

Planning Commission

Agenda

May 9, 2013

City Hall, Council Chambers

749 Main Street

6:30 PM

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

Public Comment will be limited to three (3) minutes per speaker.

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda
- IV. Approval of Minutes
 - April 11, 2013
- V. Public Comment on Items Not on the Agenda
- VI. Regular Business – Public Hearing Items
 - **Resolution No. 10, Series 2013: Boulder Wind Power:** a resolution recommending approval of a request to amend the previously approved planned unit development (PUD) plan for the purpose of increasing the height of the previously approved tower to 47 feet, extending to 80' when temporarily testing wind generators manufactured on site at Lots 1 & 2, Block 5, CTC 1. 1812 Boxelder St. Case No. 13-018-FP
 - Applicant and Representative: Boulder Wind Power (Francisco Oyague)
 - Owner: 1812 Boxelder LLC (David Johnson)
- VII. Planning Commission Comments
- VIII. Staff Comments
 - Administrative SRU Approval –
 - Staff received a request from Bittersweet Café to allow for the placement of a walk-in cooler on the front patio, on the NW side of the building located at 836 Main. The letter of approval is attached.
- IX. Items Tentatively Scheduled for Next Regular Meeting: June 13, 2013

- **Loftus Development, Inc. (Village Square Mixed Use):** a request for a final planned unit development (PUD) plan and a special review use (SRU) to allow for the development of Village Square Mixed Use project, (former Safeway site) consisting of two (2) retail buildings and three (3) residential buildings. Parking is provided by a below grade parking structure and surface parking spaces. A central gathering and plaza space is also provided.
 - Applicant: Loftus Development, Inc. (Jim Loftus)
 - Owner: TRACT ONE, LLC (Jim Loftus)
 - Representative: The Mulhern Group, LTD (Liz Petersen)

- **Coal Creek Station PUD** (Eastpark Associate, LLP and BVZ Architects) – a request to redevelop (PUD) and replat of the existing property at the SW corner of South Boulder road and HWY 42 owned by Eastpark Associates. The project will be developed as a combination of new commercial space, to replace older existing buildings on the site and an extension of the residential neighborhood from the south.
 - Applicant: BVZ Architects (Gary Brothers)
 - Owner and Representative: Eastpark Associates, LLP (Bill Arnold)
 - Case Manager: Scott Robinson, Planner I

- **Pine Street Plaza SRU** (1140 Pine Street) – A request to allow the operation of a food vending truck on an existing parking lot in the Community Commercial (CC) Zone District. The food truck will be managed by a third party and will comply with all applicable food license requirements. It is anticipated the food truck will operate between 11 AM and 12:00 PM, 2 days a week, May thru September on a yearly basis.
 - Applicant: Amterre Property Group LLC
 - Owner and Representative: Michael Kranzdorf
 - Case Manager: Troy Russ, Director of Planning and Building Safety

- **S and B, LLC (The BookCellar) SRU** (724-728 Main Street) – A request to allow the operation of a food vending truck on an existing parking lot in the Community Commercial (CC) Zone District. The food truck will be managed by a third party and will comply with all applicable food license requirements. It is anticipated the food truck will operate between 10 AM and 4:00 PM, 4 days a week, April thru October on a yearly basis.
 - Applicant: S and B, LLC (The BookCellar)
 - Owner and Representative: Eastpark Associates, LLP (Bill Arnold)
 - Case Manager: Scott Robinson, Planner I

X. Adjourn

Planning Commission

Meeting Minutes

April 11, 2013
City Hall, Council Chambers
749 Main Street
6:30 PM

Call to Order – Pritchard called the meeting to order at 6:35P.M.

Roll Call was taken and the following members were present:

Commission Members Present: Chris Pritchard, Vice-chairman
Ann O'Connell, Secretary
Cary Tengler
Jeff Moline
Scott Russell
Steve Brauneis

Commission Members Absent: Jeff Lipton

Staff Members Present: Troy Russ, Planning & Building Safety
Director
Sean McCartney, Principal Planner
Gavin McMillan, Planner III
Jolene Schwertfeger, Sr. Admin. Assist.

Approval of Agenda –

Pritchard stated staff requested to move Resolution No. 7, Avadan, LLC to the last regular public hearing item. Brauneis moved and Tengler seconded a motion to approve the agenda as modified. Motion passed by voice vote.

Public Comments: Items not on the Agenda

None heard.

Regular Business – Request for continuance

- **DogLife** – a request to allow DogLife to operate a business in a CC zone district where a special review use (SRU) is required. 1970 Centennial Dr, Lot 1, Louisville North Filing #9; Case No. 13-011-UR.

- Applicant and Representative: Valerie Wilson
- Owner: Realty Income Corporation
- Case Manager: Sean McCartney, Principal Planner

Staff requested a continuance. The commissioners agreed to the continuance by general consensus.

Regular Business –

- **Resolution No. 08, Series 2013: On-Target Shooting Center, LLC** – a request to amend the Louisville Municipal Code 17.12.030 Use Group No. 17 to allow for indoor shooting ranges as a special review use in the Industrial (I) zone district. Case No. 13-008-ZN.

- Applicant, Owner and Representative: On-Target Shooting Center, LLC (Richard Weingarten)
- Case Manager: Sean McCartney, Principal Planner

Public Notice Certification:

Published in the Camera on March 24, 2013. Posted in City Hall, Public Library, Recreation Center and the Courts and Police Building and mailed to surrounding property owners on March 22, 2013.

Conflict of Interest:

None heard.

Staff Report of Facts and Issues:

McCartney summarized the Louisville Municipal Code amendment with the following points within a Power Point presentation:

- A request to amend the LMC to permit indoor shooting ranges as a special review use (SRU) in the Industrial (I) zone district.
- Currently are allowed in Agricultural zone as an SRU.
- Closest shooting range is 14 miles away (Boulder Rifle Club)
- A proposed Indoor Shooting Range would provide services such as:
 - Indoor shooting range
 - Simulator
 - Retail sales of basic firearms, ammunition and accessories
 - Extended training for shooters
 - Basic introductory classes for pistols and rifles
 - Shooting leagues
 - Law enforcement, veteran, and fire protection professional discounts
 - Firearm rentals – try and buy.
- The SRU would include performance standards such as:
 - Hours of Operation
 - Occupancy numbers
 - Security
 - Noise
 - Lighting
 - Event parking

Staff noted support from the Louisville Chief of Police and the CTC User Group.

Staff recommends approval of the recommended code amendment and forwards this request to City Council, as presented.

Commission Questions of Staff:

Brauneis inquired about health and safety codes for the building.

McCartney stated they would be addressed during the plan review process at time of building permit application. He stated his awareness of the need for a specific ventilation system and sound proofing.

Pritchard asked about other Industrial zone districts in Louisville.

McCartney stated Empire Road where the Louisville Glass and the City Shops is located is an Industrial Zone District.

Pritchard confirmed the request was just for the amendment of the LMC and not the approval of an actual shooting range.

McCartney confirmed he was correct.

Public Comment:

None heard.

Summary – Staff:

None heard.

Closed Public Hearing – Planning Commission Discussion:

All of the commissioners present indicated their support of the LMC amendment as presented by staff.

Roll Call Vote:

Moline moved and Tengler seconded a motion to approve the Resolution No. 08, Series 2013 as presented by staff.

Name	Vote
Jeff Lipton	Excused
Chris Pritchard	Yes
Ann O'Connell	Yes
Cary Tengler	Yes
Jeff Moline	Yes
Steve Brauneis	Yes
Scott Russell	Yes
Motion passed:	6 to 0

- **Resolution No. 09, Series 2013: Jump N Rope, LTD** – a request to allow a private recreational facility in the Commercial Business (CB) zone district requiring a special review. 400 Front St; unplatted property located on the east side of Front Street approximately 365' south of the intersection of Elm Street and Front Street: Case No. 13-009-UR.

- Applicant and Representative: Jump N Rope LTD (Molly Metz)
- Owner: RCC LLC (Randall Caranci)
- Case Manager: Gavin McMillan, Planner III

Public Notice Certification:

Published in the Camera on March 24, 2013. Posted in City Hall, Public Library, Recreation Center and the Courts and Police Building and mailed to surrounding property owners on March 22, 2013.

Conflict of Interest:

None heard.

Staff Report of Facts and Issues:

McMillan summarized the request with the following points within a Power Point presentation:

- Site Plan review
- One access point in and out of site

- Parking Spaces

Staff recommends approval of the SRU for the operation of a private recreational facility in the Commercial Business (CB) zone district at 500 Front Street with the following one condition:

- 1) Prior to operating the jump rope recreational facility in the building at 500 Front Street, the applicant and the property owner will demonstrate they have permission from the property owner to the north (540 Front Street) to use that property to provide access to and from their parking areas. This agreement will demonstrate that access to the parking is provided concurrent with the requirements of the City of Louisville Public Works Department.

Commission Questions of Staff:

Russell discussed additional site improvements, specifically signage and the striping of the parking spaces.

McMillan confirmed the signage would be required to meet the Downtown Sign Code requirements.

Tengler asked questions regarding the loading dock use and if they had an agreement with the north property owner.

McMillan stated he was not aware of an agreement. He stated that Aaron DeJong, Economic Development Director, would know if they had an agreement because the property to the north is the Grain Elevator.

Pritchard discussed some concerns with the parking spaces numbered 17-20 on the site plan. He wondered if they are within the railroad right-of-way.

McMillan stated they are not in the RR ROW.

