



PLANNING COMMISSION MINUTES
March 28, 2019

Chair Gary Poole called the meeting to order at 7:00 p.m.

The Planning Commission and audience joined in saying the Pledge of Allegiance.

Also, present was Commissioner Richard Foerster. Alternates Tracie Mankse and Ruth Ann Nelson were present and seated for the vacant position and absent Commissioner Kelly Hickler; Commissioners Duane Hopkins, Eliana Burke and Erik Frandsen and Alternate Kimberly Rodell were absent.

ADDITIONS TO OR DELETIONS FROM THE AGENDA

None

APPROVAL OF MINUTES

Commissioner Ruth Ann Nelson moved to approve the March 14, 2019 meeting minutes. Commissioner Tracie Manske seconded; a vote was taken and passed 4:0.

Commissioner Richard Foerster moved the Planning Commission continue the Parker Plaza Shopping Center rezoning public hearing to April 25, 2019. Commissioner Ruth Ann Nelson seconded; a vote was taken and passed 4:0.

PUBLIC HEARING: UNPLATTED TRACT PARKER PLAZA SHOPPING CENTER – Rezoning (Continued to 4.25.19)

PUBLIC HEARING: OPENED: 7:04 P.M. PARKER PREMISE WAREHOUSE - Rezoning

Applicant: ✓ Todd Drake, Premises Parker Warehouse Condominium Association
Location: South of Longs Way between Dransfeldt and Twenty Mile Roads
Department: Community Development, Stacey Nerger
TRAKiT No.: Z18-003

Stacey Nerger, Planner presented the staff report for the Parker Premise Warehouse – Rezoning. Ms. Nerger concluded with the determinations in the staff report and recommended the Planning Commission recommend Town Council approve the rezoning request.

Commissioners discussed with staff:

- that this request will not zone anyone out of their business; (*Staff said that is correct; this rezoning will allow other uses than storage; uses other than storage are currently not allowed.*)

- confirmation that current uses other than storage are out of compliance; (*Staff said that is correct; it is known that there are certain existing uses that will not be allowed and they will have to leave.*)
- an explanation why they will have to leave; (*Staff said the original building construction was for storage use; not for personnel or customers. Staff said based on building and fire code, egress and ingress access locations are required for personnel and customers.*)
- confirmation that the uses are owned as condominiums and that some owners may be displaced with approval of the rezoning request; (*Staff said one use is known to have to be displaced.*)
- parking requirements for the new uses; (*Staff said parking requirements will be addressed with a site plan amendment that will include the addition of approximately 72 parking spaces and Americans with Disabilities Act (ADA) spaces.*)

APPLICANT PRESENTATION

Wendy Curtis, 290 N Ogden Street, Denver, CO 80218 representing Premises Parker Warehouse Condominium Association presented:

- purchased a condominium unit in 2015
- joined the condominium association board in 2018
- helped with lawsuits and financial issues; which are now fixed
- work has begun on site plan changes
- believed they are on the right path

Commissioners discussed with the applicant:

- if any of the units are vacant; (*Ms. Curtis said all of the units are owned.*)
- that all required site plan changes will be accommodated; (*Ms. Curtis said yes; the project will be fully-funded in May; all items may be completed by mid-summer even though they have until December 31, 2019.*)

PUBLIC COMMENT OPENED

The following citizen spoke against recommending approval to Town Council:

- Kevin Behrends, 18448 and 18436 Longs Way, Parker, CO 80134

The following citizen spoke as undecided:

- Vickie Zwart, 18648 Longs Way, Parker CO

The citizen's concerns regarded:

- insufficient parking
- safety concerns
- abandoned vehicles
- lower property values
- insufficient restroom facilities
- weed and trash problems
- property not being maintained
- a need to see the proposed site plan amendment

PUBLIC COMMENT CLOSED

Ms. Nerger advised:

- the citizen's to contact her to discuss parking within the site plan
- maintenance responsibilities are the property owners; regulated through Town of Parker Community Services
- all required Building Codes will be addressed and permits will be needed

Commissioners discussed with staff:

