

**TOWN OF PARKER COUNCIL
MINUTES
OCTOBER 21, 2019**

Mayor Mike Waid called the meeting to order at 5:42 P.M. All Councilmembers were present.

Town Attorney Jim Maloney announced the topics for discussion in Executive Session were four (4) items. Under C.R.S. § 24-6-402(4)(b) there were three items, the first item was to receive legal advice on specific legal questions concerning Vista South, LLC, et al., v. City of Centennial, et al., Douglas County District Court, Case No. 2018CV030354, the second item was to receive legal advice on specific legal questions concerning Emergency Ordinance No. 3.345, Series of 2019, imposing a temporary suspension of 180 days related to the growing, storage, extraction, processing or manufacturing of industrial hemp, and the third item was to receive legal advice on specific legal questions concerning Article XIV of the Town of Parker Home Rule Charter and Article 11 of Title 31 of the Colorado Revised Statutes (initiative petitions); under C.R.S. § 24-6-402(4)(e) there was one item concerning listing agreement for Town properties between NavPoint Real estate Group and the Town (My Mainstreet)/Eastmain Property/Schoolhouse Property/Pine Curve Property.

EXECUTIVE SESSION

Joshua Rivero moved and Renee Williams seconded to go into Executive Session at 5:43 P.M. 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) and 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).

The motion was approved unanimously.

Debbie Lewis moved and Joshua Rivero seconded to come out of Executive Session at 6:55 P.M.

The motion was approved unanimously.

Debbie Lewis moved and Joshua Rivero seconded to recess the regular meeting at 6:55 P.M.

The motion was approved unanimously.

REGULAR MEETING

Mayor Waid reconvened the meeting at 7:05 P.M.

Several Boy Scouts led the Pledge of Allegiance.

PUBLIC COMMENTS

* Terry Dodd, 11450 Marlborough Dr., asked that Consent Agenda Item 4H be taken off the consent agenda.

* Ray Traffis, 10680 Stonemeadow Dr. (unincorporated Douglas County) spoke on the Newlin Gulch Project and how it will be harmful to the residents during the construction phase.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

Councilmembers provided updates to meetings they attended since the last Council meeting.

CONSENT AGENDA

- A. *ORDINANCE NO. 3.01.120 - First Reading*
A Bill for an Ordinance to Amend Title 13 of the Parker Municipal Code Regarding Hemp Operations in Light Industrial Zone Districts
Department: Community Development, Bryce Matthews
Second Reading: November 4, 2019

- B. *ORDINANCE NO. 9.286.1 - First Reading*
A Bill for an Ordinance to Approve the First Amendment to an Intergovernmental Agreement Between the Town of Parker and the Board of County Commissioners of the County of Douglas, State of Colorado, Regarding Cost Sharing for the Dransfeldt Road Extension
Department: Engineering/Public Works, Chris Hudson
Second Reading: November 4, 2019

- C. *ORDINANCE NO. 3.01.121 - First Reading*
A Bill for an Ordinance to Amend Subsections 13.12.030(c), (d) and (e), 13.12.040(b), (c) and (e) of the Parker Municipal Code Concerning Commercial Wireless Communications Facilities
Department: Community Development, Bryce Matthews
Engineering/Public Works, Alex Mestdagh
Second Reading: November 4, 2019

- D. *RESOLUTION NO. 19-088*
A Resolution to Designate the Town of Parker Safety Sensitive Zone Pursuant to Section 7.01.080 of the Parker Municipal Code and to Replace Resolution No. 12-009, Series of 2012, in its Entirety
Department: Engineering/Public Works, Chris Hudson

- E. *RESOLUTION NO. 19-089*
A Resolution to Adopt the Town of Parker Pedestrian Crossing Treatment Guidelines
Department: Engineering/Public Works, Tom Williams
Engineering/Public Works, Dave Aden

- F. *RESOLUTION NO. 19-091*
A Resolution to Approve the Second Amendment to Town Administrator Employment Agreement
Department: Town Council

