



PLANNING COMMISSION MEETING

7:00 PM

May 27, 2021

Notes:

Planning Commission meeting packets are prepared several days prior to the meeting. This information is reviewed and studied by the Commissioners eliminating lengthy discussions to gain a basic understanding. Timely action and short discussion on agenda items does not reflect lack of thought or analysis on the part of the Commissioners.

Public comment on agenda items may be made in person or via Zoom.

Virtual Public Participation by Zoom Webinar: Instructions on how to participate in the public comment or public hearing part of the meeting are available by viewing the individual Town Council meeting listings on the Town's online calendar at www.parkeronline.org/calendar.

Public Viewing Only - Facebook Live: Town Council meetings may be viewed through Facebook Live from the Town of Parker website: www.facebook.com/townofparkerco.

PLEASE NOTE: Public participation is NOT available through Facebook Live.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **ADDITIONS TO OR DELETIONS FROM THE AGENDA**
5. **APPROVAL OF MINUTES**
 - A. **Planning Commission Meeting Minutes - April 22, 2021**
6. **CONSENT AGENDA**
7. **PUBLIC HEARINGS**
8. **PUBLIC MEETINGS**
 - A. **A Bill for an Ordinance to Amend Section 13.09.040 of the Parker Municipal Code Concerning the Registration of Temporary Signs.**
Applicant: Town of Parker

Location: Town Wide
Department: Community Development, Bryce Matthews

- B. A Bill for an Ordinance to Amend Sections 13.01.140, 13.07.060, 13.07.070, 13.07.080, 13.07.090, AND 13.07.100 AND of the Parker Municipal Code Concerning the Extension of Time**

Applicant: Town of Parker
Location: Town Wide
Department: Community Development, Bryce Matthews

- C. Bill for an Ordinance to Amend Section 13.03.030 of the Parker Municipal Code Concerning Planning Department Adjustments**

Applicant: Town of Parker
Location: Town Wide
Department: Community Development, Bryce Matthews

- D. Bill for an Ordinance to Amend Section 13.10.250 of the Parker Municipal Code Concerning Prairie Dogs**

Applicant: Town of Parker
Location: Town Wide
Department: Community Development, John Fussa

9. PLANNING COMMISSION ITEMS

10. STAFF ITEMS

11. ADJOURNMENT



PLANNING COMMISSION MINUTES

April 22, 2021

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

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

Also, present and seated were Commissioners John Howe, Rich Foerster, Traci Manskie, Kim Rodell and Anthony Matthews.

ADDITIONS TO OR DELETIONS FROM THE AGENDA

None

APPROVAL OF MINUTES

Commissioner John Howe moved to approve the April 8, 2021 meeting minutes.

Commissioner Rich Foerster seconded; a vote was taken and passed 6:0.

PUBLIC HEARING: OPENED: 7:03 P.M.

LINCOLN PROFESSIONAL PARK

1) Rezoning Certain Property known as Lincoln Professional Park to C-Commercial Pursuant to the Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to conform Therewith.

2) Use by Special Review to Allow for a Gas Station

Applicant: Plaza Street Partners

Location: Generally located on the southeast corner of Lincoln Avenue and Dransfeldt Road

Department: Community Development, Stacey Nerger

TRAKiT No.: Z20-017 and Z20-019

Stacey Nerger, staff planner, presented the staff report proposing to zone a 4.37 acre parcel to

Commercial concurrent with the annexation of the property and a Use by Special Review to allow for a gas station on the property located at the southeast corner of Lincoln Avenue and Dransfeldt Road. Ms. Nerger concluded with the determinations in the staff report recommending the Planning Commission recommend that Town Council approve the zoning and Lincoln Professional Park Use by Special Review to allow for a gas station subject to the three (3) conditions contained in staff's report.

