

Planning Commission

Meeting Minutes

**February 8, 2024
City Hall, Council Chambers
749 Main Street
6:30 PM**

Call to Order – Chairperson **Brauneis** called the meeting to order at 6:30 PM.

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

Commission Members Present: Steve Brauneis, Chair
Jeff Moline, Vice Chair
Debra Baskett, Secretary
David Bangs
Cullen Choi
Jennifer Hunt
Jonathan Mihaly

Staff Members Present: Rob Zuccaro, Community Development
Director
Jeff Hirt, Planning Manager
Ben Jackson, Planning Clerk

APPROVAL OF AGENDA

Motion to approve the agenda was moved by **Mihaly**, seconded by **Moline**, and adopted by voice vote.

APPROVAL OF MINUTES

Motion to approve the minutes for the November 2023 meeting was moved by **Moline**, seconded by **Baskett**, and adopted by voice vote.

Motion to approve the minutes for the December 2023 meeting was moved by **Choi**, seconded by **Baskett**, and adopted by voice vote.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None were heard.

PUBLIC HEARING ITEMS – NEW BUSINESS

a) Housekeeping Informational Items

Hirt went over the 2024 Open Government Pamphlet and the Rules of Procedure for the Commission.

b) Housekeeping Voting Items

i) Election of Officers

Choi nominated **Brauneis** as Chair, **Moline** as Vice Chair, and **Baskett** as Secretary. This was seconded by **Hunt**. The nominations were confirmed by a vote of 7 to 0.

ii) Approval of Posting Locations

Motion to approve the posting locations was moved by **Brauneis** and seconded by **Mihaly**. The motion was adopted by a vote of 7 to 0.

iii) Approval of Expected Planning Commission 2024 Meeting Dates

Motion to approve the 2024 meeting dates was moved by **Mihaly** and seconded by **Bangs**. The motion was adopted by a vote of 7 to 0.

c. EV Charging - Resolution 1, Series 2024 recommending to the City Council approval of an ordinance amending Louisville Municipal Code Section 17.20.170 - Electric Vehicle Charging Infrastructure

Staff Presentation:

Zuccaro introduced the presentation for the proposal. He said that the City first adopted EV charging standards in 2021 as part of the energy efficiency and emissions reductions codes. He noted that there was pushback from the business community, primarily due to feasibility concerns. City Council gathered public input on their implementation during a series of open houses in August 2023. He said that the zoning code portions were the only ones relevant to the Commission.

Zuccaro noted that the EV charging standards were stringent compared to other cities. There had been some discussion of adapting the state's template code, which is what the proposal was based on. He added that the tiers in the proposed code were different from the one adopted in 2021.

Staff Recommendation:

Staff recommended approval of Resolution 1, Series 2024.

Commissioner Questions of Staff:

Mihaly asked whether the code would apply to renovations, or if it would only apply to new buildings.

Zuccaro said that it would only apply to renovations that added more than 25% to their existing square footage.

Mihaly asked whether exceeding the requirement for one category would satisfy the requirements of the lower categories.

Zuccaro said that the categories built on each other, so the same number would still be required.

Baskett said she had concerns about multi-family dwellings and felt that they needed to have a requirement to include EV chargers.

Zuccaro said that they were required for multi-family dwellings and clarified what the code covered. He again noted the changes from the old code.

Baskett asked who would be responsible for completing EV charger upgrades.

Zuccaro said staff were trying to strike a balance between current and future demand. There would not be a regulatory requirement to convert an EV designated space from ready to install, for example, but the proposed code would make this simpler and easier. Staff's intention was to leave final installation to market forces.

Mihaly asked how a duplex would be categorized.

Zuccaro said that they would be categorized as residential buildings as they were single family dwellings.

Mihaly similarly asked how a row of townhomes would be categorized.

Zuccaro said that they would also be categorized as residential buildings.

Mihaly asked whether an apartment building was the only type that would classify as a commercial building.

Zuccaro said yes.

Mihaly said he felt the number of EV spaces should account for the number of units in the building complex. He also asked how the number of spaces would round if they were not an exact number.

