Party hereby fully waives and relinquishes all rights to seek exemplary and/or punitive damages against the other Party arising out of or relating to the rights and obligations created by this Agreement.

a. Interest. Any amount due to either Party under this Agreement not timely paid when due shall bear interest at one and one percent (1.0%) per month from the date when due until paid.

b. Attorneys' Fees. In the event of any litigation between the Parties, the prevailing Party shall be entitled to recover from the non-prevailing Party(ies) all costs and expenses relating to such litigation, including reasonable attorneys' fees

11. RELEASE FROM LIABILITY. Any person acquiring fee or leasehold title to any Parcel or any portion thereof shall be bound by this agreement only as to the Parcel or portion of the Parcel acquired by such person. Such person shall be bound by this agreement only during the period such person is the fee or leasehold owner of such Parcel or portion of the Parcel, except as to obligations, liabilities or responsibilities that accrue during said period. Although persons may be released under this paragraph, the easements, covenants and restrictions in this Agreement shall continue to be benefits and servitudes upon the Parcels running with the land.

12. COVENANTS RUNNING WITH THE LAND. All of the obligations, rights and easements contained in this Agreement shall run with the land and inure to, and be for the benefit of, the Parties, and their respective successors and assigns.

13. CONTINUATION OF AGREEMENT. It is expressly agreed that no breach of this Agreement shall entitle any Party to cancel, rescind, or otherwise terminate this Agreement or any easement granted hereunder. However, such limitation shall not affect in any manner any other rights or remedies which a Party may have hereunder by reason of any such breach.

14. AMENDMENT. The provisions of this Agreement may only be abrogated, modified, rescinded or amended in whole or in part by the written agreement of the owners of the Parcels in the Project, duly recorded in the office of the County Clerk of Boulder County, Colorado. The Parties agree not to unreasonably withhold, delay or condition any request for modification of this Agreement by another Party.

15. NOTICES. All notices, requests, demands and other communications under this Agreement shall be in writing, and shall be effective only if either delivered by courier with signed receipt or sent by certified mail, return receipt requested, postage prepaid to the Party to receive such notice at the address below, with copies to the remaining Parties, or to such other address as any Party may have furnished to all the Parties listed above in writing in any of the foregoing manners. Such notice shall be deemed given on the date of receipt if delivery by courier or the date of deposit if sent by certified mail and periods of time following notice shall begin from such date. Notices shall be sent to the following addresses:

To Safeway:	Safeway Stores 45 Inc. 5918 Stoneridge Mall Road Pleasanton, CA 94588-3229 Attn.: Real Estate Law
To Village:	Village Square SC LLC 51 Cherry Hills Farm Dr. Englewood, CO 80113 Attn.: George Lee
To Bank:	Valley Bank & Trust 4900 E. Bromley Lane Brighton, CO 80601 Attn.: Michael Van Norstrand, General Counsel / Senior VP
To DPM:	DPM Investments, L.L.C. 941 Coffman Street Longmont, CO 80501 Attn.: Dwight L. Sullivan, V

16. GOVERNING LAW. This Agreement and all the provisions hereof shall be governed by and construed in accordance with the laws of the State of Colorado.

17. COUNTERPARTS. This Agreement may be signed by the Parties in counterparts, which when taken together, shall constitute a valid, binding and effective agreement.

18. NO DEDICATION. No provision of this Agreement shall be construed to grant any gift, dedication or irrevocable rights to the general public or for any quasi-public purpose whatsoever, of, in, or to any portion of any Parcel, the parties hereto intending that this Agreement be strictly limited to the purposes herein expressed. No rights, privileges or

amenities of any Party hereto shall inure to the benefit of any third party; nor shall any third party be deemed to be a third party beneficiary hereof.

19. ESTOPPEL CERTIFICATES. Each Party agrees that upon written request of another Party, it will issue within fifteen (15) business days after receipt of such request (but not more than once in any twelve (12) month period), an estoppel certificate stating to the best of the certifying Party's knowledge the status of any matter relating to this Agreement or the terms hereof as shall be reasonably requested by the other Party.

20. NEGATION OF PARTNERSHIP. None of the terms or provisions of this Agreement shall be deemed to create a partnership between or among the Parties in their respective businesses or otherwise, nor shall it cause them to be considered joint venturers or members of any joint enterprise. Each Party shall be considered a separate owner, and no Party shall have the right to act as an agent for another Party, unless expressly authorized to do so herein or by separate written instrument signed by the Party to be charged.

21. NON-MERGER. This agreement shall not be subject to the doctrine of merger, even though the underlying fee ownership to the Parcels described herein, or any parts thereof, is vested in one party or entity.

IN WITNESS WHEREOF the Parties have executed this Agreement as of the day and year first above written.

[Remainder of page intentionally left blank.]

SAFEWAY:

SAFEWAY STORES 45 INC.,
a Delaware corporation

By: *Ana C. Elliott*
_____, Assistant Vice President

By: *Debra J. ...*
Assistant Secretary

form approved: ae

ACKNOWLEDGEMENT

STATE OF _____ }
COUNTY OF _____ }

The foregoing instrument was acknowledged before me this _____ day of _____, 2012, by _____, the Assistant Vice President of Safeway Stores 45 Inc., a Delaware corporation.

WITNESS my hand and official seal.

NOTARY PUBLIC, STATE OF COLORADO
My commission expires: _____

See attached ea RV
{Signatures continued on the next page}

VILLAGE:

VILLAGE SQUARE SC LLC,
a Colorado limited liability company

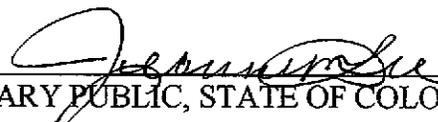
By: 
George Lee, its Manager

ACKNOWLEDGEMENT

STATE OF COLORADO }
 }
COUNTY OF Arapahoe }

The foregoing instrument was acknowledged before me this 9th day of November, 2012, by George Lee, the Manager of Village Square SC LLC, a Colorado limited liability company.

WITNESS my hand and official seal.