Commissioners discussed with staff:

- Easement questions and shared access with adjacent businesses: Napa and Walgreens; *(staff said that this is something that the Town has not looked at yet since they are just starting the process of annexation and zoning, that the Town desires to provide improved access to the properties to the east and south).*
- How does the access relate to future plans for the intersection of Parker Road and Lincoln Avenue; *(staff discussed the Parker Road Corridor Plan coordination with CDOT and the three possible phases or future options: extending the south bound acceleration lane, a deferred left and a flyover that may be many years down the road).*
- How much of the site will the gas station and pumps occupy on this site; *(staff said that based on the conceptual plan it looks to take up about half the site and that a large chunk of the site is a detention pond and that the platting of the property will determine how much of the lot is buildable).*
- What else is planned around the site; *(staff said that the applicant's presentation will address surrounding development).*
- Applicant is required to provide easements and is there an agreement between Walgreens and Napa or is it a Parker right-of-way where they are required to provide easement.; *(staff said that the current access to Walgreens off Lincoln Ave. will remain and that the applicant will reach out to neighboring businesses to create future east/west and north/south access and that the surrounding businesses will benefit from the full movement access at Dransfeldt Ave. through this site).*
- P3's opinion that this site might be better served by other business; *(staff clarified that P3 is Parker's Urban renewal department and that this land is technically not within the urban renewal district since it hasn't been annexed into the Town yet and that P3's opinion that the gas station may not be the highest and best use for this location would mean that the proposed use would not be eligible for P3 funding.).*
- In the report there are references to three conditions and in other sections four conditions, yet only 3 conditions are listed; *(staff clarified that there are only three conditions).*

APPLICANT PRESENTATION

Brian Connelly presented project information:

- Representing Plaza Street Partners
- Introduced development team
- RYanne Sass provided background information on Plaza Street Partners
- Discussed the subject property and the property to the east and provided an illustration of the conceptual plan
- Addressed access to the site

- Responded to P3 comments, that the gas station is driving the ability to do the infrastructure work and its development, and that the gas station is consistent with the surrounding auto oriented businesses.
- Described the benefits of this plan to the Town
- Covered the approval considerations for use by special review

Commissioners discussed with applicant:

- If approved, will the applicant be having conversations with Walgreens and Napa to improve the quality of access points to Parker Rd as they are currently in poor condition; *(applicant recognizes the existing poor conditions and that there have only been general conversations up until now with the neighboring businesses concerning access improvements).*

Chair Gary Poole stated this is the time where open up the meeting to public comment and he thanked the people who were attend this meeting. To make public comments, you need to be logged into the Town's website www.parkeronline.org/planningcommission. Facebook live participants are only able to view and listen to the meeting. 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.

PUBLIC COMMENT OPENED

None

PUBLIC COMMENT CLOSED

PUBLIC HEARING: CLOSED: 7:29 P.M. Rezoning and Use by Special Review for Lincoln Professional Park

PLANNING COMMISSION DISCUSSION

Planning Commission discussed the request:

- nice to have the corner developed and have a revenue stream for the Town of Parker
- that the nine criteria were met
- that the rezoning will be more compatible with the surrounding area and a good mix of use to the area
- glad to see someone develop this lot as it has been deteriorating and an eyesore up to now
- glad to see that that the Town is bringing the lot into the Town, bringing continuity to the area
- that the plan is consistent with the Town's Master Plan

Commissioner John Howe moved the Planning Commission recommend Town Council approve the zoning. Commissioner Richard Foerster seconded; a vote was taken and passed 6:0.

Commissioner John Howe moved the Planning Commission recommend that Town Council approve the Use by Special Review to allow for a gas station subject to the three conditions listed in the staff report. Commissioner Richard Foerster seconded; a vote was taken and passed 6:0.

PLANNING COMMISSION ITEMS

None

STAFF ITEMS

Staff is recommending that the Planning Commissar hold a special study session on April 29th, 2021 at 7 PM to discuss coming back to council chambers and holding public hearings.

Commissioner John Howe moved that the Planning Commission have a special study session on April 29th. Commissioner Richard Foerster seconded; a vote was taken and passed 6:0.

ADJOURNMENT

The meeting was adjourned at 7:35 p.m.

Jeff Miller
Recording Secretary

Gary Poole
Chair



Planning Commission Staff Report

Planning Commission Date: 5/27/2021

Town Council Date: 6/21/2021

Hearing Type: Public Meeting
A Bill for an Ordinance to Amend Section 13.09.040 of the Parker Municipal Code to Concerning the Registration of Temporary Signs

Location: Townwide

Project Planner: Bryce Matthews, Planning Manager

Applicant: Town of Parker

Executive Summary: The Town Administrator issued a series of executive orders to respond to the COVID-19 pandemic. As the Town, state and country are recovering from the pandemic, the Town is codifying amendments to the code to establish a formal transition from the executive orders back to pre-pandemic code requirements. The proposed Ordinance will remove the requirement for temporary signs to be registered between June 1, 2021 through September 30, 2021.

