

# ***Planning Commission***

## ***Agenda***

**August 8, 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
  - July 11, 2013
- V. Public Comment on Items Not on the Agenda
- VI. Regular Business – Public Hearing Items
  - **Resolution No. 17, Series 2013: Retail Marijuana – LMC Amendment:** An amendment to appropriate sections of the Louisville Municipal Code regarding the use of retail marijuana.
    - Applicant, Owner and Representative: City of Louisville
    - Case Manager: Troy Russ, Planning Director and Scott Robinson, Planner I
  - **Resolution No. 18, Series 2013: Coal Creek Station Zoning:** A request to rezone a 10.97 acre parcel of land located at 1032 E. South Boulder Road from City of Louisville Commercial Business (CB) zoning to City of Louisville Mixed-Use Residential (MU-R), Residential Medium Density (RM) and Commercial Community (CC). Case No. 13-004-PS/PP/ZN
    - Applicant and Representative: BVZ Architects (Gary Brothers)
    - Owner: Coal Creek Station Properties, LLC (Bill Arnold)
    - Case Manager: Scott Robinson, Planner I
- VII. Discussion / Direction
  - **Planning Commission Annual Work Goals:** The City Council and Planning Commission Study Session is scheduled for Tuesday, September 10, 2013.
- VIII. Planning Commission Comments

**IX. Staff Comments**

- **City Hall Remodel:** 1<sup>st</sup> floor modifications

**X. Items Tentatively Scheduled for Next Regular Meeting: September 12, 2013.**

- **Gun Club and Training Center:** A special review request (SRU) to allow the operation of an indoor shooting range, training center, gun club and small retail area within the Industrial (I) Zone District. 1721 Boxelder St, Suite 102; Lot 11, Block 4, CTC 1: Case No. 13-030-UR.
  - Applicant, Owner and Representative: Richard Weingarten
  - Case Manager: Sean McCartney, Principal Planner
- **Steel Ranch Marketplace (Art Center):** A preliminary planned unit development (PUD) plan and a request to replat Lot 1, Block 9, Takoda Subdivision for the first phase development of an approximate 8,000 SF art center. 2397 HWY 42; Lot 1, Block 9, Takoda Subdivision: Case No. 13-031-PP/PS
  - Applicant, Owner: Takoda Properties, Inc.
  - Representative: RMCS, Inc. (Justin McClure)
  - Case Manager: Sean McCartney, Principal Planner
- **Public Works Discussion: Skinny Streets**

**XI. Items Tentatively Scheduled for the Overflow Meeting: September 26, 2013.**

- **Food Truck Ordinance:** An amendment to appropriate sections of the Louisville Municipal Code regarding the sale of food items from mobile facilities.
  - Applicant, Owner and Representative: City of Louisville
  - Case Manager: Troy Russ, Planning Director
- **Backyard Chickens Ordinance:** An amendment to appropriate sections of the Louisville Municipal Code regarding the keeping of chickens in the city limits of Louisville.
  - Applicant, Owner and Representative: City of Louisville
  - Case Manager: Troy Russ, Planning Director
- **Public Notice Requirement Ordinance:** An amendment to appropriate sections of the Louisville Municipal Code regarding public notice requirements.
  - Applicant, Owner and Representative: City of Louisville
  - Case Manager: Troy Russ, Planning Director

**XII. Adjourn**

# ***Planning Commission***

## ***Meeting Minutes***

**July 11, 2013**

**City Hall, Council Chambers**

**749 Main Street**

**6:30 PM**

**Call to Order** – Lipton called the meeting to order at 6:32 P.M.

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

**Commission Members Present:** Jeff Lipton, Chairman  
Chris Pritchard, Vice-chairman  
Ann O’Connell, Secretary  
Cary Tengler  
Jeff Moline

**Commission Members Absent:** Scott Russell  
Steve Brauneis

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

### **Approval of Agenda –**

Tengler moved and O’Connell seconded a motion to approve the agenda. Motion passed by voice vote.

**Public Comments:** Items not on the Agenda

None heard.

### **Regular Business –**

- **Resolution No. 16, Series 2013: DELO:** (1000 Griffith Street and 1125 Short Street) A request to consider a special review use (SRU), rezone, redevelop (PUD) and plat a 14.13 acre parcel within the core project area of the HWY 42 Framework Plan. The project will be rezoned from Industrial (I) to Mixed Use – Residential (MU-R) and developed to include a diversity of housing products, civic spaces, urban plazas, streetscapes and commercial opportunities. This proposal includes a request to modify Exhibit A, Land Use Plan Exhibit, of Chapter 17.14 – Mixed use Zone District, of the Louisville Municipal Code. Case No. 13.016-PS-PP-ZN.

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**City of Louisville**

*Department of Planning and Building Safety*

*749 Main Street Louisville CO 80027*

*303.335.4592 (phone) 303.335.4550 (fax) www.LouisvilleCO.gov*

- Applicant and Representative: RMCS, Inc (Justin McClure)
- Owners: PDI Trust (Patricia Irwin); DELO, Inc. (Justin McClure); RMSC, Inc. (Justin McClure)
- Case Manager: Sean McCartney, Principal Planner

Public Notice Certification:

Published in the Camera on June 23, 2013. Posted in City Hall, Public Library, Recreation Center and the Courts and Police Building and mailed to surrounding property owners on June 21, 2013.

Conflict of Interest:

None heard.

Staff Report of Facts and Issues:

McCartney stated the project request includes preliminary plat, preliminary planned unit development (PUD) plan, rezoning and Louisville Municipal Code (LMC) amendment regarding Exhibit A in Section 17.14 of the Louisville Municipal Code (LMC) .

McCartney reminded the Commission a preliminary review includes site planning, density, bulk and mass at a conceptual level. More specific design details will be presented at the final review stage. Mr. McCartney stated staff used the following regulatory documents during the review of the project: the LMC Section 17.14 (Mixed Use Development Design Standards and Guidelines (MUDDSG)), and the Highway 42 Framework Plan. He also provided a brief review of the history of each of the documents and their relationship to the requested DELO project.

McCartney continued with a discussion of the following:

- Zoning
  1. Current: Mixed-Use Residential (MU-R) and Industrial (I)
  2. Proposed: Mixed-Use Residential (MU-R)
- Special Review Use (SRU)
  1. Include ground floor residential along Cannon Street
  2. Reviewed the five (5) criteria and stated all five have been met.
- Plat
  1. 14.13 acres
  2. Replat of two plat: Industrial Area Sub and Caledonia Place
  3. Extends Front and Cannon Street south
  4. Vacates Lafayette Street, while the City retains a 50' utility easement
  5. Creates private roads which provide access to housing developments
  6. Creates adequate public space that is privately maintained.
- Access Points
  1. Three primary points of access from Hwy 42: Griffith Street, Short Street and South Street.
  2. A signal is planned for Short Street, when warranted. It is be designed by CDOT in FY 2015.
  3. Access from Main Street along Griffith Street.
  4. Addition primary access points: 2 on Griffith Street, 1 on Short Street and 1 on South Street.
  5. South Street Underpass
- Right of Way (ROW) Vacation of Lafayette Street

1. Intent is to put a community garden and a private parking lot / access road.
2. A 60" storm sewer is located in the ROW and Public Works reserves the right to require a utility easement for the storm sewer
- PUD – for ease of review has been divided into three (3) development areas
  1. 14.13 acres in size
  2. 244 residential units (19 DU/Acre)
  3. 12,000 SF commercial/office
  4. 2 acres of public open space
  5. Includes pedestrian plaza and new roadways
  6. Requires the demolition of four (4) existing structures (3 of which are 50 years or older)

The following is a summary of the three development areas:

- Area #1
  1. 72 townhome units
  2. 229 parking spaces
  3. Rear loaded access
  4. Building face ROW with windows and doors opening to the street
  5. Complies with the MUDDSG with one exception: 20' lot width requested where 40' is required.
  6. MUDDSG requires specific height and transitions:
    - a. Height: 35'45'; 2 to 3 stories; and a transition to the north
    - b. Transition of height requires no building taller than 35' within 50' from property line
- Area #2
  1. 36 apartments/condos
  2. 87 parking spaces
  3. Buildings face ROW with windows and doors opening to the street
  4. Creates public plaza
  5. Complies with MUDDSG
  6. MUDDSG requires specific height and transitions:
    - a. Height: 35'45'; 2 to 3 stories
- Area #3
  1. 136 apartments/condos
  2. Mixed Use
  3. 276 parking spaces
  4. Rear parking (surface, covered, podium)
  5. Building face ROW with windows and doors opening to street
  6. Creates "Woonerf": designed to share space by pedestrians and vehicles.
  7. Adjacent to South Street Underpass
  8. Complies with the MUDDSG with one exception of a building length along a street front: requesting 245' where 200' is requires.
  9. MUDDSG requires specific height and transitions:
    - a. Height: 35'45'; 2 to 3 stories; and a transition to the south
    - b. Transition of height requires no building taller than 35' within 50' from property line

McCartney provided details of the density calculation. Discussion included a summary of the LMC Section 17.14.090.C.1.a: Calculated Gross Density. *Residential density in Table 3 above is calculated as gross density, and shall be measured as an average including over the gross land area of only the residential portion of the site (as determined by the City), plus one-half (1/2) the area of any adjacent street or alley right of way. For developments with mixed-use buildings containing both residential and nonresidential uses, residential density is measured including the gross land occupied by the entire mixed-use building.*

McCartney reviewed the traffic with the following points:

- Project will coincide with the redevelopment of HWY 42 scheduled to begin in 2016.
- HWY 42 is to maintain its currently LOS.
  1. 2,484 total vehicle trips per day
    - a. Morning: 68 enter/132 exit
    - b. Evening: 142 enter/88 exit
- Walkable Community
- Signal at Short Street and Hwy 42 will benefit ingress and egress

McCartney provided the following Transit Oriented summary:

- Provides sight lines and pedestrian access from Short Street to future rail platform
- Provides circulatory routes for bus transit
- Provides direct access to South Street Underpass
- City continues discussions with RTD to determine parking alternatives through Northwest Area Mobility Study (NAMS)
- 300 transit spaces still planned for Louisville Sports Complex

McCartney summarized the requested waivers:

1. **Maximum Building Length Along Street:** The applicant is proposing building portals with pedestrian bridges on the 3<sup>rd</sup> floor leaving the building notched out on ground floor.
2. **Street Sections: Skinny Streets** to reduce speeds, pedestrian crossings, costs and heat radiation.
3. **Minimum Lot Width:** For platting purposes only – outward appearance of building will be standard townhome design

McCartney concluded with the following recommendations:

1. The requested waivers are appropriate under LMC Section 17.14.090 to allow for an effective development given the location and surrounding land uses. The applicant is also requesting and staff is recommending the following changes to Chapter 17.14 of the LMC:
  - a. Adjustments to the “Exhibit A” Land Use Plan to allow for a more connected street network and proposed land uses, and
  - b. Changing the land designated for RTD parking to Mixed-Use Residential (consistent with the approved rezoning Ordinance 1535, Series 2008)
2. **Conditions of approval:**
  - a. The negotiation process for the ROW extension through the Tebo property is to be completed prior to the submittal of the final plan.

- b. The applicant shall provide turning templates and show all corners are navigable prior to the approval of the final plat and PUD.
- c. All street width and street design details shall be finalized prior to submittal of the final PUD.
- d. The applicant shall demonstrate architectural details for the residential buildings along Cannon Street at final PUD.

Commission Questions of Staff:

**Note:** *The questions/comments/concerns were addressed during the staff presentation and are inserted within this section of the minutes.*

Moline asked for a clarification of the hatch markings on the illustrations/maps. Staff provided the explanation of each marking throughout the presentation at the appropriate places in the presentation.

Lipton and Russ discussed the RTD parking and the NW Area Mobility Study. Russ noted additional conversations are needed with other property owners within the HWY 42 area. He also noted the information will probably not be available for inclusion in the final documents especially if the DELO project comes forward with the final sometime in the next year.

Moline expressed urban design concerns regarding the alignment of Cannon Street. Moline stated he hoped the roadway would align with Lee Street in order to give Miners' Field a more prominent position in the Development.

Russ reviewed the relationship of Lee Street to the Hwy 42 Framework Plan and the HWY 42 Gateway Plan; He stated the disconnected feature of the Cannon Extension to Lee Street was deliberate to discourage cut-through traffic.

Lipton asked if the applicant had prepared a Fiscal / Economic Analysis.

McCartney stated the applicant had completed an Economic Analysis and was being reviewed by staff. . He also stated a copy of the analysis will be provided to the Planning Commission during the final approval process.

Lipton and Russ discussed the LOS, density and transportation.

Lipton requested a clarification of the parking ratio within each development area.

Tengler requested clarification regarding the 20' lot width.

McCartney compared the proposed to the Steel Ranch South project and the request of the lot width is a similar request.

Lipton, Russ and McCartney discussed the following street related topics: width, parking, snow removal and storage of snow.

Staff noted the Public Works Department has been working closely with the applicant and the Planning Department on the street design.

Lipton requested staff invite a representative of the Public Works Department attend a Planning Commission meeting to discuss in general terms street designs.

Lipton asked staff to discuss the "Woonerf" concept.

Russ provided an overview of a “Woonerf” and how this applicant has adapted the concept to this project.

Lipton noted the four (4) letters of communications received at the meeting.

Pritchard moved and Moline seconded a motion to enter the four letters into the record. Motion passed by voice vote.

Applicant Presentation:

Justin McClure, 950 Spruce Street, DELO and RMCS. He stated the project has been in the process since 2010. He continued by answering some of the questions raised during the staff presentation.

- 12,000 SF of retail is planned for the South Street area which is also referred to as the Gateway Plaza.
- The Fiscal / Economic Analysis will be available as requested with the final review documents.
- Confirmed the 20’ lot width follows the same theory as the Steel Ranch South project.
- The Lafayette Street ROW vacation will have no buildings setting in the vacated area. As stated by staff there is 60” storm sewer and the easement will allow access to the line if and when repairs are needed.
- The area will be developed as one phase.

McClure reviewed the process of assembling the property from the following property owners: Aggregate Property, PDI Property and Baker Property. He used a slide to illustrate the location of each property.

McClure used slides to illustrate and discuss the following:

- Original site plan for the project
- Revised site plan based on City’s input.
- Conceptual ideas for the project: residential transitional areas, residential only and commercial area.

Commission Questions of Applicant:

**Note:** *The questions/comments/concerns were addressed during the applicant presentation and are inserted within this section of the minutes.*

Moline asked about the addition of more retail long Cannon in Development Area #1, as well as Development Area #3.

McClure stated the planned retail in Development Area #1 is established for specific ground floor units. The retail in Area #3 might be able to expand on the east side of the street.

Moline inquired if they, as the developer, could encourage the additional retail.

McClure stated the 12,000 SF along South Street, sets the ground work for additional retail in other locations.

Moline discussed a train noise concern and asked how the DELO project will address the train noise.

McClure stated notes have been included on the PUD to address the architecture necessities to dampen the noise.

Lipton reviewed the concerns identified in the letter from Historic Preservation Commission regarding the three structures over 50 years old located within the project site. He requested additional information from the applicant.

McClure reviewed the property locations and stated they are working closely with the current owners of the Baker property to possibly relocate the structure.

Russ stated the staff report provided additional information regarding the structures.

Lipton continued with a discussion of the price points for the project.

McClure stated the apartment rental in Development Area #3 will be comparable to the downtown area - \$18-22 per SF, while the condos are most likely to come in about \$300,000.

Lipton asked if the development had a parking plan.

McClure stated Area #1 has a higher number of parking because of the garages for each unit. Areas #2 and 3 will have assigned parking and possibly a shared parking agreement. He reminded the Commission of the additional 100 parking spaces on Cannon Street.

O'Connell asked if there would be signage at the north end of Front Street, along Griffith Street to prohibit public use of that private street.

McClure stated the public would be permitted to use the street even though it is privately owned and maintained.

**NOTE:** Lipton declared a five (5) minute break at 8:22 PM  
Lipton called the meeting back to order at 8:30 PM.

**Public Comment:**

Linda Haley, 324 Tyler Ave, stated she is representing the Historic Preservation Commission (HPC). She stated that 3 of 4 structures are at least 50 years old and should have an assessment completed to determine if they are eligible for preservation. The properties are located next to the area known as Little Italy. She stated there should be some way to integrate the history and character of the properties into the Revitalization Area.

Moline asked if an assessment is above and beyond the current requirements for those properties.

McCartney stated the assessment of the properties is a typical step for all demolition requests. He reviewed the review process as conducted by the HPC.

Ronda Grassi, 916 Main Street stated she remembers the earlier planning concepts for the Hwy 42 area and she believes the DELO plan covers all of the hopes for this area. She stated she would not like for the HPC process to hold up the development because of the 4 structures. She stated that Louisville is the #1 community to live in because of the people who appreciate our community and take pride in what they build. These developers have demonstrated that through the Takoda and Steel Ranch South projects. She stated the existing downtown needs more foot traffic and this project provides this foot traffic.

Nancy Welch, 920 Main Street, stated she is looking forward to the additional retail/commercial competition that will be created with the development of this project.

Peter Stewart, 1132 Jefferson, stated he is not speaking on behalf of the HPC but as a Louisville resident. He stated the Commission should place value on cultural resources and history of the community. He continued with the demolition of the Rod and Gun Club and the tragedy of its demise. The 2013 Comprehensive Plan speaks to Historic Preservation.

Paul Andrews, 561 Lincoln Ave, stated he has previous financial experience with this type of project and he believes the development will help downtown prosper.

Jim Tienken, 404 W. Spruce Ln. stated he is impressed with the quality of this proposed project. The area has always been a blighted area. He stated he is pleased to hear the project will be built in one phase with the infrastructure being completed first.

Michael Menaker, 1827 Chokecherry, stated he is a member of LRC and noted the letter from the LRC regarding the project. He then addressed the Commission as a private citizen. He stated the 12,000 SF of retail will provide an opportunity for small shops, the residential piece to the project will bring more customers to downtown. He stated his support of the project and requested the Commission forward this to City Council with a recommendation of approval.

Additional Questions to Staff:

O'Connell asked how the South Street underpass construction will coincide with this development.

Russ stated the underpass project is on schedule for start date in 2014 however the schedule will be up to the BNSF schedule.

O'Connell asked if the intersection of North Front St and Griffith pose any concerns to staff.

Russ stated staff has no conflicting concerns.

Lipton asked what authority the Planning Commission has for making recommendations regarding any historic structures.

McCartney and Russ reviewed the process for Landmarking a structure as historic. They reminded the Commissioners that Landmarking is a voluntary program.

Lipton and Russ discussed "skinny streets". They agreed a discussion with staff from the Public Works Department would be beneficial prior to the final application review of this project. Staff will contact the director of Public Works and invite them to attend a Planning Commission meeting in the near future to discuss.

Summary from Staff and Applicant:

None heard.

Closed Public Hearing – Planning Commission Discussion:

O'Connell stated her support of the project as presented by staff and the applicant.

Lipton stated his support of the project and the use of the MUDDSG. He also requested the addition of another condition of approval. He requested a fiscal / economic analysis of the requested changes to Exhibit A in Section 17.14 of the LMC, which removes the retail requirement on the ground floor along Cannon Street.

Pritchard stated he also favors the project. He thanked the applicant for providing a very detailed preliminary plan. He also stated he believes all the criteria have been met for the SRU.

Tengler stated his support for the project. He stated he appreciates the innovative and creative use of space and the good collaboration with staff.

Moline stated his enthusiastic support for the project. He appreciates the creativity of assemblage, the site lines, and the street designs.

**Motion and Roll Call Vote:**

Lipton moved and Pritchard seconded a motion to approve the Resolution No. 16, Series 2013 as presented by staff with the addition of the following condition: The applicant shall provide an economic impact analysis prior to submittal of documents for the final review process by Planning Commission and City Council.