NOTARY PUBLIC, STATE OF COLORADO

My commission expires: 10/8/2014



BANK:

VALLEY BANK & TRUST,
a Colorado corporation

By: 
Michael Van Norstrand, its Senior VP / General Counsel

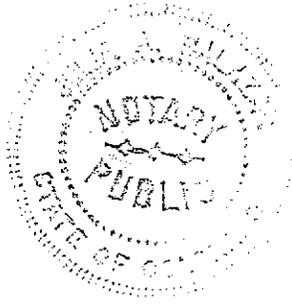
ACKNOWLEDGEMENT

STATE OF COLORADO }
 }
COUNTY OF ADAMS }

The foregoing instrument was acknowledged before me this 9th day of November, 2012, by, Michael Van Norstrand, Senior VP / General Counsel for Valley Bank & Trust, a Colorado corporation.

WITNESS my hand and official seal.


NOTARY PUBLIC, STATE OF COLORADO
My commission expires: 11-15-2013



DPM:

DPM INVESTMENTS, L.L.C.,
a Colorado limited liability company

By: Mark J. Sullivan
Treasurer, its Manager

ACKNOWLEDGEMENT

STATE OF COLORADO }
 }
COUNTY OF BOULDER }

The foregoing instrument was acknowledged before me this 8th day of NOV, 2012, by mark J, the Manager of DPM Investments, L.L.C., a Colorado limited liability company. Sullivan

WITNESS my hand and official seal.

Tracy Holms
NOTARY PUBLIC, STATE OF COLORADO

My commission expires: 8-31-2014



EXHIBIT "A"**PARCEL I**

Tract I, LOUISVILLE NORTH 7TH FILING, A REPLAT OF TRACT C, LOUISVILLE
NORTH FILING NO. 1,
County of Boulder,
State of Colorado

EXHIBIT "B"**PARCEL II**

Tract II, LOUISVILLE NORTH 7TH FILING, A REPLAT OF TRACT C, LOUISVILLE NORTH FILING NO. 1,

Less: PART OF TRACT II, LOUISVILLE NORTH 7TH FILING, COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF TRACT II, LOUISVILLE NORTH 7TH FILING, CITY OF LOUISVILLE, BOULDER COUNTY, COLORADO, AS PLATTED; THENCE NORTH 0 DEG. 01'40" EAST ALONG THE WEST LINE OF SAID TRACT II, 142.50 FEET; THENCE SOUTH 89 DEG. 58'20" EAST, 235.50 FEET; THENCE SOUTH 0 DEG. 01'40" WEST, 142.50 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT II; THENCE NORTH 89 DEG. 58'20" WEST, 235.50 FEET TO THE POINT OF BEGINNING.

County of Boulder,
State of Colorado

EXHIBIT "C"**PARCEL II-B**

PART OF TRACT II, LOUISVILLE NORTH 7TH FILING, COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF TRACT II, LOUISVILLE NORTH 7TH FILING, CITY OF LOUISVILLE, BOULDER COUNTY, COLORADO, AS PLATTED; THENCE NORTH 0 DEG. 01'40" EAST ALONG THE WEST LINE OF SAID TRACT II, 142.50 FEET; THENCE SOUTH 89 DEG. 58'20" EAST, 235.50 FEET; THENCE SOUTH 0 DEG. 01'40" WEST, 142.50 FEET TO A POINT ON THE SOUTH LINE OF SAID TRACT II; THENCE NORTH 89 DEG. 58'20" WEST, 235.50 FEET TO THE POINT OF BEGINNING.

Also known by street and number as 511 SOUTH BOULDER ROAD, LOUISVILLE COLORADO 80027

County of Boulder,
State of Colorado

EXHIBIT "D"

PARCEL II-A

Tract II-A, LOUISVILLE NORTH 7TH FILING, A REPLAT OF TRACT C, LOUISVILLE
NORTH FILING NO. 1,
County of Boulder,
State of Colorado

JENNIFER BERRYHILL

115 Crestview Ct., Louisville, CO 80027 | 214.280.5650 | jcberryh@gmail.com

September 11, 2020

City of Louisville
Planning Department
749 Main Street
Louisville, CO 80027

Dear City of Louisville:

I am writing this letter in support of the new development under review at the former Valley Bank & Trust branch at 511 S. Boulder Rd. which has been vacant since 2015.

I feel certain the addition of The Rose & Raven food hall and restaurant would be a valuable addition to the City of Louisville community.

Sincerely,

Jennifer Berryhill

Lisa Ritchie

From: Megan Christensen <meganchristensenmassage@gmail.com>
Sent: Monday, September 14, 2020 11:28 AM
To: Lisa Ritchie
Subject: food truck support

Hello,

I am writing on behalf of my husband and myself to show our support for the project proposal for South Boulder Rd. west of Alfalfa's. We live on Circle Dr. right across from Alfalfa's and we would be thrilled to see something nice happen with that piece of property over there. We would also be very happy to have another even closer choice to walk to for dinner.

I hope the council will approve this creative use of this unused space.

Feel free to email back if you have any questions.

Thank you,

Megan Christensen

Lisa Ritchie

From: Shanti D <shanti.devasagayam@gmail.com>
Sent: Monday, September 14, 2020 1:43 PM
To: Planning
Subject: The Rose and Raven

To whom it may concern,

I fully support the idea of The Rose and Raven being built in Louisville. I was recently diagnosed with Celiac disease and am a huge beer lover. With Celiac disease I have turned to ciders and would love to have a place like the Rose and Raven nearby, especially since there aren't many (or any that I know of) places like this in the boulder county area.

Thank you for your time,

Shanti Devasagayam

Lisa Ritchie

From: shari.edelstein@gmail.com
Sent: Thursday, September 10, 2020 3:35 PM
To: Lisa Ritchie
Subject: New cidery in Louisville

I recently heard about the new cider brewing place with food trucks and indoor/outdoor seating where the vacant bank building is at 511 South Boulder Road in the old part of the former Safeway plaza. We'd love to see something new there – it would bring jobs and income and offer a great opportunity to renew an old and depressed area. Once COVID is over, it would also be a wonderful, **local** place to gather and offer family-friendly dining!

Thank you,
Shari

Shari L. Edelstein
PO Box 270249
Louisville, CO 80027
Shari.edelstein@gmail.com

I slept and dreamt that life was joy. I awoke and saw that life was service. I acted and behold, service was joy. Tagore

Lisa Ritchie

Subject: FW: Upcoming decision / Cidery & Food Trucks South Boulder

From: The Fork n' Frijole [<mailto:theforknfrijole@gmail.com>]

Sent: Thursday, September 3, 2020 12:01 PM

To: City Council <Council@louisvilleco.gov>

Subject: Upcoming decision / Cidery & Food Trucks South Boulder

To Whom it May Concern;

We have been made aware that there is another upcoming meeting regarding the old bank location on East South Boulder Road & proposed new Cidery.