Russell discussed the possibility of making the parking spaces along the southwest corner of the building diagonal parking. He stated his concern is how to keep the cars from backing into the street. He also asked if there is on-street parking.

McMillan reviewed the specific site area and confirmed the availability of on-street parking.

Applicant Presentation:

It was noted the applicant, Molly Metz, could not attend this evening but her sister, Peggy is present and available to answer questions.

Commission Questions of Applicant:

Pritchard requested a review of what the school/recreational program does.

Following is a summary of the program:

- Class enrollment is approximately 200
 - Range in size from 4 – 40
 - Goal is to have 20+ per class
- Goal is to teach jump rope
- Provide a practice gym for the competitive teams
- Provide a site for performances and competitions
- Hours of operation: 9 – 5 with future evening classes

Commission questions of applicant:

Pritchard inquired about the anticipated attendance at the competitions.

The applicant stated there could be between 50 to 125 people

Pritchard also asked about what type signage they would want.

The applicant stated they had not discussed so details were not available.

Tengler discussed concerns with lighting and parking for the evening events.

McMillan explained the lighting would be part of the building permit for any remodeling of the building. The parking would also be ADA compliant. The parking concerns should be addressed by the recommended condition of approval for the parking agreement with the property owner to the north, which is the City.

Public Comment:

Michael Menaker, 1827 W. Chokecherry Dr, stated he had a discussion with a Louisville family that has been using the Jump N Rope program for several years. He does not see a concern for the parking because the events will not be as large as the Street Faire events. He encouraged the Commission to approve the request.

Bill Simmons, 515 Front Street, stated his comments are not about the use of the building but for the exterior lighting and signage of the building. He requested a condition of approval be added to limit the signage to the north side of the building only.

Commission Questions of Staff and the Applicant:

Pritchard requested McMillan address some of the concerns identified by Simmons.

McMillan reviewed the Downtown Sign Code regulations as well as the lighting standards for the site.

Moline asked if the signage could be limited to the north side of the building only.

McMillan stated the Downtown Sign Code would not permit signage on the north side of the building. Signage is limited to the street facing side of the buildings. The sign code also addresses the type of signs and the type of lighting for signs in the downtown area.

Simmons stated the commercial site is the closest site to the residential area of town. He asked if the economic development factor was going to trump the quality of life in Louisville.

Russ reminded the Commission that the type and placement of signage for the site is not part of the review for the special review use. He stated the Commission is to consider only if the use is within the permitted used as an SRU.

Russell asked how the signage is regulated.

Russ stated the signage is regulated at the time of building permit. The application is review by staff following the requirements of the Downtown Sign Code regulations.

O'Connell asked how the lighting is regulated.

Russ stated the lighting is considered a Life Safety Issue and will be address at time of building permit and reviewed following the IBC.

Summary – Staff and Applicant:

None heard.

Closed Public Hearing – Planning Commission Discussion:

Russell expressed concerns with parking and how it will be addressed during the special events. He stated his support of the requested SRU.

Tengler stated his support for the SRU request as presented by staff with the one (1) condition of approval.

O’Connell, Brauneis, and Moline stated their support of the SRU request with the one (1) condition of approval.

Pritchard thanked Simmons for his comments and understands his concerns. He requested that if there are future problems for the neighbors that they come to the Planning Commission, which would then allow the Commission to address those concerns. He stated his support of the project.

Roll Call Vote:

Russell moved and Tengler seconded a motion to approve the Resolution No. 09, Series 2013 as presented by staff.

Name	Vote
Jeff Lipton	Excused
Chris Pritchard	Yes
Ann O’Connell	Yes
Cary Tengler	Yes
Jeff Moline	Yes
Steve Brauneis	Yes
Scott Russell	Yes
Motion passed:	6 to 0

- **Resolution No. 07, Series 2013: AVADAN, LLC** – a request for a final planned unit development (PUD) for a 40,339 SF single story industrial/flex building in the Colorado Technological Center, Filing No. 2 where the property is zoned Industrial (I). 428 CTC Boulevard; Lot 11, CTC 2: Case No. 13-006-FP.

- Applicant: AVADAN LLC (Alan Benjamin)
- Owner: R.E. Hill Properties – CTC Land, LLC (Rob Hill)
- Representative: Milender White Construction Co. (Robert Mierau)
- Case Manager: Gavin McMillan, Planner III

Public Notice Certification:

Published in the Camera on March 24, 2013. Posted in City Hall, Public Library, Recreation Center and the Courts and Police Building and mailed to surrounding property owners on March 22, 2013.

Conflict of Interest:

None heard.

Staff Report of Facts and Issues:

McMillan summarized the request with the following points within a Power Point presentation:

- Site Plan Review comments included:
 - 40,339 SF Industrial/Flex Building
 - All requirements of the IDDSG have been met.
 - Two access points

- Drainage/detention
- Parking and loading
- Setback and landscaping requirements
- Existing 30 foot access and utility easement on the north
 - Either will vacate the easement or relocate landscaping to allow access
- Architecture concepts
 - Concrete tilt up panels
 - Varied roof line
 - Window patterns along the street facing facades
 - Metal canopy above the doors

McMillan reviewed the conditions of approval, noting Conditions numbered 3 through 8 are housekeeping type of conditions. Staff recommends approval with the following eight (8) conditions:

- 1) The portion of the northern access drive which is in the access and utility easement will be designed so as not to prohibit access to the easement area. The final design of this drive will be reviewed and approved by the City of Louisville Public Works Department prior to construction.
- 2) The landscaping of the northern property line is approved contingent upon the vacation of the access portion of the underlying 30 foot access and utility easement. If the vacation of the easement cannot be completed, the landscaping on the northern property line will be relocated in a manner that provides access acceptable to the City of Louisville Public Works Department, and meets the requirements of the landscaping chapter of the Industrial Development Design Standards and Guidelines.
- 3) Note 3 on the cover sheet will be amended to indicate only one ground mounted monument sign will be constructed.
- 4) The monument sign on the southwest corner of the property that is currently shown in the 15 foot drainage, utility, and landscape easement will be moved out of the easement.
- 5) The lighting plan will be amended to indicate the light poles in the parking lot will not exceed 24 feet in height.
- 6) A water usage table will be added to the cover sheet of the Final PUD plan which indicates the anticipated water usage of the project.
- 7) Sheet 2 of the Alta Survey will be amended to show the correct location of the manhole on the northern property boundary.
- 8) The PUD will be amended to indicate the following items will be privately owned and maintained;
 - a. The fire hydrant and 6 inch water line on the southwest corner of the building.
 - b. All of the proposed storm sewer infrastructure on the property.

Commission Questions of Staff:

Tengler inquired about the flexible uses of the building.

McMillan stating the office use is part of the flexible use of the building and is included as part of the SRU.

Moline asked about sidewalk locations in the CTC.

McMillan stated the sidewalk master plan for the CTC placed them on the south and west sides of the streets.

Moline asked if the Fire District lot to the east would have a sidewalk.

McMillan stated he could not confirm one way or other.

McMillan requested a motion to enter the materials board into the record.

Brauneis moved and Tengler seconded a motion to enter the materials board into record. Motion passed by voice vote.

Applicant Presentation:

Jan Davis, 6251 Greenwood Plaza Blvd, the applicant's architect, reviewed the following:

- Easement options
- Building tenant is also the owner.
- Owner is moving from Lafayette to Louisville
- Key architectural points of the building design

Commission Questions of Applicant:

None heard.

Public Comment:

None heard.

Closed Public Hearing – Planning Commission Discussion:

Russell stated his support of the project and welcomed the company to Louisville.

Tengler, O'Connell, Brauneis, Moline and Pritchard stated they also support the project.

Roll Call Vote:

O'Connell moved and Brauneis seconded a motion to approve the Resolution No. 07, Series 2013 as presented by staff.

Name	Vote
Jeff Lipton	Excused
Chris Pritchard	Yes
Ann O'Connell	Yes
Cary Tengler	Yes
Jeff Moline	Yes
Steve Brauneis	Yes
Scott Russell	Yes
Motion passed:	6 to 0

Planning Commission Comments –

Tengler requested staff investigate the condition of the parking lot at the movie theater. He stated the lot is in very poor condition.

Staff Comments

- Administrative Approvals
 - 300 McCaslin Blvd, PUD Amendment
 - 335 Pierce St, SRU Amendment

Staff discussed the Administrative Approvals. The Commissioners had no questions or comments.

Items Tentatively Scheduled for Next Regular Meeting: May 9, 2013

- **DogLife** – a request to allow DogLife to operate a business in a CC zone district where a special review use (SRU) is required. 1970 Centennial Dr, Lot 1, Louisville North Filing #9; Case No. 13-011-UR. *Continued from the April 11, 2013 meeting.*
 - Applicant and Representative: Valerie Wilson
 - Owner: Realty Income Corporation
 - Case Manager: Sean McCartney, Principal Planner

- **Coal Creek Station PUD** (Eastpark Associate, LLP and BVZ Architects) – a request to redevelop (PUD) and replat of the existing property at the SW corner of South Boulder road and HWY 42 owned by Eastpark Associates. The project will be developed as a combination of new commercial space, to replace older existing buildings on the site and an extension of the residential neighborhood from the south.
 - Applicant: BVZ Architects (Gary Brothers)
 - Owner and Representative: Eastpark Associates, LLP (Bill Arnold)
 - Case Manager: Scott Robinson, Planner I

Staff briefly reviewed the agenda items for the May 9th meeting. The commissioners had no question or comments.