Name	Vote
Jeff Lipton	Yes
Chris Pritchard	Yes
Ann O'Connell	Yes
Cary Tengler	Yes
Jeff Moline	Yes
Steve Brauneis	Excused
Scott Russell	Excused
Motion passed:	5 to 0

**Planning Commission Comments –**

Lipton noted the poor condition of the Colony Square parking lot.

Russ reported the Public Works Department is working to determine who is responsible for the repairs (RTD or owners of Colony Square).

Lipton asked if safety cones could be installed until the problem is resolved.

**Staff Comments**

- City Council and Planning Commission Study Session – September 10, 2013
- July 9, 2013 City Council Study Session – summary of the following discussion and direction items:
  - Public Notice Requirements
  - Backyard Chickens

Russ reviewed the upcoming agendas for August and September and the Study Session with City Council.

Russ stated staff will be conducting a Downtown Parking Study next week on Tuesday, Wednesday, Friday and Saturday from 8:00 AM to 8:00 PM.

**Items Tentatively Scheduled for Next Regular Meeting: August 8, 2013**

- **Coal Creek Station Zoning:** A request to rezone a 10.97 acre parcel of land located at 1032 E. South Boulder Road from City of Louisville Commercial Business (CB) zoning to City of Louisville Mixed-Use Residential (MU-R), Residential Medium Density (RM) and Commercial Community (CC). Case No. 13-004-PS/PP/ZN

- Applicant and Representative: BVZ Architects (Gary Brothers)
  - Owner: Coal Creek Station Properties, LLC (Bill Arnold)
  - Case Manager: Scott Robinson, Planner I
- **City of Louisville: (1600 Empire Drive)** – A request for a final planned unit development (PUD) plan for the City of Louisville City Services Facility. The new facility will house the Public Works and Parks Department’s administrative and shop functions, and associated vehicle maintenance and storage. Case No. 13-015-FS/FP.
- Applicant and Owner: City of Louisville
  - Representative: Hartronft Associates (Erik Hartronft)
  - Case Manager: Scott Robinson, Planner I
- **Retail Marijuana – LMC Amendment:** An amendment to appropriate sections of the Louisville Municipal Code regarding the use of recreational marijuana.
- Applicant, Owner and Representative: City of Louisville
  - Case Manager: Troy Russ, Planning Director
- **Food Truck Ordinance:** An amendment to appropriate sections of the Louisville Municipal Code regarding the sale of food items from mobile facilities.
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- **Backyard Chickens Ordinance:** An amendment to appropriate sections of the Louisville Municipal Code regarding the keeping of chickens in the city limits of Louisville.
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- **Public Notice Requirement Ordinance:** An amendment to appropriate sections of the Louisville Municipal Code regarding public notice requirements.
- Applicant, Owner and Representative: City of Louisville
  - Case Manager: Troy Russ, Planning Director

Staff discussed the details of the upcoming items for the September meeting and suggested the use of the Overflow meeting date to accommodate the items. Lipton requested staff send an email regarding the additional meeting dates to confirm there is a quorum for each meeting.

### **Adjourn**

Moline moved and Tengler seconded a motion to adjourn the meeting. Lipton adjourned the meeting at 9:20 PM.

**ITEM:** Retail Marijuana land use requirements

**PLANNER:** Troy Russ, Planning and Building Safety Director  
Scott Robinson, Planner I

**APPLICANT:** City of Louisville

**REQUEST:** To consider amendments to the Louisville Municipal Code Title 17 to allow for retail marijuana establishments

### **BACKGROUND**

On November 6, 2012, Colorado voters approved Amendment 64 to the Colorado Constitution, allowing the cultivation, use, possession, and retail sale of marijuana and marijuana products. On May 28, 2013, the Governor signed into law House Bill 13-1317 (HB 13-1317), which provides guidance for local governments to regulate retail marijuana establishments. The law allows existing medical marijuana businesses to apply for retail marijuana licenses beginning on October 1, 2013 and begin operations, if licensed, on January 1, 2014. The existing medical marijuana business may either convert to retail marijuana establishments, or operate as both medical and retail establishments under the state rules. New businesses may apply for licenses beginning in 2014 and if approved, begin operations on January 1, 2015. Under HB 13-1317, the City has the authority to impose additional licensing and land use restrictions on retail marijuana establishments. If a local licensing regime is established, retail marijuana establishments will require both a state and local license before they may open for business.

The Louisville City Council gave staff direction at the July 16, 2013 meeting to draft ordinances creating local licensing requirements and land use restrictions. Staff is now seeking Planning Commission input and approval of amendments to Title 17 of the Louisville Municipal Code (LMC) creating land use standards for retail marijuana establishments. Also attached to this staff report is a draft ordinance amending Title 5 of the LMC creating the local licensing requirements, which will be presented to the Local Licensing Authority on August 5<sup>th</sup>. Staff is requesting direction from Planning Commission only on the Title 17 amendments. The recommendations in the draft ordinance are based on direction from City Council at the July 16<sup>th</sup> meeting.

### **TITLE 17 AMENDMENTS**

#### **Definitions**

The first suggested amendment to Title 17 adds definitions of retail marijuana and the four types of retail marijuana establishments allowed by the state to Chapter 17.08 of the LMC.

**Sec. 17.08.406.A. Retail marijuana.**

*Retail marijuana* means marijuana that is cultivated, manufactured, distributed, or sold by a licensed retail marijuana establishment. For the purposes of this section, *marijuana* shall have the meaning set forth in section 5.11.010 of this code.

**Sec. 17.08.406.A.(1) Retail marijuana products.**

*Retail marijuana products* means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures, and that are produced at a retail marijuana manufacturing facility.

**Sec. 17.08.406.B.(1) Retail marijuana establishment.**

*Retail marijuana establishment* means a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturing facility, or a retail marijuana testing facility.

**Sec. 17.08.406.B.(2) Retail marijuana cultivation facility.**

*Retail marijuana cultivation facility* means an entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to retail marijuana product manufacturing facilities, and to other retail marijuana cultivation facilities, but not to consumers.

**Sec. 17.08.406.B.(3) Retail marijuana products manufacturing facility.**

*Retail marijuana products manufacturing facility* means an entity licensed to purchase marijuana; manufacture, prepare, and package retail marijuana products; and sell marijuana and retail marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

**Sec. 17.08.406.B.(4) Retail marijuana store.**

*Retail marijuana store* means an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and sell marijuana and marijuana products to consumers.

**Sec. 17.08.406.B.(5) Retail marijuana testing facility.**

*Marijuana testing facility* means an entity licensed to analyze and certify the safety and potency of marijuana.

These definitions come from the state regulations and are important to include in the LMC regardless of which, if any, establishments are ultimately allowed in the City.

**Zone Districts**

Sections 2, 3, and 6 of the draft ordinance dictate which retail marijuana establishments will be allowed in which zone districts.

- The current proposal would allow retail marijuana stores in the Commercial Community (CC), Commercial Business (CB), Planned Community Zone District – Commercial (P-C), and the CC district in the Highway 42 Revitalization Area.

Staff recommends these districts because they are the general retail and commercial zone districts within which retail marijuana stores would fit.

- Retail marijuana cultivation facilities would not be allowed in any zone districts because staff finds cultivation would not be a compatible land use in any district in the City.
- Retail marijuana products manufacturing facilities would be allowed in the Industrial (I) and Planned Community Zone District – Industrial (P-I) zone districts. These districts currently allow for food product manufacturing similar to that of a retail marijuana products manufacturing facility.
- Retail marijuana testing facilities would be allowed as a use by right in I and P-I, and a special review use in CB, Administrative Office (AO) and Business Office (BO) zone districts. Retail marijuana testing facilities are scientific laboratories which test the chemical makeup and potency of retail marijuana and retail marijuana products, and staff finds they would be compatible with both industrial and office uses. Allowing them as special review uses in AO, BO, and CB would help ensure they are compatible with existing land uses and are not moving into inappropriate areas or spaces. See attachment 4 for maps of these zone districts.

Use Groups		Districts															MUR	OS	
		A	A-O	B-O	A-OT	R-RR	SF-R	SF-E	R-R R-E R-L	SF-LD SF-MD SF-HD	R-M	R-H	C-N	C-C	C-B	I			PCZD
52a	Retail Marijuana Store	No	No	No	No	No	No	No	No	No	No	No	No	Yes	Yes	No		No	No
52b	Retail Marijuana Cultivation Facility	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No
52c	Retail Marijuana Products Manufacturing Facility	No	No	No	No	No	No	No	No	No	No	No	No	No	No	Yes		No	No
52d	Retail Marijuana Testing Facility	No	R	R	No	No	No	No	No	No	No	No	No	No	R	Yes		No	No

*HWY 42 Revitalization Area Zone Districts*

Principal Uses	CC	MU-R
<b>Commercial Use Group</b>		
Retail Marijuana Store	Yes	No
Retail Marijuana Cultivation Facility	No	No
Retail Marijuana Products Manufacturing Facility	No	No

Retail Marijuana Testing Facility	No	No
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Section 4 of the draft ordinance prohibits retail marijuana establishments as home occupations.

**Performance Criteria**

Section 5 of the draft ordinance establishes performance criteria for retail marijuana establishments, including offsets from schools and playgrounds, as well as maximum sizes for retail marijuana stores. The current draft ordinance includes a 1000 foot offset from schools and public playgrounds. In recent years, federal authorities have requested medical marijuana businesses located within 1000 feet of schools either close, relocate, or face federal prosecution. Staff therefore recommends a 1000 foot buffer from schools and public playgrounds. There has been some interest on City Council to impose the same offsets on retail marijuana establishments as exist for liquor licenses, which is a 500 foot buffer from schools. Maps showing both 1000 foot and 500 foot buffers are included as attachment 5.

The existing medical marijuana requirements establish a 1,320 foot buffer from schools, playgrounds, pools, alcohol and drug treatment facilities, and daycares. Staff has attempted to balance City Council’s desire to allow more locations for retail marijuana with concerns about federal prosecution, safety, and appearance. Staff recommends an offset from schools and playgrounds because they are locations where children gather, at times with little or no adult supervision. The ability for children to walk to and from schools and playgrounds without adult supervision is an attribute of the City many residents value highly, and some parents may feel less comfortable if retail marijuana establishments were located nearby. At pools and daycares children are supervised and therefore staff finds the negative effects from nearby retail marijuana establishments are not as impactful.

Staff has recommended a maximum size for retail marijuana stores of 5,000 square feet, to allow stores large enough to be successful and serve the residents of Louisville without being a regional draw. The maximum size for medical marijuana businesses is 1,800 square feet. Once a retail marijuana ordinance is adopted, staff will bring forward an ordinance to align the medical marijuana requirements with those of retail marijuana.

**Sec. 17.16.237 Retail marijuana establishments.**

- A. Except for retail marijuana store, retail marijuana products manufacturing facility, and retail marijuana testing facility uses in locations permitted under sections 17.12.030, 17.14.050, 17.72.090 and 5.11.080 and licensed pursuant to chapter 5.11, it is unlawful for any person to operate, cause to be operated or permit to be operated in the city any retail marijuana establishments.
- B. No retail marijuana store, retail marijuana products manufacturing facility, or retail marijuana testing facility shall, at the time it is established and first licensed by the

city, shall be located:

1. within one thousand (1,000) feet of: a public or private elementary, middle, junior high, or high school; or a public playground;
  2. upon any city property;
  3. in a dwelling unit or any residentially zoned districts; or
  4. within the Agricultural (A), Open Space (OS), Administrative Office Transitional (AO-T), Mixed Use (MU-R), Commercial Neighborhood (CN) zone districts, or any other zoned area in which the retail marijuana establishment is not a permitted use.
- C. No licensed premises for a retail marijuana store shall, at the time it is established and first licensed by the city, be located in a physical space exceeding five thousand (5,000) square feet of leasable floor space, nor shall such a licensed premises ever exceed five thousand (5,000) square feet of leasable floor space.
- D. No retail marijuana store, retail marijuana products manufacturing facility, or retail marijuana testing facility shall operate as an outdoor or transient retailer, vendor or peddler, or as any temporary or accessory use.
- E. The distances described in subsection A above shall be computed by direct measurement in a straight line from the nearest property line of the land used for the purposes stated in subsection A above to the nearest portion of the building or unit in which the retail marijuana store, retail marijuana products manufacturing facility, or retail marijuana testing facility is located.

The existing medical marijuana requirements also establish a minimum distance between businesses of 1,320 feet. No minimum separation between retail marijuana businesses is included in this draft ordinance. Staff believes the market will prevent excessive clustering of retail marijuana establishments. However, if Planning Commission is interested in including regulations to prevent excessive clustering of retail marijuana establishments, staff recommends placing a cap on the number of retail marijuana establishments that may be within a radius of a new proposed establishment. For example: "No more than four existing retail marijuana establishments may be located within 1000 feet of the proposed location of the new retail marijuana establishment."

Also, there are no separation requirements between retail marijuana establishments and medical marijuana businesses in the draft ordinance. This will allow the existing medical marijuana businesses in the City to operate under a dual license for medical and retail marijuana.

### **Signs**

Staff is not recommending any special restrictions on signs for retail marijuana establishments, just that they comply with the appropriate design standards and guidelines for their location.

**RECOMMENDATIONS**

Staff recommends that the Planning Commission approve a Resolution No. 17, Series 2013 recommending to City Council approval of an ordinance amending Title 17 of the LMC regulating retail marijuana establishments.

**ATTACHMENTS:**

1. Resolution No. 17, Series 2013
2. Title 17 ordinance
3. Title 5 ordinance
4. Zone district maps
5. Offset maps

**RESOLUTION NO. 17  
SERIES 2013**

**A RESOLUTION RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE TO ADOPT REGULATIONS REGARDING RETAIL MARIJUANA ESTABLISHMENTS**

**WHEREAS**, Article XVIII, Section 16 of the Colorado Constitution, referred to as Amendment 64, was approved by Colorado voters in November 2012; and

**WHEREAS**, Amendment 64 legalized the private use of marijuana for persons twenty-one years of age or older; and

**WHEREAS**, the possession, use, sale, distribution or transportation of marijuana is still a violation of federal law; and

**WHEREAS**, the Governor on May 28, 2013 signed into law House Bill 13-1317 (HB 13-1317) which provides guidance for local governments to regulate retail marijuana establishments; and

**WHEREAS**, Amendment 64 and HB 13-1317 outline multiple options for local municipalities from the outright banning of retail marijuana establishments to establishing detailed regulation and licensing requirements; and

**WHEREAS**, the City of Louisville is a home rule municipal corporation and, in addition to the authority set forth in Amendment 64, HB 13-1317 and other state statutes, has authority pursuant to Article XX of the Colorado Constitution and the Louisville Home Rule Charter to establish zoning districts and zoning regulations regulating the use of land within the City; and

**WHEREAS**, the Louisville City Council directed staff to develop a series of ordinances that will allow certain retail marijuana establishments as permitted land uses and license them with additional local licensing standards and regulations governing the time, place, manner, and number of retail marijuana establishments as authorized by Amendment 64, HB 13-1317, including without limitation provisions concerning such things as distance restrictions, restrictions on the size of retail marijuana establishments, minimum security measures, hours of operation, restrictions or requirements pertaining to deliveries, restrictions on signage, and standards that retail marijuana establishment owners and employees must satisfy; and

**WHEREAS**, after a duly noticed public hearing on August 8, 2013, where evidence and testimony was entered into the record, the Planning Commission recommends the City Council approve the amendments to Title 17 of the Louisville Municipal Code in essentially the same form as set forth in the draft ordinance accompanying this Resolution;

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission of the City of Louisville, Colorado does hereby recommend approval of the ordinance making amendments to Title 17 of the Louisville Municipal Code to adopt regulations regarding retail marijuana establishments in essentially the same form as set forth in the draft ordinance accompanying this Resolution.

**PASSED AND ADOPTED** this 8<sup>th</sup> day of August, 2013.

By: \_\_\_\_\_  
Jeffrey S. Lipton, Chair  
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 REQUEST TO AMEND TITLE 5 AND TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE TO ESTABLISH REGULATIONS FOR RETAIL MARIJUANA ESTABLISHMENTS

APPLICATION NAME: LMC AMENDMENT: RETAIL MARIJUANA ESTABLISHMENTS

LOCATION: CITY-WIDE

CASE NUMBER: 13-028-LMC

DATE AND TIME: THURSDAY, AUGUST 8, 2013

PLANNING COMMISSION

DATE AND TIME: 1<sup>ST</sup> READING: TUESDAY, AUGUST 20, 2013

CITY COUNCIL (TENTATIVE) 2<sup>ND</sup> READING: TUESDAY, SEPTEMBER 3, 2013

PLACE: CITY COUNCIL CHAMBERS, 2<sup>ND</sup> 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, JULY 21, 2013

(POSTED IN CITY HALL, PUBLIC LIBRARY, RECREATION CENTER AND THE COURTS AND POLICE BUILDING ON FRIDAY, JULY 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](http://WWW.LOUISVILLECO.GOV)

**ORDINANCE NO. \_\_\_\_**  
**SERIES 2013**

**AN ORDINANCE AMENDING TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE TO ADOPT REGULATIONS REGARDING RETAIL MARIJUANA ESTABLISHMENTS**

**WHEREAS**, Article XVIII, Section 16 of the Colorado Constitution, referred to as Amendment 64, was approved by Colorado voters in November 2012; and

**WHEREAS**, Amendment 64 legalized the private use of marijuana for persons twenty-one years of age or older; and

**WHEREAS**, the possession, use, sale, distribution or transportation of marijuana is still a violation of federal law; and

**WHEREAS**, the Governor on May 28, 2013 signed into law House Bill 13-1317 (HB 13-1317) which provides guidance for local governments to regulate retail marijuana establishments; and

**WHEREAS**, Amendment 64 and HB 13-1317 outline multiple options for local municipalities from the outright banning of retail marijuana establishments to establishing detailed regulation and licensing requirements; and

**WHEREAS**, the City of Louisville is a home rule municipal corporation and, in addition to the authority set forth in Amendment 64, HB 13-1317 and other state statutes, has authority pursuant to Article XX of the Colorado Constitution and the Louisville Home Rule Charter to establish zoning districts and zoning regulations regulating the use of land within the City; and

**WHEREAS**, the Louisville City Council directed staff to develop a series of ordinances that will allow certain retail marijuana establishments as permitted land uses and license them with additional local licensing standards and regulations governing the time, place, manner, and number of retail marijuana establishments as authorized by Amendment 64, HB 13-1317, including without limitation provisions concerning such things as distance restrictions, restrictions on the size of retail marijuana establishments, minimum security measures, hours of operation, restrictions or requirements pertaining to deliveries, restrictions on signage, and standards that retail marijuana establishment owners and employees must satisfy; and

**WHEREAS**, the Louisville Planning Commission, after notice by publication and a public hearing, has recommended the City Council approve the amendments to Title 17 of the Louisville Municipal Code set forth in this ordinance; and

**WHEREAS**, by adoption of this ordinance, the City Council does not intend to authorize or make legal any act that is not permitted under federal or state law but rather to establish local regulations governing the location and use of land for retail marijuana establishments; and

**WHEREAS**, City Council has provided notice of a public hearing on said ordinance by publication as provided by law and held a public hearing as provided in said notice;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:**

**Section 1.** Chapter 17.08 of the Louisville Municipal Code is hereby amended by the addition of new Sections 17.08.406.A. and B, to read as follows:

**Sec. 17.08.406.A. Retail marijuana.**

*Retail marijuana* means marijuana that is cultivated, manufactured, distributed, or sold by a licensed retail marijuana establishment. For the purposes of this section, *marijuana* shall have the meaning set forth in section 5.11.010 of this code.

**Sec. 17.08.406.A.(1) Retail marijuana products.**

*Retail marijuana products* means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures, and that are produced at a retail marijuana manufacturing facility.

**Sec. 17.08.406.B.(1) Retail marijuana establishment.**

*Retail marijuana establishment* means a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturing facility, or a retail marijuana testing facility.

**Sec. 17.08.406.B.(2) Retail marijuana cultivation facility.**

*Retail marijuana cultivation facility* means an entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to retail marijuana product manufacturing facilities, and to other retail marijuana cultivation facilities, but not to consumers.