We support new businesses coming into the Village Square location, but we do have several issues with food trucks coming in to sell their products:

- Village Square is a privately owned parking lot, with parking for **our** customers
- We pay rent to Village Square SC LLC that includes maintenance on parking lot and grounds
- We have not been asked permission for other entities/food trucks to come in and sell their food products (and we WOULD OPPOSE)
- We are within 100 feet of the Cidery location
- We JUST OPENED our store front and shouldn't have to "compete" with food trucks coming in to sell food (they don't pay rent, maintenance, or local sales tax)
- We pay local sales taxes
- Other businesses in Village Square share the same concern

Please reach out to me with any questions.

Best,

Tiffany Perez
Owner & Manager
The Fork n' Frijole



theforknfrijole.com
720.244.1965

Lisa Ritchie

From: Nancy Kerver <nkerver@me.com>
Sent: Friday, September 11, 2020 3:29 PM
To: Lisa Ritchie
Cc: Molly Kostoff
Subject: Rose and Raven project

Hi Lisa,

Molly Kostoff, a friend, just sent me information on this new project she is working on. I was thrilled. Since I have an apartment at Centre Court it is even more exciting. I'm sure the folks in my building will love it. It will also please me because when I go out for walks that corner feels so spooky. It needs badly a big change. I love the kind of old town western look of the drawings. Other businesses in the square surely will benefit and spruce up as well. This project certainly has my support.

Sincerely,

Nancy Kerver
nkerver@ me.com

TAMMY LASTOKA

1445 Cannon St. Louisville, CO 80027 | 303-704-3008 | tamdaisy75@icloud.com

September 23, 2020

City of Louisville
Planning Department
749 Main Street
Louisville, CO 80027

Dear City of Louisville:

I am writing this letter in support of the new development under review at the former Valley Bank & Trust branch at 511 S. Boulder Rd. which has been vacant since 2015.

I feel certain the addition of The Rose & Raven food hall and restaurant would be a valuable addition to the City of Louisville community.

Sincerely,

Tammy Lastoka

Lisa Ritchie

From: Mansour, Nicole <Nicole.Mansour@efirstbank.com>
Sent: Thursday, September 24, 2020 11:53 AM
To: Lisa Ritchie
Subject: Rose and Raven Letter of Support

Hi Lisa,

I am writing to support the new development under review at the former Valley Bank & Trust branch at 511 S. Boulder Rd. which has been vacant since 2015. I feel certain the addition of The Rose & Raven food hall and restaurant would be a valuable addition to the City of Louisville community.

Thank you,
Nicole



Nicole Mansour

Executive Vice President

NMLS ID 566265

FirstBank- Boulder

500 South McCaslin Boulevard, Louisville, CO 80027

T 303.543.3642 F 303.543.3655 | efirstbank.com | [Blog](#)

The information contained in this electronic communication and any document attached hereto or transmitted herewith is confidential and intended for the exclusive use of the individual or entity named above. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any examination, use, dissemination, distribution or copying of this communication or any part thereof is strictly prohibited. If you have received this communication in error, please immediately notify the sender by reply e-mail and destroy this communication. Thank you.

Lisa Ritchie

From: Dan <dmellish322@gmail.com>
Sent: Monday, September 21, 2020 9:12 AM
To: Lisa Ritchie
Subject: Rose and raven

Hi Lisa

Just dropping a quick note to share my support of this project. We live up the hill from the site and would love a community spot to ride down and share in some goodness!

The design looks fabulous. That space could sure use a facelift.

Thanks for your service to Louisville!

Dan Mellish

590 w willow ct

Lisa Ritchie

From: Roberta Reinfeld <robertadiane42@gmail.com>
Sent: Thursday, September 10, 2020 2:44 PM
To: Lisa Ritchie
Subject: 511 South Boulder Road

Hi Lisa,

I live in Louisville and I think the proposal to develop a cider brewing place with food trucks and indoor/outdoor seating at 511 South Boulder Road is an exciting prospect for Louisville and its residents. I love the idea of building new on an un-used and forgotten tract that will not only bring a fun new family-friendly spot to Louisville, but will also provide jobs and income to the area. I do hope the Planning Commission approves this project.

Thank you!

Roberta Reinfeld
203 Springs Drive, Louisville

SARA SHALLS

1137 Ravenwood Rd. Boulder, CO 80303 | 303.596.5235 | sarashalls@gmail.com

September 11, 2020

City of Louisville
Planning Department
749 Main Street
Louisville, CO 80027

Re: The Rose & Raven 511 S. Boulder Rd.

Dear City of Louisville:

I am writing this letter in support of the new development under review at the former Valley Bank & Trust branch at 511 S. Boulder Rd. which has been vacant since 2015.

I am a resident of East Boulder and we often prefer to visit downtown Louisville when we are choosing to go out to eat. We love the selection of great restaurants and sense of small-town community we get from Louisville.

I feel certain the addition of **The Rose & Raven food hall and restaurant would be a valuable addition to the City of Louisville community** and we would love to make it a new favorite of ours in Louisville.

Sincerely,

Sara Shalls

Sara Shalls

JOE AND JESSICA SPANARELLA

1515 Main Street | spanarella@yahoo.com

September 11, 2020

City of Louisville
Planning Department
749 Main Street
Louisville, CO 80027

Dear City of Louisville:

I am writing this letter in support of the new development under review at the former Valley Bank & Trust branch at 511 S. Boulder Rd. which has been vacant since 2015.

I feel certain the addition of The Rose & Raven food hall and restaurant would be a valuable addition to the City of Louisville community.

Sincerely,

Joe and Jessica Spanarella

Lisa Ritchie

From: Roberta Spivak <bertie2244@gmail.com>
Sent: Thursday, September 10, 2020 1:17 PM
To: Lisa Ritchie
Subject: Fwd: proposed development at 511 South Boulder Road

Hi Lisa,

I'm a Louisville resident who is really excited about the proposed cidery at 511 S. Boulder Road. I think it will be a really nice addition to town and the somewhat blighted strip mall. I'm also glad that there's so much outdoor seating -- being with friends is so important and so difficult to do right now and this would really help.

