TOWN OF PARKER COUNCIL
MINUTES
AUGUST 6, 2018

Mayor Mike Waid called the meeting to order at 5:36 p.m. Josh Martin was present via telephone and Amy Holland was not present for Item #2.

Town Attorney Jim Maloney announced that the topics for discussion in Executive Session were six (6) items; Item 1 was continued to August 20, 2018. Under C.R.S. § 24-6-402(4)(e) there were two (2) items, the first was a request by Twenty Mile Village/Parker Place Hotel for assistance and the second was Stroh Ranch Filing No. 16 – Hunters Chase; under C.R.S. § 24-6-402(4)(b) there were three (3) items, the first was to receive legal advice on specific legal questions on Ordinance No. 3.163.1 Pine Bluffs Development Guide and Plan – Design Standards, the second was to receive legal advice on specific legal questions on Section 15.18 of the Parker Home Rule Charter and the third was to receive legal advice on specific legal questions on Colorado Revised Statutes Section 24-10-109 (Notice of Claim).

EXECUTIVE SESSION

Josh Rivero moved and John Diak seconded to go into Executive Session at 5:38 p.m. to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e) and to hold a conference with the Town's attorney to receive legal advice on specific legal questions, pursuant to C.R.s. § 24-6-402(4)(b).

The motion was approved unanimously.

To be noted is that Amy Holland returned to the meeting at 5:49 p.m.

Amy Holland moved and Josh Rivero seconded to come out of Executive Session at 7:12 p.m.

The motion was approved unanimously.

REGULAR MEETING

Mayor Waid reconvened the meeting at 7:17 p.m.

The Pledge Allegiance was led by a youth from the audience.

SPECIAL PRESENTATIONS

The Mayor advised that there were two special presentations:

- Happy Birthday to Paul Workman
- Happy Anniversary to John Diak's parents

PARKER CHAMBER OF COMMERCE UPDATES

Dennis Houston provided an update on the Parker Chamber activities. Mr. Houston noted that the Chamber will have a Candidate Forum on October 17, 2018, at the PACE Center. This forum is for local, county and state candidates.

DOWNTOWN BUSINESS ALLIANCE UPDATES

Shelly Mango provided updates for the Downtown Business Alliance.

PUBLIC COMMENTS

- Terry Bosworth, So. Susan Court voiced concerns regarding parking on her street when school is in session.
- Jeff Toborg, as President of the Parker Arts Council asked Town Council to give him a few weeks to find out if he can make the carriage rides a cultural event. He stated he is not looking for Town sponsorship.
  Mr. Toborg, as the President of Preston Hills HOA, regarding the apartments on Pine Drive, stated he wanted to make it clear that they have worked with the Planning Department and that they are not in agreement as to the height of the buildings. He stated that they have hired an attorney.
- Warren Katz, So. Season Ct. stated that his opinion regarding parking is to make it permit parking.
- Lisa McClellan, who lives on a different street, stated that the kids are parking at the entrance to the trail and there is not adequate parking for the neighborhood.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

Each Councilmember reported on meetings they attended since the last Town Council meeting.

CONSENT AGENDA

A. *APPROVAL OF MINUTES - July 16, 2018*

B. *DRAINAGE EASEMENT TERMINATION AGREEMENT – CPC Owners Association, Inc., as the successor to PorterCare Adventist Health System*
Department: Engineering/Public Works, Alex Mestdagh

C. *ORDINANCE NO. 3.147.6 - First Reading*
A Bill for an Ordinance to Amend Sections 13.02.010, 13.06.070 and 13.07.030 of the Parker Municipal Code Concerning Residential Roadway Buffer Standards
Department: Community Development, Carolyn Parkinson
Second Reading: August 20, 2018

D. *ORDINANCE NO. 5.06.42 - First Reading*
A Bill for an Ordinance to Amend Section 7.03.020 of the Parker Municipal Code Concerning Restrictions on Use of Motorized Vehicles on Public or Private Recreational Areas