**Sec. 17.08.406.B.(3) Retail marijuana products manufacturing facility.**

*Retail marijuana products manufacturing facility* means an entity licensed to purchase marijuana; manufacture, prepare, and package retail marijuana products; and sell marijuana and retail marijuana products to other marijuana

product manufacturing facilities and to retail marijuana stores, but not to consumers.

**Sec. 17.08.406.B.(4) Retail marijuana store.**

*Retail marijuana store* means an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and sell marijuana and marijuana products to consumers.

**Sec. 17.08.406.B.(5) Retail marijuana testing facility.**

*Marijuana testing facility* means an entity licensed to analyze and certify the safety and potency of marijuana.

**Section 2.** Section 17.12.030 of the Louisville Municipal Code is hereby amended by the addition of new use groups 52a, 52b, 52c and 52d, to read as follows:

**Sec. 17.12.030. Use groups.**

Use Groups		Districts															MUR	OS	
		A	A-O	B-O	A-OT	R-RR	SF-R	SF-E	R-R R-E R-L	SF-LD SF-MD SF-HD	R-M	R-H	C-N	C-C	C-B	I			PCZD
52a	Retail Marijuana Store	No	No	No	No	No	No	No	No	No	No	No	No	Yes	Yes	No		No	No
52b	Retail Marijuana Cultivation Facility	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No
52c	Retail Marijuana Products Manufacturing Facility	No	No	No	No	No	No	No	No	No	No	No	No	No	No	Yes		No	No
52d	Retail Marijuana Testing Facility	No	R	R	No	No	No	No	No	No	No	No	No	No	R	Yes		No	No

**Section 3.** Section 17.14.050 of the Louisville Municipal Code is hereby amended by the addition of new use groups to read as follows:

Principal Uses	CC	MU-R
<b>Commercial Use Group</b>		
Retail Marijuana Store	Yes	No
Retail Marijuana Cultivation Facility	No	No

Retail Marijuana Products Manufacturing Facility	No	No
Retail Marijuana Testing Facility	No	No

**Section 4.** Section 17.16.040 of the Louisville Municipal Code is hereby amended to read as follows: (words added are **bold** and underlined; words deleted are **bold** and ~~stricken through~~):

**Sec. 17.16.040 Home occupations.**

H. The following uses, because of their tendency to go beyond the limits permitted for home occupations and thereby impair the use and value of the residential area, shall not be permitted as home occupations: auto repair or motorized implement repair; dance, music or other types of instruction (if more than four students being instructed at one time); dental offices; medical offices; medical marijuana centers; medical marijuana – infused products manufacturers; medical marijuana optional premises cultivation operations; retail marijuana establishments; the painting of vehicles, trailers or boats; private schools with organized classes; radio and television repair; barber and/or beauty shop; welding shops; nursing homes; massage therapy by a massage therapist; sexually oriented businesses; and, irrespective of whether the use may be categorized as a sexually oriented business, any retail or wholesale sales to consumers upon the premises of any types of materials specified in this title which describe or depict specified sexual activities or specified anatomical areas.

**Section 5.** Chapter 17.16 of the Louisville Municipal Code is hereby amended by the addition of a new Section 17.16.237, to read as follows:

**Sec. 17.16.237 Retail marijuana establishments.**

- A. Except for retail marijuana store, retail marijuana products manufacturing facility, and retail marijuana testing facility uses in locations permitted under sections 17.12.030, 17.14.050, 17.72.090 and 5.11.080 and licensed pursuant to chapter 5.11, it is unlawful for any person to operate, cause to be operated or permit to be operated in the city any retail marijuana establishments.
- B. No retail marijuana store, retail marijuana products manufacturing facility, or retail marijuana testing facility shall, at the time it is established and first licensed by the city, shall be located:

1. within one thousand (1,000) feet of: a public or private elementary, middle, junior high, or high school; or a public playground;
  2. upon any city property;
  3. in a dwelling unit or any residentially zoned districts; or
  4. within the Agricultural (A), Open Space (OS), Administrative Office Transitional (AO-T), Mixed Use (MU-R), Commercial Neighborhood (CN) zone districts, or any other zoned area in which the retail marijuana establishment is not a permitted use.
- C. No licensed premises for a retail marijuana store shall, at the time it is established and first licensed by the city, be located in a physical space exceeding five thousand (5,000) square feet of leasable floor space, nor shall such a licensed premises ever exceed five thousand (5,000) square feet of leasable floor space.
- D. No retail marijuana store, retail marijuana products manufacturing facility, or retail marijuana testing facility shall operate as an outdoor or transient retailer, vendor or peddler, or as any temporary or accessory use.
- E. The distances described in subsection A above shall be computed by direct measurement in a straight line from the nearest property line of the land used for the purposes stated in subsection A above to the nearest portion of the building or unit in which the retail marijuana store, retail marijuana products manufacturing facility, or retail marijuana testing facility is located.

**Section 6.** Section 17.72.090 of the Louisville Municipal Code is hereby amended by the addition of a new subsection B.21, to read as follows:

21. Retail marijuana stores and retail marijuana testing facilities.

**Section 7.** Any person who violates any provision of this ordinance shall be punished by a fine of not more than \$2,650 or by imprisonment not to exceed one year, or by both such fine and imprisonment. Each day during any portion of which any violation of any provision of this ordinance is committed, continued, or permitted by any such person shall be a separate offense.

**Section 8.** If any portion of this ordinance is held to be invalid for any reason such decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

**Section 9.** The repeal or modification of any portion of the Louisville Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify or change, in whole or in part, any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for the enforcement of the penalty, forfeiture or liability as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

**Section 10.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portions hereof are hereby repealed to the extent of such inconsistency or conflict.

**INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED PUBLISHED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Robert P. Muckle, Mayor

ATTEST:

\_\_\_\_\_  
Nancy Varra, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Light, Kelly & Dawes, P.C.  
City Attorney

**PASSED AND ADOPTED ON SECOND AND FINAL READING** this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Robert P. Muckle, Mayor

ATTEST:

DRAFT

**ORDINANCE NO. \_\_\_\_**  
**SERIES 2013**

**AN ORDINANCE AMENDING TITLE 5 OF THE LOUISVILLE MUNICIPAL CODE TO ADOPT  
REGULATIONS REGARDING BUSINESS LICENSING AND OPERATIONAL REQUIREMENTS  
FOR RETAIL MARIJUANA ESTABLISHMENTS**

**WHEREAS**, Article XVIII, Section 16 of the Colorado Constitution, referred to as Amendment 64, was approved by Colorado voters in November 2012; and

**WHEREAS**, Amendment 64 legalized the private use of marijuana for persons twenty-one years of age or older; and

**WHEREAS**, the possession, use, sale, distribution or transportation of marijuana is still a violation of federal law; and

**WHEREAS**, the Governor on May 28, 2013 signed into law House Bill 13-1317 (HB 13-1317) which provides guidance for local governments to regulate retail marijuana establishments; and

**WHEREAS**, Amendment 64 and HB 13-1317 outline multiple options for local municipalities from the outright banning of retail marijuana establishments to establishing detailed regulations and licensing requirements; and

**WHEREAS**, the City of Louisville is a home rule municipal corporation and, in addition to the authority set forth in Amendment 64, HB 13-1317 and other state statutes, has authority pursuant to Article XX of the Colorado Constitution and the Louisville Home Rule Charter to license and regulate businesses, occupations and establishments, and to otherwise exercise its police powers in the interest of the public health, safety and welfare; and

**WHEREAS**, the Louisville City Council directed staff to develop a series of ordinances that will allow certain retail marijuana establishments as permitted land uses and license them with local licensing standards and regulations governing the time, place, manner and number of retail marijuana establishments as authorized in Amendment 64 and HB 13-1317, including without limitation, provisions concerning distance restrictions, restrictions on the size of retail marijuana establishments, minimum security measures, hours of operation, restrictions or requirements pertaining to deliveries, restrictions on signage, and standards that retail marijuana establishment owners and employees must satisfy; and

**WHEREAS**, the Louisville Local Licensing Authority has reviewed the amendments set forth herein and has recommended the City Council approve the amendments to Title 5 of the Louisville Municipal Code set forth in this ordinance; and

**WHEREAS**, by adoption of this ordinance, the City Council does not intend to authorize or make legal any act that is not permitted under federal or state law but rather to establish local regulations governing the location and use of land for retail marijuana establishments; and

**WHEREAS**, City Council has provided notice of a public hearing on said ordinance by publication as provided by law and held a public hearing as provided in said notice;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:**

**Section 1.** Title 5 of the Louisville Municipal Code is hereby amended by the addition of a new Chapter 5.11 which shall read in its entirety as follows:

Chapter 5.11  
**RETAIL MARIJUANA**

- Sec. 5.11.010. Purpose; relationship with the Colorado Retail Marijuana Code.**
- Sec. 5.11.020. Definitions.**
- Sec. 5.11.030. Classes of retail marijuana licenses authorized.**
- Sec. 5.11.040. Authorization of the local licensing authority.**
- Sec. 5.11.050. License requirements.**
- Sec. 5.11.060. Screening and response to state license applications.**
- Sec. 5.11.070. Local license procedure**
- Sec. 5.11.080. Location criteria; co-location.**
- Sec. 5.11.090. Persons prohibited as licensees; background checks.**
- Sec. 5.11.100. Duration of license; renewal.**
- Sec. 5.11.110. Annual operating fee.**
- Sec. 5.11.120. Use and display of license.**
- Sec. 5.11.130. Management of licensed premises.**
- Sec.5.11.140. Change in manager; change in financial interest; modification of premises.**
- Sec. 5.11.150. Hours of operation.**
- Sec. 5.11.160. Signage and advertising.**
- Sec. 5.11.170. Security requirements.**
- Sec. 5.11.180. Cultivation and growing.**
- Sec. 5.11.190. Labeling.**
- Sec. 5.11.200. On-site consumption of retail marijuana.**
- Sec. 5.11.210. Prohibited acts.**

**Sec. 5.11.220. Visibility of activities; control of emissions.**

**Sec. 5.11.230. Disposal of marijuana byproducts.**

**Sec. 5.11.240. Sales and use tax.**

**Sec. 5.11.250. Inspection of licensed premises.**

**Sec. 5.11.260. Non-renewal, suspension, or revocation of license.**

**Sec. 5.11.270. Violations and penalties.**

**Sec. 5.11.280. No City liability; indemnification.**

**Sec. 5.11.290. Other laws remain applicable.**

**Sec. 5.11.300. Severability.**

**Sec. 5.11.010 Purpose; relationship with the Colorado Retail Marijuana Code.**

A. The provisions of this chapter are intended to implement the provisions of Article XVIII, Section 16 of the Colorado Constitution while also protecting the health, safety, and welfare of the public and curtailing the unlawful possession, use, distribution, or transportation of marijuana for unlawful purposes by:

1. Requiring that retail marijuana establishments be operated in a manner that minimizes potential health and safety risks and mitigates the negative impacts that a retail marijuana establishment might have on surrounding properties and persons;
2. Regulating the conduct of persons owning, operating and using retail marijuana establishments in order to protect the public health, safety and welfare; and
3. Regulating the location and operation of retail marijuana establishments.

B. By adoption of this chapter, the City Council does not intend to authorize or make legal any act that is not permitted under federal or state law.

C. Except as otherwise specifically provided herein, this chapter incorporates the requirements and procedures set forth in the Colorado Retail Marijuana Code. In the event of any conflict between the provisions of this chapter and the provisions of the Colorado Retail Marijuana Code or any other applicable state or local law, ordinance, rule or regulation, the more restrictive provision shall control.

**Sec. 5.11.020. Definitions.**

A. As used in this chapter, the following words or phrases shall have the following meanings:

*Amendment 64* means that certain voter initiated amendment to the Colorado Constitution adopted November 6, 2012, which added Section 16 of Article XVIII to the Colorado Constitution.

*Applicant* means any person or entity who has submitted an application for a license, license renewal, or other licensing action pursuant to this chapter. If the applicant is an entity and not a natural person, *applicant* shall include all persons who are the members, managers, officers and directors of such entity.

*Colorado Retail Marijuana Code* means Article 43.3 of Title 12 of the Colorado Revised Statutes, as amended.

*Cultivation* means the process by which a person grows a marijuana plant.

*Division* means the Marijuana Enforcement Division.

*Dwelling unit* shall mean one (1) or more rooms and a single kitchen and at least one (1) bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, two-family or multi-family dwelling or mixed-use building.

*Financial interest* means an ownership interest, or a directorship or officership.

*Good cause*, for purposes of denying, refusing to renew, suspending or revoking a license, means:

- a) the licensee or applicant has violated, does not meet, or has failed to comply with any of the terms, conditions, or provisions of this chapter, any rules promulgated pursuant to this chapter, or any applicable state or local law, rules, or regulations;
- b) the licensee or applicant has failed to comply with any special terms or conditions that were placed on its license pursuant to an order of the state or local licensing authority; or
- c) the licensed premises have been operated in a manner that adversely affects the public health or welfare or the safety of the immediate neighborhood in which the licensed premises is located. Evidence to support such a finding can include, without limitation, a continuing pattern of disorderly conduct, a continuing pattern of drug related criminal conduct within the licensed premises or proposed licensed premises or in the immediate area surrounding such premises, a continuing pattern of criminal conduct directly related to or arising from the operation of the retail marijuana establishment, or an ongoing nuisance condition emanating from or caused by the retail marijuana establishment.

*Leasable square feet* means the total floor area of building designed for tenant occupancy and exclusive use, including any basements, mezzanines, upper floors, or storage areas.

*License* means a document issued by the city officially authorizing an applicant to operate a retail marijuana establishment pursuant to this chapter.

*Licensee* means the person to whom a license has been issued pursuant to this chapter.

*Licensed premises* means the premises specified in an application for a license under this chapter, which are owned or in possession of the licensee and within which the licensee is authorized to manufacture, distribute, sell, or test retail marijuana and retail

marijuana products in accordance with this chapter and all applicable laws, rules and regulations.

*Local licensing authority* means the City of Louisville Local Licensing Authority.

*Location* means a particular parcel of land that may be identified by an address or other descriptive means.

*Marijuana* means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. "Marijuana" does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

*Marijuana accessories* mean any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

*Person* means a natural person, partnership, association, company, corporation, limited liability company, or organization; except that *person* does not include any governmental organization.

*Premises* means a distinctly identified, as required by the State Licensing Authority, and definite location, which may include a building, a part of a building, or any other definite contiguous area.

*Public playground* means an outdoor public area used for play or recreation by children containing recreational equipment such as slides or swings.

*Retail marijuana* means marijuana that is cultivated, manufactured, distributed, or sold by a licensed retail marijuana establishment.

*Retail marijuana cultivation facility* means an entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to retail marijuana product manufacturing facilities, and to other retail marijuana cultivation facilities, but not to consumers.

*Retail marijuana establishment* means a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturing facility, or a retail marijuana testing facility.

*Retail marijuana products* means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures, and that are produced at a retail marijuana products manufacturing facility.

*Retail marijuana products manufacturing facility* means an entity licensed to purchase marijuana; manufacture, prepare, and package retail marijuana products; and sell

marijuana and retail marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

*Retail marijuana store* means an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and sell marijuana and marijuana products to consumers.

*Marijuana testing facility* means an entity licensed to analyze and certify the safety and potency of marijuana.

*Secretary* means the secretary of the local licensing authority or such person's designee.

*State licensing authority* means the authority created for the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, sale, testing, and advertising of retail marijuana in this state, pursuant to C.R.S. § 12-43.4-201.

B. In addition to the definitions provided in subsection A. of this section, other terms used in this chapter shall have the meaning ascribed to them in Amendment 64, the Colorado Retail Marijuana Code, and the rules and regulations promulgated thereunder, as in effect from time to time, and such definitions are hereby incorporated into this chapter by this reference.

#### **Sec. 5.11.030. Classes of retail marijuana licenses authorized.**

A. The local licensing authority may issue only the following retail marijuana licenses upon payment of the fee and compliance with all local licensing requirements, as determined by the local licensing authority:

1. A retail marijuana store license. A retail marijuana store license shall be issued only to a person selling retail marijuana or retail marijuana products pursuant to the terms and conditions of this chapter, C.R.S. § 12-43.4-402 and any related rules and regulations.

2. A retail marijuana products manufacturing license. A retail marijuana products manufacturing license shall be issued to a person who manufactures retail marijuana products, pursuant to the terms and conditions of this chapter, C.R.S. § 12-43.4-404 and any related rules and regulations.

3. A retail marijuana testing facility license shall be issued to a person who performs testing and research on retail marijuana. The facility may develop and test retail marijuana products, pursuant to the terms and conditions of this chapter, C.R.S. § 12-43.4-405 and any related rules and regulations.

#### **Sec. 5.11.040. Authorization of the local licensing authority.**

A. The City of Louisville's existing local licensing authority, previously established pursuant to chapter 5.08 of this Code, shall have and exercise all the powers expressly granted and necessarily implied to regulate the licensing of retail marijuana establishments in the City of Louisville, including without limitation all such powers set forth in this chapter, the Colorado Retail Marijuana Code, and all related rules and regulations, as from time to time amended.

B. The local licensing authority may grant, approve, renew, or refuse licenses under this chapter; conduct investigations as are required by law or as are appropriate to the administration of this chapter; suspend or revoke licenses; and levy penalties, sanctions and other conditions against licensees in the manner provided by law.

C. The local licensing authority shall have the authority to promulgate rules and regulations for its administration of the licensing requirements of this chapter, and shall have the power to issue subpoenas as provided in section 5.08.130 of this Code, as from time to time amended.

**Sec. 5.11.050. License requirements.**

It shall be unlawful for any person to establish or operate a retail marijuana establishment in the city without first having obtained a license for such business from the state and local licensing authorities. Such licenses shall be kept current at all times, and the failure to maintain current licenses shall constitute a violation of this section.

**Sec. 5.11.060. Screening and response to state license applications.**

A. Upon receipt of an application from the state licensing authority for a retail marijuana license, the secretary of the local licensing authority shall:

1. Initially determine, in consultation with the Planning and Building Safety Department, whether or not the proposed location complies with any and all zoning and land use laws of the city and any and all restrictions on locations and types of retail marijuana establishments permitted within the city as set forth in this chapter. If the secretary makes an initial determination that the proposed license would be in violation of any zoning law or other restriction set forth in this Code, the secretary shall notify the state licensing authority in writing that the application is disapproved by the city. The failure of the secretary to make such a determination upon the initial review of a state license application shall not preclude the local licensing authority or the secretary from determining that the proposed license is in violation of any zoning law or other restriction set forth in this Code, and disapprove the issuance of a local license on this basis.

2. For any application that is not disapproved as provided in subsection 1, the secretary shall notify the state licensing authority in writing that the city's further consideration of the application is subject to completion of the local licensing process described in this chapter, after which the secretary will notify the state licensing authority in writing of whether or not the retail marijuana license proposed in the application has or has not been approved by the local licensing authority.

**Sec. 5.11.070. Local license procedure.**

A. Applications for local licenses shall be made on forms provided by the Division and shall include all materials required by the Colorado Retail Marijuana Code and the rules and regulations adopted thereunder.