Adjourn

Russell moved and Tengler seconded a motion to adjourn the meeting. Pritchard adjourned the meeting at 8:15 PM.

ITEM: Case No. 13-018- FP

PLANNER: Scott Robinson, Planner I

APPLICANT: Boulder Wind Power
1812 Boxelder Street
Louisville, CO 80027

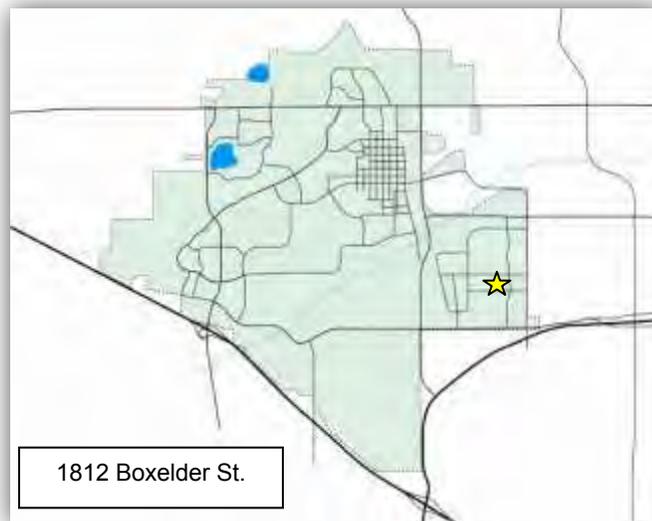
EXISTING ZONING: Industrial (I)

LOCATION: 1812 Boxelder Street – Lots 1& 2, Block 5, CTC Filing 1

TOTAL SITE AREA: 3.48 acres

REQUEST: Resolution No. 10, Series 2013, a resolution recommending approval of a request to amend the previously approved planned unit development (PUD) plan for the purpose of increasing the height of the previously approved tower from 38' to 47', extending to 80' from 54' when temporarily testing wind generators manufactured on site.

VICINITY MAP:



BACKGROUND:

The subject property is located within the Colorado Technology Center (CTC). The original planned unit development (PUD) was approved in 1995 for industrial/office use. An amendment to the PUD was approved in 2012 to allow for the construction of a 38 foot tower extending to 54 feet when testing generators. The applicant has since determined that height is not sufficient and is requesting an increase in allowed height. Boulder Wind Power designs and manufactures utility scale wind turbine generators. A wind turbine generator is the portion of a windmill that converts the rotational energy of the blades into electricity.



Properties to the north, west, and south are all zoned Industrial (I). The property to the east is zoned Agricultural (A) and contains a residence and a llama farm.

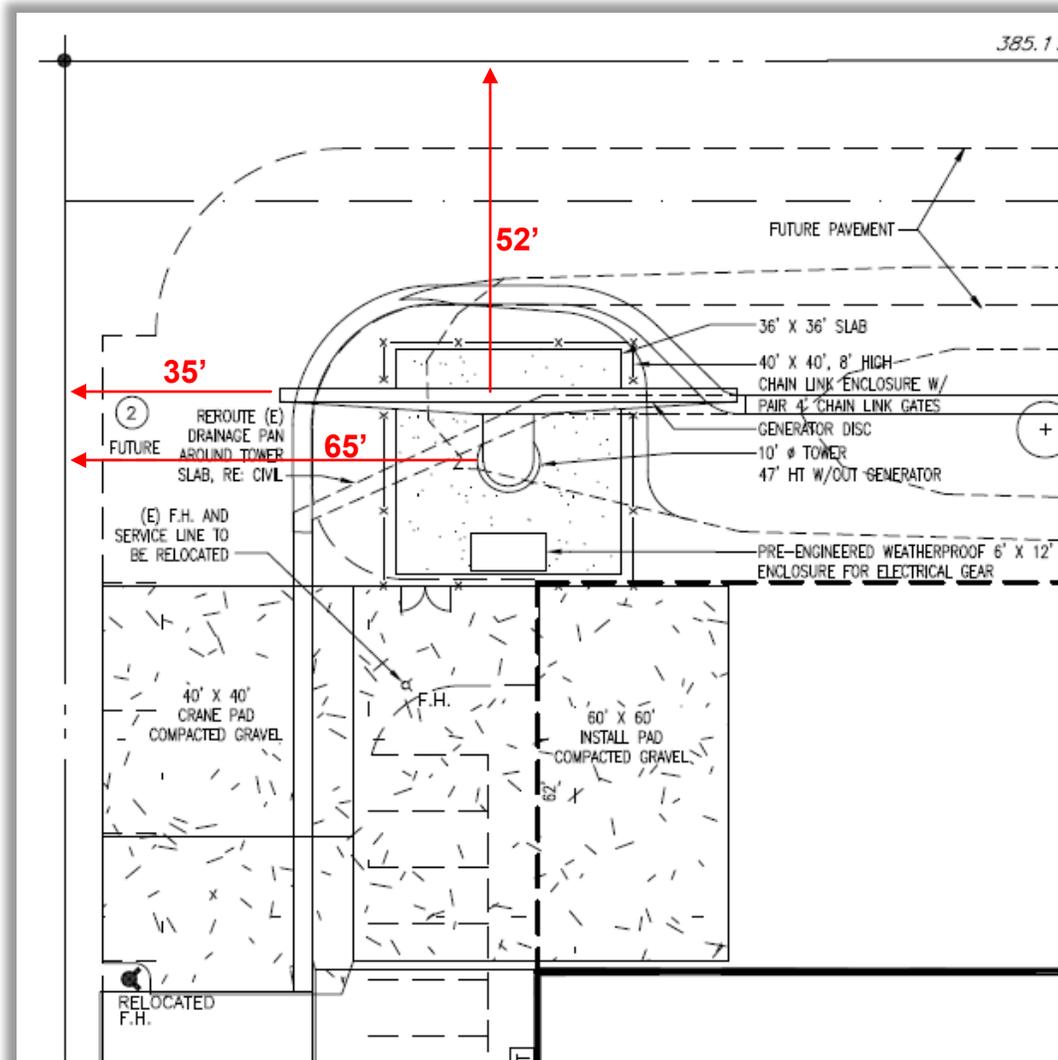
SUMMARY OF PROPOSAL:

The applicant, Boulder Wind Power, is requesting an increase in the allowed height for a test tower in the rear (north) of the lot on which to test newly completed wind turbine generators. The 38 foot tower approved in 2012 has not been built. The new requested height is 47 feet when empty, and up to 80 feet (from 54 feet) when testing a generator. The diameter of the tower is still 10 feet. The generators may have diameters up to 73 feet. The 2012 approval limits how often a generator may be placed on the tower to 8 times a year for no more than 150 days total, and the applicant is not requesting to change the duration of operation.

The Industrial zone district and the Louisville Industrial Development Design Standards and Guidelines (IDDSG) allow structures up to 50 feet to accommodate specialized equipment when permitted through the PUD process. The tower falls under the “specialized equipment” designation, and would therefore be allowed to go to 50 feet.

This application is requesting a variance to these limits for an additional 30 feet above the allowed 50 feet for limited amounts of time. Under Section 17.28.110 of the Louisville Municipal Code (LMC), a waiver is allowed as part of the PUD process if it is “warranted by the design and amenities incorporated in the development plan, and the needs of residents for usable or functional open space and buffer areas can be met.”

Considering the limited extent of the requested waiver, both in time (likely less than 150 days per year) and bulk (a 10’ diameter tower instead of a full building), the design and amenities required to warrant the waiver are equally limited. The Industrial zone district, where the proposed tower would be located, is the only area of the city where a tower like this could be appropriate. The proposed location is in the center of the CTC, mostly surrounded by other industrial uses. The parcel immediately to the east is zoned Agricultural and contains a residence, but the residence is approximately 675 feet away and well shielded by trees. All other buildings are at least 225 feet from the proposed tower. The proposed location is at the back of the parcel, well away from the street and sidewalk. The tower will still be visible from the street, however, as it is not directly behind the existing building, but offset slightly to the west.





The generator will be visible from the edges of the CTC, but it will not significantly block mountain views. The generators will be placed on the tower using a crane. The proposed amendment includes gravel pads near the tower for the crane and for the preparation of the generators for mounting. The crane will only be brought in when it is needed to add or remove the generator from the tower.

Staff believes the proposed setbacks and limited testing and operation of the generator minimize the impacts on other property and warrants the requested height waiver.



Apart from the height variance, no other changes from the 2012 PUD are proposed. The 70 percent maximum impervious surface limit is still met, as are the minimum setback requirements for the site. The addition of the tower does not affect parking or circulation. Storm water retention and drainage are affected, but modifications are made to accommodate the tower and the modified drainage area can still support the demands of the site.

The original PUD plan includes a proposed future expansion on the north side of the building adjacent to the tower. The tower will not affect this future expansion, but the gravel installation pad may have to be moved if the expansion is completed.

Staff is recommending approval of this PUD amendment as it meets the requirements of LMC Section 17.28 and the waiver requested is warranted under Section 17.28.110.

STAFF RECOMMENDATION:

Staff recommends approval of the test tower at 1812 Boxelder with one condition.

- 1) The mounting and testing of the generator atop of the tower shall be limited to eight times (8), or no more than 150 days per year.

PLANNING COMMISSION ACTION:

Resolution No. 10, Series 2013, recommends approval by the Planning Commission to amend the previously approved planned unit development (PUD) plan for the purpose of allowing a previously approved 38 foot tower which extends to 54 feet when temporarily testing wind generators manufactured on site to be expanded to 47 feet and 80 feet, respectively, with one condition. The Commission may approve (with or without conditions), continue or deny the request.

