City of Louisville
COLORADO • SINCE 1878

Planning Commission

Meeting Minutes

February 13, 2025
City Hall, Council Chambers
749 Main Street
6:30 PM

Call to Order – Chair **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 Debra Baskett, Vice Chair Cullen Choi, Secretary David Bangs Jennifer Hunt Jonathan Mihaly Jeff Moline
Staff Members Present:	Rob Zuccaro, Director of Community Development Jeff Hirt, Planning Manager Ben Jackson, Planning Clerk

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Motion to approve the minutes for the October 2024 meeting was moved by **Choi**, seconded by **Moline**, and adopted by voice vote.

Motion to approve the minutes for the November 2024 meeting was moved by **Choi**, seconded by **Moline**, and adopted by voice vote.

Motion to approve the minutes for the December 2024 meeting was moved by **Choi**, seconded by **Mihaly**, and adopted by voice vote.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Justin Deister, resident, said that he had an issue with the LGBTQIA+ pride flag being flown in City Hall.

PUBLIC HEARING ITEMS – NEW BUSINESS

a. Zoning Code Amendment – Definition of Family: Consideration of Resolution 1 to address the definition of a family in Louisville Municipal Code Title 17 (Zoning) to comply with Colorado House Bill 24-1007.

Staff Presentation:
Hirt introduced the presentation for the zoning code amendment. He noted that the City needed to alter the definition of family in order to be in compliance with a new state law. He added that this was also a recommendation in the City's Housing Plan.

Staff Recommendation:
Staff recommended approval of Resolution 1, Series 2025.

Commissioner Questions of Staff:
Choi asked to clarify whether the terms "single housekeeping unit" and "single unit" had the same meaning in the proposed definition.
Hirt said that he was not sure and suggested that it could potentially be adjusted with a condition.
Choi said he was happy to leave it if staff was ok with the proposed language.

Public Comment:
None were heard.

Staff closing statement:
None was heard.

Commissioner Discussion:
Mihaly said that this was a straightforward change, and that he was in support.
Baskett said she was in support.
Moline said that he was in support.
Choi said that he was in support.
Brauneis said that he was also in support.

Motion to adopt Resolution 1, Series 2025 was moved by **Baskett** and seconded by **Hunt**. The motion was adopted by a vote of 7 to 0.

b. Zoning Code Amendment – Accessory Dwelling Units: Consideration of Resolution 2 to amend Louisville Municipal Code Title 17 to address accessory dwelling units to comply with Colorado House Bill 24-1152.

Staff Presentation:
Hirt introduced the presentation for the zoning code amendment. He explained what ADUs were, what the current rules were for them, and what changes were being proposed. He noted that short term rentals would remain prohibited in the City, and that ADUs could not be used as short term rentals. He added that the deadline for compliance from the state was June 30, 2025.

Staff Recommendation:
Staff recommended approval of Resolution 2, Series 2025.

Commissioner Questions of Staff:
Baskett asked about utility connections for ADUs, and whether ADUs could be added to a duplex.
Hirt said that the proposed ordinance was silent on utility connection fees. He noted that staff recognizes that tap fees are very expensive, and that they are looking at ways to lower those costs.
Brauneis asked whether there were any requirements for an ADU to be separately metered.
Hirt said no, not under the proposed ordinance.
Choi asked about utility taps, and whether ADUs would require a secondary address.
Hirt said any separate unit should have a separate address for emergency access purposes, at minimum.
Zuccaro said that the direction the City was going was to not have separate physical tap, but that the property owner would still incur a fee.
Brauneis asked why a property owner would still incur a water tap fee.
Zuccaro said that this would enable an equitable share of the costs of water infrastructure for new residents.
Hunt asked to make sure they were not planning on requiring separate utilities for ADUs, and that they would be on the utilities of the primary dwelling.
Hirt said that they were intending on having shared utilities with the proposed ordinance.

There was a further discussion about the utility connections for new ADUs, with the discussion focused on how ADU owners would have the choice as to whether they would share a utility connection, but they would have a separate address, and there would be a tap fee applied to the ADU regardless.