B. The applicant shall also provide the following information to the city, which information shall be required for the applicant, the proposed manager of the retail marijuana establishment, and all persons having any financial interest in the retail marijuana establishment that is the subject of the application; to the extent that any of the following information has been included with the applicant's state license application and forwarded to the city by the state licensing authority, the local licensing authority may rely upon the information forwarded from the state without requiring resubmittal of the same materials for the local license application:

1. name, address, date of birth;
2. a complete set of fingerprints;
3. if the applicant is a business entity, information regarding the entity, including, without limitation, the name and address of the entity, its legal status, a copy of its articles of incorporation or organization or other filing required for organization, copies of any ownership agreements, operating agreement, and bylaws, and proof of registration with, or a certificate of good standing from, the Colorado Secretary of State;
4. the name and complete address of the proposed retail marijuana establishment;
5. if the applicant is not the owner of the proposed licensed premises, a notarized statement from the owner of such property authorizing the use of the property for a retail marijuana establishment;
6. a copy of any deed reflecting the ownership of, or lease reflecting the right to possess, the proposed licensed premises;
7. evidence of a valid sales tax license for the business;
8. a "to scale" diagram of the premises, showing, without limitation, a site plan, building layout, leasable floor space, all entry ways and exits to the retail marijuana establishment, loading zones and all areas in which retail marijuana or

- retail marijuana products will be stored, processed or dispensed;
9. a comprehensive business plan for the retail marijuana establishment which shall contain, without limitation, the following:
    - i. a security plan meeting the requirements of section 5.11.170;
    - ii. a description of all products to be sold;
    - iii. a signage plan that is in compliance with all applicable requirements of Section 5.11.160, this Code and the applicable design standards and guidelines; and
  10. any additional information that the local licensing authority reasonably determines to be necessary in connection with the investigation and review of the application.

C. A license issued pursuant to this chapter does not eliminate the need for the licensee to obtain other required permits or licenses related to the operation of the retail marijuana establishment, including, without limitation, any State of Colorado license or any sales tax license, business registration, development approvals or building permits required by this Code.

D. Upon receipt of a completed application, the secretary of the local licensing authority or his or her designee shall circulate the application to all affected service areas and departments of the city to determine whether the application is in full compliance with all applicable laws, rules and regulations.

E. The Planning and Building Safety Department shall, prior to issuance of the license, perform an inspection of the proposed premises to determine compliance with any applicable requirements of this chapter or other provisions of this Code.

F. Upon receipt of a complete application, the local licensing authority shall schedule a public hearing upon the application to be held and conducted in accordance with applicable provisions of the Colorado Retail Marijuana Code and the rules and regulations adopted thereunder. The local licensing authority has the authority to deny a license for good cause.

G. The local licensing authority shall have the authority to deny any application that does not meet the requirements of this chapter, Retail Marijuana Code, this chapter, and any applicable state or local rule or regulation. The local licensing authority shall also have the authority to deny any application that contains any false, misleading or incomplete information. Denial of an application for a license shall not be subject to administrative review but only to review by a court of competent jurisdiction.

H. After approval of an application, a local license shall not be issued until a state license has been issued and the building in which the business is to be conducted is ready

for occupancy with such furniture, fixtures, and equipment in place as are necessary to comply with this chapter and any applicable provisions of this Code or state law or regulation and until the Planning and Building Safety Department has performed the inspection required by this chapter.

**Sec. 5.11.080. Location Criteria.**

A. No retail marijuana establishment shall, at the time it is established and first licensed by the city, be located:

1. within one thousand (1,000) feet of: a public or private preschool, elementary, middle, junior high, or high school; or a public playground;
2. upon any city property;
3. in a dwelling unit or any residentially zoned districts; or
4. within the Agricultural (A), Open Space (OS), Administrative Office Transitional (AO-T), Mixed Use (MU-R), or Commercial Neighborhood (CN) zone districts, or any other zoned area in which the retail marijuana establishment is not a permitted use.

B. No licensed premises for a retail marijuana store shall, at the time it is established and first licensed by the city, be located in a physical space exceeding five thousand (5,000) square feet of leasable floor space, nor shall such licensed premises ever exceed five thousand (5,000) square feet of leasable floor space.

C. No retail marijuana establishment shall operate as an outdoor or transient retailer, vendor or peddler, or as any temporary or accessory use.

D. The distances described in subsection A above shall be computed by direct measurement in a straight line from the nearest property line of the land used for the purposes stated in subsection A above to the nearest portion of the building or unit in which the retail marijuana establishment is located.

F. Medical marijuana businesses and retail marijuana establishments are subject to the following shared licensed premises and operational separation requirements:

1. A medical marijuana-infused products manufacturing business licensee may also apply to also hold a retail marijuana product manufacturing facility license and operate a dual manufacturing business on the same licensed premises. Persons operating medical marijuana-infused products manufacturing business and retail marijuana products manufacturing facility shall maintain either physical or virtual separation of the facilities, product ingredients, product manufacturing, and final product inventory. Record keeping for the

business operations and labeling of products must allow the state and local licensing authorities and City to clearly distinguish the inventories and business transactions of medical marijuana-infused products from retail marijuana products.

2. A medical marijuana center that does not authorize patients under the age of 21 years to be on the premises, may also hold a retail marijuana store license and operate a dual retail business operation on the same licensed premises. In such case the medical marijuana center licensee must post signage that clearly conveys that persons under the age of 21 years may not enter. Under these circumstances and upon approval of the local and state licensing authorities, the medical marijuana center and the retail marijuana store may share the same entrances and exits, and medical marijuana and retail marijuana may be separately displayed on the same sale floor. Record keeping for the business operations of both must allow the local and state licensing authorities and City to clearly distinguish the inventories and business transactions of medical marijuana and medical marijuana-infused products from retail marijuana and retail marijuana products.
3. A medical marijuana center that authorizes medical marijuana patients under the age of 21 years to be on the premises is prohibited from sharing its licensed premises with a retail marijuana establishment. The two shall not be co-located in this instance and shall maintain distinctly separate licensed premises; including, but not limited to, separate retail and storage areas, separate entrances and exits, separate inventories, separate point-of-sale operations, and separate record-keeping.
4. Co-located licensed operations shall be operated in accordance with all applicable state and local, rules and regulations.

**Sec. 5.11.090. Persons prohibited as licensees; background checks.**

A. A license shall not be issued to or held by any person contrary to C.R.S. § 12-43.4-306 and the rules and regulations promulgated by the State of Colorado.

B. In investigating the qualifications of an applicant, licensee, owner, or manager of a retail marijuana establishment, the local licensing authority shall make a finding and determination as to the good moral character and criminal history of such persons in accordance with the standards and procedures set forth in the Colorado Retail Marijuana Code and the rules and regulations promulgated thereunder. In so doing, the local licensing authority may incorporate any findings as to good character and criminal history previously made by the state licensing authority.

C. The city shall not be required to perform a criminal background check if the state licensing authority has already performed a criminal background check. If the city

performs the criminal background check, a fee in the amount of One Hundred Dollars (\$100) will be charged for the costs of each fingerprint analysis and background investigation undertaken to qualify new applicants, managers, and any other persons required to be qualified pursuant to the Colorado Retail Marijuana Code, this chapter, and any related rules and regulations. The local licensing authority may verify any of the information an applicant is required to submit.

**Sec. 5.11.100. Duration of license; renewal.**

A. Upon issuance of a license, the city shall provide the licensee with one (1) original of such license for each retail marijuana establishment to be operated by the licensee in the city. Each such copy shall show the name and address of the licensee, the type of facility or business for which it is issued, and the address of the facility at which it is to be displayed.

B. Each license issued pursuant to this chapter shall be valid for one (1) year from the date of issuance and may be renewed only as provided in this chapter. All renewals of a license shall be for no more than one (1) year. The local licensing authority shall act on renewal applications received from the state licensing authority in accordance with the standards and procedures set forth in the Colorado Retail Marijuana Code and the rules and regulations promulgated thereunder. The timely filing of a renewal application shall extend the current license until a decision is made on the renewal.

C. Notwithstanding subsection B, a licensee whose license has been expired for not more than ninety (90) days may file a late renewal application upon the payment of a non-refundable late application fee in the amount of five hundred dollars (\$500.00) to the local licensing authority. A licensee who files a late renewal application and pays the requisite fee may continue to operate until a decision is made on the renewal.

D. The local licensing authority may deny a renewal application for good cause pursuant to section 5.11.260.

**Sec. 5.11.110. Annual operating fee.**

Upon and as a condition of issuance of a license or any renewal of a license, the licensee shall pay to the city an annual operating fee in an amount established by resolution of the City Council. The annual operating fee may be refunded if the application is denied.

**Sec. 5.11.120. Use and display of license.**

A. A license shall not be transferable to another person except as provided in section 5.11.140.C.

B. Each license shall be limited to use at the premises specified in the application for such license. A licensee may move its permanent location to another place in the City upon application to and approval by the local licensing authority. In determining whether to permit a change in location, the local licensing authority shall consider all reasonable restrictions that are or may be placed upon the new location by the local licensing authority, and any such change in location shall be in accordance with all requirements of this Chapter 5.11 (including, but not limited to, the location criteria set forth in section 5.11.080), the Colorado Retail Marijuana Code, and any related rules and regulations, as from time to time amended.

C. Each license shall be continuously posted in a conspicuous location at the licensed premises of the retail marijuana establishment.

**Sec. 5.11.130. Management of licensed premises.**

Licensees who are natural persons shall either manage the licensed premises themselves or employ a separate and distinct manager on the premises and report the name of such manager to the local licensing authority. Licensees that are entities shall employ a manager on the premises and report the name of the manager to the local licensing authority. All managers must be natural persons who are at least twenty-one (21) years of age. No manager shall be a person having a criminal history contrary to the requirements of the Colorado Retail Marijuana Code or any rules or regulations promulgated thereunder.

**Sec. 5.11.140. Change in manager; change in financial interest; modification of premises.**

A. Each licensee shall report any change in managers to the local licensing authority within seven (7) days after the change.

B. Each licensee shall report in writing to the local licensing authority any transfer or change of financial interest in the license holder or in the retail marijuana establishment that is the subject of the license and receive approval prior to any transfer or change pursuant to Subsection C. of this Section. A report is required for transfers of capital stock of any corporation regardless of size.

C. For a transfer of ownership, the license holder shall apply to the state and local licensing authorities. In determining whether to permit a transfer of ownership, the local licensing authority shall consider only the suitability of the applicant pursuant to this Chapter 5.11, the Colorado Retail Marijuana Code, and any related rules and regulations, as from time to time amended. The local licensing authority may hold a hearing on the

transfer application; provided the local licensing authority shall not hold a hearing until notice has been posted and provided to the applicant in accordance with the requirements of C.R.S. § 12-43.4-308.

D. After a license is issued, the licensee shall make no physical change which materially or substantially alters the licensed premises or the usage of the licensed premises from the plans and specifications submitted at the time of obtaining the original license without the prior written consent of the state and local licensing authorities. For purposes of this subsection, physical changes, alterations or modifications of the licensed premises, or in the usage of the premises requiring prior written consent shall be as specified in the Colorado Retail Marijuana Code and the rules and regulations promulgated thereunder. Each application for modification of premises shall be accompanied by an application fee in amount established by resolution of the City Council.

**Sec. 5.11.150. Hours of operation.**

Retail marijuana stores may be open for business only between the hours of 8:00 a.m. and midnight.

**Sec. 5.11.160. Signage and advertising.**

All signage and advertising for any retail marijuana establishment shall comply with all applicable provisions of title 17 of this Code, the applicable design standards and guidelines, the Colorado Retail Marijuana Code, and the rules and regulations adopted thereunder.

**Sec. 5.11.170. Security requirements.**

Security requirements for any premises licensed pursuant to this chapter, shall include, at a minimum, lighting, physical security, video, alarm requirements, and other minimum procedures for internal control as deemed necessary by the local licensing authority to properly administer and enforce the provisions of this chapter.

Security measures at all retail marijuana establishments shall be consistent with all requirements imposed by the state licensing authority and its rules and regulations as authorized by the Colorado Retail Marijuana Code. The local licensing authority shall have the authority to impose additional security requirements upon a licensee as part of any order or stipulation issued in connection with a proceeding for suspension or revocation of a license.

**Sec. 5.11.180. Cultivation and growing.**

The cultivation and growing of marijuana plants is prohibited within the City of Louisville, except as permitted for non-retail purposes under Article XVIII, Sections 14 and 16 of the Colorado Constitution, consistent with all applicable state or local laws, rules or regulations. It is unlawful for any person to operate, cause to be operated or permit to be operated in the City a marijuana cultivation facility.

**Sec. 5.11.190. Labeling.**

All marijuana sold or otherwise distributed by the licensee shall be packaged and labeled in a manner consistent with the Colorado Retail Marijuana Code, and any related rules and regulations, as from time to time amended.

**Sec. 5.11.200. On-site consumption of retail marijuana.**

The consumption of marijuana or marijuana products on or within the licensed premises of a retail marijuana establishment is prohibited.

**Sec. 5.11.210. Prohibited acts.**

A. It shall be unlawful for any licensee to violate or fail to comply with any provision of Amendment 64, the Colorado Retail Marijuana Code, any rules and regulations adopted thereunder, or any applicable state or local law, ordinance, rule or regulation.

B. It shall be unlawful for any person to engage in any form of business or commerce involving the cultivation, processing, manufacturing, storage, sale, distribution or consumption of retail marijuana other than those forms of businesses and commerce that are expressly permitted by Amendment 64, the Colorado Retail Marijuana Code, and this Code.

**Sec. 5.11.220. Visibility of activities; control of emissions.**

A. All activities of retail marijuana establishments, including, without limitation, processing, displaying, selling and storage, shall be conducted indoors.

B. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a retail marijuana establishment must be provided at all times. In the event that any odors, debris, dust, fluids or other substances exit a retail marijuana establishment, the owner of the subject premises and the licensee shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The licensee shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in

accordance with all applicable federal, state and local laws and regulations.

**Sec. 5.11.230. Disposal of marijuana byproducts.**

The disposal of retail marijuana, byproducts and marijuana accessories shall be done in accordance with the Colorado Retail Marijuana Code and any other applicable state and local laws, ordinances and regulations.

**Sec. 5.11.240. Sales and use tax.**

Each licensee shall collect and remit city sales and use taxes on all retail marijuana, retail marijuana products, marijuana accessories and other tangible personal property sold, dispensed, or purchased at the retail marijuana establishment, in accordance with the requirements of chapter 3.20 of this Code.

There is hereby levied, and there shall be collected and paid, a tax upon the privilege of using, storing, distributing, or otherwise consuming in the city any article of tangible personal property or services purchased, leased or rented from sources outside the city, on which a sales tax has not been paid and as specified in section 3.20.305, and upon rental of storage space within the city. The amount of the tax shall be 3.5 percent of the purchase price thereof.

**Sec. 5.11.250. Inspection of books and records and licensed premises.**

A. Each licensee shall keep a complete set of all records necessary to show fully the business transactions of the licensee, all of which shall be open at all times during business hours for the inspection and examination by the local licensing authority or its duly authorized representatives, and by the city police department for the purposes of investigating and determining compliance with the provisions of this chapter and any other applicable state and local laws or regulations. The local licensing authority may require any licensee to furnish such information as it considers necessary for the proper administration of this chapter and may require an audit to be made of the books of account and records on such occasions as it may consider necessary by an auditor to be selected by the local licensing authority who shall likewise have access to all books and records of the licensee, and the expense thereof shall be paid by the licensee.

B. The licensed premises, including any places of storage where retail marijuana or retail marijuana products are stored, sold, or dispensed, shall be subject to inspection by the local licensing authority or its duly authorized representatives, and by the city police department, during all business hours and other times of apparent activity, for the purpose of inspection or investigation. For examination of any inventory or books and

records required to be kept by the licensees, access shall be required during business hours. Where any part of the licensed premises consists of a locked area, upon demand to the licensee, such area shall be made available for inspection without delay, and, upon request by authorized representatives of the local licensing authority or city, the licensee shall open the area for inspection.

C. Each licensee shall retain all books and records necessary to show fully the business transactions of the licensee for a period of the current tax year and the three immediately prior tax years.

**Sec. 5.11.260. Non-renewal, suspension, or revocation of license.**

The local licensing authority may, after notice and hearing, suspend, revoke or refuse to renew a license for good cause. The local licensing authority is authorized to adopt rules and procedures governing the conduct of such hearings. No portion of any application or license fees previously paid shall be refunded in the event of any suspension or revocation of a license.

**Sec. 5.11.270. Violations and penalties.**

In addition to the possible denial, suspension, revocation or nonrenewal of a license under the provisions of this chapter, any person, including, but not limited to, any licensee, owner, manager or employee of a retail marijuana establishment, or any customer of such business, who violates any of the provisions of this chapter, shall be guilty of a misdemeanor punishable as provided in section 1.28.010 of this Code.

**Sec. 5.11.280. No City liability; indemnification.**

A. By accepting a license issued pursuant to this chapter, the licensee waives and releases the city, its officers, elected and appointed officials, employees, attorneys, agents and authorized volunteers from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of the owners, operators, employees, clients or customers of the retail marijuana establishment for a violation of state or federal laws, rules or regulations.

B. By accepting a license issued pursuant to this chapter, all licensees, jointly and severally if more than one, agree to indemnify, defend and hold harmless the city, its officers, elected and appointed officials, employees, attorneys, agents, authorized volunteers, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss, or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage or any other loss of any kind whatsoever arising out of or are in any manner connected with the

operation of the retail marijuana establishment that is the subject of the license.

**Sec. 5.11.290 Other laws remain applicable.**

A. To the extent the State has adopted or adopts in the future any additional or stricter law or regulation governing the sale or distribution of retail marijuana or retail marijuana products, the additional or stricter regulation shall control the establishment or operation of any retail marijuana establishment in the city. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any license under this chapter, and noncompliance with any applicable state law or regulation shall be grounds for non-renewal, revocation or suspension of any license issued hereunder.

B. Any licensee may be required to demonstrate, upon demand by the local licensing authority or by law enforcement officers that the source and quantity of any marijuana found upon the licensed premises are in full compliance with any applicable state law or regulation.

C. If the State or federal government prohibits the sale or other distribution of marijuana through retail marijuana establishments, any license issued hereunder shall be deemed immediately revoked by operation of law, with no ground for appeal or other redress on behalf of the licensee.

D. The issuance of any license pursuant to this chapter shall not be deemed to create an exception, defense or immunity to any person in regard to any potential criminal liability the person may have for the cultivation, possession, sale, distribution or use of marijuana.

**Sec. 5.11.300. Severability.**

If any section, sentence, clause, phrase, word or other provision of this chapter is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this chapter or the validity of this chapter as an entirety, it being the legislative intent that this chapter shall stand, notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

**Section 2.** Any person who violates any provision of this ordinance shall be punished by a fine of not more than \$2,650 or by imprisonment not to exceed one year, or by both such fine and imprisonment. Each day during any portion of which any violation of any provision of this ordinance is committed, continued, or permitted by any such person shall be a separate offense.

**Section 3.** If any portion of this ordinance is held to be invalid for any reason such decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

**Section 4.** The repeal or modification of any portion of the Louisville Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify or change, in whole or in part, any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for the enforcement of the penalty, forfeiture or liability as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

**Section 5.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portions hereof are hereby repealed to the extent of such inconsistency or conflict.

**INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED PUBLISHED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Robert P. Muckle, Mayor

ATTEST:

\_\_\_\_\_  
Nancy Varra, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Light, Kelly & Dawes, P.C.