Staff Recommendation: Approval

RECOMMENDED MOTION

"I move the Planning Commission recommend Town Council approve an ordinance to amend the Parker Municipal Code regarding suspending registration of temporary signs between June 1 and September 30, 2021."

ALTERNATIVE MOTIONS

"I move the Planning Commission recommend Town Council approve an ordinance to amend the Parker Municipal Code regarding suspending registration of temporary signs between June 1 and September 30, 2021 with the following conditions:"

-List proposed conditions

"I move the Planning Commission recommend Town Council deny an ordinance to amend the Parker Municipal Code regarding suspending registration of temporary signs between June 1 and September 30, 2021:"

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

“I move the Planning Commission vote to continue an ordinance to amend the Parker Municipal Code regarding suspending registration of temporary signs between June 1 through September 30, 2021.”

I. BACKGROUND/DISCUSSION

The Town administrator issued a series of Executive Orders in response to the COVID-19 pandemic. The Town administrator issued an Executive Order to excluded certain temporary signs from the requirement for registration and time limits in the sign code. The purpose of this ordinance is to continue to support the business community through the summer by not requiring temporary sign registry as a transition back to regular enforcement of the Sign Code. The Parker Municipal Code currently suspends the registration requirement for temporary signs between October 1 and November 15 of each calendar year. The proposed Ordinance will also suspend the registration requirement for temporary signs between June 1 and September 30. The Ordinance if approved will sunset on September 30, 2021, and will not be in effect in future years.

II. PARKER 2035 MASTER PLAN

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

MASTER PLAN CONSISTENCY	
Master Plan Designation	Choose an item. ☐ Consistent ☐ Inconsistent ☒ Not Applicable
Master Plan Character Discussion	N/A
Consistent Goals/Strategies	N/A
Inconsistent Goals/Strategies	None
Staff Analysis	Amending the code to allow for temporary signs to temporarily not be registered is not addressed in the Parker 2035 Master Plan.

III. CONCLUSION

Staff recommends that the Planning Commission recommend that Town Council approve an ordinance that will suspend the registration requirement for temporary signs between June 1 and September 30 with a sunset on September 30, 2021. The sunset provision makes the code amendment expire and therefore not be in effect in future years.

IV. RECOMMENDED CONDITIONS

None

V. ATTACHMENTS

Draft Ordinance

Report Approved By: Bryce Matthews, Planning Manager

ORDINANCE NO. 3.324.3, Series of 2021

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTION 13.09.040 OF THE PARKER MUNICIPAL CODE CONCERNING REGISTRATION OF TEMPORARY SIGNS

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

Section 1. Section 13.09.040 of the Parker Municipal Code is amended to read as follows:

13.09.040 Administrative procedures.

* * *

(b) Temporary signs. The Town will permit temporary signs on residential and nonresidential parcels in accordance with the following standards and procedures:

* * *

(2) Registry not required. Notwithstanding Paragraph (1) above, registration of temporary signs will not be required between October 1 and November 15 of each calendar year. **Additionally, registration of temporary signs shall not be required between June 1 and September 30 of each calendar year.** During such period, temporary signs will be required to conform in all other respects to the provisions of this Chapter.

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.

Section 5. This Ordinance shall sunset on September 30, 2021, and be of no further force or effect after this date.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____,
2021.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Deputy Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2021.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Deputy Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Planning Commission Staff Report

Planning Commission Date: 5/27/2021

Town Council Date: 6/21/2021

Hearing Type: **Public Meeting**
A Bill for an Ordinance to Amend Sections 13.01.140, 13.07.060, 13.07.070, 13.07.080, 13.07.090, and 13.07.100 of the Parker Municipal Code Concerning Extensions of Time

Location: **Townwide**

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

Applicant: **Town of Parker**

Executive Summary: The Town Administrator issued a series of executive orders to respond to the COVID-19 pandemic. As the Town, state and country are recovering from the pandemic, the Town is codifying amendments to the code to establish a formal transition from the executive orders back to pre-pandemic code requirements. The proposed ordinance will allow for the Planning Director to grant administrative extensions of approved applications beyond the 90 days permitted today to a date certain of December 31, 2021.