Department: *Town Attorney, Jim Maloney*
Second Reading: *August 20, 2018*

E. *PARKER POINTE - Annexation and Zoning*

Applicant: *Parker and Stroh, LLC*
Location: *Southeast Corner of Parker Road and Stroh Road*
Department: *Community Development, Paul Workman*
TRAKiT Nos.: *ANX17-008 and Z17-024*
Second Reading: *August 20, 2018*

(1) *ORDINANCE NO. 2.262 - First Reading*
A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Parker Pointe Property in Douglas County

(2) *ORDINANCE NO. 3.337 - First Reading*
A Bill for an Ordinance Zoning Certain Property Within the Town of Parker, Colorado, Known as the Parker Pointe Property to PD-Planned Development District Pursuant to the Town of Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith

F. *RESOLUTION NO. 18-051*
A Resolution Accepting the Conveyance of a Sight Distance Easement From Charlin Holdings LLC for a Portion Of Lot 3, Block 1, Newlin Meadows Filing No. 3

Department: *Engineering/Public Works, Tyler Sandt*

G. *RESOLUTION NO. 18-052*
A Resolution Accepting the Conveyance of a Drainage Easement from ENT Credit Union for a Portion of Lot C, Crown Point Filing No. 1, 20th Amendment

Department: *Engineering/Public Works, Tyler Sandt*

H. *RESOLUTION NO. 18-053*
A Resolution concerning the Town's Review and Comment Pursuant to Section 10.11.110 of the Parker Municipal Code of the Financial Plan for the Parker Automotive Metropolitan District

Department: *Town Attorney, Jim Maloney*

Amy Holland moved and Debbie Lewis seconded to approve Consent Agenda Items 7A through 7H.

The motion was approved unanimously.

PUBLIC HEARINGS

A. REATA NORTH FILING 1, TRACTS S and T - WELL HOUSE ACCESS ROAD - Site Plan & Easement Agreement Amendments

Applicant:	**Lela Perkins, Black and Vetch for Parker Water and Sanitation District**
Location:	**Generally located northwest of the intersection of Hilltop Road and Canterberry Parkway**
Department:	**Community Development, Carolyn Parkinson**
TRAKiT No.:	**SP18-035**

(1) Site Plan Amendment

(2) ORDINANCE NO. 1.263.1 - Second Reading
A Bill for an Ordinance to Approve the First Amendment to Easement Agreement By and Between the Town of Parker and Parker Water and Sanitation District Concerning Tracts S and T, Reata North Filing No. 1

8:04 P.M.
Parker Water & Sanitation District (PWSD) owns and operates an existing well house in Tallman Meadow Park near the intersection of Canterberry Parkway and Hilltop Road. Parker Water & Sanitation District proposes a site plan amendment for improvements to the access road that serves the well house which was originally constructed as part of the Reata North (Idyllwilde) residential development. The access road is located on Tracts S and T of Reata North Filing 1. The use of the road for primary access will also require an amendment to the existing access easement agreement.

This was a two track dirt road located on Tracts S and T and has been used for access to the well house since construction was completed in 2008. Parker Water & Sanitation District is now requesting approval of the site plan amendment to establish the two track dirt road as the permanent access to their well house. If approved, they will improve it for permanent use and be responsible for all maintenance costs.

Leila Perkins of Black and Vetch for Parker Water and Sanitation District, gave a brief summary of this project and also stated that they looked at the potential of coming off Hilltop but it was very steep. The intent is to keep the area as natural and native-looking as possible but meeting requirements of South Metro Fire.

PUBLIC COMMENT

Mickey Farrell E. Idyllwilde Drive, stated his concern is that it will impact open land and wondered how this originally was put in the middle of the field.

Stephen Curtis, E. Idyllwilde, stated he is in support of this and stated the well house was done before the neighborhood.

The Public Hearing was closed at 8:17 P.M.

