

**TOWN OF PARKER COUNCIL
MINUTES
APRIL 19, 2021**

Mayor Jeff Toborg called the meeting to order at 5:30 P.M. All Councilmembers were present.

Town Attorney Jim Maloney announced the topic for discussion in Executive Session were two (2) items under C.R.S. § 24-6-402(4)(b). The first item was to receive legal advice on specific legal questions concerning the Devolution of Public Health Order 20-36, on or around April 16, 2021; Tri-County Health Department Public Health Order Simplified COVID-19 Dial, dated April 9, 2021; and Resolution No. R-021-XXX, Board of County Commissioners of the County of Douglas, Colorado Resolution to "Opt Out" of Further Tri-County Public Health Orders Based on Current Public Health Data and State Devolution of the COVID-19 Dial, dated April 13, 2021, and Town Administrator Emergency Orders; the second item was to receive legal advice on specific legal questions concerning House Bill 21-1252: A Bill for an Act Concerning the Ability of Voters in the Town of Parker in Douglas County to Determine Whether to be Included in the Boundaries of the Regional Transportation District.

EXECUTIVE SESSION

Cheryl Poage moved and Todd Hendreks seconded to go into Executive Session at 5:31 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).

The motion was approved unanimously.

Todd Hendreks moved and Laura Hefta seconded to come out of Executive Session at 6:32 P.M.

The motion was approved unanimously.

Cheryl Poage moved and Todd Hendreks seconded to recess the regular Town Council meeting until 7:00 P.M.

The motion was approved unanimously.

REGULAR MEETING

Mayor Toborg reconvened the meeting at 7:00 P.M. All Councilmembers were present.

The Mayor led the Pledge of Allegiance.

PUBLIC COMMENTS

There were two written comments that will be attached to the approved minutes.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

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

TOWN ADMINISTRATOR

The Spring 2021 Town Administrator's Report is available on the Town's web site.

CONSENT AGENDA

A. APPROVAL OF MINUTES - April 5, 2021

B. ORDINANCE NO. 9.328 - First Reading

A Bill for an Ordinance Approving the Intergovernmental Agreement Between the Town of Parker and the Board of County Commissioners of the County of Douglas County Concerning Lincoln Avenue (Jordan to Parker Road)

*Department: Engineering and Public Works, Bob Exstrom
Engineering and Public Works, Tom Williams*

Second Reading: May 3, 2021

C. PARKGLENN SUBDIVISION FILING NO. 3, LOT 1, BLOCK 2 - Rezone to C-Commercial District

Department: Community Development, Krista Flynt

Second Reading: May, 3, 2021

1. ORDINANCE NO. 3.38.3 - First Reading

A Bill for an Ordinance Amending Ordinance No. 3.38 by the Deletion of Certain Property (Parkglenn Subdivision Filing No. 3, Lot 1, Block 2) from the Planned Development Zoned Area Known as Parkglenn

2. ORDINANCE NO. 3.357 - First Reading

A Bill for an Ordinance Rezoning Certain Property (Parkglenn Subdivision Filing No. 3, Lot 1, Block 2) from Parkglenn Planned Development to C-Commercial District, Pursuant to the Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith

D. CONTRACTS OVER \$100,000

2021 Townwide Concrete Replacement Program (CIP21-006)

Amount: \$1,107,509.31

Contractor: Stone & Concrete, Inc.

Department: Engineering and Public Works, Danny Smith

John Diak moved to approve Consent Agenda Items 5A through 5D.

Cheryl Poage seconded the motion.

The motion was approved unanimously.

PUBLIC HEARINGS**PARKER HOMESTEAD FILING 1 AMD 1 TRACT A – Use by Special Review**

Applicant: Mohan Muthu, Mitrah Investments and Holdings, LLC
Location: Generally located on the west side of Chambers Road north of Double Angel Road
Department: Community Development, Stacey Nerger
TRAKiT No.: Z20-012

7:10 P.M.

The subject property is 1.3 acres in total area and is located in the Parker Homestead Planned Development (PD) zone district within the Mixed Use Neighborhood Center Planning Area (PA-1) at the southwest corner of Chambers Road and Double Angel Road. The PD zoning allows convenience stores with gasoline pumps as a Use by Special Review (UbSR) within PA-1. The applicant is proposing to construct a convenience store with gasoline service station on proposed Lot 1 of the Parker Homestead Filing No. 1, 2nd Amendment Plat.

The Land Development Ordinance (LDO) incorporates the UbSR process for certain uses in zoning districts that require additional review because they have the potential to generate nuisance impacts upon adjacent properties and/or the surrounding area. The UbSR process addresses those uses with potential impacts that require additional review beyond those uses that are permitted on a by-right basis within a zoning district. A UbSR application is a discretionary request made by an applicant that is subject to the nine (9) criteria for approval found at Section 13.04.200 of the LDO. Additional information and a detailed discussion of the nine (9) criteria for approval may be found in the attached Planning Commission staff report.