- G. *RESOLUTION NO. 19-092*
A Resolution to Approve the Thirteenth Amendment to Town Attorney Employment Agreement
Department: Town Council
- H. *RESOLUTION NO. 19-093*
A Resolution of the Town Council of the Town of Parker Supporting Douglas County Ballot Question 1A
Department: Town Attorney, Jim Maloney
- I. *CONTRACTS OVER \$100,000*
1. *Parker Radar Installation Project - Phase 2 (CIP 19-021)*
Amount: \$133,511
Contractor: WL Contractors
Department: Engineering/Public Works, Chris Hudson

John Diak moved and Renee Williams seconded to approve Consent Agenda Items 4A through 4I.

The motion was approved unanimously.

TOWN ADMINISTRATOR

TA Report-Fall 2019

It was noted that the Town Administrator's Report is available online.

PUBLIC HEARINGS

A. COTTONWOOD HIGHLANDS FILING NO. 7 - Sketch and Preliminary Plans (Continued from 9-16-19)

Applicant: Lennar Homes, John Cheney
Location: South of Cottonwood Drive between Chambers Road and Jordan Road
Department: Community Development, Stacey Nerger
TRAKiT No.: SUB18-037 and SUB18-045

7:17 P.M.

This item was continued from September 16, 2019 at which time Town Council requested the applicant revise their parks and open space plan. This allowed time for the applicant to revise their plans in consultation with staff.

Staff recommended approval with conditions (see motion).

Applicant

John Cheney of Lennar Homes presented the changes made and Kent Poncerelli addressed the conditions in the staff report.

Public Comment - None

The Public Hearing was closed at 7:35 P.M.

Joshua Rivero moved to approve the Cottonwood Highlands Filing No. 7 Sketch and Preliminary Plans, based on staff findings, with the following conditions contained in the staff report.

1. All Final Plats and Landscape Plans must be substantially similar in design, layout and the inclusion of amenities to the Preliminary Plan, as determined by Town staff. 2. The applicant shall meet required setbacks, stagger and zoning as stated in the Cottonwood Highlands Planned Development (PD) Guide and the Parker Land Development Ordinance including Residential Buffer standards along collector and arterial roadways. 3. The applicant shall submit a revised Sketch/Preliminary Plan and Preliminary Landscape Plan incorporating the revisions outlined within this Council Action Form, and any other revisions the applicant and Council agree to during the continued hearing, for administrative review and approval by the Planning Director within 90 days of the completion of this hearing. In no event shall the applicant satisfy the conditions of approval referenced herein later than application for first final plat.

Cheryl Poage seconded the motion.

The motion was approved unanimously.

B. CANVAS FILING NO. 1 - Minor Development Plat and Subdivision Agreement

Applicant: Canvas Credit Union

Location: Generally located at the northeast corner of Parker Road and Ponderosa Drive

Department: Community Development, Paul Workman

7:36 P.M.

The proposed development application is a Minor Development Plat to create four (4) lots for future commercial development and two (2) tracts that will be used for drainage. The proposed lots vary in size from .97 acres to 1.35 acres. The two drainage tracts are .29 acres and .61 acres in size. The properties will be served by a private road accessed from Ponderosa Drive. The future Commercial use of the lots that will be created is consistent with the C Commercial zoning.

The applicant has also submitted a Site Plan application to develop proposed Lot 1 at the corner of Parker Road and Ponderosa Drive for a bank with drive-through. The Site Plan application is being reviewed administratively in accordance with the Land Development Ordinance (LDO).

The applicant was present for questions.

Public Comment - None

The Public Hearing was closed at 7:40 P.M.

1. Minor Development Plat

Debbie Lewis moved to approve, based on staff findings, the Canvas Filing No. 1 Minor Development Plat.

Renee Williams seconded the motion.

The motion was approved unanimously.

2. Subdivision Agreement

Debbie Lewis moved to approve, based on staff findings, the Canvas Filing No. 1 Subdivision Improvement Agreement.

Renee Williams seconded the motion.

The motion was approved unanimously.