- 1) The mounting and testing of the generator atop of the tower shall be limited to eight (8) times, or no more than 150 days per year.

ATTACHMENTS:

- Attachment #1 – Resolution No. 10, Series 2013
- Attachment #2 – Complete application packet
- Attachment #3 – Plan Set documents
- Attachment #4 – Photo renderings

RESOLUTION NO. 10, SERIES 2013

A RESOLUTION RECOMMENDING APPROVAL OF A REQUEST TO AMEND THE PREVIOUSLY APPROVED PLANNED UNIT DEVELOPMENT (PUD) PLAN FOR THE PURPOSE OF INCREASING THE HEIGHT OF THE PREVIOUSLY APPROVED TOWER TO 47 FEET, EXTENDING TO 80' WHEN TEMPORARILY TESTING WIND GENERATORS MANUFACTURED ON SITE AT LOTS 1&2, BLOCK 5, CTC 1

WHEREAS, there has been submitted to the Louisville Planning Commission an application for approval of a request to amend the previously approved planned unit development (PUD) plan for the purpose of allowing a 47' tower which extends to 80' when temporarily testing wind generators manufactured on site at Lots 1&2, Block 5, CTC 1; and

WHEREAS, the City Staff has reviewed the information submitted and found it to comply with Louisville Municipal Code (LMC) Sec. 17.28.210; and

WHEREAS, the 80 foot height exceeds the standards set by the Louisville Industrial Development Design Standards and Guidelines by four feet; and

WHEREAS, LMC Sec. 17.28.110 allows for variances from the relevant design standards when warranted by design or amenities and adequately screened; and

WHEREAS, the location and screening of the proposed tower and its limited testing period warrant the requested variance; and

WHEREAS, after a duly noticed public hearing on May 9, 2013, where evidence and testimony were entered into the record, including the findings in the Louisville Planning Commission Staff Report dated May 9, 2013, the Planning Commission recommends approval of an amendment to the final planned unit development plan to the City Council with one condition.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Louisville, Colorado does hereby recommend approval to amend the previously approved planned unit development (PUD) plan for the purpose of allowing a 47' tower which extends to 80' when temporarily testing wind generators manufactured on site at Lots 1&2, Block 5, CTC 1 with one condition

1. The mounting and testing of the generator atop the tower shall be limited to eight (8) times, or no more than one hundred and fifty (150) days per year.

PASSED AND ADOPTED this 9th day of May, 2013.

By: _____
Jeffrey Lipton, Chairman
Planning Commission

Attest: _____
Ann O'Connell, Secretary
Planning Commission

PUBLIC NOTICE
CITY OF LOUISVILLE
PLANNING COMMISSION
And
CITY COUNCIL

NOTICE IS HEREBY GIVEN PUBLIC HEARINGS WILL BE HELD BEFORE THE CITY OF LOUISVILLE PLANNING COMMISSION AND THE LOUISVILLE CITY COUNCIL TO CONSIDER A FINAL PLANNED UNIT DEVELOPMENT (PUD) AMENDMENT TO ALLOW A 9' INCREASE IN HEIGHT FOR THE GENERATOR TEST TOWER LOCATED AT 1812 BOXELDER STREET. THE PROPOSED TOWER WOULD INCREASE FROM 38' TO 47'. DURING TESTING CYCLES, THE TOWER WOULD FULLY EXTEND TO 70' IN HEIGHT.

APPLICATION NAME: BOULDER WIND POWER

LOCATION: 1812 BOXELDER STREET; LOT 1A, BLOCK 5, COLORADO
TECHNOLOGY CENTER

CASE NUMBER: 13-018-FP

DATE AND TIME: THURSDAY, MAY 9, 2013 AT 6:30 PM

PLANNING COMMISSION

DATE AND TIME: TUESDAY, MAY 21, 2013 AT 7:00 PM

CITY COUNCIL (TENTATIVE)

PLACE: CITY COUNCIL CHAMBERS, 2ND FLOOR
LOUISVILLE CITY HALL
749 MAIN STREET
LOUISVILLE, COLORADO

PERSONS IN ANY MANNER INTERESTED IN THE ABOVE DESCRIBED APPLICATION ARE ENCOURAGED TO ATTEND THE PUBLIC HEARING AND/OR PROVIDE COMMENTS BY WAY OF THE FOLLOWING:

MAIL: LOUISVILLE PLANNING DIVISION
749 MAIN STREET
LOUISVILLE, CO 80027

E-MAIL: PLANNING@LOUISVILLECO.GOV

PUBLISHED IN THE DAILY CAMERA SUNDAY, APRIL 21, 2013

(POSTED IN CITY HALL, PUBLIC LIBRARY, RECREATION CENTER AND THE COURTS AND POLICE BUILDING ON FRIDAY, AND MAILED TO SURROUNDING PROPERTY OWNERS AND TENANTS ON FRIDAY, APRIL 19, 2013)

IF YOU ARE INTERESTED IN ATTENDING THIS HEARING, PLEASE CALL 303.335.4592 PRIOR TO THE MEETING TO CONFIRM THIS APPLICATION WILL BE HEARD AS SCHEDULED OR IF IT HAS BEEN POSTPONED OR CANCELLED.

WWW.LOUISVILLECO.GOV

MEMORANDUM

Date: April 10, 2013
To: Sean McCartney, Principal Planner
City of Louisville Planning Department
From: Francisco Oyague
Boulder Wind Power
Re: Boulder Wind Power, 1812 Boxelder Street – Final PUD

Dear Sean,

The following narrative outlines the proposed changes to the Amended PUD for 1812 Boxelder Street, dated April 12, 2012. Boulder Wind Power is a local company that designs and manufactures wind power generators for clients on a per-order basis. Boulder Wind Power is proposing to increase the allowable height of our generator test tower by 9' in order to accommodate the test of the first commercial prototype which is 56' in diameter.

The Amended PUD approved in 2012 allows construction of an approximate 38' high steel tower, approximately 10' in diameter. The PUD application submitted in 2012 was developed based upon the size of the Company's demonstration generator prototype which is currently being tested inside Boulder Wind Power's facility at 1812 Boxelder Street. Since that time, the Company has executed a Prototype Development Agreement with one of the world's leading wind turbine manufacturers. The agreement calls for Boulder Wind Power to design, build and test a 3 megawatt wind turbine generator in 2013. The prototype generator will then be delivered to the customer's field test site in 2014.

The preliminary design of this commercial prototype has been completed. The generator will be approximately 56' (17 meters) in diameter, and increase of approximately 16' (5 meters). The proposed tower height of 47' will facilitate testing of the commercial prototype as well as other future designs. During testing, the prototype generator will be lifted and mounted onto the test tower by a crane, and the total height during testing will be approximately 70'. Consistent with the approved PUD from 2012, this total height is temporary and the generator testing period is relatively short. We anticipate test periods of approximately 60 days, and that testing of prototype generators at this height will occur 1-2 times per year. As a result, we expect that the total period of time that the height would exceed 50' will be significantly less than the 150 days approved in the PUD. Once the testing is complete, the generator will be removed from the tower by a crane, disassembled and shipped to the customer.

When the tower is not in use for testing, it will stand empty at 47' tall until the next generator is ready for testing. We note that the test tower could be used for testing of generators up to 73' (22 meter) in diameter, which is the largest generator that could be assembled and tested inside our facility at 1812 Boxelder. A generator of this size would result in a total height of 80' during temporary testing periods. As you can see in our simulated photographs in the attached package, this is not dissimilar to the heights of cranes used during typical construction activities.

The tower assembly remains in the northwest portion of the site, away from the road to the south and the residential property to the east. We've endeavored to minimize the impact to the existing drainage of the site by keeping the tower and the concrete pads associated with the generator attachment procedure out of an existing drainage pond. Consistent with the requirements of the CTC's Architectural Control Committee, the tower will be painted a color matching the paint scheme of the building.

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 _____

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 _____

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, _____ Fim No. _____ Reception.

Clerk & Recorder _____

Deputy _____

FINAL P.U.D.

1812 BOXELDER STREET

LOUISVILLE, COLORADO 80027

LEGAL DESCRIPTION:

Lots 1&2, Block 5, Colorado Technological Center
City of Louisville, County of Boulder, State of Colorado

PROJECT AREA:

3.48 Acres (151,575 sf)

FACILITY USE:

R&D facility, for wind power generators, with support offices. No Hazardous Materials.

The mounting and testing of the generator atop the tower shall be limited to eight (8) times, or no more than one hundred and fifty (150) days per year.

PROJECT DESCRIPTION:

Construct a new, exterior test tower and adjacent gravel pads to facilitate testing of wind power generators. Tower will stand empty for a majority of a given year, with the generator being attached and tested for occasional, short durations.