Choi asked about the anticipated number of ADUs staff expected to be built per year.

Hirt said that their guess was around 10 newly built units per year from the best regional data available based on a study of the number of ADUs per single family units, but that this was not likely to be an accurate projection.
Hirt addressed Baskett's earlier question about duplexes, and said that ADUs would only be allowed on lots with single family units, and not duplexes, under the proposed ordinance.
Zuccaro said that the state law only applied to single family units, but noted that the Commission could recommend staff expand it to cover other housing types like duplexes and triplexes.
Hunt asked for the reasoning on this.
Zuccaro suggested that it would be a community character question, and that they might not want to add more density to areas that were already denser.
Brauneis asked about an earlier proposed PUD that included garden level ADUs, and asked whether the proposed ordinance would allow for this.
Zuccaro said no, but that the Commission could recommend that this be covered by the ordinance.
Moline asked about staff's reasoning for the minimum size requirement for ADUs.
Hirt said that there was no minimum square footage. He said that the state required them to allow at least a minimum of 500 square feet, but that staff are not proposing a minimum in the ordinance.
Mihaly asked whether there would be any occupancy limits for ADUs.
Hirt said no in the zoning code, because they were unable to do so under state law.
Zuccaro said that the building code would set a minimum space per person.
Bangs asked whether there would be an owner occupancy requirement.
Hirt said the City couldn't do that under state law. He added that the City could require the owner occupy the main residence at the time the permit is issued for the ADU, but they could not require anything beyond that.
Bangs asked to confirm that a current rental property could have an additional rental ADU added.
Hirt said yes.
Brauneis asked about the difference between an addition and an ADU.
Hirt said that it would largely depend on how the space was used and noted that an attached ADU could come in and out of being defined as an ADU over time.
Choi asked about the difference in impact fees for an addition versus the impact fees for an ADU.
Zuccaro said that the impact fees were based on the square footage of the property, and that the expectation was that those would apply to whole property.
Hunt asked whether these would apply differently to an ADU than to a building addition.
Zuccaro said that it would not make a difference whether it was for an addition or for an ADU.
Mihaly asked what would make something an ADU.

Zuccaro said that an ADU would be a completely self-contained living unit. He said that adding a second kitchen would not alone make something an ADU, but that it would instead be when it becomes an independent unit that could be rented out separately.
Choi asked whether the rules would allow future additions to ADUs.
Hirt said that they would if the additions remained compliant with the code.
Baskett asked about the requirements for parking spaces, and whether on-street parking availability would substitute for required off-street parking spaces.
Hirt confirmed this, and said that this limitation was part of the state law.

Motion to add the addendum to the record was moved by **Moline**, and adopted by voice vote.

Public Comment:
Justin Deister, resident, disagreed with the proposed increases in density, and said that he did not understand the purpose of the proposal. He was opposed to the proposed ordinance.

Matt Machado, resident, spoke about the fees for utilities and increased density of rentals. He noted that he already had an ADU on his property, and wondered whether there would be a variance policy that would allow him to come into compliance with the new ADU policy.

Mary Ann Heaney, resident, asked for consideration as to how new ADUs would be situated on yards in Old Town. She noted some issues she had with the proposed parking rules. She also said that she would support only allowing long term rentals for ADUs, and supported the rules prohibiting their use as short term rentals.

Mary Dittle, resident, said that she was considering converting a detached garage into an ADU, and asked that this be grandfathered in to the proposed ADU rules.

Gary Dunlap, resident, noted the difference between the square footage language used in the ordinance, and the lot coverage and floor area language used in the code. He noted that 800 square feet was small compared to other areas of the country. He was in support of the ordinance as it would allow for more affordable housing options.

Jennifer Errante, resident, said she agreed with Dittle’s question about grandfathering of setback and square footage rules.

MJ Adams, resident, said that she was pleased to see that City was moving forward with proposal to allow for ADUs. She though that it would help improve affordability in the City, and that it would help diversify the City's housing stock. She was in support of the proposal.

Michael Perkins, resident, asked about the proposed utility fees. He questioned whether there should be an additional tap fee if the total number of people using the utilities was not proposed to change.