ORDINANCES

A. MOORE PROPERTY

Department: Parks & Recreation, Dennis Trapp

In order to include that portion of the Pine Curve property that was originally owned by the Moore family (the “Moore property”) into the Parker Water and Sanitation District (the “District”), the Town needs to convey the underlying ground water to the District by special warranty deed. Additionally, the Town needs to file a petition with the District to include the Moore property into the District and the Town needs to submit the Non-Tributary Ground Water Consent Landownership Statements to the District.

The cost of the inclusion process is \$5,000 an acre (for 3 acres) and the conveyance of the deep ground water under the Moore property to the District. The cost to include is approximately \$15,000, plus administrative costs to process the inclusion. In exchange, the Town will receive six (6) water credits from the District, which are valued at \$30,000 (\$5000/acre) to be retained by the Town for use on other Town property. Water credits can be used to reduce the cost of taps sold by the District.

Public Comment – None

1. ORDINANCE NO. 1.538 - Second Reading

A Bill for an Ordinance Conveying the Moore Property Water Rights to the Parker Water and Sanitation District by Special Warranty Deed

Department: Parks and Recreation, Dennis Trapp

Joshua Rivero moved to approve Ordinance No. 1.538 on second reading.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

2. RESOLUTION NO. 19-086

A Resolution to Approve the Filing of a Petition for Inclusion of Land and the Submission of Non-Tributary Ground Water Consent Landownership Statements to the Parker Water and Sanitation District Petition for the Moore Property

Joshua Rivero moved to approve Resolution No. 19-086.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

B. ORDINANCE NO. 5.77.1 - Second Reading

A Bill for an Ordinance to Amend Section 10.13.080 of the Parker Municipal Code Concerning the Kiosk Program

Department: Community Development, Bryce Matthews

The Town has experienced continued residential development that will increase once the Anthology North and Hess Ranch projects enter the construction phase. Community Development staff expects that this will generate increased marketing of new homes including sales signs along Town roads. Staff is concerned that this will increase sign clutter and have impacts upon the Town's desirable visual environment.

Section 10.13.080 of the Parker Municipal Code allows the Town to administer a kiosk program for homebuilders to advertise new residential developments on kiosk signs located in the Town right-of-way (ROW). Current homebuilder advertising has evolved over the years and the Town now has the option for a homebuilder kiosk program to be provided by third party sign providers. The proposed ordinance amendment provides the Town with the ability to designate a third party to provide homebuilder kiosk signs within Town ROW thereby enabling a coordinated approach to sales signs requested by future homebuilders.

Public Comment - None

Joshua Rivero moved to approve Ordinance No. 5.77.1 on second reading.

Renee Williams seconded the motion.

The motion was approved unanimously.

C. ORDINANCE NO. 3.01.118 - Second Reading**A Bill for an Ordinance to Amend Chapter 13.02 of the Parker Municipal Code to add a Definition for "Tourist Home"****Department: Community Development, Bryce Matthews**

Community Development staff recently discussed the issue of short-term home rentals, such as Airbnb, in residential neighborhoods with the Town Council. Short-term rentals (known in the Land Development Ordinance (LDO) as "tourist homes") have not been permitted in residential areas since as early as 1981, when the Town first adopted its zoning ordinance. The term tourist home, however, is not specifically defined in the LDO, so staff recommended adding a definition to make it clear that tourist homes are short-term rentals for less than 30 days. The Council directed staff to review and amend the LDO.

Staff proposes to amend the LDO by adding a definition of tourist home to Chapter 13.02 of the LDO. This will provide clarification that short-term rentals of less than 30 days are defined as tourist homes, which are not permitted in areas zoned for residential use.

Public Comment - None.

Debbie Lewis moved to approve Ordinance No. 3.01.118 on second reading.

Renee Williams seconded the motion.

The motion was approved unanimously.