LAND USE:

Building Footprint	31,600 sf	20.8 % (unchanged)
Future Expansion	12,400 sf	8.2 % (unchanged)
Driveways/Parking/Sidewalks (based on future expansion)	58,655 sf	38.7 %
Holding Area (Incoming Materials)	3,476 sf	2.3 % (unchanged)
Landscaping (based on future expansion)	45,444 sf	30.0 %
Site Area	151,575 sf	100.0 %

HEIGHT:

Building Height 36 ft (unchanged)

Test Tower (empty) 38 ft

Test Tower (w/ generator) 54 ft

BUILDING AREA:

Total 37,335 sf (unchanged)

PARKING:

Standard Parking (existing) 66 sp

HC Parking (existing) 2 sp

Total Parking 68 sp

Average parking ratio SF/Space 549

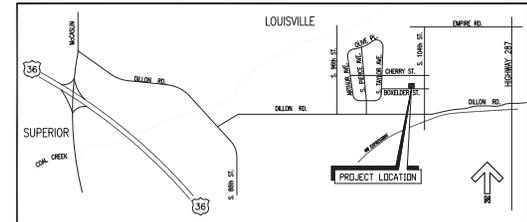
Average parking ratio Spaces/1000 SF 1.82

EXTERIOR LIGHTING:

Existing pole-mounted and building-mounted lighting to remain.

SHEET INDEX

SHEET NUMBER	SHEET TITLE
A000	COVER SHEET
A100	SITE PLAN
A200	BUILDING ELEVATIONS - DISC OPTION 1
A300	BUILDING ELEVATIONS - DISC OPTION 2
C100	LOVE SITE PLAN



VICINITY MAP
NTS

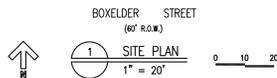
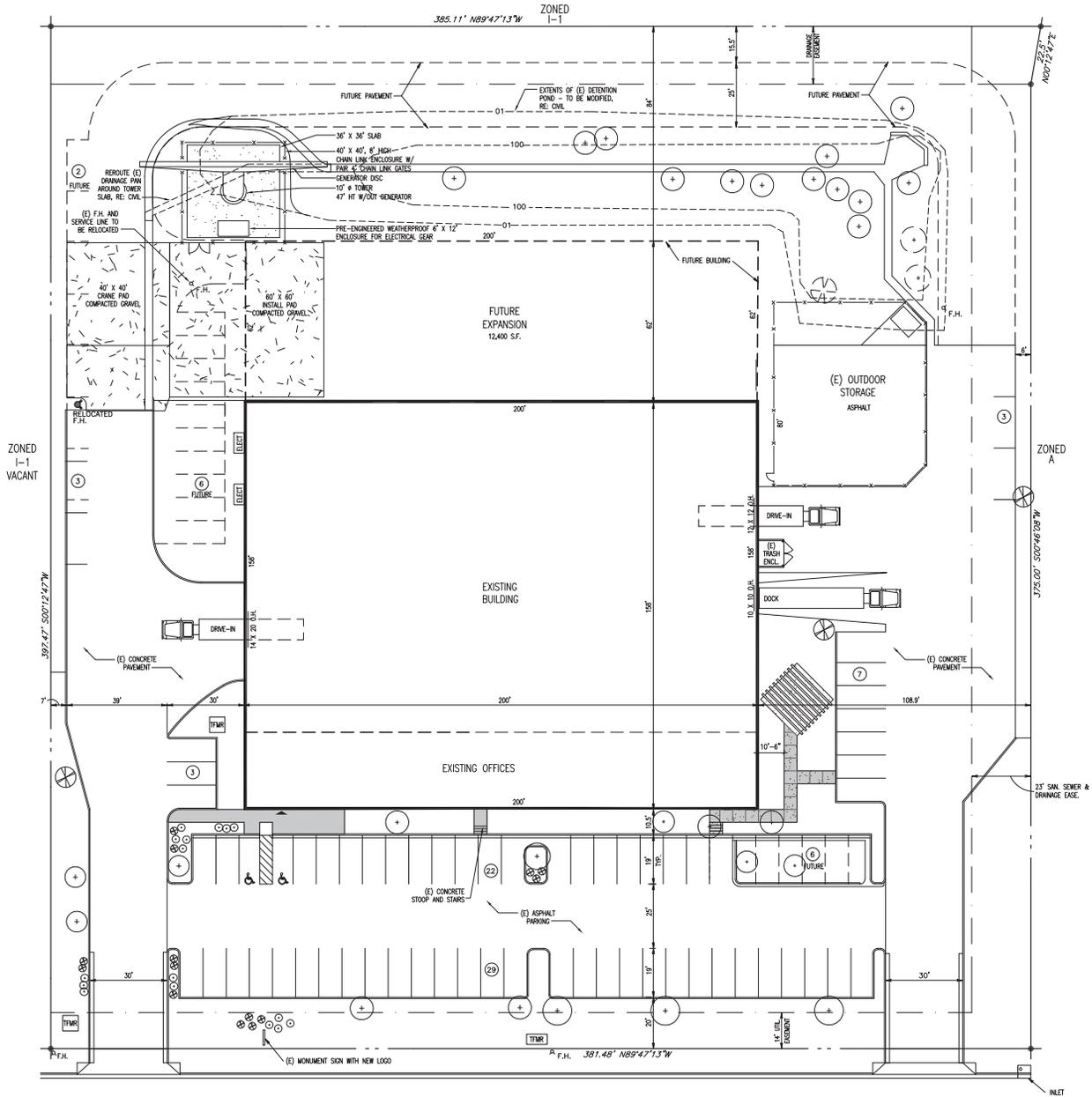
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2	4/2/12	FINAL PUD SUBMITTAL
1	2/9/12	FINAL PUD SUBMITTAL
NO.	DATE	REVISION

PEH ARCHITECTS
1319 Spruce Street, Suite 207
Boulder, CO 80302
303-442-0408, fax: 303-447-1905
e-mail: pehelnz@peharchitects.com

BOULDER WIND POWER
1812 Boxelder Street
Louisville, CO 80027

SHEET TITLE
COVER SHEET

PROJECT:	2011.35		SHEET NUMBER
DATE:	12/12/11		A000
DRAWN BY:	ERG		OF
CHECKED BY:	PCB		



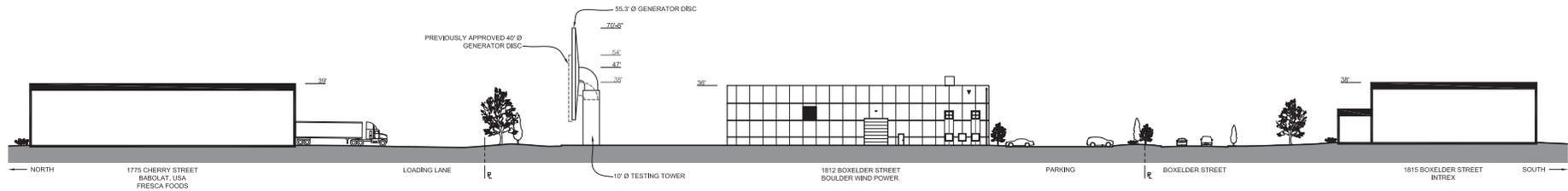
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2	4/2/12	FINAL PUD SUBMITTAL
1	2/9/12	FINAL PUD SUBMITTAL
NO.	DATE	REVISION

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 303-442-0408, fax: 303-447-1905
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BOULDER WIND POWER
 1812 Boxelder Street
 Louisville, CO 80027

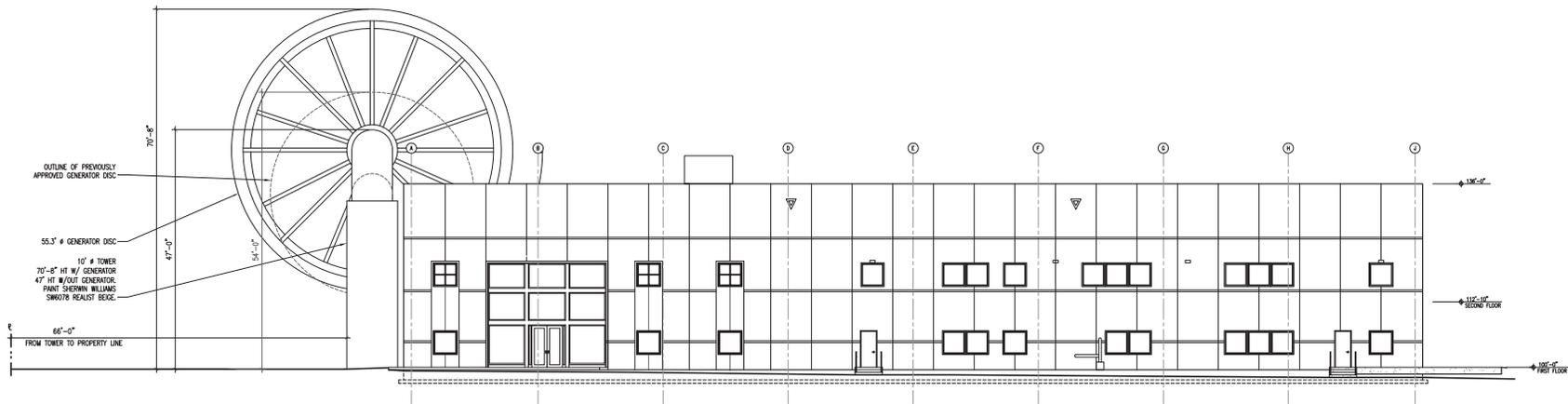
SHEET TITLE
SITE PLAN

PROJECT:	2011.35		SHEET NUMBER
DATE:	12/12/11		A100
DRAWN BY:	ERG		OF
CHECKED BY:	PCB		



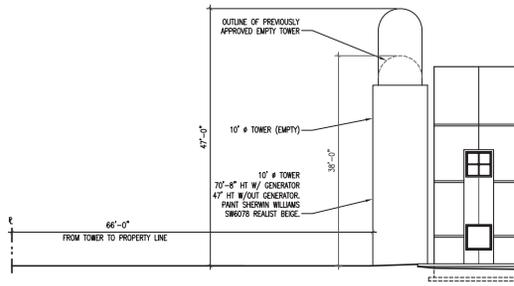
CHARACTER NORTH/SOUTH SITE SECTION
1" = 30'-0"