City Attorney

**PASSED AND ADOPTED ON SECOND AND FINAL READING** this \_\_\_\_ day of \_\_\_\_\_, 2013.

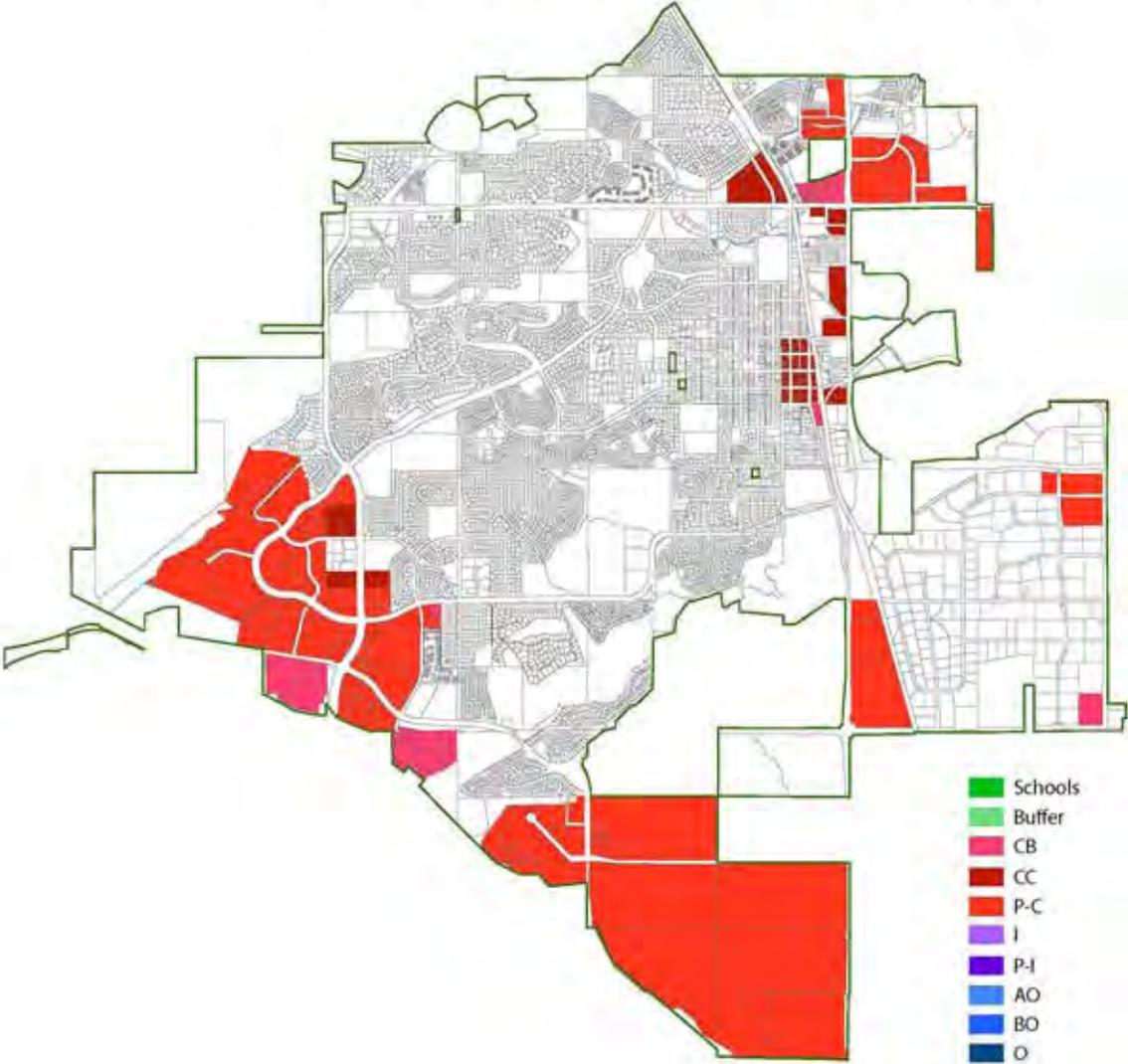
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Robert P. Muckle, Mayor

ATTEST:

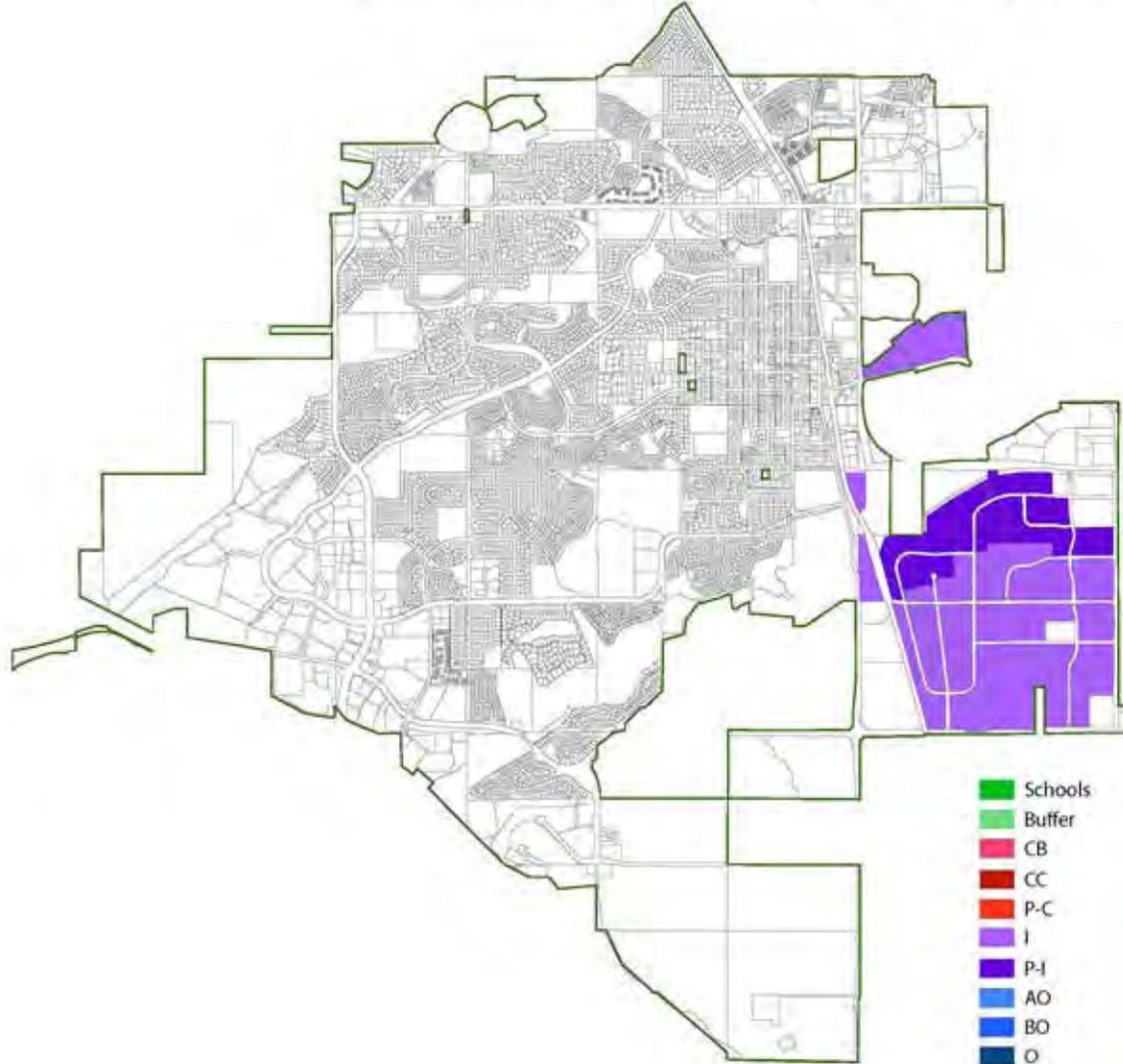
\_\_\_\_\_  
Nancy Varra, City Clerk

DRAFT

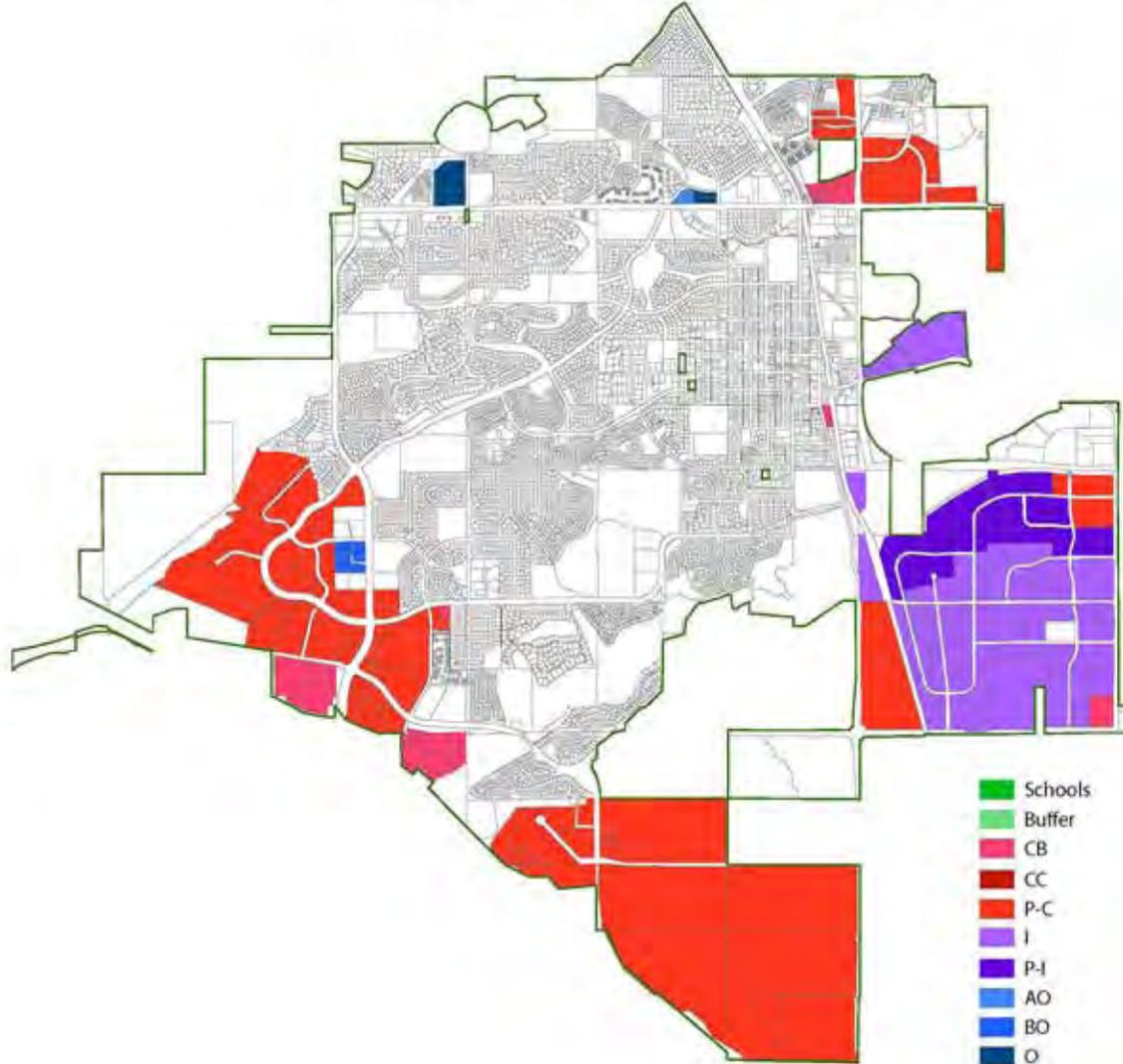
# Retail Stores Recommended Zone Districts



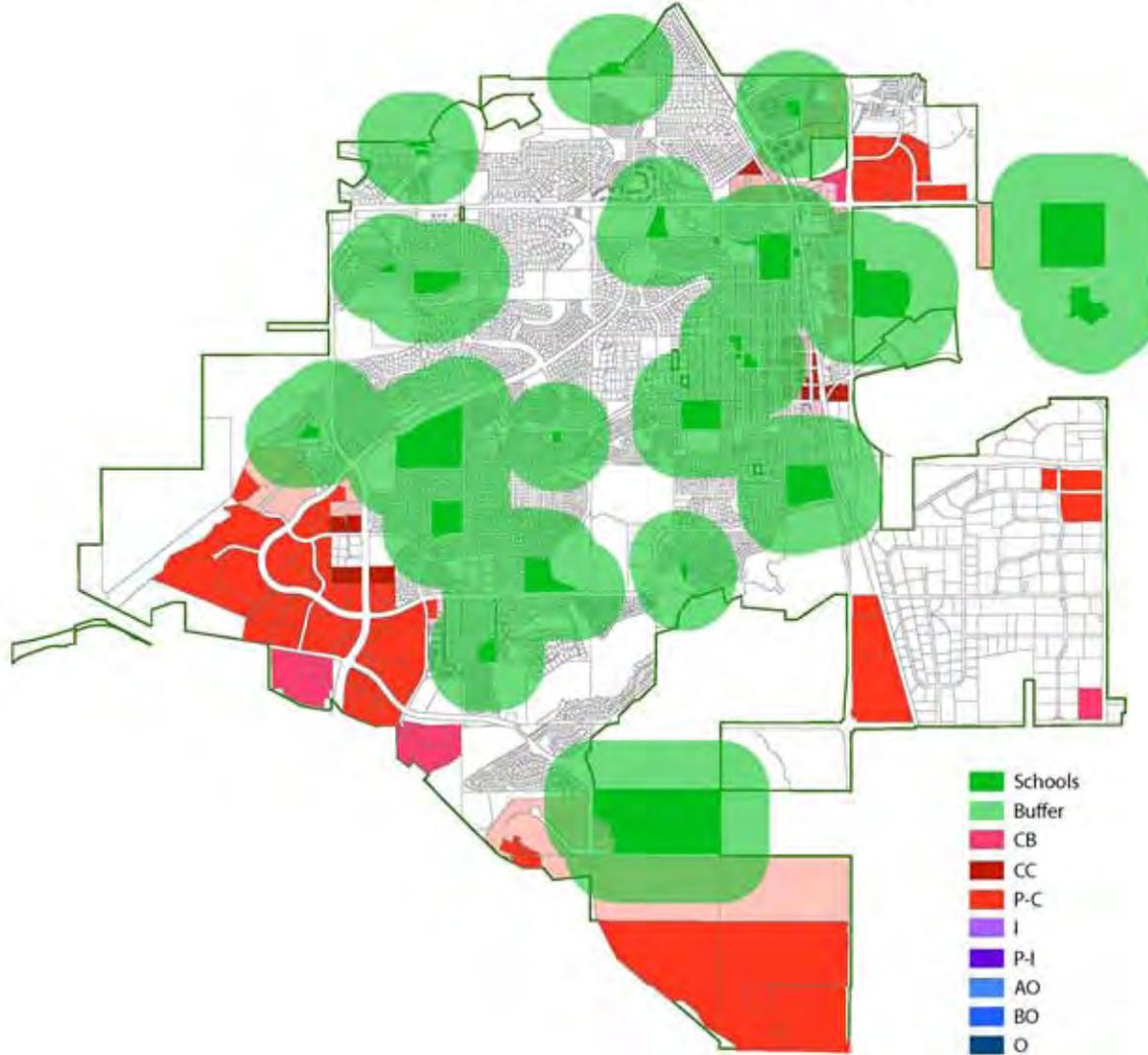
# Product Manufacturing Recommended Zone Districts



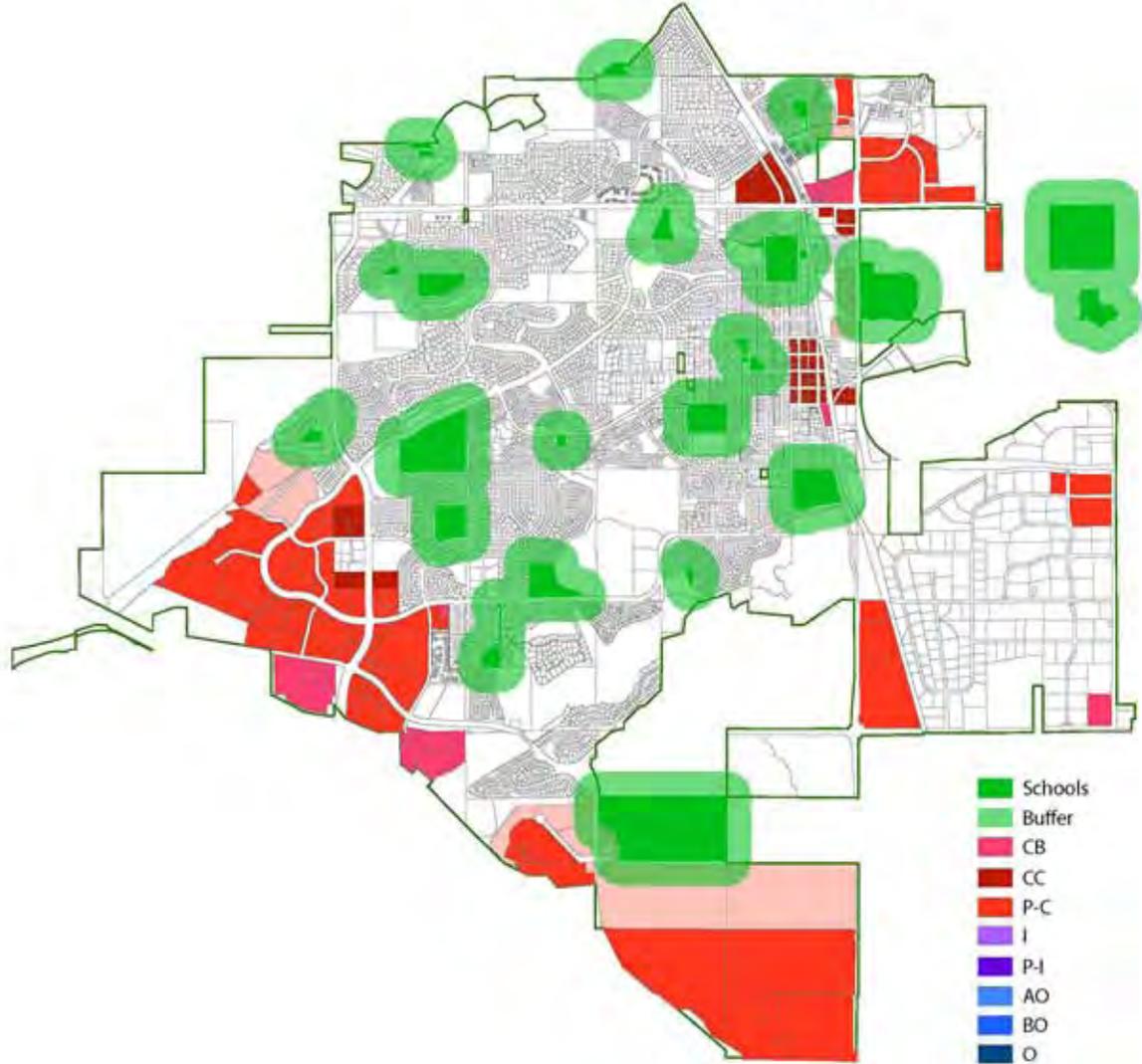
# Testing Facilities Recommended Zone Districts