Zuccaro said that accounting for the number of units would be an alternative way to create the code. It was his understanding that the code said the number of chargers would always round up.

Hunt asked whether EV ready meant that the space just needed to have a charger installed.

Zuccaro said yes.

Brauneis said that EV ready could have a plug or could be hardwired.

Zuccaro said yes, it would either have a closed electrical box or an outlet in place of the charger.

Bangs asked whether the conversion or renovation of big box stores would require the installation of EV chargers.

Zuccaro said that they would not.

Bangs noted that parking spaces did not necessarily correlate to the number of units in an apartment block.

Zuccaro agreed. He noted that the general parking standard was one parking space per bedroom.

Bangs asked whether the City would adopt any future changes made to the State's template code.

Zuccaro said that there were a lot of unknowns with the future of EVs. He said that most demand for charging was expected to be at the home, but it was unclear if there would be demand in other spaces. He said that the state could make this a mandatory minimum code at some point.

Choi asked how staff arrived at the language in the code, particularly with reference to the location of chargers being "desirable and convenient".

Zuccaro said that this was carryover language from the 2021 ordinance, though he was not sure how it was developed at the time. Staff now thought that it meant developers could not just put EV chargers on the edge of their lots or in other inconvenient locations.

Baskett said that she had found EV chargers were often in inconvenient locations from her experience, and that their location made a statement about the priorities of the community. She asked whether staff could consider stronger language.

Zuccaro said that they could consider a prescriptive standard, such as distance from the entrance.

Brauneis suggested they could consider a common standard such as being next to ADA spaces. He also suggested that convenience could also include shelter from weather and snow.

Hunt wanted to go over the changes that staff was proposing from the old code.

Zuccaro said that Staff did not have any additional changes in mind, but they were open to suggestions for changes or conditions from Commissioners.

Hunt asked to clarify that the changes were just to the ratios.

Zuccaro confirmed this.

Brauneis added that it also included new category of EV capable light.

Brauneis asked why there were some areas that did not require any EV spaces.

Zuccaro said that this was what was in the model language.

Moline asked about average cost of the installation of an EV charging station.

Zuccaro said that he would need to check the numbers from the 2021 analysis. He added that the cost was not linear on a per space basis.

Brauneis noted that the future cost of retrofitting would be far higher.

Zuccaro added that Xcel could force the installation of a new transformer or other electrical infrastructure in that sort of scenario which would greatly increase the cost. The electricity service to the building was the main cost factor.

Moline asked whether developers could be induced to make changes just below the threshold.

Zuccaro said that increased cost was unlikely to be a factor at that point. He said that it would be interesting to see whether this had an impact on multi-family dwelling developments.

Hunt noted that this could be advertised as an amenity.

Brauneis said that it could be an equity issue, as some may have access to free charging whilst others must pay for it.

Zuccaro said that staff's hope was that the market would take care of this at some point, but in meantime they wanted to incentivize it.

Brauneis said market would take care of it at luxury end, but not necessarily at lower end.

Mihaly asked whether a mixed-use development would be treated the same as a standard apartment building.

Zuccaro said that the EV space calculations would be done separately for commercial and residential uses.

Mihaly asked whether this would require an upgrade to Louisville's electrical infrastructure beyond Xcel's current plans.

Zuccaro said that there had been questions whether Xcel could accommodate the new energy codes. He noted that new developments would have to bear the costs of the Xcel upgrades, which could be very expensive for large developments.

Choi asked about the minimum service level for the chargers in EV installed spaces.

Zuccaro said that he would need to check the ordinance.

Choi said he appreciated the level 2 minimum service for EV ready and EV capable spaces.

Brauneis asked whether they should make sure that the level 2 minimum service level was included for installed EV chargers.

Zuccaro suggested that the Commission could include a condition that would require staff to include it if it wasn't in the existing ordinance.

Baskett asked whether there were any requirements for electric bicycle charging.

Zuccaro said no.

Baskett asked whether other cities had requirements for this.