D. ORDINANCE NO. 3.01.119 - Second Reading**A Bill for an Ordinance to Amend Section 13.03.030, Entitled Planning Department Adjustments, of the Parker Municipal Code****Department: Community Development, Bryce Matthews**

Section 13.03.030 of the Land Development Ordinance (LDO) currently allows for the Planning Division(s) of the Community Development Department to make certain minor adjustments to approved site plans and planned developments on an administrative basis. However, proposed revisions to approved building elevations and materials are not permitted to be reviewed and approved administratively. Instead, they require a full site plan amendment process that is costly and time consuming for applicants many of whom are small businesses. This process is also time consuming for staff and limits our ability to assist applicants in obtaining the timely approval of minor revisions to building architecture.

The proposed LDO amendment would allow staff to process limited changes to building architecture such as color revisions, material changes and the addition of doors or windows on an administrative basis by a simple site plan adjustment. This would support small businesses by saving applicants the time and expense of going through the current process. All applicants would still be required to comply with the requirements of the LDO and related design standards.

It is the goal of this LDO amendment to make it easier for small businesses to invest in improvements and updates to the exterior architecture of their buildings while still ensuring compliance with Town requirements and standards.

Public Comment - None

Renee Williams moved to approve Ordinance No. 3.01.119 on second reading.

Debbie Lewis seconded the motion.

The motion was approved 5-1. (Poage voted no.)

E. ORDINANCE NO. 3.351 - Second Reading

A Bill for an Ordinance to Add a New Section 13.07.170, Entitled Associations, to the Parker Municipal Code

Department: Community Development, Bryce Matthews

Community Development staff recently discussed with Town Council the issue of requiring the formation of a Homeowners Association (HOA) with new residential development and their commercial equivalents. The purpose of the proposed amendment to the Land Development Ordinance (LDO) is to add a new provision, Section 13.07.170 - Associations, to require the formation of a residential homeowners' or commercial property owners' association during the platting process. This change would ensure enforcement of covenants, maintenance and repair of common areas and the provision of services such as trash collection.

Recently, a homebuilder with multiple projects in the Town has chosen not to create an HOA with their new residential development. To address this issue, staff proposes to amend the LDO to require associations for most new developments with the following requirements.

1. Mandatory membership;
2. Maintenance of property and private common improvements;
3. Covenant enforcement;
4. Other association responsibilities (i.e., trash and recycling collection); and
5. Recordation of documents demonstrating the required association has been formed prior to final Town approval.

By requiring associations, the Town will improve the long-term attractiveness, maintenance and overall condition of residential neighborhoods and commercial areas.

Public Comment - None

Debbie Lewis moved to approve Ordinance No. 3.351 on second reading.

Renee Williams seconded the motion.

The motion was approved unanimously.

F. ORDINANCE NO. 3.352

A Bill for an Emergency Ordinance to Impose a Temporary Suspension for One Hundred Eighty (180) Days in Duration on the Processing and Approval of any Application for a Town of Parker Permit or License Related to the Development of Properties that are Not Included in a Zoning District and Declaring the Intention of the Town Council to Consider the Adoption of Appropriate Amendments to the Land Development Ordinance with Respect to Such Properties

Department: Town Attorney, Jim Maloney

The purpose of this emergency ordinance is to temporarily suspend for 180 days the processing and approval of any application or permit related to the development of properties that are not included in a zoning district.

Because of the possibility of significant land use and public welfare impacts associated with the development of property not included within a zoning district, including the potential of applications being made for land uses that are substantially incompatible with surrounding land uses, the Town Council desires to investigate the appropriate land use provisions that provide a manner of addressing properties that are not included in a zoning district and to give time to Town staff to develop and if appropriate, for Town Council to adopt amendments to the Land Development Ordinance to address this situation.

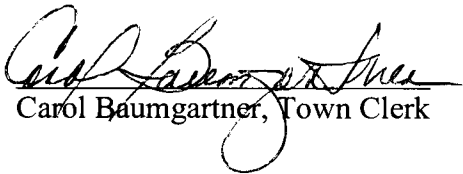
Public Comment - None

Joshua Rivero moved to approve Emergency Ordinance No. 3.352.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

The meeting was adjourned at 8:03 P.M.


Carol Baumgartner, Town Clerk


Mike Waid, Mayor