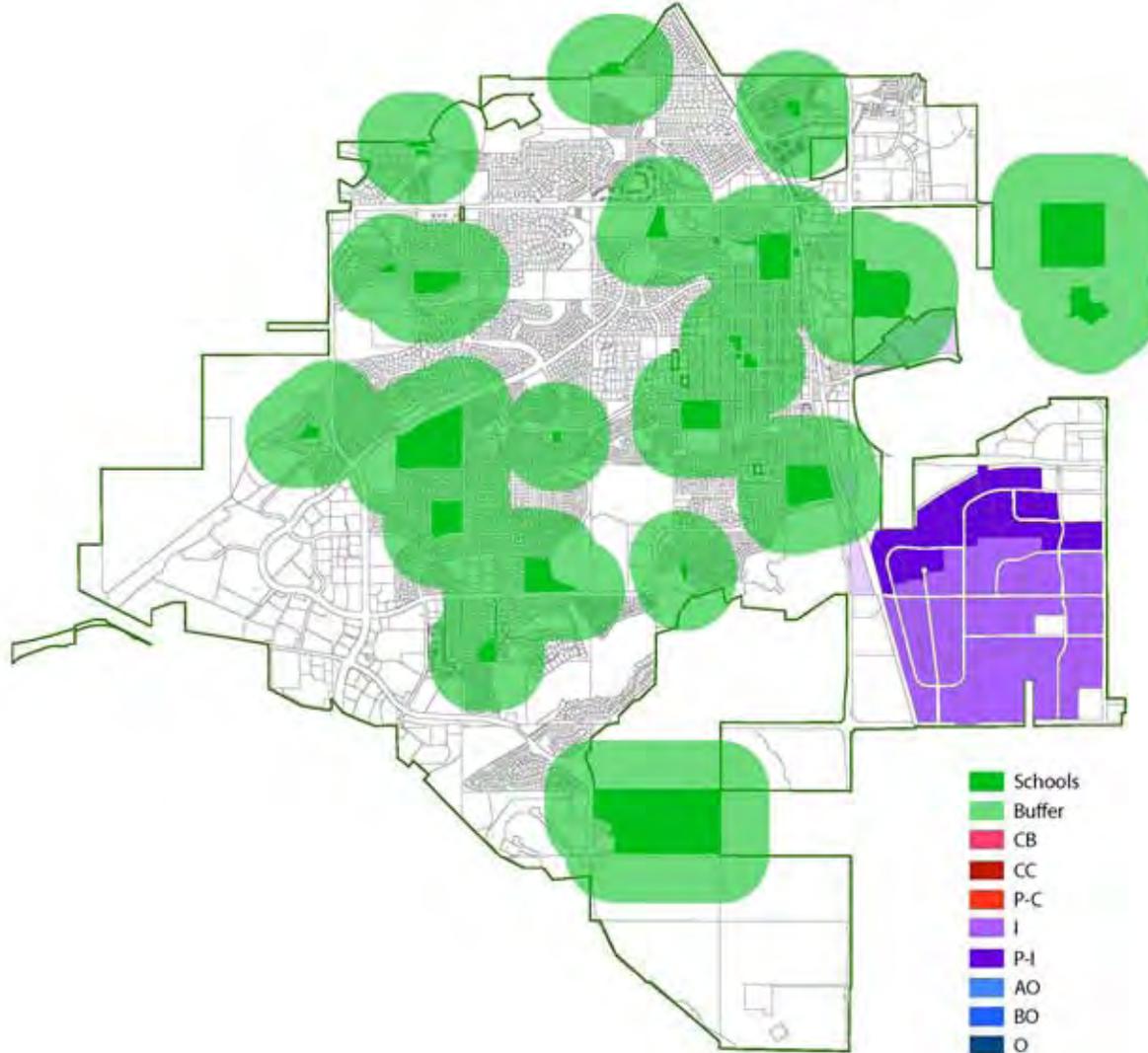
# Retail Stores 1000 Foot Buffer



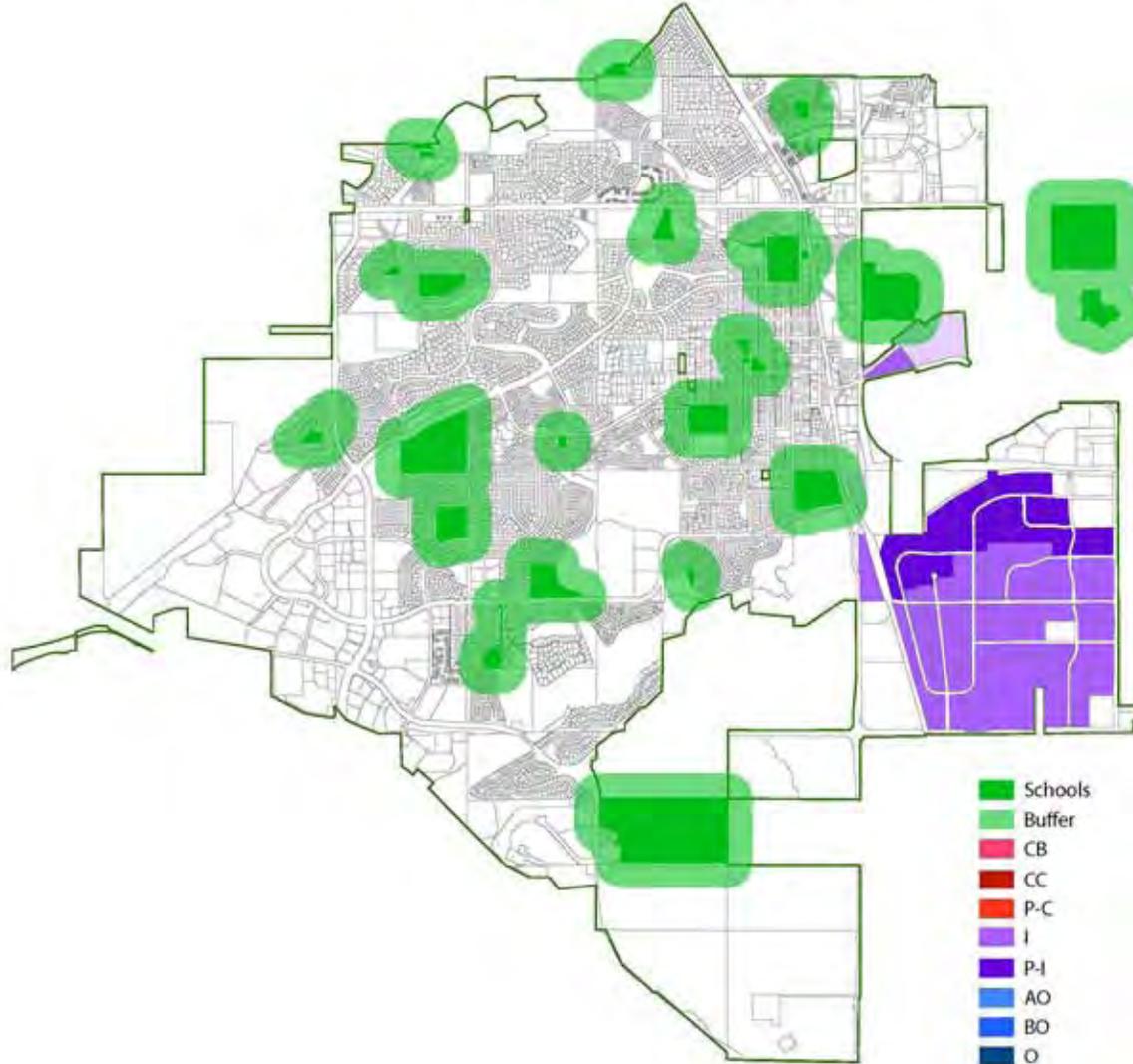
# Retail Stores 500 Foot Buffer



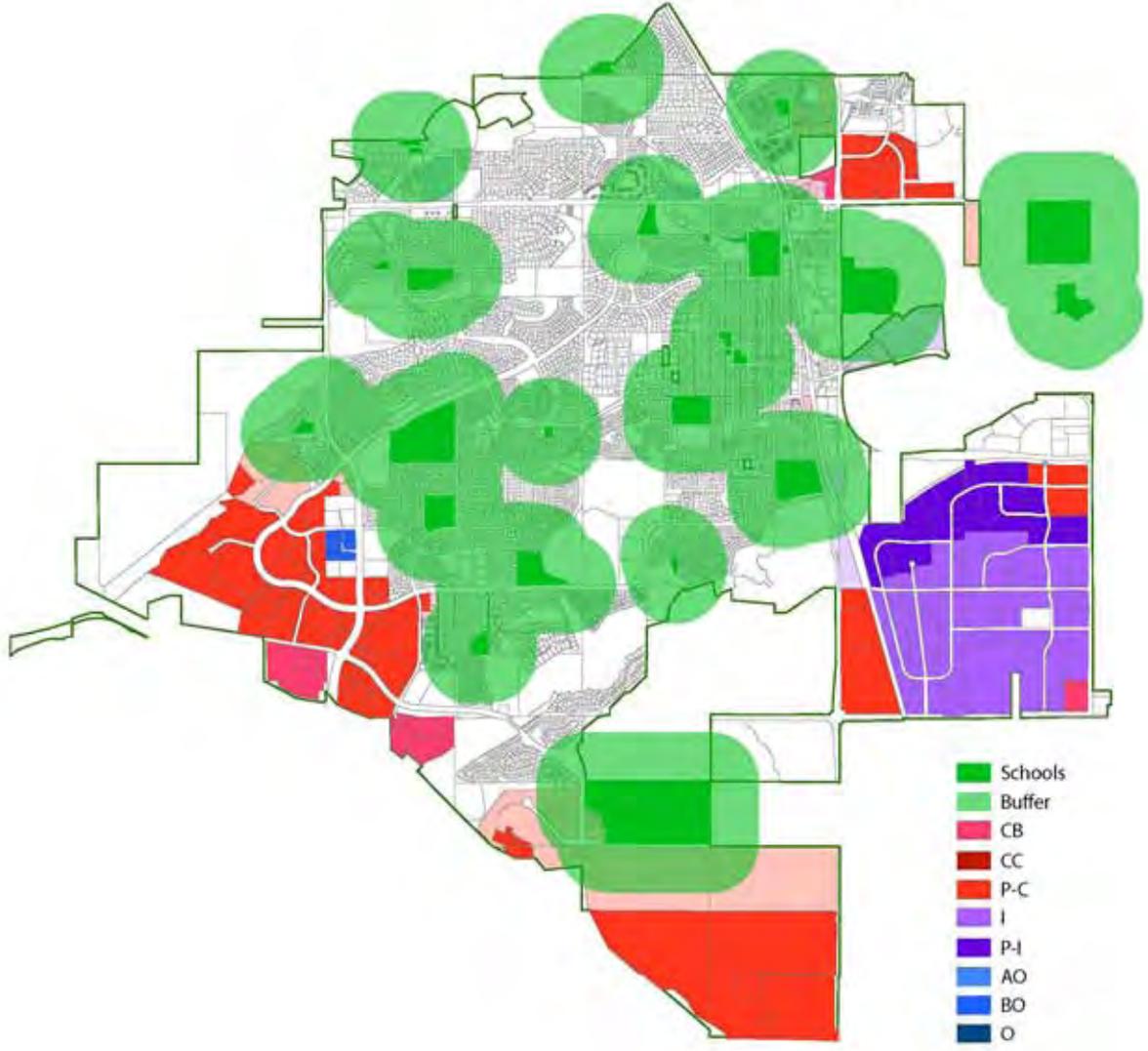
# Product Manufacturing 1000 Foot Buffer



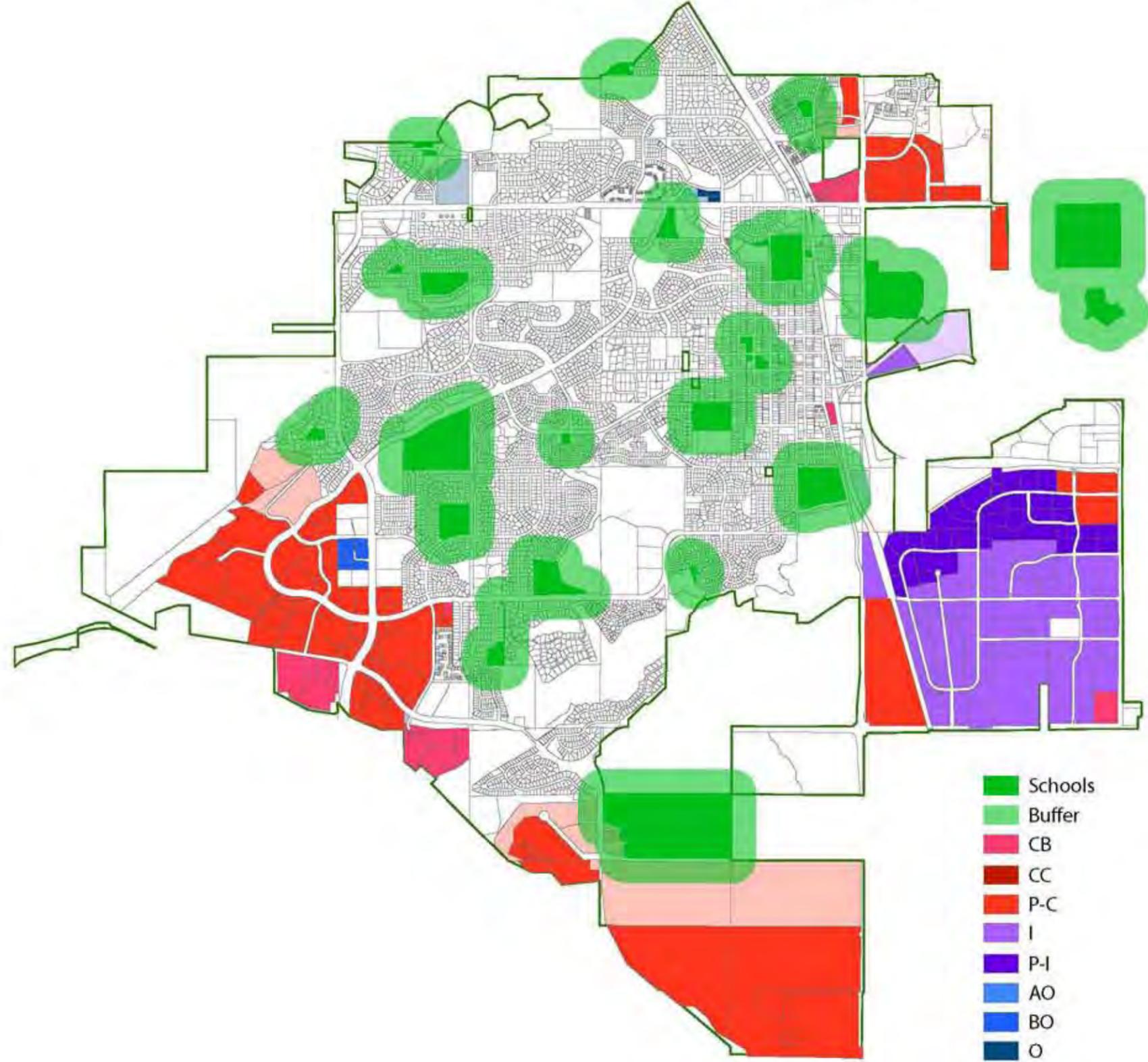
# Product Manufacturing 500 Foot Buffer



# Testing Facilities 1000 Foot Buffer



# Testing Facilities 500 Foot Buffer



**ITEM:** Case #13-004-PP/PDP/ZN, Coal Creek Station

**PLANNER:** Scott Robinson, Planner I

**APPLICANT:** BVZ Architects  
3445 Penrose Place, Suite 220  
Boulder, CO, 80301

**OWNER:** Coal Creek Station Properties  
1600 38<sup>th</sup> Street, Suite 201  
Boulder, CO 80301

**REPRESENTATIVE:** Gary Brothers, AIA  
BVZ Architects

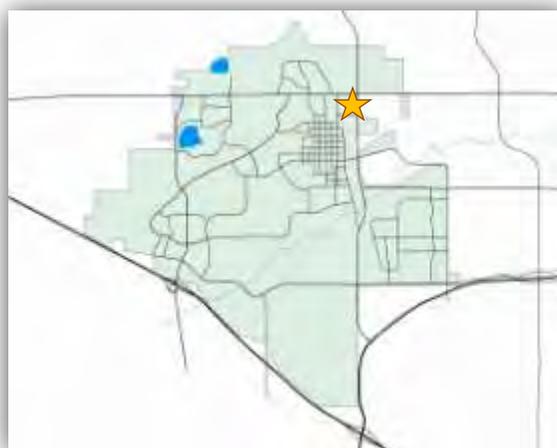
**EXISTING ZONING:** Commercial Business (CB)

**LOCATION:** The property includes the land south of South Boulder Road, west of Hwy 42, north of Little Italy, and east of the BNSF tracks, excluding the Union Jack Liquor Store, Fordyce Auto, and the car wash.

**LEGAL DESCRIPTION:** A subdivision in the NE1/4 NE1/4 of Section 8, T1S, R69W of the 6<sup>th</sup> PM and a re-subdivision of Coal Creek Station Filing No. 2 and a portion of Caledonia Place

**TOTAL SITE AREA:** 10.97 acres

**REQUEST:** A request for a rezoning from Commercial Business (CB) to Commercial Community (CC), Mixed-Use Residential (MU-R), and Residential Medium Density (RM) in compliance with the Highway 42 Revitalization Plan.



**BACKGROUND:**

The applicant, BVZ Architects, has submitted a plan to develop the Coal Creek Station property as a mixed use project. The property is 10.97 acres and includes the railroad car restaurant, the Louisville Cyclery building, the former 7-11 building, and the Tim's Trains building. The small building that was formerly a State Farm office is on a separate lot and not part of this development. The remainder of the property is vacant.

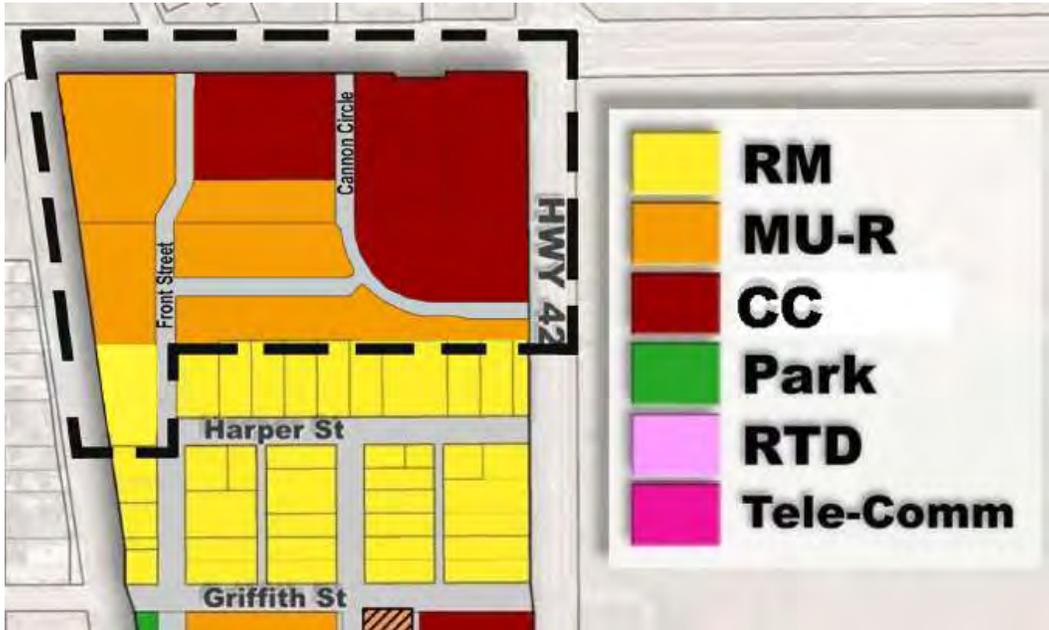
Planning Commission approved a resolution recommending approval of a preliminary plat and preliminary planned unit development (PUD) as well as the rezoning on June 13, 2013. City Council approved the preliminary plat and preliminary PUD on July 2, 2013, but did not consider the rezoning request. Staff had not properly noticed the rezoning request, so it is being brought back to Planning Commission at this meeting after having been properly noticed.

The property is located within the Highway 42 Revitalization Area and therefore must be rezoned in accordance with Chapter 17.14 in the LMC with a combination of Mixed-Use Residential (MU-R), Residential Medium Density (RM), and Mixed Use Commercial Community (CC) zone districts. As part of this process, the applicant has requested and Planning Commission and City Council have approved modifications to the adopted Exhibit A (Land Use Plan) to allow for a more functional layout. The applicant is now requesting a rezoning of the property to match the approved Land Use Plan.