Zuccaro said that he wasn't sure.

Baskett said that she had worked on a couple of projects in Westminster, where there was a condition for developers to include it but there was not an ordinance.

Public Comment:

None were heard.

Discussion by Commissioners: (43:30)

Choi said he had been thinking about the ratios of EV spaces and noted that there was actually a decrease if non-R-2 zoned buildings moved from 10 to 11 spaces. He would have liked to see an increase in the number of EV ready spaces.

Mihaly asked whether Choi wanted to increase the ratio to 8% or 2 spaces, whichever was higher.

Choi said he would increase the ratio for EV ready spaces for non-R-2 residential buildings with greater than 10 spaces to 20% from the proposed 8%.

Moline asked Choi whether he would change the ratio of EV capable or capable light spaces.

Brauneis noted that as written, a developer would have to meet the requirements for each category.

Choi said that he would reduce the number of EV capable and capable light spaces to accommodate the extra EV installed spaces. He noted that the cost of the components for the chargers were relatively cheap, and that the cost per space decreased if they were using the same transformer. The largest cost consideration came from the charger itself.

Hunt asked Choi whether he would consider increasing the ratio to 15%.

Brauneis said he was not as concerned about the ratios, his concern was with the categories that required zero spaces.

Bangs noted that a parking lot with 11 spaces would not be obligated to include an EV ready space, and he felt that this needed to be changed.

Zuccaro said that a 10 stall parking area would require 2 EV ready spaces and no EV installed, whereas an 11 stall parking area would require 1 EV installed space and 1 EV ready space.

Hunt noted that the difference above 10 spaces was that there would be a requirement for EV installed spaces.

Zuccaro said that language said to round up, so an 11 space parking area would require 1 EV installed, 1 EV ready, 2 EV capable, and 2 EV capable light spaces.

Mihaly asked to clarify that 1.1 spaces would round up to 2 spaces.

Zuccaro said yes.

Moline wondered whether it would be a little bit too complicated or convoluted for applicants to understand.

Zuccaro said that the proposal was not perfect, but that they wanted to align with the state code as this could help create standardization.

Choi felt that the installed chargers should be at least level 2. He also wondered why the draft ordinance included language referring to the chargers being operational during normal business hours.

Brauneis suggested that businesses may not want people to use their chargers overnight.

Hunt said that the City would not want to be able to authorize people to use business's electricity outside of their operating hours.

Brauneis noted that there would likely be a fee for those using the chargers, so the businesses may not want to shut them off overnight. This would not be the case if they were free, however.

Choi said that he had been thinking of this from the perspective of the chargers coming from a provider.

Brauneis said that a provider would likely want the chargers to remain on so that they could continue to profit off them.

Choi noted that Section 1, Part E, General Requirements 2B of the draft ordinance had a typo in it, as it was missing the word “that”.

Brauneis asked the Commissioners for their further thoughts on the quotas.

Mihaly noted the challenge of scale, and that the difference between 8% and 10% for a big box store with much larger parking lot would be appreciable. He also said that he appreciated that the proposed code would bring Louisville into line with neighboring cities.

Hunt said that there would be value in aligning with the state guidance as it would make it easier for developers. She added that they did not want to get too far ahead of demand, and that demand would hopefully take care of this in the future.

Brauneis felt that the multi-occupancy buildings should have at least 1 EV installed space rather than the 0 in the proposed code.

Moline asked whether Brauneis was meaning commercial R-2 buildings.

Brauneis said that he was wondering about non-R-2 occupancies as well.

Hunt felt that homes should stay at 0 as a charger could always be installed there later if it was EV ready.

Moline asked to clarify whether Brauneis wanted to see at least 1 EV installed space at all commercial buildings.

Brauneis said that he was not sure what the best approach would be, but that this should be a consideration.

Zuccaro suggested that they could exchange 1 EV ready space, or a small percentage of EV ready spaces, for EV installed spaces.

Brauneis said that he was not dead set on this.

Bangs asked how many new builds would be built with less than 10 parking spaces.

