



## PLANNING COMMISSION MEETING

7:00 PM

May 28, 2020

**Town Administrator Emergency Order No. 2-2020:** All municipal facilities, including Town Hall where Planning Commission meetings are physically held, are closed to all members of the general public in response to the COVID-19 pandemic.

**Town Administrator Emergency Order No. 4-2020:** Planning Commission meetings are closed to members of the general public in response to the COVID-19 pandemic. The Town will provide for electronic participation by the general public, including applicants, residents and other interested parties during regular and special Planning Commission meetings.

Planning Commission meetings may be viewed through Facebook Live from the Town of Parker website: [www.facebook.com/townofparkerco](http://www.facebook.com/townofparkerco).

Instructions on how to participate in the public hearing are available by viewing the individual Planning Commission meeting listing on the Town's online calendar at [www.parkeronline.org/calendar](http://www.parkeronline.org/calendar).

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **ADDITIONS TO OR DELETIONS FROM THE AGENDA**
5. **APPROVAL OF MINUTES**  

April 9, 2020 Meeting Minutes
6. **CONSENT AGENDA**
7. **PUBLIC HEARINGS**
8. **PUBLIC MEETINGS**

### **DRAFT ORDINANCE NO. 3.01.122**

**A Bill for an Ordinance To Amend Section 13.01.080 of the Parker Municipal Code Concerning Fees to be Established by Council Resolution**

**Department: Community Development, Bryce Matthews**

9. **PLANNING COMMISSION ITEMS**
10. **STAFF ITEMS**
11. **ADJOURNMENT**



## **PLANNING COMMISSION MINUTES**

**April 9, 2020**

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

Chair Gary Poole introduced information regarding the need for and operations of virtual meetings.

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

Also, present were Commissioners Richard Foerster, Ruth Ann Nelson, John Howe, Erik Frandsen and Eliana Burke. Alternate Susan Caudill was seated for the vacant position. Alternate Kimberly Rodell was present via Facebook Live. Alternate Tracie Manske was absent.

### **ADDITIONS TO OR DELETIONS FROM THE AGENDA**

None

### **APPROVAL OF MINUTES**

Commissioner John Howe moved to approve the March 12, 2020 meeting minutes.

Commissioner Richard Foerster seconded; a vote was taken and passed 7:0.

### **PUBLIC HEARING: OPENED: 7:03 P.M. F & K SUBDIVISION, MOST OF LOT 2 - PARKER ANIMAL HOSPITAL - Use by Special Review (Continued from March 26, 2020)**

Applicant: Omni Building Corporation for Hayes and Bigbee, LLC

Location: 10255 Parker Road

Department: Community Development, Carolyn Parkinson

TRAKiT No.: Z19-025

Carolyn Parkinson, Planner, presented the staff report for the F & K Subdivision, Most of Lot 2 Parker Animal Hospital – Use by Special Review request. Ms. Parkinson concluded with the determinations in the staff report and recommended the Planning Commission recommend Town Council approve the request, subject to the five (5) conditions contained in staff's report.

Commissioners discussed with staff:

- if all nine criteria for approval have been met; (*Staff said yes.*)
- if comments regarding noise have been received; (*Staff said no comments from the public or adjacent property owners regarding noise concerns have been received.*)
- if the Town has any breed restrictions; (*Staff said the Town has no breed restrictions; the applicant has the right to refuse aggressive animals.*)

- if there are guidelines in the facility's operations manual or if there are Town regulations regarding the frequency of cleaning/sanitizing the outdoor exercise area; (*Staff said the Town has no regulations but the owner is answerable to the Colorado Pet Animal Care Facilities Act (PACFA) which is a program for licensing and inspecting pet care facilities. Staff said the facility owner has contracted with a pet waste removal company to provide waste containers for pick-up and removal twice a week in addition to PACFA cleaning/sanitizing requirements; staff was unaware of PACFA requirements but believed cleaning would be performed throughout the day.*)

### **APPLICANT PRESENTATION**

None

Commissioners had no questions for the applicant.