Andy Johnson, resident, noted that the nature of this ADU ordinance is to comply with state law and supported the proposed ordinance. As an architect, he is consistently telling people they currently can't have an ADU and there is a need for such units in the community. He questioned whether the ADU ordinance is an appropriate place to address compliance with the inclusionary housing ordinance.

Staff closing statement:
Hirt clarified that existing units that meet features of an ADU under the proposed ordinance are proposed to have a grace period to come into compliance. Such grace period would address units that may not meet all the standards and include a life safety inspection of the unit so it can obtain legal nonconforming status.

Commissioner Discussion:
Mihaly asked about the existing parking requirements for primary units, and asked how that would impact ADUs.
Hirt said that this was to reflect the possibility of circumstances where on street parking was not available.

There was a discussion about when the City could require parking for an ADU, with clarification that it was only under a very narrow set of circumstances. Of note was that an ADU that eliminated the required parking spaces for the primary single family unit would not be allowed under the zoning code, using the example of proposing to convert a garage into an ADU.

Choi asked which building design standards, such as those related to energy efficiency, ADUs would be required to comply with.
Hirt said that they would have the same requirements as other residential units.
Zuccaro added that there could be some exceptions for production built homes or tiny homes.
Bangs asked about the difference between square footage and lot coverage.
Hirt said that lot coverage requirements superseded the square footage requirements.
Bangs asked for staff's opinion on allowing an additional 10% lot coverage for accessibility purposes.
Hirt said that they were open to it.

Baskett said that she would be in favor of adding this.
Moline asked why staff settled on the 800 and 1,000 square footages.
Hirt said that staff felt it was a reasonable amount and was one that had been used by other cities. An 800 square foot unit, for example, can adequately accommodate a two bedroom unit.
Mihaly asked to confirm whether the lot coverage and setback variance allowance for Marshall Fire rebuilds was 10%.
Zuccaro said yes.
Mihaly asked about the maximum expected occupancy for an 800 square foot and a 1,000 square foot residential unit.
Zuccaro said that it would depend on the number of bedrooms.
Mihaly asked about how much available capacity was in the City's water system, and how many additional units it could currently support.
Zuccaro said he was not sure of the exact capacity, but noted that the City's utilities team had planned for growth in the City and there is additional capacity.
Bangs asked whether staff thought the inclusionary housing ordinance should be applied to ADUs.
Zuccaro said that one aspect of the ordinance was to have the affordable units be of a similar nature to the base units, which would not be the case with an ADU. He added that staff were preparing an update to the inclusionary housing ordinance.

There was an extended discussion about the potential water tap fees for new ADU units, and the degree to which they should be applied. Staff noted that this was not directly within the purview of the Commission but said that the Commission could still make a recommendation to Council. The consensus among the Commission was that reducing the fees or finding some alternative merited some consideration.

There was also further discussion about allowing additional ADU square footage for accessible units for those with disabilities. **Zuccaro** noted that a 10% variance was already allowed through administrative review under the zoning code with reference to the Fair Housing Act, but that the Commission could opt to make it automatic with ADUs. There was a consensus among Commissioners in support of including this as a condition for the ordinance.

There was discussion about the size limitations, and whether they were appropriate to keep. Some Commissioners agreed that it was important to keep the 49% size restriction so that the ADUs remained secondary in size to the primary unit, and that the ordinance was not intended to broadly allow the construction of duplexes.

Choi and **Bangs** dissented and said that they would prefer that the ADU simply be required to be smaller than the primary residence.

Motion to approve Resolution 2, Series 2025 with the proposed condition that accessible ADUs be allowed the same proposed size increases as landmarked ADUs or ADUs that are classified as affordable, with the additional allowance for accessible ADUs of a 20% lot coverage increase for detached ADUs and a 25% increase for attached ADUs was moved by **Choi** and seconded by **Hunt**. The motion was adopted by a vote of 7 to 0.

PLANNING COMMISSION COMMENTS

None were heard.

STAFF COMMENTS

None were heard.