Sincerely,

Roberta (Spivak)

Lisa Ritchie

From: Allyson Stone <allysonstone2008@gmail.com>
Sent: Thursday, September 10, 2020 3:33 PM
To: Lisa Ritchie
Subject: In support of the cidery on S Boulder Road

Dear Ms. Ritchie,

I am writing to support the discussed cidery for the S Boulder Rd property. It would be fantastic to have a revitalized use to that corner of our town. Family friendly and appropriate for our new reality, this project is something we would be happy to frequent.

Thank you for your support and consideration.

Allyson Stone
Louisville Resident of 12 years

Lisa Ritchie

From: Meredyth Muth on behalf of Open Records
Sent: Tuesday, September 8, 2020 1:12 PM
To: Lisa Ritchie
Subject: FW: Village Square food truck request.

From: Mark Sullivan [mailto:SullivanMarkJ@outlook.com]
Sent: Tuesday, September 8, 2020 11:17 AM
To: City Council <Council@louisvilleco.gov>
Subject: Village Square food truck request.

As the owner of the Walgreen's location in that center I am concerned about this request for several reasons;

- a- The use of a parking lot that they are no participating in the maintenance of.
- b- The liability of their use of the lot and the associated liability risks involved for the owners and lessors o the shopping center.
- c- I do not feel it is fair or reasonable to allow an outside entity to park on or in a private lot for the benefit of one parcel/tenant when their owned space does not allow for parking or supplemental uses.

I ask that you deny this request and ask that you instruct the petitioners to get an agreement among the existing tenants and owners of the contiguous and impacted properties.

Thank you,
Mark J. Sullivan
655 South Boulder Rd LLC, manager

Sent from [Mail](#) for Windows 10

CALLIE PALEN-LOWRIE

118 Crestview Court, Louisville CO 80027 | 303.818.1612 | callie.palenlowrie@gmail.com

September 15, 2020

City of Louisville
Planning Department
749 Main Street
Louisville, CO 80027

Dear City of Louisville:

I am writing this letter in support of the new development under review at the former Valley Bank & Trust branch at 511 S. Boulder Rd. which has been vacant since 2015.

I feel certain the addition of The Rose & Raven food hall and restaurant would be a valuable addition to the City of Louisville community. Please approve this great concept!

Sincerely,

Callie Palen-Lowrie

ITEM: SRU-0325-2020 – Cable Labs Wireless Special Review Use

PLANNER: Lisa Ritchie, Senior Planner

REPRESENTATIVE: Cable Labs

EXISTING ZONING: Commercial Business

LOCATION: 858 Coal Creek Circle; Lot 1, Coal Creek Business Park

TOTAL SITE AREA: 9 Square Feet

REQUEST: Approval of Resolution No. 14, Series 2020, recommending approval of a Special Review Use to allow a 20-foot tall Freestanding Wireless Facility

VICINITY MAP:



SUMMARY:

The applicant, Cable Labs, requests approval of a Special Review Use (SRU) to allow construction of a 20-foot tall freestanding wireless facility at the rear of the property at 858 Coal Creek Circle.

BACKGROUND:

The property at 858 Coal Creek Circle was platted as part of the Coal Creek Business Park subdivision in 1998. The City approved a Planned Unit Development (PUD) authorizing construction of the existing two-story office building and site improvements in 2000 and the building was constructed shortly thereafter. In 2003, the City approved a PUD Amendment allowing construction of satellite dishes and associated research equipment on the east side of the property.