Zuccaro said that there would be very few.

Brauneis said that this could be more applicable to buildings that are expanded by 25% or more. He noted that there could be more application of this to downtown than the McCaslin corridor.

Mihaly asked how this code would be applied if a new building were constructed that utilized an existing parking lot.

Zuccaro said that this would require its own PUD, and staff would evaluate it on an individual basis. They may require a carve-out from the existing parking lot.

Bangs asked whether the City had a minimum number of parking spaces that were required for buildings.

Zuccaro said yes.

Bangs noted that the general consensus was that the proposed code required very few spaces.

Choi said that getting the number of spaces as right as possible was a worthwhile effort. He added that a percentage based application of the code could be very difficult to meet, and that Xcel's electricity infrastructure remained an impediment. He said that he also did not see where in the proposed code it said that this was a minimum, and that this would be an important clarification to make.

Zuccaro said that state code included credit for the other categories for developers that went above the levels required in the code, however he did not include this in the draft ordinance for simplicity.

Choi said that this credit language could be very useful for economies of scale in the construction process.

Zuccaro said that staff would interpret this as a minimum code, and that staff would not prohibit developers from going beyond it.

Mihaly thought that it would be advantageous to allow developers to trade lower tiers of EV spaces for more EV installed spaces.

Zuccaro said that they could add language that said that requirements EV capable light, EV capable spaces, etcetera, could be offset by having additional higher tier spaces installed.

Brauneis said that he was reconsidering his earlier position and suggested that multi-family occupancies with less than 10 spaces could be increased from 0 to 5%. He said he was in support of conditions for the level 2 chargers and allowing for developers to "trade up" their charger levels.

Moline said that he was in support, and that he found the discussion very helpful.

Choi said that he did not see value in keeping the EV capable category given presence of the new EV capable light category. He felt that the allocated circuits for EV capable spaces could easily be misused or reused inappropriately for other things like household appliances.

Brauneis said that since the code used the state's model language, this would be tested out across the state.

Zuccaro said that the value of requiring the circuit panel space was that this was the most cost prohibitive part of upgrading a parking space, and that he felt it was unlikely to be misused. He noted that the definition of EV capable could be changed to require that the intended use of the circuit space be labeled as "reserved for future".

Brauneis wondered whether this would be sufficient to stop people from misusing the panel.

Zuccaro said that there were scenarios where people could try and get around the code, but he felt that they should not let the perfect be the enemy of the good.

Mihaly said that he wanted the City to be in line with nearby communities, and this was a good step to achieving that. He initially had concerns about whether this would apply to vacant big box stores but was relieved that it would only apply to renovation that included an expansion. He was in support of the proposal.

Choi said that he was in support with the proposed conditions.

Baskett said that she was in support with the proposed conditions

Moline said that he was in support with the proposed conditions.

Hunt said that she was in support with the proposed conditions and reiterated that there was value in following the state guidelines.

Bangs said that he was in support with the proposed conditions. He added that it would be interesting to see how many of the EV ready spots would later be converted to EV installed.

Brauneis said that he was in support with the proposed conditions.

Brauneis reiterated that the four proposed conditions were that level 2 chargers be installed, that EV installed spaces for multi-family dwellings be increased from 0 to 5%, that the value additions were inclusive of the lower value options, and that the future reserved circuits for EV capable spaces be labeled as such.

Choi moved to approve Resolution 1, Series 2024 with the proposed conditions, and was seconded by **Hunt**. The motion was adopted by a vote of 7 to 0.

- d. **Comprehensive Plan Update** – Project introduction, process, and initial targeted questions to inform next step (1:22:00)

Staff Presentation:

Hirt introduced the presentation for the comprehensive plan update. He said that the intention was to give commissioners understanding of what the comp plan was, and what it entailed. He noted that it was required by state law and by city code to be updated every 10 years. He discussed what it covered and the sections that were to be included in it. The “Vision and Values” section would include a lot of community engagement, as staff wanted the plan to reflect community priorities. He noted that there were 3 proposed community engagement windows to gather feedback.