ADJOURNMENT

Motion to adjourn was moved by **Baskett**, seconded by **Hunt**, and adopted by voice vote. The Commission adjourned at 8:59pm.

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Planning Commission

Meeting Minutes

February 27, 2025
Electronic Meeting
6:30 PM

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

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

Commission Members Present:	Debra Baskett, Vice Chair Cullen Choi, Secretary David Bangs Cullen Choi Jennifer Hunt Jeff Moline
Commission Members Absent:	Steve Brauneis, Chair Jonathan Mihaly
Staff Members Present:	Rob Zuccaro, Director of Community Development Ben Jackson, Planning Clerk

APPROVAL OF AGENDA

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

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None were heard.

PUBLIC HEARING ITEMS – NEW BUSINESS

a. Temporary Use Permit – Ironton Distillery: Consideration of a one-year Temporary Use Permit as a Precursor to a Permanent Use for a Tasting Room (Eating and Drinking Establishment) at 1303 Empire Road.

Staff Presentation:

Zuccaro introduced the presentation for the temporary use permit. He explained the purpose of the temporary use permit process, and spoke about the ongoing development at the Ironton Distillery site. He noted that the site did not have any ADA accessible restrooms, so as a condition, staff were asking that they install an accessible portable toilet. He then went over the criteria for approval of a temporary use permit.

Staff Recommendation:
Staff recommended approval of Resolution 2, Series 2025.

Commissioner Questions of Staff:
Bangs asked if a temporary use permit had ever been extended beyond one year in the past.
Zuccaro said that he had never seen one been extended before, and noted that he had only seen a couple of them proposed during his time with the City. He added that it would be possible to extend it at a later date.
Moline asked about the duration of the temporary review use approval.
Zuccaro said it can be lost if a project gets abandoned for a year or more after construction has commenced.
Choi asked whether any sidewalk improvements were to be included as part of the temporary use permit.
Zuccaro said that this would be part of the PUD implementation, but not part of the temporary use permit.

Applicant Presentation:
Andy Johnson, resident, was the architect for the project. He explained the background of the project, and why they wanted to start operating in Louisville before they completed the construction.

Commissioner Questions of Applicant:
Choi asked whether the temporary use permit was only for the operation of the tasting room, or if the applicant also intended to start distilling on the property as well.
Johnson said that they only intended to use the facility for the tasting room and for storage.
Bangs asked whether they intended to end the temporary use within the next year so that they could demolish the existing building.
Johnson said yes, and that they hoped for the temporary use to end before the expiration of the permit.

Public Comment:
None were heard.

Applicant closing statement:

Johnson thanked the Commissioners and staff for accommodating them and allowing for a special meeting to discuss the application.

Commissioner Discussion:
Baskett said that she was comfortable with the proposed design for the temporary parking lot.
Choi said he thought it was a good step in the right direction to get the development started, and was in support of the application.
Moline said that he was in support.
Bangs said that he was in support.
Hunt said that she was in support.
Baskett said that she was in support.

Motion to approve Resolution 2, Series 2025 was moved by **Choi** and seconded by **Hunt**. The motion was adopted by a vote of 5 to 0.

PLANNING COMMISSION COMMENTS

None were heard.

STAFF COMMENTS

None were heard.

ADJOURNMENT

Motion to adjourn was moved by **Moline**, seconded by **Choi**, and adopted by voice vote. The Commission adjourned at 6:56pm.

City of Louisville
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Planning Commission

Meeting Minutes

March 13, 2025
City Hall, Council Chambers
749 Main Street
6:30 PM

Call to Order – Chair **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
	Debra Baskett, Vice Chair
	Cullen Choi, Secretary
	David Bangs
	Jennifer Hunt
	Jonathan Mihaly
	Jeff Moline
Staff Members Present:	Jeff Hirt, Planning Manager
	Matt Post, Senior Planner
	Ben Jackson, Planning Clerk

APPROVAL OF AGENDA

Motion to approve the agenda was moved by **Moline**, 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. Planned Unit Development Amendment – King Soopers Marketplace: Consideration of Resolution 3 to approve a Planned Unit Development Amendment to allow a grocery store and gasoline service station at 1171 W Dillon Road.