858 Coal Creek Cr, front (north) elevation

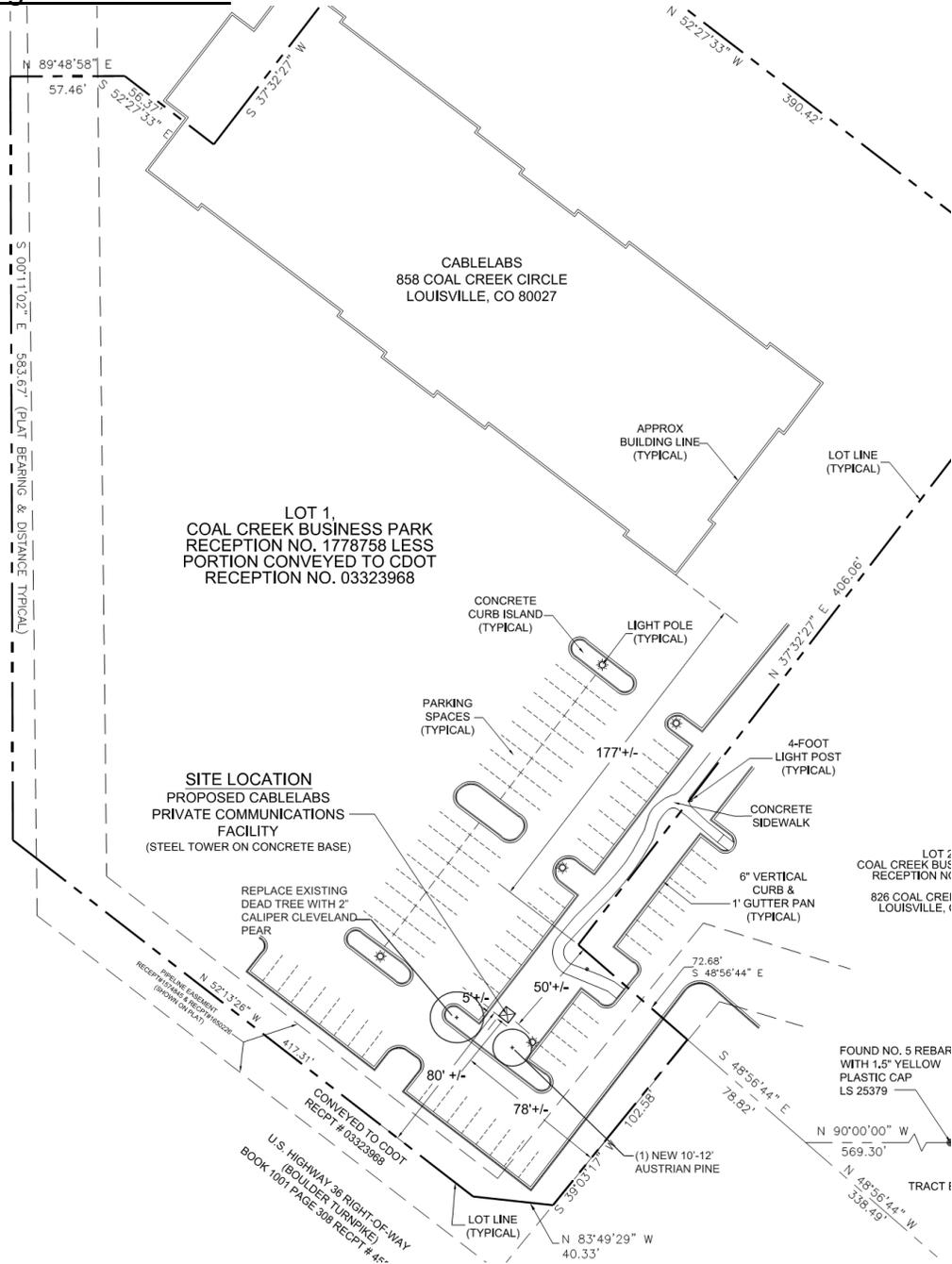


In 2018, the City adopted an ordinance updating regulations associated with wireless facilities. These regulations, [Chapter 17.42](#) of the Louisville Municipal Code, allow construction of freestanding wireless towers following approval of an SRU through public hearings before Planning Commission and City Council. This ordinance includes design and review criteria, discussed in detail below as it applies to this application. Freestanding wireless facilities are the only type of facility that automatically require a public hearing. All other approvals are administrative, provided the provisions in the code are met.

PROPOSAL:

The applicant requests approval of an SRU to allow installation of a 20-foot tall lattice tower on which wireless antenna and equipment will be placed. The applicant conducts research and development in this industry and desires line-of-sight connections from the building to wireless antenna technology under development mounted on the lattice tower. This will be a private communications facility and not used by the wireless industry.

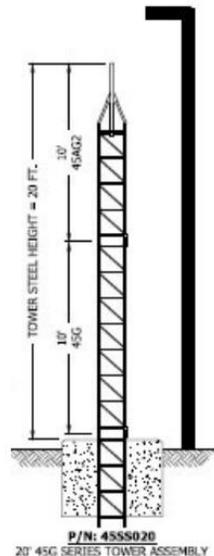
Figure 1: Site Plan



This particular location on the property is proposed due to the internal configuration of the building and the desired height, distance, and line-of-sight for the mounting of the equipment. The lattice tower is preferred by the applicant for ease of access and mounting of the equipment by their personnel without additional equipment, such as a hydraulic lift. The proposal does not include a fence, but the tower will have anti-climb panels installed on the lower portion of the tower. The tower and anti-climb panels will be painted a dark green color, similar to the existing nearby parking lot light poles.

Figure 2: Tower details

TOWER:
20'-0" TALL
PAINT COLOR: BEHR "BLACK EVERGREEN"
(SHOWN NEXT TO EXISTING APPROXIMATELY 23'-0" TALL LIGHT POLE)



In addition to the tower, the applicant proposes installation of a new 10'-12' tall Austrian Pine evergreen tree to help screen the tower from view from the adjacent Coal Creek Trail, as well as replace an existing tree that has died on the property in the vicinity of the tower.

The SRU plan includes a note that states this facility is not eligible for collocation, which means other wireless providers could not use this facility without an amendment this approval. A second note states that this facility will be removed when either Cable Labs leaves this property or when their business operations no longer require its use.

Figure 3: Tower Rendering, looking west from property line near Coal Creek Trail, Anti-climb panel shown, new evergreen tree not shown.



Figure 4: Tower Rendering, looking northwest from property line near Coal Creek Trail, Anti-climb panel shown, new evergreen tree not shown



ANALYSIS:

Freestanding Wireless Facilities are allowed with approval of an SRU approved by City Council, following a recommendation by Planning Commission. The LMC includes the following regulations for freestanding towers:

	Permitted	Proposed
Maximum Height	35' (Max. height for buildings in this zone district)	20'
Side Setback	25'	78'
Rear Setback	50'	80'

In addition to the above, the code includes the following language:

The applicant shall demonstrate that freestanding wireless facilities are necessitated by exceptional circumstances which prohibit the installation of a wall or roof mounted structure or alternative tower structure and that the visual impact of a freestanding wireless facility is negligible from surrounding properties and streets.

Staff finds the following circumstances in the proposal warrant approval of the request for a freestanding facility:

- The internal configuration of the building places the line-of-sight orientation toward the southeast corner of the property. There are no existing structures in this orientation that could accommodate a roof-mounted or wall-mounted facility.
- Staff initially suggested the applicant consider placement of the wireless facility on an existing or replacement light pole so that it could be considered an Alternative Tower Structure, and approved administratively. The applicant finds that this design does not provide the desired safety for personnel climbing the pole to access and swap equipment as needed. Additionally, the lattice tower design provides flexibility in mounting locations with minimal changes to the pole over time.
- Staff finds that the visual impact of the freestanding wireless facility is negligible from surrounding streets and property. The primary viewpoint where the tower will be visible is from Coal Creek Trail. There is existing landscaping in place that will serve to screen a portion of the tower from some viewpoints, and the new evergreen will fill in an existing gap that will serve to screen from the Coal Creek Trail.
- Staff finds that the proposal utilizes an appropriate color for the tower that will blend it with the existing light poles and the nearby evergreen trees.

Figure 5: Tower Rendering, looking west from property line near Coal Creek Trail, Anti-climb panel shown, new evergreen tree shown.



Figure 6: Tower Rendering, looking north from property line near Coal Creek Trail, Anti-climb panel shown, new evergreen tree shown.



PUBLIC COMMENTS:

To date, no public comments have been received.

STAFF RECOMMENDATION:

Staff recommends approval of Resolution 14, Series 2020 recommending approval of the SRU to allow the freestanding wireless facility.

ATTACHMENTS:

1. Resolution No. 14, Series 2020
2. Application Materials
3. SRU plan

**RESOLUTION NO. 14
SERIES 2020**

**A RESOLUTION RECOMMENDING APPROVAL OF A REQUEST FOR A SPECIAL
REVIEW USE TO ALLOW A 20-FOOT TALL FREESTANDING WIRELESS FACILITY
ON LOT 1, COAL CREEK BUSINESS PARK AT 858 COAL CREEK CIRCLE FOR
CABLE LABS**

WHEREAS, there has been submitted to the Louisville Planning Commission an application for a Special Review Use to allow a 20-foot tall freestanding wireless facility at 858 Coal Creek Circle; and

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

WHEREAS, the Planning Commission has considered the application at a duly noticed public hearing on October 8, 2020, where evidence and testimony were entered into the record, including the findings in the Louisville Planning Commission staff report dated October 8, 2020; and

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Louisville, Colorado does hereby recommend approval of a request for a Special Review Use to allow construction of a 20-foot tall freestanding wireless facility at 858 Coal Creek Circle.

