



PLANNING COMMISSION MINUTES

September 10, 2020

Chair Gary Poole called the meeting to order at 7:05 p.m.

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

Also, present were Commissioners Kimberly Rodell, Richard Foerster, Ruth Ann Nelson, John Howe and Eliana Burke. Alternate Tracie Manske was seated for the absent Commissioner Erik Frandsen. Alternates Susan Caudill and Anthony Matthews were present.

ADDITIONS TO OR DELETIONS FROM THE AGENDA

Bryce Matthews, Planning Manager explained agenda item 6B, the Bowey Property – Zoning, will need to have a motion for continuance.

APPROVAL OF MINUTES

Commissioner John Howe moved to approve the July 23, 2020 meeting minutes.

Commissioner Eliana Burke seconded; a vote was taken and passed 7:0.

Chair Gary Poole advised the public of the role of the Planning Commission and to join the Zoom webinar link if they wished to make public comments using the “Raise your Hand” feature; and that those watching on Facebook Live would not be able to make public comments.

PUBLIC HEARING: OPENED: 7:10 P.M. CAROUSEL FARMS FILING 1, LOT 11 AND 12, BLOCK 1 - Fence Variance

- 1) Applicant: Julie Trail
Location: 16022 Hayloft Lane
Department: Community Development, BrieAnna Simon
TRAKiT No.: Z20-007

- 2) Applicant: Julie Trail
Location: 11092 Hayloft Street
Department: Community Development, BrieAnna Simon
TRAKiT No.: Z20-008

BrieAnna Simon, Planner, presented the staff report for the Carousel Farms Filing No.1, Lots 11 and 12, Block 1 fence variance requests. Ms. Simon concluded with the determinations in the staff report recommended the Planning Commission recommend Town Council deny the fence variance requests for both Lots 11 and 12 because:

“there are no peculiar and exceptional practical difficulties or exceptional and undue hardship by reason of exceptional narrowness, shallowness or shape of a specific piece of property or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property”.

Commissioners discussed with staff:

- if a building permit was submitted and an inspection of the fence installation performed; *(Staff said permits are not required for fences less than eight (8) feet high.)*
- if the ordinance requiring split-rail fencing applies to all subdivisions, regardless of their age; *(Staff said compliance with the ordinance is required of all subdivisions established after approval in 2001.)*
- the length of the sidewalk between Mainstreet and Hayloft Lane and confirmation that it is considered open space; *(Staff said the length is approximately 150 feet and is considered open space.)*

APPLICANT PRESENTATION

Julie Trail, 16022 Hayloft Lane presented the fence variance should be approved due to:

- traffic speeding on Mainstreet
- noise reduction
- preventing children and pets being able to wander into the street
- the proximity of the site to Mainstreet (50 feet)
- meeting the special circumstances to allow a variance
- the fence design matching the existing community architecture
- the fence not creating any detriments to the community
- the fence being a detriment to burglaries
- having obtained approval from the Homeowners' Association (HOA) for the fence
- there being support for the fence by adjacent neighbors
- the fence providing for their health and safety

Commissioners discussed with the applicant:

- the length of the privacy fence and when it was installed; *(Ms. Trail said the fence was installed in July of 2019; didn't know the length of the fence.)*
- if the variance is approved, will the HOA allow the six-foot fence; *(Ms. Trail said the HOA advised that if the variance is approved, the split-rail fence would need to be removed.)*
- if there is an existing six-foot fence adjacent to Mainstreet and that the split-rail was adjacent to the open space; *(Ms. Trail confirmed that is the case.)*
- that the HOA sent a letter thanking the applicant for completion of the fence installation and then three days later advising the fence would need to be removed; *(Ms. Trail confirmed that is the case; without any HOA reason as to why, at that time.)*

- if the Town of Parker contacted the applicant regarding the requirement to remove the six-foot fence; (*Ms. Trail said no.*)

Commissioners discussed with staff and the applicant:

- to identify the detriment to the public good; (*Staff said the ordinance regarding variances states that 'relief may be granted without substantial detriment to the public good... subject to the determination of a hardship based on the code; staff clarified that the detriment to keeping the six-foot fence is limiting public safety by decreasing visibility and "eyes on the street" within the public area.'*)
- if the identified detriment is applicable to this site which is within 50 feet of a visible, busy street; (*Staff said that the Planning Commission can interpret the ordinance criteria; staff reviewed the variance relative to compliance with the ordinance criteria: "The need for the variance is caused by peculiar and exceptional practical difficulties or exceptional and undue hardship..."*.)
- the Planning Commission needs to determine two things; if there is an exceptional difficulty or undue hardship to allow the variance and if there is a hardship, then, whether allowing the variance will be a detriment to the public.
- the difference between what the applicant is asking and the other areas that have six-foot fences; (*Staff said the examples presented by the applicant are for developments that were approved and built prior to the current ordinance requiring split-rail fences and other incidents of sites not being adjacent to defined open space.*)
- if any of the examples were allowed by approval of a variance; (*Staff said none of the examples required approval of a variance.*)
- if the applicant followed HOA design review committee processes for approval of installation of a six-foot fence and if the HOA advised the applicants of the Town of Parker split-rail fence requirements; (*Ms. Trail said both applicants submitted HOA design review applications for the six-foot fences in June of 2019 and received HOA approval in July of 2019; the HOA did not provide Town of Parker requirements regarding split-rail fences.*)
- how closely HOA's work with the Town of Parker for code requirements to ensure residents' and HOA compliance; (*Staff said it varies; subdivisions have approved landscape plans and covenants that meet Town code requirements; the Town makes every attempt to ensure the developer and the HOAs understand the approved plans.*)

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

The following members of the public spoke in favor of the variance request for the following reasons:

- Mi Yoon, 11092 Hayloft Street
- Christopher Despain, 16008 Hayloft Lane
 - helps maintain yard free of debris
 - provides a barrier for traffic
 - offers security against burglars
 - prevents pets from jumping the fence
 - will not be a detriment to the public or the Town of Parker
 - there are homes that sit higher than the privacy fences that provide visibility

PUBLIC COMMENT CLOSED

Commissioner Ruth Ann Nelson questioned the intent of the code:

“by peculiar and exceptional practical difficulties or exceptional and undue hardship” (Staff said the intent includes narrowness, shallowness or shape of a specific piece of property or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property.)

PUBLIC HEARING: CLOSED: 7:43 P.M. CAROUSEL FARMS FILING 1, LOT 11 AND 12, BLOCK 1 - Fence Variance

PLANNING COMMISSION DISCUSSION

Planning Commissioners discussed the request:

- doesn't cause a detriment to the Town or public
- provides a traffic barrier
- would be a hardship for the property owner if not granted
- the fence was built in good faith with the HOA
- is within the proximity to Mainstreet that creates a hardship
- regards the length of the open space as short and could be seen from public roads
- requires the homeowners work with the HOA to remove the split-rail fence and add details to the six-foot fence to match existing six-foot HOA fencing along Mainstreet

Chair Gary Poole posed the question of precedent setting with allowing the variance.

Commissioner Ruth Ann Nelson said she agreed but in this incidence the variance is within limited parameters for allowance.

Commissioner John Howe moved that the Planning Commission recommend Town Council approve the Carousel Farms Filing 1, Lot 11, Block 1 - Fence Variance to allow the six-foot privacy fence adjacent to open space with the following two (2) conditions:

1. the existing split-rail fence adjacent to the privacy fence be removed
2. the existing six-foot fence be updated with decorative details in order to match the existing privacy fence along Mainstreet

Commissioner Richard Foerster seconded; a vote was taken and passed 6:1; with Chair Gary Poole voting against due to the potential for precedence setting.

Commissioner John Howe moved that the Planning Commission recommend Town Council approve the Carousel Farms Filing 1, Lot 12, Block 1 - Fence Variance to allow the six-foot privacy fence adjacent to open space with the following two (2) conditions:

1. the existing split-rail fence adjacent to the privacy fence be removed
2. the existing six-foot fence be updated with decorative details in order to match the existing privacy fence along Mainstreet

Commissioner Eliana Burke seconded; a vote was taken and passed 6:1; with Chair Gary Poole voting against due to the potential for precedence setting.

PUBLIC HEARING: BOWEY PROPERTY - Zoning

Applicant: Town of Parker

Location: Generally located on the northeast corner of Parker Road and Pine Drive

Department: Community Development, BrieAnna Simon

TRAKiT No. Z20-001

Chair Gary Poole called for a motion to continue the Bowey Property – Zoning.

Commissioner Richard Foerster moved to continue the public hearing for the Bowey Property – Zoning to October 8, 2020. Commissioner Kimberly Rodell seconded; a vote was taken and passed 7:0.

PLANNING COMMISSION ITEMS

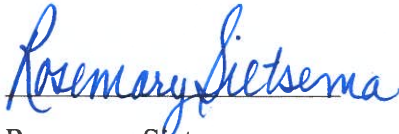
None

STAFF ITEMS

Reminder: September 24, 2020 Planning Commissioner training, prior to the meeting, on:
Process, Deliberation and Motions

ADJOURNMENT

The meeting was adjourned at 7:56 p.m.



Rosemary Sietsema
Recording Secretary



Gary Poole
Chair