Staff Presentation:

Post introduced the presentation for the PUD amendment. He covered history of the site, current zoning and applicable plans, and the current site layout. He explained proposed layout and design for the site, and noted that it was permitted as use by right. He also covered proposed waivers and parking reduction.

Staff Recommendation:
Staff recommended approval of Resolution 3, Series 2025 with conditions.

Commissioner Questions of Staff:
Mihaly asked about the number parking spaces dedicated for the proposed pickup area.
Post deferred to the applicant.
Mihaly asked about who was responsible for the road that ran between Centennial Parkway and Dillon Road.
Post said that it was a city owned and maintained road.
Moline asked about the traffic study, and whether staff though that the 10,000 daily trips detailed in the report was an accurate projection.
Post noted that this seemed high, and said that staff had asked for clarification from the applicant on this.
Choi asked about the size of proposed signage, and about what staff counted as signage instead of exterior paint or iconography.
Post said that the signage area came from the polygonal area around the signs, and added that this would be clarified during the signage application process.
Choi asked about lumen limits for the proposed digital signage.
Post said that the City did not have a lumen limit, but said that they instead had limits on the types of lighting that could be used.
Choi asked whether the number of EV charging stations required for the gas station would come from the gas station as a standalone use, or if they would come from the broader retail use.
Post said that he thought that they would only apply to the accessory service station. He noted that they needed to be within vicinity of the gas station use.
Bangs asked to clarify that the number of EV charging stations required was based off of the number of gas pumps.
Post said that the number of chargers was based on the number of gas station pumps, and that the code was not applicable to the whole store because it was not a new PUD or development.
Bangs asked if there were any requirements for the hours of illumination for the signage.
Post said that he would have to check.
Mihaly asked if there had been any consideration of optimizing the traffic signals at the Centennial Parkway and McCaslin Boulevard intersection.
Post said that it had not been discussed.
Brauneis asked about process and timing for a new traffic study and traffic signal retiming.
Post deferred to the applicant.

Applicant Presentation:
Dan Kraus, non-resident, was part of the development team. He corrected the proposed signage sizes, and noted that they expected an increase of 27 square feet over the earlier presentation.

Brian Horan, non-resident, was the traffic engineer. He said that the 10,000 figure was accurate, but noted that each trip was in a singular direction, so they included trips both into and out of the site separately. He said that this assumption was a worst case scenario.

Commissioner Questions of Applicant:
Brauneis asked about the trigger for signal retiming.
Horan said that it was only if growth continued to occur on the McCaslin Corridor.
Bangs asked about unusual routes into and out of the site, and whether this was considered in the traffic study.
Horan said that it was factored into their analysis.
Choi asked to confirm that there would not be any new plain turf areas on the site.
Kraus said that their landscaping plan was to bring the site into compliance with code, and to replace the invasive species with native species. He added that they did not plan to install any new turf grass.
Choi asked about the potential cost if the height restriction waiver were not to be approved.
Kraus said that the waiver was so they could extend the parapet to hide the improved rooftop equipment from the view of customers. He added that they were trying to meet the intent of the City code.
Choi asked whether they had already specified the new rooftop equipment they intended to install.
Mark Breetz, non-resident, explained that they had already planned out the location of the equipment, and noted that the raised parapet would match the height of the existing metal structure on the rooftop.

Public Comment:
Doug van Riper, non-resident, was representing the neighboring Murphy's Tap House. He had concerns about the gas station, and noted that it would be uphill of and adjacent to their outdoor dining area. He said that no additional vegetation had been proposed between the gas station and their dining area. He also noted concerns that stormwater runoff would drain from the gas station into their restaurant, and that this could pose a flooding issue. He questioned whether there was a need for a gas station on the site.

Julie Avirett, resident, was a neighboring business owner. She was in favor of the new grocery store, but had concerns about the proposed location of the propane tanks as they were adjacent to their child care center's play area. She asked that the applicant consider moving the tanks to a different part of the premises.

Applicant Closing Statement:
Kraus said that they would address drainage and runoff concerns with staff, and said that they would work with staff to address the other public comment concerns.