PASSED AND ADOPTED this 8th day of October, 2020.

By: _____
Steve Brauneis, Chair
Planning Commission

Attest: _____
Debra Williams, Secretary
Planning Commission



Department of Planning and Building Safety

749 Main Street • Louisville CO 80027 • 303.335.4592 • www.louisvilleco.gov

ELECTRONIC LAND USE HEARING REQUEST CASE NO. _____

APPLICANT INFORMATION

Firm: CableLabs
 Contact: Jeff Leget, CableLabs
 Address: 858 Coal Creek Circle
Louisville Co. 80027
 Mailing Address: 858 Coal Creek Circle
Louisville, CO 80027
 Telephone: 303-661-9100
 Fax: _____
 Email: j.leget@cablelabs.com

OWNER INFORMATION

Firm: CableLabs
 Contact: Jeff Leget
 Address: 858 Coal Creek Circle
Louisville CO. 80027
 Mailing Address: 858 Coal Creek Circle
Louisville, CO 80027
 Telephone: 303-661-9100
 Fax: _____
 Email: j.leget@cablelabs.com

REPRESENTATIVE INFORMATION

Firm: CableLabs
 Contact: Daryl Malas
 Address: 858 Coal Creek Circle
Louisville CO. 80027
 Mailing Address: 858 Coal Creek Circle
Louisville, CO 80027
 Telephone: 303-661-9100
 Fax: _____
 Email: d.malas@cablelabs.com

PROPERTY INFORMATION

Common Address: 858 Coal Creek Circle
 Legal Description: Lot 1 Blk N/A
 Subdivision Coal Creek Business Park
 Area: 223,898 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, and in accordance with Resolution No. 38, Series 2020, as adopted by City Council on June 2, 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: Jeff Leget July 14, 2020 | 2:15 PM MDT
 Print: Jeff Leget
 Owner: Jeff Leget July 14, 2020 | 2:15 PM MDT
 Print: Jeff Leget
 Representative: Daryl Malas July 14, 2020 | 2:16 PM MDT
 Print: Daryl Malas

CITY STAFF USE ONLY

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

July 8, 2020

To: City of Louisville Department of Planning and Building Safety
Re: Cable Television Laboratories, Inc. (CableLabs) Letter of Request to Install Proposed Lattice Tower

Dear Louisville Department of Planning and Building Safety:

CableLabs would like to install a new 20' lattice tower for the occasional testing of low power wireless broadband technologies using non-interfering experimentally licensed spectrum and, more frequently, using unlicensed spectrum that is freely available for public use, such as Wi-Fi. All of the wireless spectrum bands transmitted and received from the proposed tower are unlicensed ISM-bands and CableLabs FCC registered licensed test bands and will be used to transmit and receive to and from locations within our business property.

Who are we and what do we do? CableLabs has been a major employer within Louisville, CO since the early 1990's. We are a non-profit R&D organization funded by over 60 cable operators located around the world to development innovative and industry leading technologies. These technologies cover a wide range of functionality from 10 Gigabyte broadband to voice, video and other services for residential and business cable customers.

In order to develop these new technologies and ensure they meet the high expectations of cable operators and their customers CableLabs needs to perform tests. The proposed tower will be used to test wireless equipment to and from our indoor lab facilities. This allows us to validate that our technology works in a production-like environment. The communications will always be designed and controlled to go only between the tower and our indoor lab facilities located across our parking lot.

The proposed tower does not transmit or receive any spectrum for mobile production purposes, such as AT&T or Verizon. The wireless transmissions to and from the proposed tower are not those used by any commercially licensed mobile communications or emergency service providers. The proposed tower is strictly for testing. We expect the proposed tower to be used intermittently for testing through the duration of our lease, including any lease renewals.

The location we have chosen hides the tower as much as possible within the trees in our parking lot while providing a clear line of site to the back of our building. The purpose for using the back of the building coincides with the location of multiple wireless labs and demonstration rooms located in the back of the building. We are unable to mount the test transmission equipment on the building to the north or potentially on the building to the east of our building as transmitting from these locations will decrease the integrity of the wireless signal to the point that demonstrations could fail or would not adequately represent the technology in the way it would perform in a production environment.

The lattice tower design we have chosen for the tower balances functionality, stability and safety. A lattice tower provides more functional flexibility than a monopole or other structure in that we would be able to mount many different types and shapes of communications equipment to it. Since, we do not know what the future looks like for communications equipment and we are regularly pushing the innovative edge further out, this flexibility allows us to adapt to changing technologies and related platforms.

Another reason for the lattice tower is stability in windy conditions. Often during the fall and spring we have very windy conditions at our facility. The lattice tower provides greater stability for the communications equipment than other solutions, such as a monopole. For example, technologies, such as free space optic (FSO) wireless technologies need to remain stable in order to maintain precise accuracy between the transmitter and receiver during testing. A lattice tower is more stable than other pole types.

A lattice tower also allows for use of common safety equipment, gear and procedures, so employees of CableLabs can be trained appropriately with the ability to climb the tower safely. This is important, since any tower above 10' requires a full climbing safety solution as CableLabs does not have bucket lift equipment. It should be noted that in order to ensure the safety of the public, the tower comes with 10' anti-climb panels on all sides to keep curious individuals from climbing the tower.

In conclusion, the purpose of this tower is to test varying wireless communications using unlicensed spectrum or CableLabs experimental licensed spectrum. The testing occurs intermittently throughout the year and varies from technology to technology. At times, no testing will be occurring. The location attempts to blend a compromise of being located within an area either partially or fully obscured by foliage depending on the vantage point. It is located in the back of the building to provide the most optimal line-of-site to our labs and demonstration rooms. The design of the tower is one that provides a balance of functional flexibility, stability and safety. We also chose a 20' height to keep it as low as possible relative to other poles and trees in the area as to obscure it as much as possible. The flexibility, safety and stability of the lattice tower make it a superior option relative to other tower types, such as a monopole or light-pole type of solution.