0 15 30



SOUTH ELEVATION
3/32" = 1'-0"

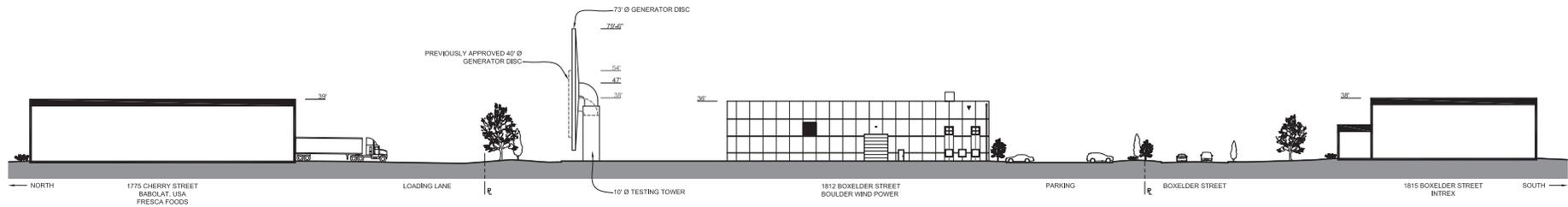
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PARTIAL SOUTH ELEVATION
3/32" = 1'-0"

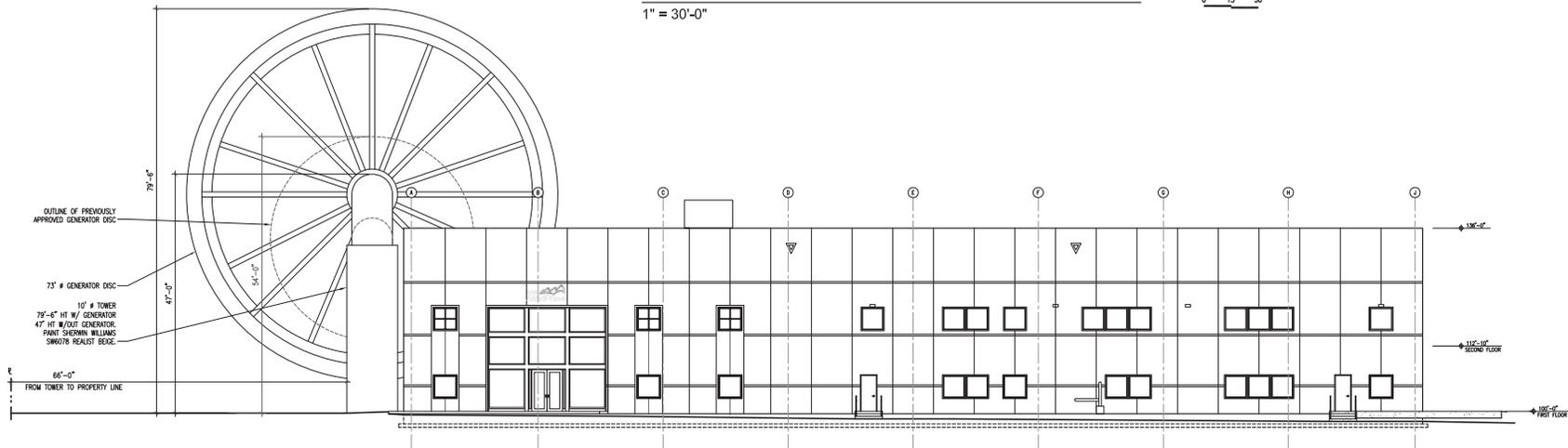
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2	4/2/12	FINAL PUD RESUBMITTAL
1	2/9/12	FINAL PUD SUBMITTAL
NO.	DATE	REVISION
PEH ARCHITECTS 1319 Spruce Street Suite 207 Boulder, CO 80302 303-442-0408, fax: 303-447-1905 e-mail: pehelnz@peharchitects.com		
BOULDER WIND POWER 1812 Boxelder Street Louisville, CO 80027		
SHEET TITLE BUILDING ELEVATIONS DISC OPTION 1		
PROJECT:	2011.35	
DATE:	12/12/11	
DRAWN BY:	ERG	
CHECKED BY:	PCB	
		SHEET NUMBER A200 OF

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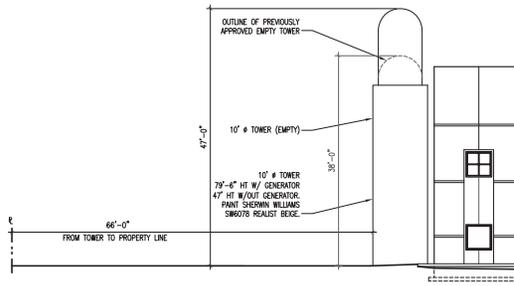
CHARACTER NORTH/SOUTH SITE SECTION
1" = 30'-0"

0 15 30



SOUTH ELEVATION
3/32" = 1'-0"

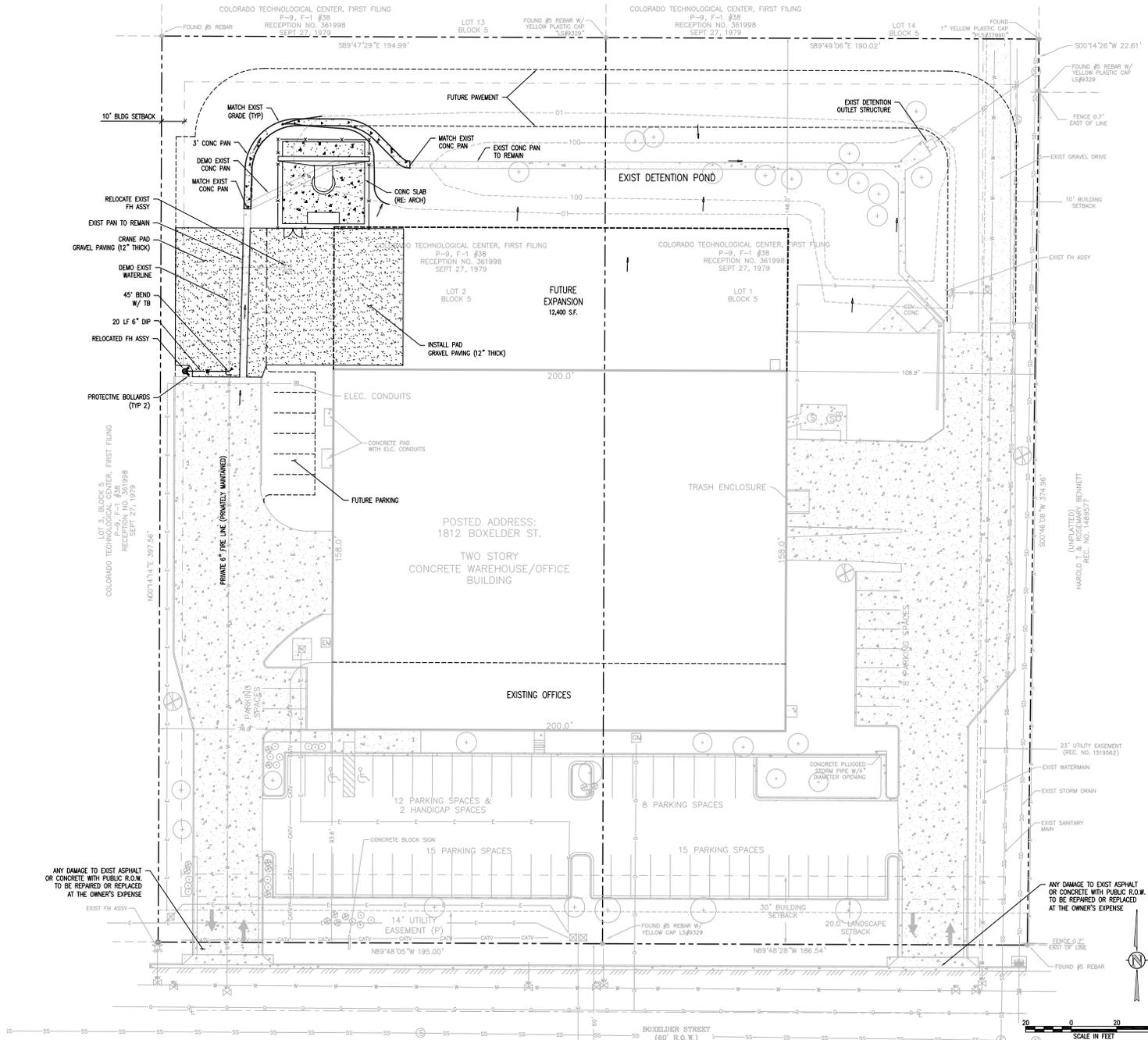
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PARTIAL SOUTH ELEVATION
3/32" = 1'-0"

3	4/12/13	FINAL PUD AMENDMENT
2	4/2/12	FINAL PUD RESUBMITTAL
1	2/9/12	FINAL PUD SUBMITTAL
NO.	DATE	REVISION
PEH ARCHITECTS		
1319 Spruce Street Suite 207 Boulder, CO 80302 303-442-0408, fax: 303-447-1905 e-mail: pehelnz@peharchitects.com		
BOULDER WIND POWER		
1812 Boxelder Street Louisville, CO 80027		
SHEET TITLE		
BUILDING ELEVATIONS DISC OPTION 2		
PROJECT:	2011.35	SHEET NUMBER
DATE:	12/12/11	A201
DRAWN BY:	ERG	OF
CHECKED BY:	PCB	