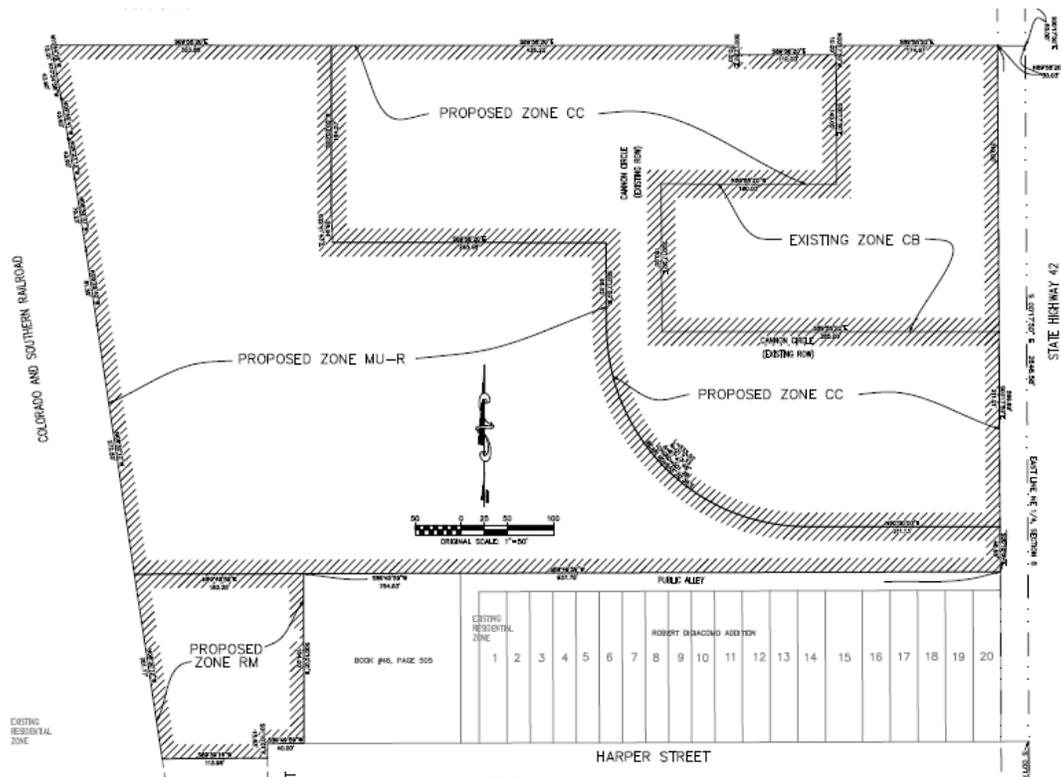
**REQUEST:**



Section 17.14.020 of the LMC requires any property undergoing new development or redevelopment in the Revitalization Area to first be rezoned consistent with the Land Use Plan referenced as Exhibit A. City Council approved a modification to the Land Use Plan on July 16, 2013. The proposed rezoning complies with the Land Use Plan.



Land Use Plan (Exhibit A)



Zoning Map

**STAFF RECOMMENDATION:**

Staff recommends approval of the requested zoning change, because it is required by LMC Section 17.14 and complies with the Land Use Plan contained in that section.

**ATTACHMENTS:**

1. Resolution No. 18, Series 2013
2. Application documents – Land Use Application, Letter of Intent, etc.
3. Draft Zoning Ordinance
4. Land Use Plan (Exhibit A)

**RESOLUTION NO. 18  
SERIES 2013**

**A RESOLUTION RECOMMENDING APPROVAL OF A REZONING OF A 10.97-ACRE PARCEL OF LAND LOCATED AT 1032 E SOUTH BOULDER ROAD FROM CITY OF LOUISVILLE COMMERCIAL BUSINESS (CB) ZONING TO CITY OF LOUISVILLE MIXED-USE RESIDENTIAL (MU-R), COMMERCIAL COMMUNITY (CC), AND RESIDENTIAL MEDIUM DENSITY (RM)**

**WHEREAS**, there has been submitted to the Louisville Planning Commission an application for approval of a rezoning of a 10.97 acre parcel of land located at 1032 E South Boulder Road from City of Louisville Commercial Business (CB) zoning to City of Louisville Mixed-Use Residential (MU-R), Commercial Community (CC), and Residential Medium Density (RM); and

**WHEREAS**, the subject property is in the Highway 42 Revitalization Area; and

**WHEREAS**, Section 17.14.020 of the LMC requires any property in the Highway 42 Revitalization Area be rezoned in conformance with the Land Use Plan incorporated as Exhibit A in LMC Chapter 17.14 before being developed or redeveloped; and

**WHEREAS**, the proposed rezoning conforms to the adopted Land Use Plan; and

**WHEREAS**, the City Staff has reviewed the information submitted and found it to comply with LMC Chapters 17.14 and 17.44; and

**WHEREAS**, after a duly noticed public hearing on August 8, 2013 where evidence and testimony were entered into the record, including the findings in the Louisville Planning Commission Staff Report dated August 8, 2013, the Planning Commission finds the Coal Creek Station rezoning should be approved.

**NOW THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Louisville, Colorado does hereby recommend approval of a Rezoning for the Coal Creek Station Subdivision.

**PASSED AND ADOPTED** this 8<sup>th</sup> day of August, 2013.

By: \_\_\_\_\_  
Jeff 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 REQUEST TO REZONE A 10.97-ACRE PARCEL OF LAND LOCATED AT 1032 E SOUTH BOULDER ROAD FROM CITY OF LOUISVILLE COMMERCIAL BUSINESS (CB) ZONING TO CITY OF LOUISVILLE MIXED-USE RESIDENTIAL (MU-R), COMMERCIAL COMMUNITY (CC), AND RESIDENTIAL MEDIUM DENSITY (RM) ZONING

APPLICATION NAME: COAL CREEK STATION PUD (COAL CREEK STATION PROPERTIES LLC AND BVZ ARCHITECTS)

LOCATION: 1032 E. SOUTH BOULDER ROAD; COAL CREEK STATION, FILINGS 1, 2 & 3 AND THE BALANCE OF THE VACANT SITE

CASE NUMBER: 13-004-ZN

DATE AND TIME: THURSDAY, AUGUST 8, 2013  
PLANNING COMMISSION

DATE AND TIME: TUESDAY, SEPTEMBER 3, 2013 (1<sup>ST</sup> READING)  
CITY COUNCIL (TENTATIVE) TUESDAY, SEPTEMBER 17, 2013 (2<sup>ND</sup> READING)

PLACE: CITY COUNCIL CHAMBERS, 2<sup>ND</sup> 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, JULY 21, 2013

(POSTED IN CITY HALL, PUBLIC LIBRARY, RECREATION CENTER AND THE COURTS AND POLICE BUILDING AND MAILED TO SURROUNDING PROPERTY OWNERS AND PROPERTY POSTED ON FRIDAY, JULY 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](http://WWW.LOUISVILLECO.GOV)

**LAND USE APPLICATION**

**CASE NO.** 13-004-PP/POP/ZNY

**APPLICANT INFORMATION**

Firm: BVZ Architects  
 Contact: Gary Brothers, AIA  
 Address: 3445 Penrose Place, Suite 220  
Boulder, CO 80301  
 Mailing Address: Same  
 Telephone: 303.442.0295  
 Fax: 303.442.0296  
 Email: info@bvzarchitects.com

**OWNER INFORMATION**

Firm: Eastpark Associates, LLP  
 Contact: Bill Arnold  
 Address: 1600 38th Street, Suite 201  
Boulder, CO 80301  
 Mailing Address: Same  
 Telephone: 303.447.2655  
 Fax: 303.447.2659  
 Email: billarnold@covad.net

**REPRESENTATIVE INFORMATION**

Firm: See Above  
 Contact: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_  
 Fax: \_\_\_\_\_  
 Email: \_\_\_\_\_

**PROPERTY INFORMATION**

Common Address: 1032 E. South Boulder Rd.  
 Legal Description: Lot \_\_\_\_\_ Blk \_\_\_\_\_  
 Subdivision Coal Creek Filing #2  
 Area: 481,486 +/- Sq. Ft.

**TYPE (S) OF APPLICATION**

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

**PROJECT INFORMATION**

Summary: The project is a redevelopment & replat of the existing property at the SW corner of S. Boulder Rd. & State 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, & an extension of the residential neighborhood from the South. We are requesting the existing zoning lines to be adjusted to accommodate the relocation of Cannon Circle & the residential use in the NW corner.  
 Current zoning: MUR/CC Proposed zoning: Same

**SIGNATURES & DATE**

Applicant: [Signature]  
 Print: Gary Brothers w/BVZ  
 Owner: [Signature]  
 Print: Bill Arnold w/Eastpark Assoc.  
 Representative: See above  
 Print: \_\_\_\_\_

**CITY STAFF USE ONLY**

- Fee paid: \_\_\_\_\_
- Check number: \_\_\_\_\_
- Date Received: \_\_\_\_\_

## Letter of Request for the Redevelopment of Coal Creek Station - PUD

### PROJECT DIRECTION AND GOALS

It is the intent of this project to become a viable part of the City's commercial and residential community. The project includes the redevelopment of Coal Creek Station, Filing 1, 2, & 3, and the balance of the vacant site. The goal is to redevelop the existing commercial along So. Boulder Rd. and State Hwy 42. The success of the commercial development is enhanced by shifting Cannon Dr. to the South along SH 42 and creating a controlled intersection. By doing so, we need to request an adjustment to Section 17.14.030, Exhibit A, for the street layout and zoning designation. The goal of the residential portion of the site is to extend the existing residential neighborhood to the South onto our site. To allow the new residential neighborhood to be developed with a more compatible density and character, we need to request a density reduction for the MU-R zoning, Section 17.14.060, Table 3, from 12 units to 6.5 units/ac. We also need to change the use table, Section 17.14.050, Table 1 to allow duplexes in the MU-R zone district. This property is an infill site which will add to the existing fabric of the surrounding successful business and residential community. Because this development is located on an "Infill Site", it will be able to provide financial support for the existing services already in place, such as roadways, utilities, and police and fire protection, without adding to the cost of these supporting systems.

### SITE CIRCULATION

This development will cater to auto-oriented along with pedestrian and bike users throughout the site. Bike parking is located at each commercial location. The extension of Front St. and re-establishing Frost St. from the original "Caledonia Place" subdivision, helps extend the existing residential circulation onto the site. The development is organized to keep higher activity users closest to the major roadways, and less active users in the residential area. The development has used a pedestrian/bikeway to buffer the residential activity from the commercial users. The landscaped pedestrian/bikeway will connect Main St. with a controlled pedestrian/ bikeway crossing at Cannon Cir. and SH 42 onto the City's open space.

### BUILDING CHARACTER

The commercial buildings on the site shall be in keeping with the surrounding building character with a 1 to 1 1/2 story height. The goal of the single story spaces will be to cater to neighborhood retail users.

The goal of the residential elements of the development will be to extend the existing residential neighborhood feel onto our site. We have re-establish Frost Street from the original "Caledonia Place" subdivision located on this site. In addition, the "Energy Star"

standards of construction will be a key to our approach to the quality of the end product. The character study provided indicates a reference to the desired roof forms and front porch design approach. We are asking for a reduced density for the residential portion of the site from 12 units/ac to 6.5 units/ ac. We have also requested to allow “Duplexes” in the MU-R zone, Section 17.14.050, Table 1. This allows a more compatible residential character for the existing neighborhood to the South.

#### LANDSCAPE AND SITE PARKING

The landscape plan has incorporated the existing healthy mature trees on the site, the majority of which are on the NW corner. This allows for a great starting point for the park like pedestrian/bikeway that moves across the site from West to East, providing a visual buffer from the residential neighborhood to the commercial/retail area.

The parking plan provides more parking than required for the residential and commercial areas of the development. In addition, we have provided bike parking areas within the commercial parking lots to encourage the connection to the bikeway user.

**ORDINANCE NO. \_\_\_\_\_**  
**SERIES 2013**

**AN ORDINANCE APPROVING A REZONING OF A 10.97-ACRE PARCEL OF LAND LOCATED AT 1035 E SOUTH BOULDER ROAD FROM CITY OF LOUISVILLE COMMERCIAL BUSINESS (CB) ZONING TO CITY OF LOUISVILLE MIXED-USE RESIDENTIAL (MU-R), COMMERCIAL COMMUNITY (CC), AND RESIDENTIAL MEDIUM DENSITY (RM).**

**WHEREAS**, Coal Creek Station Properties, LLC is the owner of certain real property totaling approximately 10.97 acres, which property is designated as a portion of the Caledonia Place and Coal Creek Station subdivisions of the Highway 42 Revitalization Area and the legal description of which is attached hereto as Exhibit A (the "Property"); and

**WHEREAS**, the landowner of the Property has submitted to the City of Louisville a request to approve a rezoning of the Property from Commercial Business (CB) to Mixed-Use Residential (MU-R), Community Commercial (CC), and Residential Medium Density (RM); and

**WHEREAS**, the Louisville Planning Commission has held a public hearing on the proposed rezoning and has forwarded a recommendation to the City Council to approve the rezoning, and the City Council has duly considered the Commission's recommendation; and

**WHEREAS**, the City Staff and Louisville Planning Commission have reviewed the proposed rezoning and found it to comply with the City of Louisville comprehensive plan, Louisville zoning regulations and other applicable sections of the Louisville Municipal Code; and

**WHEREAS**, the City Council finds the request complies with the Land Use Plan incorporated as Exhibit A in Chapter 17.14 of the Louisville Municipal Code; and

**WHEREAS**, the City Council has held a public hearing on the proposed rezoning and has provided notice of the public hearing as provided by law; and

**WHEREAS**, no protests were received by the City pursuant to C.R.S. §31-23-305; and

**WHEREAS**, the Mixed-Use Residential (MU-R), Community Commercial (CC), and Residential Medium Density (RM) zoning classifications for the Property are consistent with the City of Louisville comprehensive plan, Louisville zoning regulations and other applicable sections of the Louisville Municipal Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**

**OF LOUISVILLE, COLORADO:**

**Section 1.** Pursuant to the zoning ordinances of the City, that certain Property legally described on Exhibit A, attached hereto and incorporated herein by reference, is hereby rezoned from Commercial Business (CB) to Mixed-Use Residential (MU-R), Community Commercial (CC), and Residential Medium Density (RM), with the area zoned into each such district as described in Exhibit A, and the City zoning map shall be amended accordingly.

**INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED PUBLISHED** this \_\_\_ day of \_\_\_, 2013.

\_\_\_\_\_  
Robert P. Muckle, Mayor

ATTEST:

\_\_\_\_\_  
Nancy Varra, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Light, Kelly & Dawes, P.C.  
City Attorney

**PASSED AND ADOPTED ON SECOND AND FINAL READING**, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Robert P. Muckle, Mayor

ATTEST:

\_\_\_\_\_  
Nancy Varra, City Clerk

## Exhibit A

### LEGAL DESCRIPTION FOR AREA TO BE ZONED CC

PCOMMENCING AT THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 1 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN; THENCE S00°17'50"E ALONG THE EAST LINE OF SAID SECTION 8, A DISTANCE OF 50.00 FEET; THENCE N89°58'20"W, A DISTANCE OF 30.03 FEET TO A POINT ON WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY 42, THENCE ALONG SAID WEST RIGHT-OF-WAY LINE S00°17'50"E, A DISTANCE OF 310.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE S00°17'50"E, A DISTANCE OF 211.01 FEET; THENCE DEPARTING FROM SAID WEST RIGHT-OF-WAY LINE N90°00'00"W, A DISTANCE OF 211.13 FEET; THENCE ALONG A CURVE TO THE RIGHT 333.02 FEET, SAID CURVE HAVING A RADIUS OF 217.33 FEET WITH A DELTA OF 87°47'48" AND A CHORD THAT BEARS N45°30'36"W, A DISTANCE OF 301.38 FEET; THENCE N00°17'50"W, A DISTANCE OF 96.52 FEET; THENCE N89°58'20"W, A DISTANCE OF 295.96 FEET; THENCE N02°41'43"W, A DISTANCE OF 28.94 FEET; THENCE N00°00'00"E, A DISTANCE OF 184.57 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SOUTH BOULDER ROAD; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES: (1) S89°58'20"E, A DISTANCE OF 436.22 FEET; (2) S00°17'50"E, A DISTANCE OF 10.00 FEET; (3) S89°58'20"E, A DISTANCE OF 110.00 FEET TO THE NORTHEAST CORNER OF LOT 1, COAL CREEK STATION FILING NO. 3; THENCE S00°17'50"E ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 140.00 FEET TO THE NORTHEAST CORNER OF LOT 2, COAL CREEK STATION FILING NO. 3; THENCE ALONG THE NORTH LINE OF SAID LOT 2 N89°58'20"W, A DISTANCE OF 190.00 FEET TO A POINT ON THE RIGHT-OF-WAY LINE OF CANNON CIRCLE; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES: (1) S00°17'50"E, A DISTANCE OF 160.00 FEET; (2) S89°58'20"E, A DISTANCE OF 365.00 FEET TO THE POINT OF BEGINNING.

### LEGAL DESCRIPTION FOR AREA TO BE ZONED MU-R

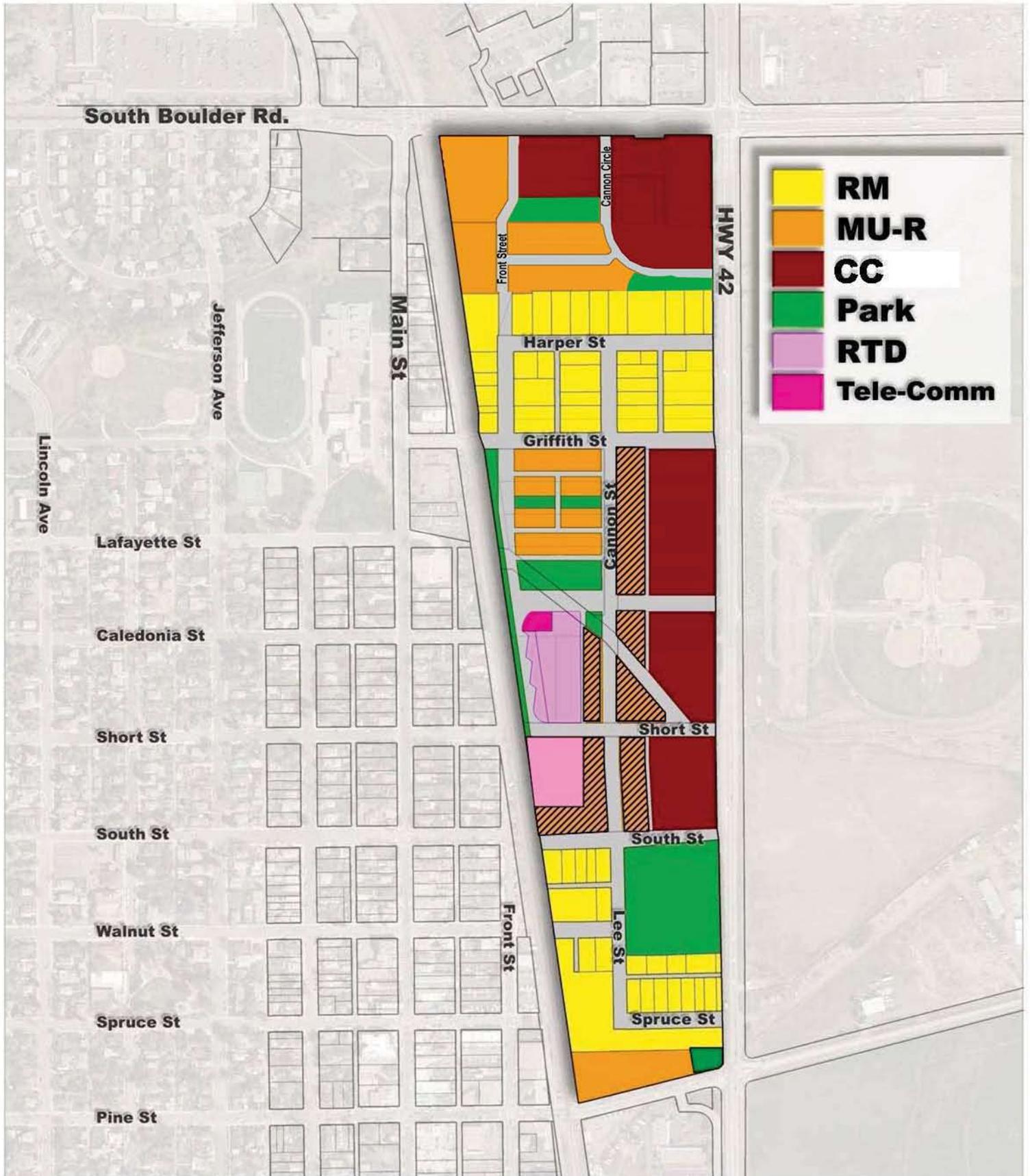
PCOMMENCING AT THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 1 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN; THENCE S00°17'50"E ALONG THE EAST LINE OF SAID SECTION 8, A DISTANCE OF 50.00 FEET; THENCE N89°58'20"W, A DISTANCE OF 30.03 FEET TO A POINT ON WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY 42; THENCE S00°17'50"E ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 521.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE S00°17'50"E, A DISTANCE OF 48.68 FEET TO A POINT ON THE NORTH LINE OF THE ALLEY LOCATED IN THE ROBERT DIGIACOMO ADDITION AS RECORDED AT BOOK 5, PAGE 17; THENCE ALONG SAID NORTH LINE AND NORTH LINE EXTENDED S89°49'59"W, A DISTANCE OF 937.78 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF THE COLORADO AND SOUTHERN RAILROAD; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING SEVEN (7) COURSE: (1) N08°30'12"W, A DISTANCE OF 272.50 FEET; (2) N08°28'40"W, A DISTANCE OF 81.59 FEET; (3) N08°52'07"W, A DISTANCE OF 79.23 FEET; (4) N09°23'12"W, A DISTANCE OF 43.90 FEET; (5) N09°49'41"W, A DISTANCE OF 43.90 FEET; (6) N10°34'58"W, A DISTANCE OF 43.90 FEET; (7) N11°44'18"W, A DISTANCE OF 15.01 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SOUTH BOULDER ROAD; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE S89°58'20"E, A DISTANCE OF 303.88 FEET; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY LINE S00°00'00"W, A DISTANCE OF 184.57 FEET; THENCE S02°41'43"E, A DISTANCE OF 28.94 FEET; THENCE S89°58'20"E, A DISTANCE OF 295.96 FEET; THENCE S00°17'50"E, A DISTANCE OF 96.52