Best Regards,

Daryl Malas,

Principal Architect, Advanced Technology Group



303.661.9100 | 858 Coal Creek Cir. | Louisville, CO 80027 | info@cablelabs.com

July 8, 2020

To: City of Louisville Department of Planning and Building Safety
Re: Cable Television Laboratories, Inc. (CableLabs) Compliance with FCC Regulations with Regards to Transmitters Place to be Located on CableLabs' Proposed Lattice Tower

Dear Louisville Department of Planning and Building Safety:

This letter, provided in support of CableLabs' application to construct a lattice tower in its parking lot, is to confirm that all wireless devices that will be attached to CableLabs' proposed lattice tower will be low powered wireless devices that will transmit and/or receive transmissions solely to/from the CableLabs facility at 858 Coal Creek Circle. These low powered wireless devices will perform in accordance with FCC regulations as described in Part 15 of Title 47 of the Code of Federal Regulations including such regulations with regards to signal interference.

Best Regards,

DocuSigned by:

A handwritten signature in black ink that reads "Belal Hamzeh". The signature is written in a cursive style.

9D274197E0A840D
Belal Hamzeh,

Senior Vice President, Chief Technology Officer



March 2, 2020

Mr. Leget
Cable Labs
858 Coal Creek Circle
Louisville, CO 80027

Re: Cable Labs Tower Request

Dear Mr. Leget,

Regarding CableLabs Tower request, kindly acknowledge the following below for approval.

The plan will require permits and CableLabs will work with the vendors to obtain the proper permits. They will use the conduit that services the current satellite dishes between CableLabs and Medtronic and bore it to the west. No concrete or asphalt will be dug up. The electrical boxes will be discreet and the one near the current satellite dishes will be used. The tower will be approximately the size of a light pole (or smaller) attached to a concrete footer and could be painted to match. Installation, maintenance, and removal of the tower will be CableLabs' responsibility. CableLabs further agrees to return the area to its original condition at their sole expense upon vacating the premises. Please see the attachments and specific explanation.

Please sign below and let me know if you have questions at 303-308-1200.

Thank you!

Caroline Smith, Property Manager

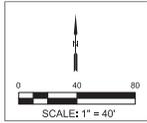
DocuSigned by:

Jeff Leget
CableLabs
VP, Information Technologies & Facilities

March 2, 2020 | 3:32 PM MST

Date

Cc: Daryl Malas, Steve Sheesley, Ellen Flynn



NARRATIVE:

THE APPLICANT, CABLE TELEVISION LABORATORIES, INC. WITH TRADE NAME "CABLELABS", IS REQUESTING APPROVAL FROM THE CITY OF LOUISVILLE, COLORADO TO ALLOW CONSTRUCTION OF A PRIVATE COMMUNICATIONS FACILITY ON LOT 1, COAL CREEK BUSINESS PARK, RECORDED MARCH 6, 1998 IN PLAN FILE P-43 F-1, # 10 & 11, AS RECEPTION NO. 1778758, AS SHOWN AND LABELED HEREON.

THE PROPOSED PRIVATE FACILITY CONSISTS OF A STEEL TOWER WITH CONCRETE BASE MEASURING APPROXIMATELY 6 FEET BY 6 FEET. CABLELABS COMMUNICATIONS EQUIPMENT WILL BE MOUNTED ON THE TOWER WHICH WILL BE APPROXIMATELY 20 FEET IN HEIGHT. ELECTRONIC SIGNALS WILL BE SENT FROM THE CABLELABS BUILDING AT 858 COAL CREEK CIRCLE TO THE TOWER.

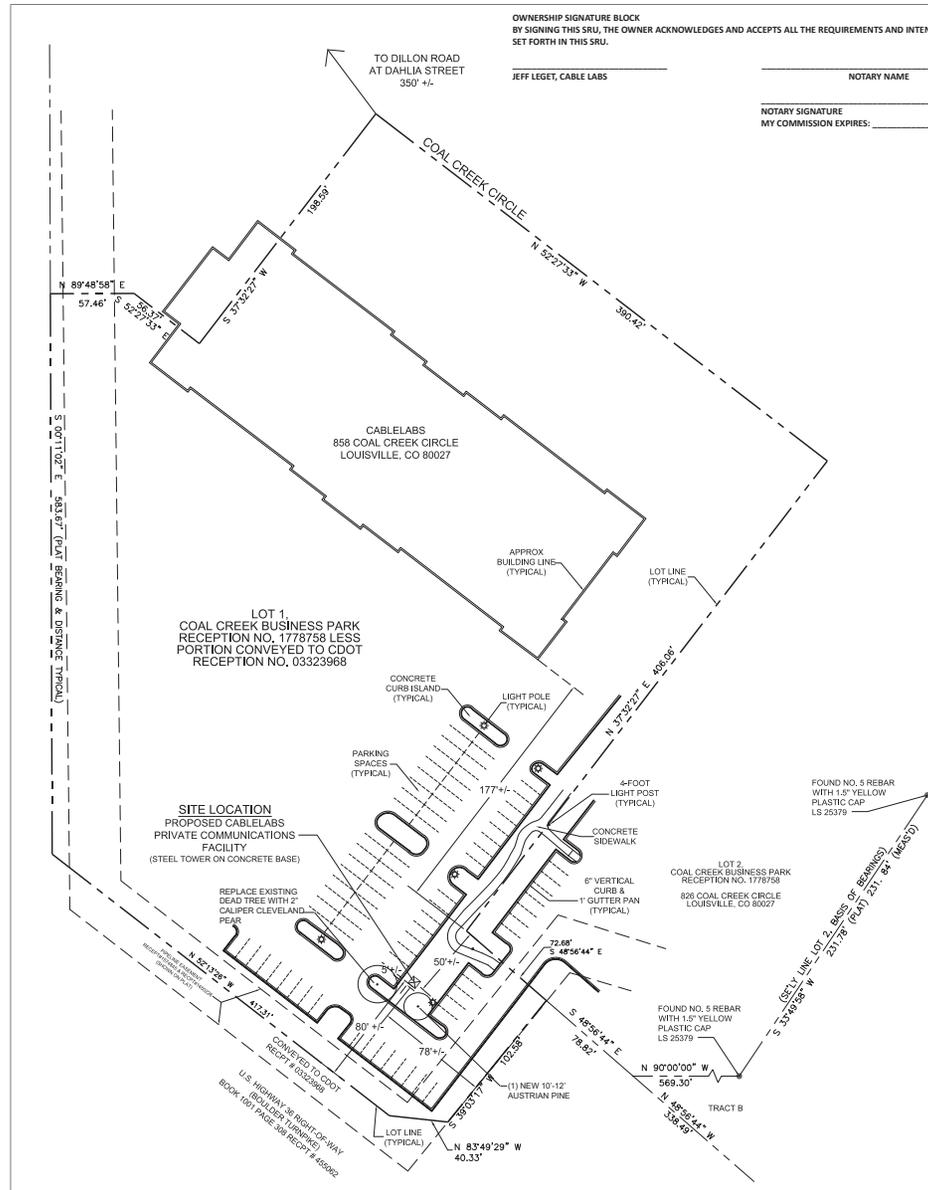
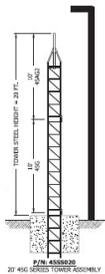
THE STRUCTURE WILL BE PLACED ON PRIVATE PROPERTY, ON A PARKING ISLAND IN THE SOUTHEASTERLY PORTION OF LOT 1 AS SHOWN AND DIMENSIONED HEREON. THIS LOCATION WAS SPECIFICALLY CHOSEN FOR AN OPTIMAL SIGNAL PATH.