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2	4/2/12	FINAL PUD RESUBMITTAL
1	2/9/12	FINAL PUD SUBMITTAL
NO.	DATE	REVISION

PEH ARCHITECTS
 1319 Spruce Street Suite 207
 Boulder, CO 80302
 303-442-0408, fax: 303-447-1905
 e-mail: pehelnz@peharchitects.com

BOULDER WIND POWER
 1812 Boxelder Street
 Louisville, CO 80027

SHEET TITLE
CIVIL SITE PLAN

PROJECT:	2011.35		SHEET NUMBER
DATE:	3/30/12		C100
DRAWN BY:	MM		or
CHECKED BY:	CM		



ANY DAMAGE TO EXIST ASPHALT OR CONCRETE WITH PUBLIC R.O.W. TO BE REPAIRED OR REPLACED AT THE OWNER'S EXPENSE

ANY DAMAGE TO EXIST ASPHALT OR CONCRETE WITH PUBLIC R.O.W. TO BE REPAIRED OR REPLACED AT THE OWNER'S EXPENSE



RENDERINGS FOR BWP HORIZONTAL AXIS TEST TOWER @ 1812 BOXELDER STREET

Overview of Photoshoot

How BWP determined the maximum height and dimensions for BWP's stub tower and horizontal axis test stand:

- Filled two large balloons with helium
- On a sunny and mild day the balloons were anchored to the ground where the tower base will meet the foundation
- BWP team members attached the balloons to a string with markings for various measurements
- BWP team members drove around the perimeter of the Colorado Technology Center in Louisville photographing the CTC with the balloons at various locations
- After gathering these photographs, BWP pulled full renderings into Photoshop and adjusted the scale and angle of the test stand renderings appropriately to match the distance and angle of the photograph

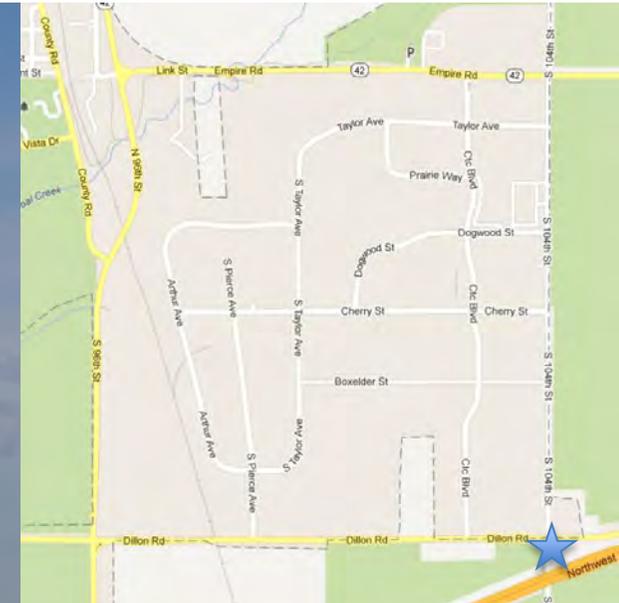


17-Meter Generator, Shot 1

Intersection of S 104th and Dillon Road

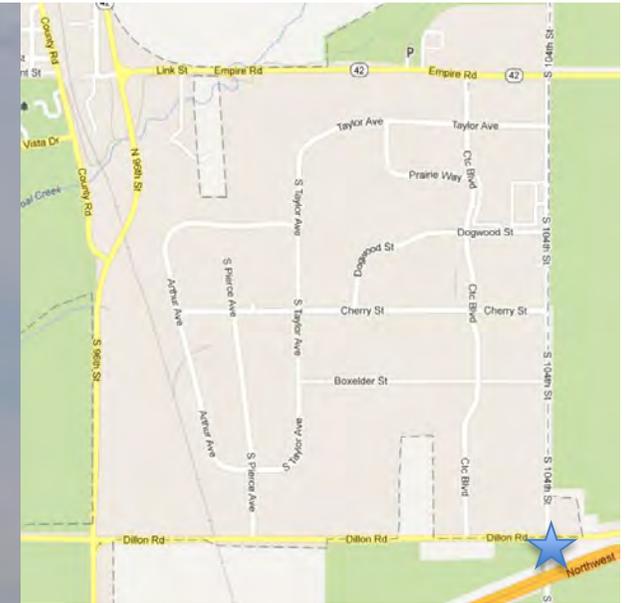


Nearby construction crane



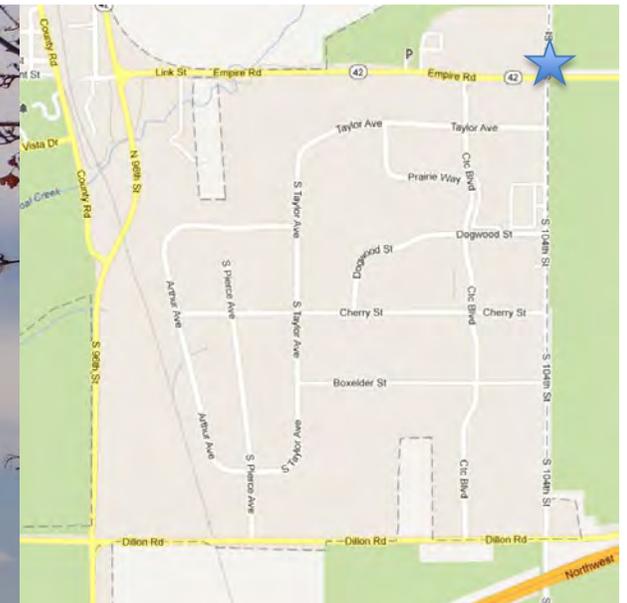
17-Meter Generator, Shot 2

Intersection of S 104th and Dillon Road - Zoom



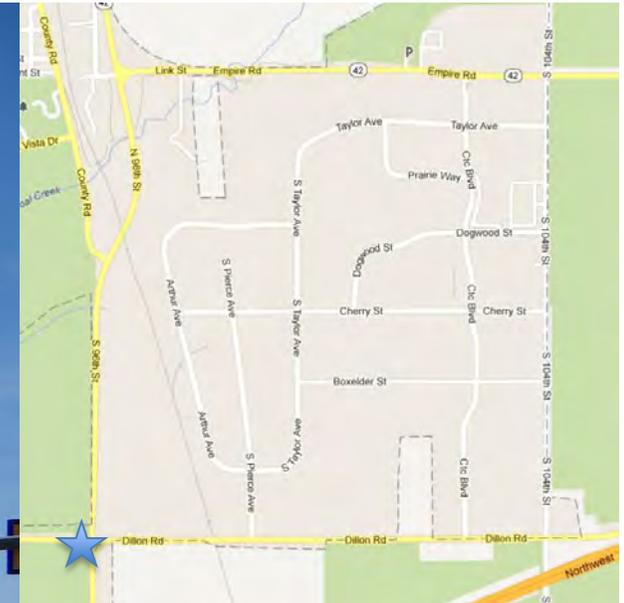
17-Meter Generator, Shot 3

Intersection of S 104th and Empire Road (Rt 42)