FEET; THENCE ALONG A CURVE TO THE LEFT 333.02 FEET, SAID CURVE HAVING A RADIUS OF 217.33 FEET WITH A DELTA OF 87°47'48" AND A CHORD THAT BEARS S45°30'36"E, A DISTANCE OF 301.38 FEET; THENCE S90°00'00"E, A DISTANCE OF 211.13 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION FOR AREA TO BE ZONED RM

COMMENCING AT THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 1 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN; THENCE S00°17'50"E ALONG THE EAST LINE OF SAID SECTION 8, A DISTANCE OF 50.00 FEET; THENCE N89°58'20"W, A DISTANCE OF 30.03 FEET TO A POINT ON WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY 42; THENCE S00°17'50"E ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 569.69 FEET TO A POINT ON THE NORTH LINE OF THE ALLEY LOCATED IN THE ROBERT DIGIACOMO ADDITION AS RECORDED AT BOOK 5, PAGE 17; THENCE ALONG SAID NORTH LINE AND NORTH LINE EXTENDED S89°49'59"W, A DISTANCE OF 754.53 FEET TO THE NORTHWEST CORNER OF THAT PROPERTY RECORDED AT BOOK 46, PAGE 505; THENCE S00°10'01"E ALONG THE WEST LINE OF SAID PROPERTY DESCRIBED IN BOOK 46, PAGE 505, A DISTANCE OF 184.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF HARPER STREET; THENCE S89°49'59"W ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 40.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF FRONT STREET; THENCE S00°10'01"E ALONG SAID WEST RIGHT-OF-WAY, A DISTANCE OF 15.63 FEET TO THE NORTHEAST CORNER OF LOT 1, HUNT-PUSKAS SUBDIVISION AS RECORDED AT RECEPTION NO. 483037; THENCE S89°39'16"W ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 113.96 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF THE COLORADO AND SOUTHERN RAILROAD; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE N08°30'12"W, A DISTANCE OF 201.77 FEET; THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE N89°49'59"E, A DISTANCE OF 183.25 FEET TO THE POINT OF BEGINNING.

# Land Use Plan Exhibit A



EXISTING  
D.C. JOB

EXISTING  
D-8 JOB

EXISTING  
D-8 JOB

EXISTING  
D-8 JOB

N 1/4 CORNER SECTION 8

NE CORNER SECTION 8  
T15, R68W, E7M PL.

NORTH LINE NE 1/4, SECTION 8  
BASIS OF BEARING

N 89°56'20" W 2842.07'

SOUTH BOULDER ROAD

NORTH LINE NE 1/4, SECTION 8

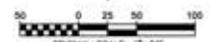
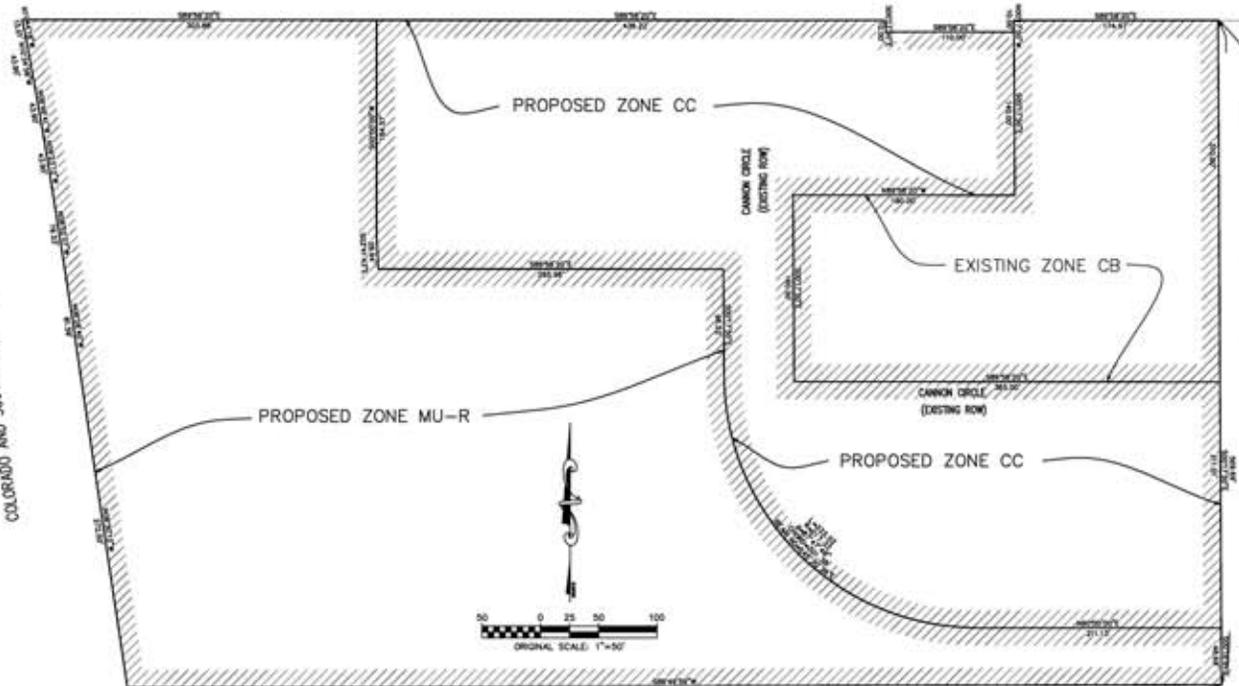
COLORADO AND SOUTHERN RAILROAD

STATE HIGHWAY 42

8 MILES 27 1/2 IN 300 FT SECT

SECT 8, T15N, R68W, E7M

E 1/4 CORNER SECTION 8



LEGAL DESCRIPTION FOR PROPOSED CC ZONING

COMMENCING AT THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, THENCE S00°17'50"E ALONG THE EAST LINE OF SAID SECTION 8, A DISTANCE OF 50.00 FEET; THENCE N89°56'20"W, A DISTANCE OF 303.03 FEET TO A POINT ON WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY 42; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE S00°17'50"E, A DISTANCE OF 210.00 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE S00°17'50"E, A DISTANCE OF 211.01 FEET; THENCE DEPARTING FROM SAID WEST RIGHT-OF-WAY LINE N07°00'00"E, A DISTANCE OF 211.13 FEET; THENCE ALONG A CURVE TO THE RIGHT 333.00 FEET, SAID CURVE HAVING A RADIUS OF 217.33 FEET WITH A DELTA OF 87°47'48" AND A CHORD THAT BEARS N40°30'28"W, A DISTANCE OF 303.38 FEET; THENCE S00°17'50"E, A DISTANCE OF 295.96 FEET; THENCE N02°41'30"E, A DISTANCE OF 28.94 FEET; THENCE N07°00'00"E, A DISTANCE OF 184.57 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SOUTH BOULDER ROAD; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES: (1) S89°56'20"W, A DISTANCE OF 436.22 FEET; (2) S00°17'50"E, A DISTANCE OF 10.00 FEET; (3) S89°56'20"W, A DISTANCE OF 110.00 FEET TO THE NORTHEAST CORNER OF LOT 1, COAL CREEK STATION FILING NO. 3; THENCE S00°17'50"E ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 140.00 FEET TO THE NORTHEAST CORNER OF LOT 2, COAL CREEK STATION FILING NO. 3; THENCE ALONG THE NORTH LINE OF SAID LOT 2 N89°56'20"W, A DISTANCE OF 180.00 FEET TO A POINT ON THE RIGHT-OF-WAY LINE OF CANNON CIRCLE; THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES: (1) S00°17'50"E, A DISTANCE OF 180.00 FEET; (2) S89°56'20"W, A DISTANCE OF 385.00 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION FOR PROPOSED MU-R ZONING

COMMENCING AT THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, THENCE S00°17'50"E ALONG THE EAST LINE OF SAID SECTION 8, A DISTANCE OF 50.00 FEET; THENCE N89°56'20"W, A DISTANCE OF 303.03 FEET TO A POINT ON WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY 42; THENCE S00°17'50"E ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 521.01 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE S00°17'50"E, A DISTANCE OF 48.68 FEET TO A POINT ON THE NORTH LINE OF THE ALLEY LOCATED IN THE ROBERT DISACOMO ADDITION AS RECORDED AT BOOK 5, PAGE 17; THENCE ALONG SAID NORTH LINE AND NORTH LINE EXTENDED S89°49'59"W, A DISTANCE OF 837.38 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF THE COLORADO AND SOUTHERN RAILROAD; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING SEVEN (7) COURSES: (1) N08°50'00"E, A DISTANCE OF 370.50 FEET; (2) N08°50'00"E, A DISTANCE OF 81.58 FEET; (3) N08°50'00"E, A DISTANCE OF 76.23 FEET; (4) N08°23'17"W, A DISTANCE OF 43.80 FEET; (5) N09°49'49"W, A DISTANCE OF 43.80 FEET; (6) N12°44'30"W, A DISTANCE OF 43.80 FEET; (7) N11°44'30"W, A DISTANCE OF 15.01 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SOUTH BOULDER ROAD; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE S00°17'50"E, A DISTANCE OF 303.88 FEET; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY LINE S00°17'50"E, A DISTANCE OF 184.57 FEET; THENCE S02°41'30"E, A DISTANCE OF 28.94 FEET; THENCE S89°56'20"E, A DISTANCE OF 295.96 FEET; THENCE S00°17'50"E, A DISTANCE OF 98.53 FEET; THENCE ALONG A CURVE TO THE LEFT 333.00 FEET, SAID CURVE HAVING A RADIUS OF 217.33 FEET WITH A DELTA OF 87°47'48" AND A CHORD THAT BEARS S40°30'28"W, A DISTANCE OF 303.38 FEET; THENCE S00°00'00"E, A DISTANCE OF 211.13 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION FOR PROPOSED RM ZONING

COMMENCING AT THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, THENCE S00°17'50"E ALONG THE EAST LINE OF SAID SECTION 8, A DISTANCE OF 50.00 FEET; THENCE N89°56'20"W, A DISTANCE OF 303.03 FEET TO A POINT ON WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY 42; THENCE S00°17'50"E ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 188.88 FEET TO A POINT ON THE NORTH LINE OF THE ALLEY LOCATED IN THE ROBERT DISACOMO ADDITION AS RECORDED AT BOOK 5, PAGE 17; THENCE ALONG SAID NORTH LINE AND NORTH LINE EXTENDED S89°49'59"W, A DISTANCE OF 754.53 FEET TO THE NORTHWEST CORNER OF THAT PROPERTY RECORDED AT BOOK 48, PAGE 502; THENCE S00°17'50"E ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 158.83 FEET TO THE NORTHEAST CORNER OF LOT 1, HUNT-PUSKAS SUBDIVISION AS RECORDED AT RECEPTION NO. 48, 885,000; THENCE S00°17'50"E ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 113.96 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF THE COLORADO AND SOUTHERN RAILROAD; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE N08°30'27"W, A DISTANCE OF 201.77 FEET; THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE N89°49'59"W, A DISTANCE OF 183.25 FEET TO THE POINT OF BEGINNING.

OWNERSHIP BLOCK  
HAVE LAD OUT, PLATTED AND SUBDIVIDED THE SAME INTO LOTS UNDER THE NAME OF \_\_\_\_\_ AND ALSO DEDICATE EASEMENTS AS SHOWN ON SAID \_\_\_\_\_ AS LAD OUT AND DESIGNATED ON THIS PLAN. \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, WITNESS OUR HANDS AND SEALS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

OWNER NAME AND SIGNATURE \_\_\_\_\_ (NOTARY SEAL)  
NOTARY NAME AND 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 \_\_\_\_\_.

MAYOR SIGNATURE \_\_\_\_\_ CITY SEAL \_\_\_\_\_  
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 \_\_\_\_\_ (CITY), COLO., ON \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AND IS RECORDED IN PLAN FILE \_\_\_\_\_, FEES \_\_\_\_\_, REC'D \_\_\_\_\_.

CLERK & RECORDER \_\_\_\_\_ DEPUTY \_\_\_\_\_

NO.	DATE	DESCRIPTION	BY

**PARK ENGINEERING CONSULTANTS**  
430 WEST AVENUE, SUITE 107  
LONGMONT CO. 80501 (303)361-8828

COAL CREEK STATION

ZONING PLAN

JOB NO.	DATE	JOB NO.	SHEET NO.
284-1	12/8/03	284BASE	1 OF 1

**ITEM:** Review – 2012 / 2013 Work Plan  
Discussion – 2013 / 2014 Work Plan

**PLANNER:** Troy Russ, AICP, Director of Planning and Building Safety

**ISSUE:** 2013/2014 Work Plan

**SUMMARY:**

Each year the Planning Division seeks input and direction from the Planning Commission in creating our annual work program. The table below documents the status of the 2012-2013 Work Plan and outlines the initial Work Plan for 2013-2014. Staff is seeking initial discussion direction regarding the 2013-2014 goals.

2012/2013 Work Plan Item	Status
<b>Comprehensive Plan</b>	<b>Adopted</b>
<b>LMC. Modifications</b>	<ul style="list-style-type: none"> <li>- Flood Hazard Update: <b>Done</b></li> <li>- Public Notification Procedure Update: <b>Council Study Session in July -Drafting Code Changes</b></li> <li>- Subdivision Re-Plat Criteria: <b>In process</b></li> <li>- Tele-Comm / CMRS – Regs: <b>On Hold</b></li> <li>- Dark Sky Ordinance: <b>On Hold</b></li> </ul>
<b>Transportation Planning</b>	<ul style="list-style-type: none"> <li>- US 36 Managed Lane Project &amp; DDI (On-going coordination 2013-2015): <b>Reviewing Final Design of Phase II.</b></li> <li>- Hwy 42 Gateway Project (Hwy 42. 30% Design - April 2013): <b>Adopted. Completing Final Design of Gateway – Applied for CDOT funding for HWY 42 completion.</b></li> <li>- Neighborhood Plans / Safe Route to School – <b>Evaluating Safe Routes Grant options – beginning work in 2013</b></li> </ul>
<b>Urban Design</b>	<ul style="list-style-type: none"> <li>- Downtown Patios: <b>New patios designed and installed</b></li> <li>- McCaslin Branding &amp; Wayfinding: <b>Included in small area plan</b></li> <li>- Downtown Parking Identification: <b>On hold</b></li> <li>- Downtown Newspaper Vending Machines: Proposed in <b>2014 budgeting process</b></li> </ul>
<b>Historic Preservation</b>	<ul style="list-style-type: none"> <li>- Downtown Survey: <b>Completed August, 2013</b></li> <li>- Processing Landmark Requests: <b>Ongoing. As of today, 6 Landmarks in 2013</b></li> </ul>
<b>Urban Agriculture - White Paper – Backyard Chickens</b>	LSAB completed draft – proceeding with backyard chickens ordinance.
<b>Current Planning</b>	<p><b>Complete</b></p> <ul style="list-style-type: none"> <li>- Pearl Izumi: <b>Final PUD/Plat</b></li> <li>- Safeway: <b>Preliminary / Final PUD and Plat</b></li> <li>- Coal Creek Station (Arnold Property): <b>Preliminary PUD, Plat and Rezoning</b></li> <li>- DELO: <b>Preliminary PUD, Plat and Rezoning</b></li> <li>- North End Block 10: <b>Final PUD/Plat</b></li> </ul>
<b>McCaslin Small Area Plan</b>	Beginning in September

<p><b>Residential Estate Zone District Rezoning to Residential Low Density / Single Family High Density Zone District</b> - Significant yard &amp; bulk mismatch with lot sizes</p>	<p>Each neighborhood will be addressed as part of the neighborhood plans.</p>
<p><b>2013/ 2014 Work Plan Item</b></p>	
<p><b><u>Planning</u></b></p> <ul style="list-style-type: none"> <li>- Neighborhood Plans <ul style="list-style-type: none"> <li>• Monarch</li> <li>• Fireside</li> </ul> </li> <li>- Create Wayfinding plans for <ul style="list-style-type: none"> <li>• South Boulder Road</li> <li>• Colorado Technology Center</li> <li>• McCaslin Boulevard</li> </ul> </li> <li>- Form Based Code as part of small area plans</li> <li>- Pedestrian Plaza and Kiosk <ul style="list-style-type: none"> <li>• Downtown, Chase Bank</li> </ul> </li> <li>- Fiscal Model Update</li> <li>- Small Area Plan for McCaslin and South Boulder Road</li> </ul>	
<p><b><u>Current Planning</u></b></p> <ul style="list-style-type: none"> <li>- DELO Final Plat/PUD</li> <li>- Coal Creek Station Final Plat/PUD and rezoning</li> <li>- CTC – 1722 Prairie Way Final PUD</li> <li>- Alkonis Property – Annexation/Rezoning/Plat/PUD</li> <li>- Steel Ranch MarketPlace Final Plat/PUD</li> <li>- City Shops Final Plat/PUD</li> <li>- Tebo Rezoning/PUD</li> <li>- St. Louis Parish Final PUD</li> <li>- Retail Marijuana</li> <li>- Food Trucks</li> </ul>	
<p><b><u>Urban Design</u></b></p> <ul style="list-style-type: none"> <li>- McCaslin Branding &amp; Wayfinding as part of small area plan</li> <li>- Downtown Newspaper Vending Machines</li> </ul>	
<p><b><u>Historic Preservation</u></b></p> <ul style="list-style-type: none"> <li>- Citywide Preservation Master Plan (includes: Historical Survey for Lake Park – future eligible historic properties (next 20 years)</li> <li>- Historic Park Feasibility Analysis</li> <li>- Downtown Design Handbook Update</li> </ul>	
<p><b><u>Transportation Planning</u></b></p> <ul style="list-style-type: none"> <li>- Main Street Realignment Feasibility Study</li> <li>- Lee to Pine Right of Way acquisition</li> <li>- Final Design of Highway 42 from Paschal to Locke</li> <li>- Citywide Transportation Plan</li> <li>- US 36 Phase II</li> <li>- Northwest Area Mobility Study (NAMS)</li> </ul>	
<p><b><u>Building Safety</u></b></p> <ul style="list-style-type: none"> <li>- Building Permit Software</li> <li>- Adoption of 2012 IBC</li> <li>- Mobile Home Ordinance Update</li> </ul>	