The proposed convenience store and gasoline service station will bring additional commercial services to the western-central section of Parker where there are few such options. The potential nuisance impacts created by the proposed development will be addressed by additional buffering and screening including enhanced landscaping along the western and southern property lines to help mitigate the impact to nearby residential uses. The applicant has indicated that all local, State and Federal requirements for gasoline service stations will be satisfied. Staff has reviewed the information provided by the applicant for the UbSR application and has determined that the proposal satisfies the nine (9) criteria for approval set forth in the LDO including consistency with the Parker 2035 Master Plan.

The Town Council is advised that the UbSR application would allow the proposed convenience store with gasoline service station use if approved, but does not include the actual development plan with site plan details. The review of these details would occur during a future site plan application and building permit review process.

The Planning Commission held a public hearing for the proposed UbSR application at their April 8, 2021 meeting and voted unanimously to approve the application.

If Town Council approves the UbSR application, the applicant will submit a site plan application at a future date.

Applicant:

Sreenivas Gudavalli, 17050 Mainstreet, Parker, Mitrah Investments and Holdings, LLC - Mr. Gudavalli described the project to Town Council. He stated the neighborhood needs this type of business, there is not an over intense use of the land, and this development will not cause traffic congestion.

Public Comment:

Travis Downey, 11678 Jutland Street, spoke against the project. He stated there was no passcode in the Zoom invite for the public to provide input. Only two neighbors from the neighborhood were in the Zoom meeting. Landscape buffering and lighting are very concerning.

The Public Hearing was closed at 7:46 P.M.

John Diak moved to approve, based on staff findings, with the following four (4) conditions contained in the staff report.

1. That the Use by Special Review materials submitted to the Community Development Department on March 15, 2021, shall be the approved Use by Special Review materials.
2. The applicant shall provide buffering along the south and west property lines that is above the minimum requirements within the Town of Parker Land Development Ordinance. The required enhanced buffering will mitigate potential impacts and be reviewed and approved through the Site Plan process.
3. The Replat to create Lot 1 shall be recorded prior to the approval of the required Site Plan application.
4. This approval shall expire twelve (12) months after the date of approval unless the property owner submits a complete application to the Town for a building permit to construct the project. The Community Development Director, upon written request, may grant a ninety-(90) day extension if necessary.

Todd Hendreks seconded the motion.

The motion was approved unanimously.

ORDINANCES

ORDINANCE NO. 9.136.4 - Second Reading (Continued from March 22, 2021 and to be continued to June 7, 2021)

A Bill for an Ordinance to Approve the Addendum to Amended and Restated Funding Agreement By and Between the Town of Parker and the Douglas County Emergency Telephone Service Authority Concerning the Hosted 911 NICE Recording Services

Department: Town Attorney, Jamie Wynn

John Diak moved to continue Ordinance No. 9.136.4 to June 7, 2021, for second reading.

Laura Hefta seconded the motion.

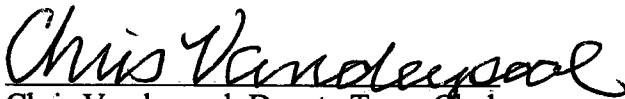
The motion was approved unanimously.

ADJOURNMENT

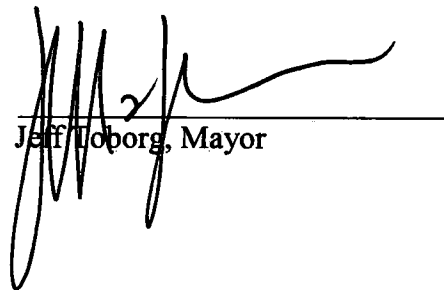
Cheryl Poage moved to adjourn the meeting at 7:50 P.M.

Todd Hendreks seconded the motion.

The motion was approved unanimously.



Chris Vanderpool, Deputy Town Clerk



Jeff Toborg, Mayor

Vanderpool, Chris

From: noreply@civicplus.com
Sent: Friday, April 16, 2021 5:39 PM
To: Clerk; Cleveland, Jim; Robberson, Dannette; Anderson, Andy; Penington, Elise
Subject: Online Form Submittal: Town Council Meetings - General Public Comment

Town Council Meetings - General Public Comment

Regular Town Council meetings are held on the first and third Monday of each month, unless announced otherwise. The general public comment period held during these meetings is an opportunity for the public to provide comments on items that are not on that meeting's agenda. Two options are now available for making public comments during the current Virtual Meeting format: either in writing via the online form included below or live during the meeting via the Zoom application.

Written general public comments via the form below can be submitted from noon on the Friday prior to the next meeting until 5 p.m. Monday (the day of the meeting). To learn how to submit a live public comment during a meeting via the Zoom application, visit www.ParkerOnline.org/VirtualMeetings.