Staff Closing Statement:
Post noted that past PUD had a generous allowance for signage, and that the amended PUD would have to come into compliance with the new signage code. He added that they had discussed the building screening and parapet design with the applicant.

Further Commissioner Questions of Applicant:
Mihaly asked about the proposed number of parking spaces, and how this compared to other King Soopers Marketplace locations.
Kraus said that it related to the shift from consumers shopping in store to more pick-up and delivery demand.
Karl Schmidtlein, non-resident, was from the development group. He said that their expectation was for around 3.5 to 4 parking spaces per thousand square feet of retail space, and noted that this ratio had declined over the past decade.
Bangs asked about the consideration that was given to the number of EV charging stations they intended to install.
Schmidtlein said that they were trying to comply with the code requirements, and said that they had proposed 8 EV charging stalls.
Bangs asked if this number of charging stalls was in line with their anticipated trends.
Schmidtlein said that he couldn't comment specifically, but suggested that they would consider installing more if they felt there was demand for it.
Nick Tompkins, non-resident, was representing Kroger. He said that regarding EV charging stations, there was a company initiative to increase number of available chargers, and that they tended to install more of them once the store's traffic patterns were better understood post opening.
Mihaly asked about the reasoning for the proposed positioning of the gas station.
Schmidtlein said that they typically tried to keep it on the pharmacy and general merchandise side of the store, and away from entrance.
Choi asked about their plans for ensuring that a chemical spill would not contaminate any of the proposed detention ponds.
Kraus said that they were working with staff on this issue.
Schmidtlein added that they could come up with additional mitigating measures for this if needed.

Brauneis asked whether they should include an additional condition related to a discussion of stormwater runoff mitigation.
Post said that this would be a reasonable thing for them to consider.
Baskett suggested that the condition be related to including an analysis of spill mitigation from gas pumps and runoff. She added that she also wanted to see specific conditions relating to the location of the propane tanks, and relating to the screening and drainage of the gas station.
Post said that staff would engage with the engineering team and the applicant regarding the proposed conditions.

Commissioner Discussion:
Baskett said that she was comfortable with the proposal given the discussed conditions. She added that she thought the proposed signage was appropriate for the site, and would be helpful for wayfinding.
Choi said that he was generally in support, and thought it was an appropriate use for this type of building. He said he would have been opposed to a standalone gas station, but was more supportive of it being connected to the grocery store. He appreciated the inclusion of EV charging stations.
Mihaly said that he was also generally in support, and added that he strongly supported the proposed conditions. He said that he would like to see improvements made to the surrounding roadways to accommodate the additional traffic flows. He also thought that the proposed signage waivers were an improvement over what would be allowed under the code.
Moline suggested specific language for the proposed conditions.
Choi said that the location of the propane tanks did not pose a significant safety hazard from an engineering perspective, and suggested screening the tanks would also be a viable option to address aesthetic concerns.
Moline said that he was in support, and was very happy to see the existing building be reused rather than having it torn down and replaced.
Bangs said that he was in support, but noted that the placement of the gas station was unfortunate given the number of other nearby gas stations.
Brauneis said that he was in support, and said that he liked the reuse of the existing building.
Hunt said that she was in support, and that she was excited to see reuse of the building. She also appreciated the willingness of the applicant to address the concerns of nearby businesses.

Motion to approve Resolution 3, Series 2025 with the proposed conditions that drainage plans are reviewed to ensure that stormwater is contained within existing curbing and the detention pond and to evaluate options to relocate the propane tanks away from the adjacent school was moved by **Baskett** and seconded by **Hunt**. The motion was adopted by a vote of 7 to 0.

PLANNING COMMISSION COMMENTS

Baskett spoke about the Commuting Solutions breakfast she attended.

STAFF COMMENTS

Hirt spoke about the new City Manager and her expected start date of March 31. He also asked about the viability of holding a second meeting in April.

ADJOURNMENT

Motion to adjourn was moved by **Baskett**, seconded by **Choi**, and adopted by voice vote. The Commission adjourned at 8:00pm.