- if each unit will be required to have a restroom; (*Staff said based on uses and Building Code, restrooms need to be available within a certain distance and able to accommodate ADA and Parker Water and Sanitation requirements; restrooms will be addressed on a case by case basis.*)
- if there is an ordinance that requires a posting on the site of where the restrooms are located and that can be enforced; (*Staff said the property owners may post the sign; staff did not believe the signs are enforceable by the Town of Parker as there is nothing in the Municipal Code regarding the use of restrooms.*)
- the Town limits for on-street parking and if the violating vehicles are towed; (*Staff believed that the streets are Town owned and are governed by Town statutes that require vehicles be moved. Staff said complaints are to be directed to Community Services for enforcement; Officers attempt to notify owners prior to authorizing towing.*)
- if there are condominium covenants with rules and regulations for ownership; (*Staff said yes, there are covenants.*)
- if staff has reviewed the covenants for compliance to Building Codes; (*Staff said no; they are not regulated by the Municipal Code and cannot be enforced by the Town.*)
- if each condo unit will need to submit a building permit for their use or if the permit is needed per building; (*Staff said there will be one site plan for the entire property that covers the exterior of the buildings; i.e. landscaping and parking; changes to the interior of the building to accommodate each use will require individual building permits.*)
- if the request is approved, what is the timeline to get the property and uses into compliance; (*Staff said the development agreement associated with the site plan has specific deadlines that all improvements must be complete by December 31, 2019; building permits will be done on a unit by unit basis; voluntarily, or by the Town knocking on doors.*)
- how non-compliance with the approved zoning will be enforced; (*Staff said the Town can issue a notice of violation of zoning and can issue a stop work order that closes the business down until it complies.*)
- if there will be coordination with the condo association on violations; (*Staff said the Town can work with the condo association.*)
- why the request to rezone the property rather than enforce the deficiencies; (*Staff said the remedy in 2015 was to enforce deficiencies that called for an eviction of the existing flex-office users; that didn't happen. Staff said the rezoning is what the landowners, unit owners and condo association want to improve the property.*)

- if the rezone is denied, will a request for evictions come before the Planning Commission for a hearing and if there are evictions the properties will potentially deteriorate more; *(Staff said evictions would become a legal issue that may or may not come before the Planning Commission and yes, vacancies may contribute to property deterioration.)*

PUBLIC HEARING: CLOSED: 7:36 P.M. PARKER PREMISE WAREHOUSE - Rezoning

PLANNING COMMISSION DISCUSSION

Commissioner Ruth Ann Nelson asked Chair Gary Poole for his thoughts based on his past experience with the property owners and condo association; he said there appears to be a greater level of willingness to cooperate from the condo association with resolving litigation and land lease issues to promote property improvements.

Commissioner Tracie Manske said Commissioner Richard Foerster made a great point that there may be the potential for the buildings to go downhill if the rezone request was denied, causing legal action and evictions. She said because of that and the willingness of the tenants to step-up and improve the site, she supported recommending approval to Town Council.

Commissioner Richard Foerster agreed and said that with the support of the condo association for the property improvements, he hoped the property will be properly maintained.

Commissioner Ruth Ann said she understood the frustration of the other business owners' concerns to not approve the rezoning but she believed the rezoning will be a better shot at improving the surroundings by addressing their concerns through Community Services enforcement. She said staff's solution, with working with the condo association may provide another avenue for enforcement. She agreed with the involvement and increased interest in making this work as the best shot and supported recommending approval to Town Council.

Chair Gary Poole agreed.

Commissioner Richard Foerster moved that the Planning Commission recommend Town Council approve the Rezoning and remove the property from the Clarke Planned Development. Commissioner Ruth Ann seconded; a vote was taken and passed 4:0.

PLANNING COMMISSION ITEMS

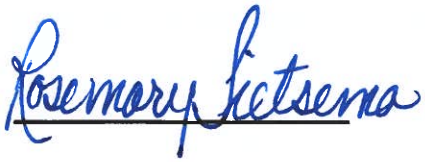
None

STAFF ITEMS

None

ADJOURNMENT

The meeting was adjourned at 7:42 p.m.



Rosemary Sietsema
Recording Secretary



Gary Poole
Chair