Chair Gary Poole stated this is the time where citizens are encouraged to speak publicly. The use of video conference technology can be challenging when inviting public comment. Therefore, to help us proceed in an organized fashion, we request that you use the "Raise Your Hand" feature to indicate you would like to speak. We will acknowledge speakers in the order they are received. When you are acknowledged for your turn to speak, we request that you introduce yourself by stating your name and address and speak respectfully. Your comments will be limited to three (3) minutes.

### **PUBLIC COMMENT OPENED**

None

### **PUBLIC COMMENT CLOSED**

### **PUBLIC HEARING: CLOSED: 7:14 P.M. F & K SUBDIVISION, MOST OF LOT 2 - PARKER ANIMAL HOSPITAL - Use by Special Review (Continued from March 26, 2020)**

### **PLANNING COMMISSION DISCUSSION**

Planning Commissioners discussed the request:

- meets the nine criteria for recommending approval
- indicates facility ownership is in agreement with the five (5) conditions for recommending approval
- indicates extra effort for waste removal
- proposes site upgrades that will benefit the Town and surrounding area
- did not indicate current noise concerns from adjacent business or resident owners
- will provide a unique service for pet boarding with available veterinary staff on-site
- shows an impressive work effort by the facility owner

Commissioner John Howe moved that the Planning Commission recommend Town Council approve the Use by Special Review to allow boarding of dogs and cats at the site of the existing Parker Animal Hospital, subject to the five (5) conditions contained in staff's report. Commissioner Richard Foerster seconded; a vote was taken and passed 7:0.

**PUBLIC HEARING: OPENED: 7:18 P.M. LOT 2, MARK SIX BUSINESS SUBDIVISION**

**- Rezone**

Applicant: John Kopasz  
Location: 18800 Clarke Road  
Department: Community Development, BrieAnna Simon  
TRAKiT No.: Z18-021

BrieAnna Simon, Planner, presented the staff report for the Lot 2, Mark Six Business Subdivision – Rezone request. Ms. Simon concluded with the determinations in the staff report and recommended the Planning Commission recommend Town Council approve the request.

Commissioners had no questions for staff or the applicant.

**APPLICANT PRESENTATION**

None; applicant was available for questions.

Chair Gary Poole stated this is the time where citizens are encouraged to speak publicly. The use of video conference technology can be challenging when inviting public comment. Therefore, to help us proceed in an organized fashion, we request that you use the "Raise Your Hand" feature to indicate you would like to speak. We will acknowledge speakers in the order they are received. When you are acknowledged for your turn to speak, we request that you introduce yourself by stating your name and address and speak respectfully. Your comments will be limited to three (3) minutes.

**PUBLIC COMMENT OPENED**

None

**PUBLIC COMMENT CLOSED**

**PUBLIC HEARING: CLOSED: 7:22 P.M. LOT 2, MARK SIX BUSINESS SUBDIVISION**

**- Rezone**

**PLANNING COMMISSION DISCUSSION**

Planning Commissioners discussed the proposed rezone request:

- is a simple request that will provide for additional business uses
- will align businesses uses with the Parker 2035 Master Plan
- will allow uses consistent with existing uses in the surrounding area
- meets the nine (9) criteria to recommend approval

Chair Gary Poole thanked staff for thorough and clear presentation.

Commissioner John Howe moved that the Planning Commission recommend Town Council approve the Lot 2, Mark Six Business Subdivision rezoning request. Commissioner Eliana Burke seconded; a vote was taken and passed 7:0.

### **PLANNING COMMISSION ITEMS**

Chair Gary Poole thanked staff for their efforts in working through the virtual meeting process.

### **STAFF ITEMS**

Staff thanked the Planning Commission for a successful first virtual meeting.

### **ADJOURNMENT**

The meeting was adjourned at 7:25 p.m.

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Rosemary Sietsema  
Recording Secretary

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Gary Poole  
Chair



## Planning Commission Staff Report

**Planning Commission Date:** 5/28/2020

**Town Council Date:** 6/1/2020

**Hearing Type:** Public Meeting  
DRAFT ORDINANCE NO. 3.01.122 - First Reading  
A Bill for an Ordinance to Amend Sections 13.01.080 of the Parker Municipal Code Concerning Fees to be Established by Council Resolution

**Location:** Townwide

**Project Planner:** Bryce Matthews, Planning Manager

**Applicant:** Town of Parker

**Executive Summary:** The Town of Parker is proposing amendments to Section 13.10.080 of the Municipal Code regarding land development fees and how they are established.