Josh Rivero moved to approve the Reata North Filing 1, Tracts S and T – Well House Access Road – Site Plan Amendment, based on staff findings, with the following conditions:

1.) The site plan amendment exhibit dated November 17, 2017 and submitted to the Community Development Department (via TRAKiT) on April 6, 2018, shall be the approved plans. **ANY ALTERATION, MODIFICATION, SUBSTITUTION, OR REVISION INCLUDING (BUT NOT LIMITED TO) COLORS, MATERIALS, OR PLACEMENT SHALL BE AT THE DISCRETION OF THE COMMUNITY DEVELOPMENT DIRECTOR, WHO RESERVES THE RIGHT TO REQUIRE SAID PROPOSED CHANGES TO BE REVIEWED AND APPROVED BY THE PLANNING COMMISSION.**
2.) This approval has been based upon the review of information submitted to our office as part of your request for an administrative site plan amendment approval and **SHALL REMAIN IN EFFECT FOR TWELVE (12) MONTHS FROM THE DATE OF TOWN COUNCIL APPROVAL.** If a Grading Permit or Building Permit is not issued within the twelve months, this approval becomes null and void. The Community Development Director, upon written request, may grant a ninety (90) day extension.
3.) A Grading Permit is required prior to the start of any work on site.
4.) All conditions of the original Site Plan approval shall remain in effect.
5.) All Public Notice signs posted on the property must be removed with ten (10) business days from the date of approval letter.

Renee Williams seconded the motion.

The motion was approved unanimously.

John Diak moved to approve Ordinance No. 1.263.1 on second reading.

Amy Holland seconded the motion.

The motion was approved unanimously.

B. **STONEGATE FILING 27, FIRST AMENDMENT, LOT 1A-1 - Use by Special Review**

Applicant:	**Michelle Lamoureux, Pinnacle Consulting, Inc.**
Location:	**North of E470 between Jordan Road and Chambers Road**
Department:	**Community Development, Ryan McGee**
TRAKiT No.:	**Z17-018**

8:17 PM

The applicant, Pinnacle Consulting, Inc., requested a Use by Special Review approval for a free-standing wireless communication facility (WCF) for Sprint Wireless. They also seek approval for the proposed WCF to have a building height of 60-feet, 4-inches which is greater than the 60-footmaximumpermitted in the Corporate Park at Stonegate Planned Development (PD).The Land Development Ordinance (LDO) requires that all free-standing WCFs not located in the public right-of-way (RW) are subject to a Use by Special Review and the LDO requires that free-standing WCFs not exceed the maximum building height in the underlying zone district, unless approved through a Use by Special Review application.

The Planning Commission unanimously recommended Town Council approve this request.

The applicant representative gave a short presentation on this item.

PUBLIC COMMENT

Terry Dodd, 11480 Marborough Drive asked if this was within the specified distance from the Performing Arts School.

The Public Hearing was closed at 8:28 p.m.

Josh Rivero moved to approve based on staff findings, with the following conditions contained in the staff report:

1.) This Use by Special Review is subject to annual review by the Planning Department or as often as the Town Council deems appropriate to ensure compliance with the nine (9) Use by Special Review criteria and all of the stated conditions of approval.
2.) If construction of the wireless communication facility is not commenced within 180 days of issuance of the use by special review approval, the approval shall expire.
3.) In the event there is a change in either the owner or operator of a use by special review WCF facility, new use by special review approval shall not be necessary. The new owner or operator shall: notify the Town of the change within 15 days after the date the change becomes effective; register such change with the Planning Department by providing the name and business address of the new owner or operator; verify in writing that the new owner or operator has fully reviewed the terms of the Use by Special Review approval and is familiar with its terms; post a new letter of credit, if applicable; and pay to the Town an inspection fee, as established by resolution. Upon receipt of notification of a change in ownership, the Town may inspect the property to make certain that the new owner or operator is complying with all of the terms and conditions of the use by special review approval.

4.) That the applicant coordinates with Centennial Airport to determine if a Federal Aviation Administration Form (FAA) Form 7460-1 is necessary for the proposed facility and/or for the construction of the facility.