THE SITE IS ZONED COMMERCIAL BUSINESS (CB) WITHIN THE CITY OF LOUISVILLE, COLORADO. NO CHANGES WILL BE MADE TO THE BOUNDARY OF LOT 1 OR THE PARKING LOT. THE PARKING SPACES WILL REMAIN THE SAME.

THIS IS A PRIVATE FACILITY AND IT IS NOT PART OF ANY CELLULAR TELEPHONE OR OTHER COMMUNICATIONS SYSTEM.

TOWER:

20'-0" TALL
PAINT COLOR: BEHR "BLACK EVERGREEN"
(SHOWN NEXT TO EXISTING APPROXIMATELY 23'-0" TALL LIGHT POLE)



Special Review Use
CABLE TELEVISION LABORATORIES, INC.
 PRIVATE COMMUNICATIONS FACILITY
 LOCATED ON LOT 1, COAL CREEK BUSINESS PARK,
 PART OF THE NORTHWEST 1/4 OF SECTION 19, TOWNSHIP 1 SOUTH, RANGE 69 WEST
 OF THE 6TH PRINCIPAL MERIDIAN, CITY OF LOUISVILLE,
 COUNTY OF BOULDER, STATE OF COLORADO.

NOTES:

- 1) THE PURPOSE OF THIS SITE PLAN IS TO DEPICT A PROPOSED PRIVATE COMMUNICATIONS FACILITY ON LOT 1, COAL CREEK BUSINESS PARK IN LOUISVILLE, COLORADO. THIS IS NOT A LAND SURVEY PLAT OR AN IMPROVEMENT SURVEY PLAT IN ACCORDANCE WITH COLORADO REVISED STATUTES.
- 2) ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.
- 3) DIMENSIONS ARE SHOWN HEREON ARE IN U.S. SURVEY FEET.
- 4) BASIS OF BEARINGS: THE SOUTHEASTERLY LINE OF LOT 2, COAL CREEK BUSINESS PARK, RECORDED AS RECEPTION NO. 1778758 BEARS SOUTH 33 DEGREES, 49 MINUTES 58 MINUTES WEST BETWEEN A FOUND NO. 5 REBAR WITH 1.5 INCH DIAMETER YELLOW PLASTIC CAP STAMPED "JOHNSTON ENG" PLS 25379 AT THE NORTHEASTERLY END OF SAID LINE AND A FOUND NO. 5 REBAR WITH 1.5 INCH DIAMETER YELLOW PLASTIC CAP STAMPED "JOHNSTON ENG" PLS 25379 AT THE SOUTHWESTERLY END OF SAID LINE.
- 5) NO TITLE COMMITMENT WAS PROVIDED. EASEMENTS SHOWN HEREON ARE AS SHOWN ON THE RECORDED PLAT OF COAL CREEK BUSINESS PARK.
- 6) ONLY A PORTION OF THE SITE PARKING LOT AND BUILDING IMPROVEMENTS ON LOT 1 ARE SHOWN HEREON. LANDSCAPING AND TREES ARE NOT SHOWN.
- 7) UTILITIES SHOWN HEREON ARE FROM SURFACE EVIDENCE ONLY.
- 8) THIS FACILITY IS NOT ELIGIBLE FOR COLLOCATION.
- 9) THIS FACILITY SHALL BE REMOVED UPON CABLE LABS VACATING THE PROPERTY OR WHEN CABLE LABS NO LONGER REQUIRES THE FACILITY FOR THEIR BUSINESS OPERATIONS.

PLANNING COMMISSION CERTIFICATE

RECOMMENDED APPROVAL THIS _____ DAY OF _____, 20____ BY THE PLANNING COMMISSION OF THE CITY OF LOUISVILLE, COLORADO. RESOLUTION NO. _____ SERIES _____

CITY COUNCIL CERTIFICATE

APPROVED THIS _____ DAY OF _____, 20____ BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO. RESOLUTION NO. _____ SERIES _____

MAYOR _____ CITY CLERK _____ SEAL _____

SURVEYOR'S CERTIFICATE:

I CERTIFY THIS SITE PLAN ACCURATELY REPRESENTS THE RESULTS OF FIELD MEASUREMENTS MADE BY ME ON JULY 24, 2020.

ROBERT A. RICKARD, CO PLS NO. 28283

DATE _____



CLERK AND RECORDER CERTIFICATE

(COUNTY OF BOULDER STATE OF COLORADO)

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT _____ O'CLOCK, _____ M., THIS _____ DAY OF _____, 20____ AND IS RECORDED IN PLAN FILE _____ FEE _____ PAID _____ FILM NO. _____

RECEPTION _____ CLERK & RECORDER _____ DEPUTY _____

REVISIONS: 8-25-20 REV. LOT 1 BOUNDARY PER WMS SURVEY DATED 3-3-15. ADD NOTES 8 & 9 PER COL COMMENTS.

PREPARED BY:
ROCK CREEK SURVEYING, LLC.
 3021 GARDENIA WAY
 SUPERIOR, CO 80027
 303-521-7276