Staff Recommendation: **Approval**

RECOMMENDED MOTION

“I move the Planning Commission recommend Town Council approve an ordinance to amend the Parker Municipal Code regarding administrative extensions of land use approvals.”

ALTERNATIVE MOTIONS

“I move the Planning Commission recommend Town Council approve an ordinance to amend the Parker Municipal Code regarding administrative extensions of land use approvals with the following conditions:”

-List proposed conditions

“I move the Planning Commission recommend Town Council deny an ordinance to amend the Parker Municipal Code regarding administrative extensions of land use approvals:”

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

“I move the Planning Commission vote to continue an ordinance to amend the Parker Municipal Code regarding administrative extensions of land use approvals.”

I. BACKGROUND/DISCUSSION

The Town administrator issued a series of Executive Orders in response to the COVID-19 pandemic. The Parker Municipal Code requires that applicants receive a Building Permit or Grading Permit within 12 months of approval of a land use application or the approval will expire. The Code also allows for the applicant to request a 90-day extension from the Planning Director in addition to the 12 months. The Town administrator issued an Executive Order that allowed for all land use approvals to receive an additional 4 months to receive their Grading Permit or Building Permit, for a total of 16 months prior to expiration. The proposed ordinance will allow the Planning Director the ability to administratively extend approvals up to December 31, 2021. After December 31, 2021 approvals will revert back to the code requirement of 12 months with the option for a 90-day extension.

II. PARKER 2035 MASTER PLAN

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

MASTER PLAN CONSISTENCY	
Master Plan Designation	Choose an item. ☐ Consistent ☐ Inconsistent ☒ Not Applicable
Master Plan Character Discussion	N/A
Consistent Goals/Strategies	N/A
Inconsistent Goals/Strategies	None
Staff Analysis	Amending the code to allow for extension of approvals is not addressed in the Parker 2035 Master Plan.

III. CONCLUSION

Staff recommends that the Planning Commission recommend that Town Council approve an ordinance that will allow the Planning Director to grant administrative extensions of approved applications beyond the 90 days permitted today to a date certain of December 31, 2021.

IV. RECOMMENDED CONDITIONS

None

V. ATTACHMENTS

Draft Ordinance

Report Approved By: Bryce Matthews, Planning Manager

ORDINANCE NO. 3.01.124, Series of 2021

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTIONS 13.01.140, 13.07.060, 13.07.070, 13.07.080, 13.07.090, AND 13.07.100 AND OF THE PARKER MUNICIPAL CODE CONCERNING EXTENSIONS OF TIME

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

Section 1. Section 13.01.140 of the Parker Municipal Code is amended to read as follows:

13.01.140 Resubmittals and expiration of approvals.

* * *

(b) Approval by the Town Council, Planning Commission, or Planning Director of any site plan or use by special review shall remain in effect for a period of twelve (12) months. Any approval of an application for which a grading permit or building permit has not been issued or for which the use by special review has not commenced within twelve (12) months after approval of the site plan or use by special review shall be null and void. An extension of time of up to ninety (90) days may be granted by the Planning Director for good cause. **An additional extension of time, beyond the foregoing 90-day extension, may be granted by the Planning Director; provided, however, no such extension shall extend beyond December 31, 2021.** Any denial of the extension may be appealed to the Town Council. If denied, the applicant may resubmit a new application and fees for the same project.

* * *

Section 2. Section 13.07.060 of the Parker Municipal Code is amended to read as follows:

13.07.060 Sketch plan.

* * *

(i) Expiration of approval.

(1) The sketch plan shall be effective for a period of one (1) year from the date of approval, unless stated otherwise in such approval or unless a preliminary plan has been approved for a portion of the area covered by the sketch plan. In such event the sketch plan approval for the remainder of the area shall be effective for one (1) year following preliminary plan approval. The Planning Director may grant an extension of time, of no more than one (1) year, upon a written request by the applicant prior to the expiration of the one-

year period. **An additional extension of time, beyond the foregoing one-year extension, may be granted by the Planning Director; provided, however, no such extension shall extend beyond December 31, 2021.**

* * *

Section 3. Section 13.07.070 of the Parker Municipal Code is amended to read as follows:

13.07.070 Preliminary plan.

* * *

(i) Expiration of approval.