**Staff Recommendation:** Approval

### **RECOMMENDED MOTION**

***"I move the Planning Commission recommend Town Council approve an Ordinance to amend the Parker Municipal Code regarding establishing fees by Council Resolution."***

### **ALTERNATIVE MOTIONS**

***"I move the Planning Commission recommend Town Council approve an Ordinance amending the Parker Municipal Code regarding establishing fees by Council Resolution, subject to the following conditions:"***

***-List proposed conditions***

***"I move the Planning Commission recommend Town Council deny an Ordinance amending the Parker Municipal Code regarding establishing fees by Council Resolution as the request does not meet the following approval criteria:"***

***-List criteria not met (either by staff or Planning Commission)***

***"I move the Planning Commission vote to continue an Ordinance amending the Parker Municipal Code regarding establishing fees by Council Resolution to a future date."***

## **I. BACKGROUND/DISCUSSION**

The purpose of this amendment is to amend Section 13.10.080 to accomplish the following:

- Reorganize sections regarding payment of fees
- Remove statement that fee schedule will be kept in Town Clerk's Office
- Clarify that the fee schedule will be set by Town Council
- Change process for Engineering fees from a Charge Back Agreement in which the applicant submits a security that Engineering draws hourly charges to a single application fee.

The proposed amendments to Section 13.10.080 are in support of the Town's ongoing efforts to address the current practices and potential options to pay for growth and development-related services and facilities. The Town hired TischlerBise to conduct a multi-faceted study to address the following:

1. Paying for Growth and Development Policy Document
2. Impact Fee Study; and
3. User Fee Study.

The first two components of the study have been completed and the calculations resulting from the impact fee study have been converted to adjustments in the development excise tax as adopted by the electorate through a ballot measure in November 2019.

The final component, the User Fee Study, looked at the total cost of development review related tasks, identifying 100% cost recovery. The largest cost to the Town in conducting development-review related tasks is personnel costs. 19 employees spend at least 50 percent of their time on development related tasks. The methodology included extensive interviews with Town staff in the Planning and Building divisions of Community of Development, Engineering/Public Works and Parks and Recreation and tracking of time spent on each application type. Other costs such as overhead, administrative costs and long-term planning costs which will directly benefit development were also included.

The study also examined fees associated with common development-related tasks in Parker and compared them to surrounding communities. The data revealed that Parker's fees were significantly lower in every category compared to neighboring jurisdictions. In determining the policy decisions regarding the cost-recovery percentages, Town staff utilized an approach to take both criteria into consideration to derive an appropriate cost recovery percentage for each application type and shared the recommendations with the Mayor and Town Council in January 2020.

This code amendment is in support of the recommendations of the TischlerBise study and the Town's desire to increase cost recovery for the development review process.

A resolution amending the Town's development fees will be presented to Town Council on June 1, 2020. If Town Council approves the fee resolution, new fees will go into effect on June 15, 2020.

## **II. PARKER 2035 MASTER PLAN**

[Parker 2035 Master Plan | Town of Parker - Official Website](#)

| <b>MASTER PLAN CONSISTENCY</b>          |                                                                                                                                                                                                                                                                                                                                                                     |
|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Master Plan Designation</b>          | Choose an item.<br><input checked="" type="checkbox"/> <b>Consistent</b> <input type="checkbox"/> <b>Inconsistent</b>                                                                                                                                                                                                                                               |
| <b>Master Plan Character Discussion</b> | N/A                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Consistent Goals/Strategies</b>      | <a href="#"><u>Public Services and Facilities 1</u></a>                                                                                                                                                                                                                                                                                                             |
| <b>Inconsistent Goals/Strategies</b>    | <b>None</b>                                                                                                                                                                                                                                                                                                                                                         |
| <b>Staff Analysis</b>                   | Public Services and Facilities Goal 1 states: “Provide sustainable and reliable public services to Town residents, businesses and visitors in an efficient and effective manner.” Amending the code allows Council the ability to more easily amend the fee schedule to reflect the staffing demand and costs that are directly associated with development review. |

## **III. CONCLUSION**

The proposed amendments to Section 13.10.080 are in support of the Town’s ongoing efforts to address the current practices and potential options to pay for growth and development-related services. The proposed changes allow Council to set fees that reflect the true costs of development review. Staff recommends that the Planning Commission recommend that Town Council approve an ordinance amending Section 13.10.080 regarding land development application fees.