Jessica Garrow and **Alison Cotey** gave a presentation on behalf of the consulting team. They highlighted some of the plans they had recently completed for other municipalities in Colorado, and noted the experience they had in completing this kind of project.

Hirt outlined the proposed schedule for the plan. He said that it was expected to take around 18 months, and that they wanted to undertake community engagement during the summer months to maximize the response rate.

Commissioner Questions of Staff:

Brauneis said that the plan should reflect community desires, be understandable, and be actionable for the planning department.

Choi said that the consultant group were very good. He agreed with Brauneis’ assessment and said that it provided opportunity to find what was next.

Bangs asked about how the timing of the comprehensive plan interacted with the timing of the ongoing housing plan, and asked which would be prioritized.

Hirt said that the housing plan was intended to be finished by March with adoption in May. He said that both would be City Council adopted documents, so therefore they would have equal weight, and that the housing plan would segue into the comprehensive plan. He noted that the housing plan would have broader recommendations for land use changes, whereas the comprehensive plan would more specifically target those changes to different areas of the City.

Zuccaro added that City Council had wanted to implement some of the items from the housing plan before the comprehensive plan was finished. They wanted to try and work on some of the higher priority items in the interim.

Moline asked whether there would be a hard rule about examining within a 3 mile radius of the City's boundaries, and whether they could consider more regional view given the City had very little room to expand.

Hirt said this had not been discussed yet.

Zuccaro said that there would be little to address within the 3 mile radius as there were very limited opportunities for future annexations.

Garrow said that this would not be a major feature of the plan as, unlike other cities, there were not many areas that could be annexed.

Baskett said her top three priorities for the plan were achieving an agreement around growth and around future land use, and to identify areas for focus and investment.

Mihaly said that he agreed on the importance of addressing growth and added that affordable housing would be important for the plan. He said that he was interested in balancing these aspects with the character and values of the City. He added that it would be important to assess the City's transportation infrastructure and future transport needs.

Brauneis said that it was interesting to see art included as a consideration. He thought that it would be important to embed diversity, equity and inclusion (D.E.I.) into the fabric of the document. His top issues were housing and affordability. He also wanted to see a discussion on how to address the ongoing development and redevelopment of the McCaslin corridor.

Mihaly said that he would like to see mixed-use development on the corridor.

Brauneis added environmental issues, water, and solid waste were also of interest.

Choi said that he wanted to ensure that the different ongoing plans were not duplicating each other, and that they would instead build on each other.

Bangs said that the key word for him was balance. He said that the City needed to find a balance between aspiration and affordability, whilst also supporting the local economy.

Hunt said that she broadly agreed with the other Commissioner's priorities. She wondered whether the proposed northwest rail line would be included as part of the plan.

Moline said that he wanted the plan to keep a focus on livability and walkability in the City.

Public Comment:

Tamar Krantz, resident, thanked the new Commissioners for their work, and thanked Hirt for his choice of consultants. She said that the Planning Commission should consider an advisory committee to provide a high-level perspective on the comprehensive plan and on community engagement. This would allow them to take that off the plate of the whole Commission. She noted that an advisory committee had been considered by the City Council, but they elected to give the responsibility to the Planning Commission at-large. She added that the language in the City Code did not preclude the Commission from doing this unilaterally. She said that there should be an inclusion of statistically valid surveys so that they could utilize individual responses rather than just summaries. She also had concern that there was not enough focus on open space and wildlife. She was unsure how the included environmental assessment would be factored into the comprehensive plan.

Sherry Sommer, resident, said that she wanted sustainability to be considered in the comprehensive plan. She also wanted the plan to reflect the “small town” nature of the City. She agreed that plan should be approachable and actionable, and that there needed to be a reflection of the broad range of views in the community.

PLANNING COMMISSION COMMENTS

None were heard.

STAFF COMMENTS

None were heard.

ADJOURNMENT

Motion to adjourn was moved by **Moline**, seconded by **Mihaly**, and adopted by voice vote.

The Commission adjourned at 8:34pm.