(1) The preliminary plan shall be effective for a period of one (1) year from the date of approval, unless stated otherwise in such approval. The Planning Director may grant an extension of time, of no more than one (1) year, upon a written request by the applicant prior to the expiration of the one-year period. **An additional extension of time, beyond the foregoing one-year extension, may be granted by the Planning Director; provided, however, no such extension shall extend beyond December 31, 2021.** However, when a part of the preliminary plan is final platted, approval of the remaining area of the preliminary plan shall be effective for the one-year period or as otherwise extended by the Planning Director or the Town Council.

* * *

Section 4. Section 13.07.080 of the Parker Municipal Code is amended to read as follows:

13.07.080 Final plat.

* * *

(h) Expiration of approval.

* * *

(2) The Planning Director may grant ~~no more than~~ one (1) extension of time, of no more than thirty (30) days, upon a written request by the applicant or staff for good cause being shown. **An additional extension of time, beyond the foregoing 30-day extension, may be granted by the Planning Director; provided, however, no such extension shall extend beyond December 31, 2021.**

* * *

Section 5. Section 13.07.090 of the Parker Municipal Code is amended to read as follows:

13.07.090 Minor development—single-family residential.

* * *

(j) Expiration of approval.

* * *

(2) The Planning Director may grant ~~no more than~~ one (1) extension of time, of no more than thirty (30) days, upon a written request by the applicant or staff for good cause being shown. **An additional extension of time, beyond the foregoing 30-day extension, may be granted by the Planning Director; provided, however, no such extension shall extend beyond December 31, 2021.**

* * *

Section 6. Section 13.07.100 of the Parker Municipal Code is amended to read as follows:

13.07.100 Minor development—nonresidential and multiple-family.

* * *

(j) Expiration of approval.

* * *

(2) The Planning Director may grant ~~no more than~~ one (1) extension of time, of no more than thirty (30) days, upon a written request by the applicant or staff for good cause being shown. **An additional extension of time, beyond the foregoing 30-day extension, may be granted by the Planning Director; provided, however, no such extension shall extend beyond December 31, 2021.**

* * *

Section 7. **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 8. 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 9. This Ordinance shall become effective ten (10) days after final publication.

Section 10. This Ordinance shall sunset on December 31, 2021, and be of no further force or effect after this date.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2021.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Deputy Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2021.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Deputy Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Planning Commission Staff Report

Planning Commission Date: 5/27/2021

Town Council Date: 6/21/2021

Hearing Type: **Public Meeting**
A Bill for an Ordinance to Amend Section 13.03.030 of the Parker Municipal Code Concerning Planning Department Adjustments

Location: **Townwide**

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

Applicant: **Town of Parker**

Executive Summary: The Town Administrator issued a series of executive orders in 2020 to respond to the COVID-19 pandemic. The proposed ordinance would exclude certain temporary site plan changes, such as marking pick-up/delivery parking spaces, from the requirement for Site Plan Adjustment approval by the Town. This ordinance will be in effect through September 30, 2021.

Staff Recommendation: **Approval**

RECOMMENDED MOTION

"I move the Planning Commission recommend Town Council approve an ordinance to amend the Parker Municipal Code regarding suspending certain Planning Department Adjustment requirements through September 30, 2021."

ALTERNATIVE MOTIONS

"I move the Planning Commission recommend Town Council approve an ordinance to amend the Parker Municipal Code regarding suspending certain Planning Department Adjustment requirements through September 30, 2021 with the following conditions:"

-List proposed conditions

"I move the Planning Commission recommend Town Council deny an ordinance to amend the Parker Municipal Code regarding suspending certain Planning Department Adjustment requirements through September 30, 2021:"

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

“I move the Planning Commission vote to continue an ordinance to amend the Parker Municipal Code regarding suspending certain Planning Department Adjustment requirements through September 30, 2021.”

I. BACKGROUND/DISCUSSION

The Town administrator issued a series of Executive Orders in response to the COVID-19 pandemic including an Executive Order to exclude certain temporary commercial site improvements from the requirement to seek a Planning Department Adjustment approval. The purpose of this Ordinance is to continue to support the business community through the summer by allowing them to operate temporary pick up parking and other temporary changes to their site to accommodate drive up, pick-up and delivery services. The Parker Municipal Code requires that any change to a commercial site receive Town approval. Changes less than 15%, qualify to receive a Site Plan Adjustment approval which is a shorter review process. This requirement for approval would normally apply to designating certain parking spaces for pick up/delivery, painting new crosswalks and other changes to site plans that have been necessary for businesses to facilitate changes to their business model during the pandemic. This exclusion from the Site Plan Adjustment process will be extended through September 30, 2021.