## **IV. RECOMMENDED CONDITIONS**

None

## **V. ATTACHMENTS**

Draft Ordinance No. 3.01.122

**Report Approved By: Bryce Matthews, Planning Manager**

ORDINANCE NO. 3.01.122, Series of 2020

**TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTION 13.01.080 OF THE PARKER MUNICIPAL CODE CONCERNING FEES TO BE ESTABLISHED BY COUNCIL RESOLUTION**

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

**Section 1.** Section 13.01.080 of the Parker Municipal Code is amended to read as follows:

**13.01.080 Fees.**

(a) Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for zoning permits, conditional-use permits, special-use permits, subdivision plat approval, zoning amendments, variances and other administrative relief. The amount of the fees charged shall be established by resolution of the Council ~~filed in the office of the Town Clerk.~~

~~(b) The Town will bill developers for any and all costs of professional or consulting services which the Town incurs as a result of a developer or his or her project. Professional or consulting services include but are not limited to: legal, engineering or hydrological services.~~

~~(e)-(b)~~ Fees established in accordance with Subsection (a) above shall be paid upon submission of a completed land use application or notice of appeal. All applications for which there is a fee shall be accompanied by the appropriate fee. Applications which are not accompanied by the appropriate fee shall be considered incomplete and shall not be processed nor shall any permit be issued unless the appropriate fee accompanies the application. The applicant shall pay the Town ~~the actual cost to the Town~~ the amount of fees as established by the Town Council by resolution for engineering, planning, surveying, inspection and legal services rendered in connection with the review of the proposed development application ~~plus fifteen percent (15%) to cover administrative costs.~~

(c) The Town will bill developers for any and all costs of professional or consulting services which the Town incurs as a result of a developer or the project. Professional or consulting services include, but are not limited to: legal, engineering, materials testing or construction inspection services.

The Town will send the applicant a statement for the ~~actual and administrative costs incurred by the Town for the services rendered by the Town~~ professional or consulting services which the Town incurs in accordance with this Subsection (c). The applicant shall pay the Town the amount due on the statement within fifteen (15) days of the date of the issuance of such statement. In

the event the applicant fails to pay the amount due on the statement within the time period specified above, the Town shall immediately stop the review process for the proposed development. The application will be deemed withdrawn if the statement is not paid in full within thirty (30) days of the date of the issuance of the statement.

If the statement is not paid in full within thirty (30) days after issuance of the statement, in addition to the application being withdrawn, the Town shall impose interest on the amount due and outstanding at the rate of one and one-half of one percent (1.5%) per month from the date when due.

In addition to the Town's remedies to stop the review process upon nonpayment of such statement, and to impose penalty interest, the Town shall additionally possess the right to initiate an enforcement action against the applicant for nonpayment of such fees. Such enforcement action may be initiated either in the Douglas County Court or in the Parker Municipal Court. In the event such collection action is determined in favor of the Town, the Town shall be awarded its attorneys' fees and court costs in addition to the unpaid fees as part of any judgment.

The payment of fees of the costs of professional and consulting services under this Section shall be due and payable as set forth within this Section, regardless of whether the project is completed, approved and/or regardless of whether the owner/developer chooses to complete the Town's land review process under the Town's Land Development Ordinance.

(d) The applicant shall pay any impact fees as established by Town ordinances in effect at the time the development application is approved by Town Council. The impact fees shall be paid at the time specified by such ordinance.

**Section 2.**     **Safety Clause.** The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

**Section 3.**     **Severability.** If any clause, sentence, paragraph or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

**Section 4.**     This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this \_\_\_\_ day of \_\_\_\_\_,  
2020.

\_\_\_\_\_  
Mike Waid, Mayor

ATTEST:

\_\_\_\_\_  
Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mike Waid, Mayor

ATTEST:

\_\_\_\_\_  
Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
James S. Maloney, Town Attorney