This online form will also be used for other virtual meetings held by the Town of Parker's Special Licensing Authority. Public comments that are provided by 5 p.m. on the day of the Special Licensing Authority meeting will be provided to the Authority and will be included with the approved meeting minutes.

General Public Comment is an opportunity for Town residents and other interested individuals to speak about items that are NOT on the agenda. No action will be taken on these items. Public comments will be provided to the Town Council and will be included with the approved minutes of the Town Council meeting. For those unable to provide comments electronically through this form, please contact the Clerk's Office to make arrangements. The Town Clerk can be reached by phone at 303.805.3198.

First Name	Lisa
Last Name	Cypher
Address	18283 Peru Creek Ave
City	Parker
State	Co
Zip Code	80134

General Public Comment

For several years, I had been very excited to retire and leave California, where I had grown up, and to live in Colorado near my daughter, her husband and my grandson. After much research, I decided on Parker, because of its reputation for being very safe, and in a beautiful, rural, quaint small town feeling. When we arrived in my new home, I walked outside my upper deck, and I literally threw my arms up in the air and said, "I love you Colorado"!

Then, I began hearing road noise from Motsenböcker road, which has steadily gotten much worse. So, as much as I love Colorado, for the past 8 months I have been living in the most stressful environment of my life, living next to a "freeway"! Every morning starting at 6:15 am, I am awoken to big rig trucks, work trucks, and all the cars flying down Motsenbocker road! Even with my windows closed, the 12 hours plus of road noise is loud, excessive, and unbearable to live with! The road noise from Motsenbocker has greatly taken a toll on my physical health, and emotional well being. I have invested all of my, and my late husbands, life savings into this home. And now, I am stuck. I am 64 years old on Friday. I am retired, permanently disabled with a back injury, and a Veterans Widow living alone. I am so distraught and depressed that I am in this position. I cannot purchase a new home with a traditional bank loan with a "contingency offer" on another home, in this competitive market. IF I can find a financial means, I am going to have to take a financial loss of at least \$50,000, to sell this home and move all over again. I have spoken to several of my neighbors who have lived here for many years, who talk about how pleasant the neighborhood was in the past, and who also cannot tolerate the road noise that began two or so years ago and has gotten much worse since then. Forget any of us using our backyards. They are anything but the peaceful serenity we deserve to have! The beautiful property and open field which was the selling point for me to this house, allows all the road noise to penetrate all the homes at least 3-4 homes in from the road.

I have been told by neighbors that the Town has told them that the problem will be addressed by extending Chambers road in the next few years, and that Chambers will be a major thoroughfare taking most of the traffic now on Motsenbocker. That will help. But, I can only wonder what the Town planners were thinking when they permitted all the development nearby, knowing construction traffic and other vehicles would use a residential road (Motsenbocker) rather than a more proper thoroughfare (Chambers).

Even then, what about when all the families that move into the 5,000 new homes up the road? Will those cars use Motsenbocker? If so, the amount of cars driving down Motsenbocker would still be deafening. Why can't at least a fence and thick trees be planted in the areas across the open spaces, to help with being a sound barrier to all the road noise? How can anyone expect us all to live in these conditions, for several more years, before it gets any better at all? It's not fair to the people, like me, who have worked hard their whole life to purchase a home here. We deserve to be able to live in a peaceful environment. I implore you to please have some compassion. Please take any steps you can, immediately, to help resolve this intolerable road noise off Motsenbocker road. Thank You.

Email not displaying correctly? [View it in your browser.](#)

Vanderpool, Chris

From: noreply@civicplus.com
Sent: Monday, April 19, 2021 1:43 PM
To: Clerk; Cleveland, Jim; Robberson, Dannette; Anderson, Andy; Penington, Elise
Subject: Online Form Submittal: Town Council Meetings - General Public Comment

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First Name	Steve
Last Name	Core
Address	12504 Venable Creek St.
City	Parker
State	Colorado
Zip Code	80134

General Public Comment

Hello,

I have some concerns about the increase in traffic on Motsenbocker Road between Hess Road and Stroh Road. My wife and I live in the Stroh Ranch development that is on the east side of Motsenbocker. Getting in and out of our neighborhood at French Creek Avenue has become increasingly dangerous. We have a lot of new development and construction going on around us and Motsenbocker seems to be the main thoroughfare especially for large dump trucks using Jake brakes. It's not just speeding vehicles but it's also the road noise with people accelerating or slamming their brakes. I would like to suggest putting in a stop light at French Creek and Motsenbocker. If I can make another suggestion please widen the road on Motsenbocker right before you get to Hess from one lane to two lanes each way. Unfortunately, it's only going to get worse as these new housing developments start filling up with new residence. Thank you for taking the time to read this and helping us. It's greatly appreciated.

Steve Core

Email not displaying correctly? [View it in your browser.](#)