Renee Williams seconded the motion.

The motion was approved unanimously.

C. PARKER SQUARE – TRACT C-1 – Rezone and Vacation of Right-of-Way

Applicant: **Gene Gregory and Sons**
Location: **Southeast corner of Solar Circle and Sun Way**
Department: **Community Development, Ryan McGee**
Community Development, Alex Mestdagh

(1) **ORDINANCE NO. 3.336- Second Reading**
A Bill for an Ordinance Rezoning Certain Property Within the Town of Parker, Colorado, Known as the Parker Square Tract C-1 from C-Commercial District to GD-Greater Downtown District Within the Market Center Design District Pursuant to the Town of Parker Land Development Code and Amending the Zoning Ordinance and Map to Conform Therewith

(2) **ORDINANCE NO. 1.514 - Second Reading**
A Bill for an Ordinance Vacating a Portion of Sun Way Located Within the Plat of Parker Square – Tract C-1

8:30 P.M.
The applicant, Gene Gregory and Sons, proposed to rezone Parker Square Tract C-1 from C Commercial to Greater Downtown District/Market Center. The applicant has submitted the rezoning application to align with the adjacent zoning to the north which allows for uses similar to C Commercial with a reduced front-yard setback.

The applicant also requested that the Town vacate a portion of the Sun Way right-of-way (ROW) adjacent to Tract C-1. The ROW vacation is being requested to accommodate an access driveway, circulation aisle and parking for a planned restaurant. If approved, the applicant would purchase the vacated ROW from the Town.

If approved by Town Council, the ordinance to vacate the Sun Way ROW would take effect when the Town receives payment for it from the developer.

On July 12, 2018, the Planning Commission unanimously recommended Town Council approve the rezone request.

The applicant was present but did not comment on this project.

PUBLIC COMMENT – None

The Public Hearing was closed at 8:34 p.m.

Debbie Lewis moved to approve Ordinance No. 1.514 on second reading

Amy Holland seconded the motion.

The motion was approved unanimously.

Debbie Lewis moved to approve Ordinance No. 3.336 on second reading.

Amy Holland seconded the motion.

The motion was approved unanimously.

ORDINANCES

ORDINANCE NO. 8.29 - Second Reading
A Bill for an Ordinance to Adopt a New Chapter 4.10 of the Parker Municipal Code Concerning the Shopping Center Assistance Program
Department: Economic Development, Matt Carlson

The Town currently has a Tax and Fee Assistance Program (TAP) with the stated purpose "…to encourage the recruitment, retention, establishment and/or expansion of retail sales tax-generating businesses and employers within the Town…" The existing TAP program requires an identified end user or tenant but retail development trends indicate a shift away from this model. The shift is towards mixed-commercial development with smaller retail businesses that are often not known until later in the development process.

A new program, the Shopping Center Assistance Program, is proposed in response to the changing retail development market and the limitations of the current TAP Program. The proposed Program provides the Town with an economic development tool to attract and recruit mixed-commercial development containing a substantial retail component, albeit with smaller end users or tenants that may not be known until later in the development process.

The proposed Program incorporates criteria for participation that raise the barrier to entry and establish financial limitations related to the incentive(s). This will ensure that the incentive(s) provided has a public purpose and mutually beneficial outcomes for the Town of Parker and eligible applications.

PUBLIC COMMENT – None

Debbie Lewis moved to approve Ordinance No. 8.29 on second reading.

Renee Williams seconded the motion.

The motion was approved unanimously.

The regular meeting was recessed at 8:54 p.m.

<u>EXECUTIVE SESSION</u> – Continued

Renee Williams moved and Debbie Lewis seconded to continue the Executive Session at 9:23 P.M.

The motion was approved unanimously.

Renee Williams moved and Debbie Lewis seconded to come out of Executive Session at 9:56 p.m. at which time the regular meeting was adjourned.

The motion was approved unanimously.

Carol Baumgartner

Carol Baumgartner, Town Clerk

Mike Waid, Mayor