17-Meter Generator, Shot 4

Intersection of S 96th and Dillon Road

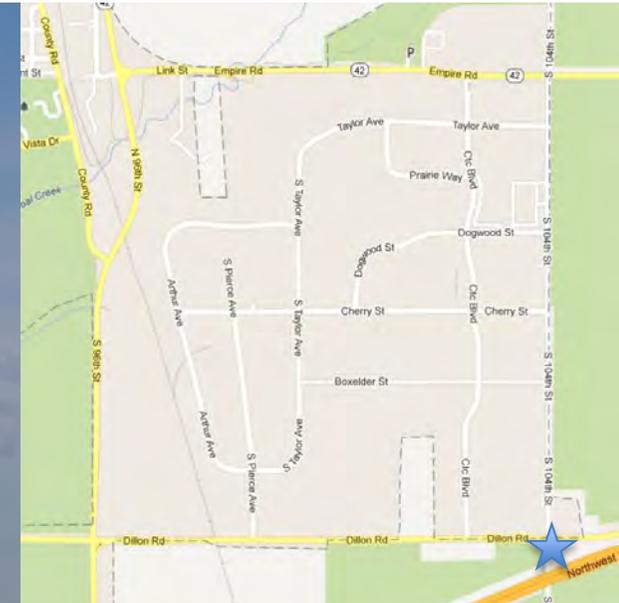


22-Meter Generator, Shot 1

Intersection of S 104th and Dillon Road

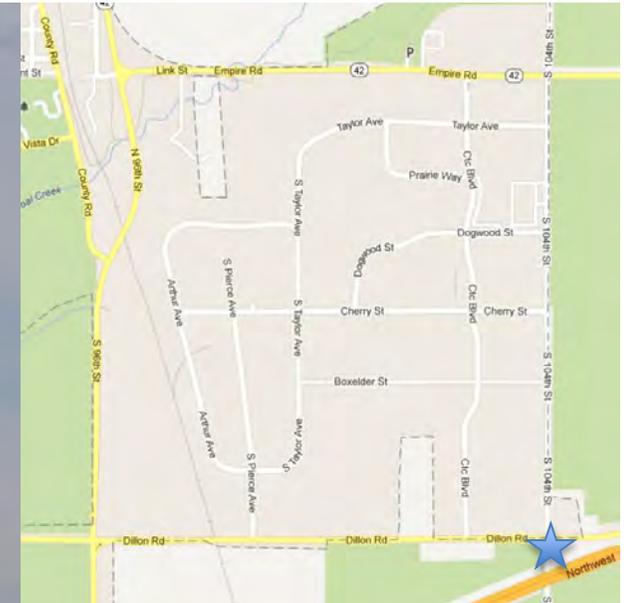


Nearby construction crane



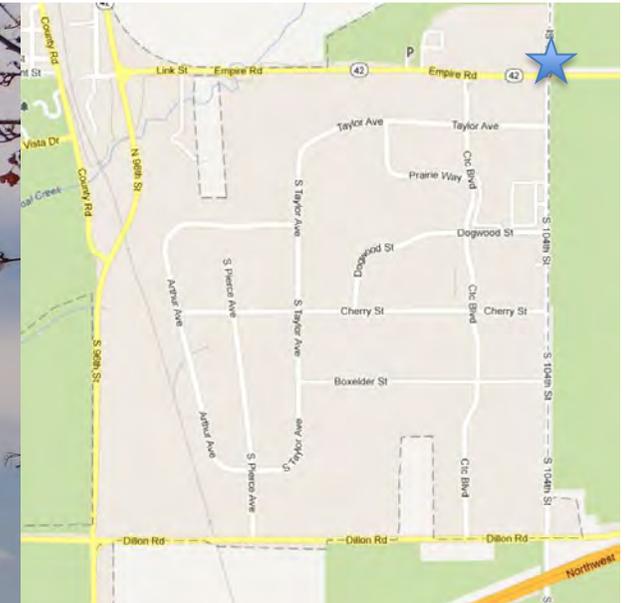
22-Meter Generator, Shot 2

Intersection of S 104th and Dillon Road - Zoom



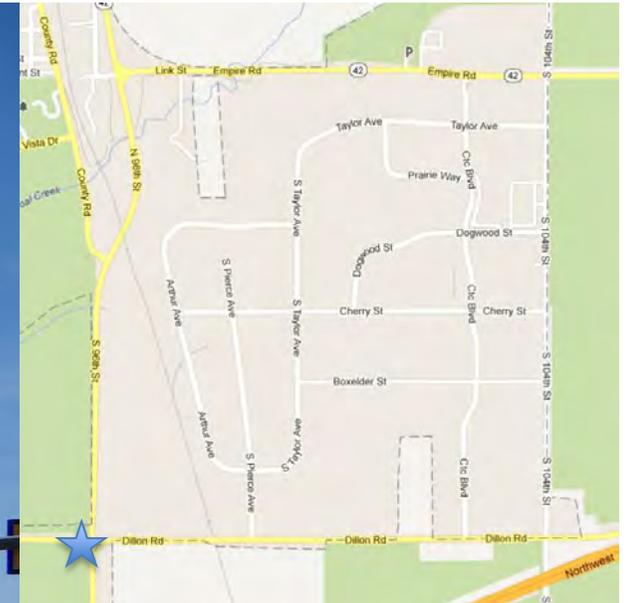
22-Meter Generator, Shot 3

Intersection of S 104th and Empire Road (Rt 42)



22-Meter Generator, Shot 4

Intersection of S 96th and Dillon Road



May 2, 2013
Certified Mail

Bittersweet Café
Attn: Patrick Walsh and Azadeh Walsh
836 Main Street
Louisville, CO 80027

Re: Administrative Special Review Use Amendment – Bittersweet Café, 836 Main St.

The purpose of this letter is to inform you the Planning Division has granted administrative approval of a Special Review Use (SRU) Amendment request to place a walk-in cooler on the front patio, on the northwest side of the building, visible from Main Street, for the Bittersweet Café Located at 836 Main Street with two conditions. These conditions are in addition to the three conditions established in the original SRU (11-013-UR):

- 4) *A visual screen in the form of a large planter box and trellis shall be constructed to hide the cooler from Main Street; and,*
- 5) *A bicycle rack will be placed in front of the planter to promote alternative modes of travel in Downtown Louisville and to activate that portion of the patio.*

Conditions of 11-013-UR (Administrative Review) still in effect:

- 1) *The outdoor patio shall not be used past 12 a.m.*
- 2) *Amplified live entertainment shall be allowed only on the south and eastern patios and shall be restricted to Friday evenings, weekends, holidays, and City sponsored special events. Amplified live entertainment shall be prohibited on the Main Street patio.*
- 3) *A minimum of 6 parking spaces shall be provided on site.*

836 Main Street is located in Downtown Louisville and in the Commercial Community (CC) Zone District. According to the Louisville Municipal Code (LMC) Section Sec. §17.12.040 - Yard and Bulk Requirements (Footnote #10), the aesthetics of development proposed in Downtown Louisville is governed by the Downtown Design Handbook. Additionally, the current patio design and operation at 836 Main Street is governed by an SRU permit approved May 2, 2011.

The requested walk-in cooler requires an amendment to the current SRU permit for the patio and must be consistent with the design guidelines documented in the Downtown Handbook.

Planning staff followed the administrative review process for the SRU Amendment request and has concluded the request, with two (2) conditions, meets the design

guidelines documented in the Downtown Handbook and the seven administrative SRU criteria listed in §17.40.105 of the Louisville Municipal Code (LMC). The City notified all property and business owners within 500-feet of the requested use and three responses were received by the Planning Division during the 15-day comment period. Two of the letters were supportive of the request. One letter raised concerns related to possible noise generated by the compressor of the walk-in cooler. Staff concluded the noise concern was not valid in that the City has a noise ordinance in place that would protect Downtown from inappropriate noise that could be generated by the compressor.

This SRU Amendment approval is granted to the operators of the Bittersweet Café to modify the patio design to include a walk-in cooler on the northwest side of the building, visible from Main Street, in accordance with application number 13-014-UR which is on file in the City of Louisville Department of Planning and Building Safety.

We hope you are successful.

Respectfully,

A handwritten signature in blue ink, appearing to read 'T. Russ', is positioned above the typed name of the signatory.

Troy Russ, AICP
Director of Planning and Building Safety

Cc: Malcolm Fleming, City Manager
Aaron DeJong, Director of Economic Development
Ken Swanson, Chief Building Official

Attachment:

- 1) *Special Review Use Amendment - Administrative Review Staff Report*

**Bittersweet Cafe
836 Main Street
Louisville, CO 80027**

SPECIAL REVIEW USE CRITERIA:

Louisville Municipal Code §17.40.105 lists seven criteria to be considered by the Planning Division in reviewing an Administrative Special Review Use application, which follow.

- 1) *The property upon which the proposed use is located is not contiguous to any residentially zoned property. Public right of way and private streets or alleys will not be considered when determining contiguity;*

836 Main Street is not contiguous with a residential zoned district, or parcel. Staff finds this criterion is met. **Staff finds this criterion is met.**

- 2) *New building construction associated with the proposed special review use, whether for a new building or an addition to or expansion of an existing building, does not exceed 200 square feet;*

The proposed special review use does not require new building construction, or expansion of 200 square feet or larger. The walk-in cooler is less than 200-square feet in size. Staff finds this criterion is met. **Staff finds this criterion is met.**

- 3) *The proposed use is consistent in all respects with the spirit and intent of the comprehensive plan and of this chapter, and is not contrary to the general welfare and economic prosperity of the city or the immediate neighborhood;*

The Comprehensive Plan encourages a vibrant mix of land use in Downtown Louisville to meet the needs of the Louisville citizenry. The proposed walk-in cooler will increase the economic efficiency of the current business owner and will, with the proposed conditions, fit within the pedestrian character of Downtown Louisville. **Staff finds this criterion is met.**

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

The Downtown Design Handbook, Policy G-17:2 states: *“locate service areas along the rear of a site, access by an alley, when feasible.* Staff worked with the applicant and concluded it was impractical to locate the walk-in cooler in the rear of the property. Staff concluded the proposed location is the only feasible location for the facility.

Policy G-17:3 states: *“Trash areas, including large waste containers (dumpsters) should also be screened from view of major pedestrian routes, using a fence or hedge. For larger storage facility, consider using a shed to enclose it”.* Staff worked with an applicant to screen the walk-in cooler from Main Street with the proposed planter, trellis, and bike rack. Furthermore staff worked with the applicant so that the proposed walk-in cooler

would not hide important architectural details of either the Mossoni House, or the Henning Mortuary Building.

The allowance of this walk-in cooler will improve the economic efficiency of the current business owner and will support future businesses, lending economic stability. The proposed conditions will allow the request to fit within the physical character of Downtown Louisville **Staff finds this criterion is met.**

- 5) *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;*

The proposed use as depicted on the SRU Amendment will adhere to the International Building Code (IBC) for building access and is adequate for the internal efficiency of the proposal. **Staff finds this criterion is met.**

- 6) *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;*

No significant additional external impacts are expected with this proposed use. The required planter, trellis and bike rack will minimize off-site visual impacts of the walk-in cooler. **Staff finds this criterion is met.**

- 7) *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.*

Existing sidewalks are adequate to service the proposed use. The additional bike rack will improve the pedestrian flow to the site. **Staff finds this criterion has been met.**

FISCAL IMPACT:

The proposed facility will improve the operational and economic efficiency of the current business operations. It is expected to provide a net positive fiscal benefit to the City.