II. PARKER 2035 MASTER PLAN

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

MASTER PLAN CONSISTENCY	
Master Plan Designation	Choose an item. ☐ Consistent ☐ Inconsistent ☒ Not Applicable
Master Plan Character Discussion	N/A
Consistent Goals/Strategies	N/A
Inconsistent Goals/Strategies	None
Staff Analysis	Amending the code to temporarily exclude certain activities from the requirement for a Site Plan Adjustment is not addressed in the Parker 2035 Master Plan.

III. CONCLUSION

Staff recommends that the Planning Commission recommend that Town Council approve an ordinance that will exclude businesses that are making temporary site plan changes, such as marking pick-up/delivery parking spaces, from the requirement for Site Plan Adjustment approval by the Town. This ordinance will be in effect through September 30, 2021.

IV. RECOMMENDED CONDITIONS

None

V. ATTACHMENTS

Draft Ordinance

Report Approved By: Bryce Matthews, Planning Manager

ORDINANCE NO. 3.01.125, Series of 2021

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTION 13.03.030 OF THE PARKER MUNICIPAL CODE CONCERNING PLANNING DEPARTMENT ADJUSTMENTS

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

Section 1. Section 13.03.030 of the Parker Municipal Code is amended by the addition of a new Subsection (e) to read as follows:

13.03.030 Planning Department adjustments.

* * *

(e) Adjustments to allow retail and service businesses to provide pick-up/delivery of personal, tangible property, parking, and other adjustments to previously approved site plans to facilitate temporary activities related to the operation of such businesses shall not be considered an adjustment under the provisions of this Section.

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.

Section 5. This Ordinance shall sunset on September 30, 2021, and be of no further force or effect after this date.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2021.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Deputy Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2021.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Deputy Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Planning Commission Staff Report

Planning Commission Date: 5/27/2021

Town Council Date: 6/21/2021

Hearing Type: Public Meeting
A Bill for an Ordinance to Amend Sections 13.01.140
and 13.10.250 of the Parker Municipal Code
Concerning Prairie Dog Management

Location: Town-wide

Project Planner: John Fussa, Director

Applicant: Town of Parker

Executive Summary: The proposed Ordinance will amend the Prairie Dog Management Ordinance to provide a 180-day administrative extension of land use approvals where an applicant undertakes relocation of prairie dogs. The proposed ordinance also requires that humane extermination occur not less than 30 days after Town approval of a development application.

Staff Recommendation: Approval

RECOMMENDED MOTION

“I move the Planning Commission recommend Town Council approve an ordinance to amend the Parker Municipal Code regarding Prairie Dog Management to provide a 180-day extension of approval where an applicant undertakes relocation and requires that humane extermination occur not less than 30 days after Town approval of a development application.”

ALTERNATIVE MOTIONS

“I move the Planning Commission recommend Town Council approve an ordinance to amend the Parker Municipal Code regarding Prairie Dog Management to provide a 180-day extension of approval where an applicant undertakes relocation and requires that humane extermination occur not less than 30 days after Town approval of a development application with the following conditions:”

- List proposed conditions

“I move the Planning Commission recommend Town Council deny an ordinance to amend the Parker Municipal Code regarding Prairie Dog Management to provide a 180-day extension of approval where an applicant undertakes relocation and requires that humane extermination occur not less than 30 days after Town approval of a development application.”

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

“I move the Planning Commission vote to continue an ordinance to amend the Parker Municipal Code regarding Prairie Dog Management to provide a 180-day extension of approval where an applicant undertakes relocation and requires that humane extermination occur not less than 30 days after Town approval of a development application.”

I. BACKGROUND/DISCUSSION

The Town Council approved the Prairie Dog Management Ordinance on April 6, 2020 after public comment and Planning Commission recommendation. At that public meeting regarding the ordinance, the Planning Commission and staff discussed the need for (and benefit of) a provision to clarify the minimum due diligence period in which applicants must evaluate the feasibility of relocation of prairie dogs for projects where the ordinance is applicable. Staff determined during the course of administration of the new code, *13.20.250 Prairie Dogs*, that the provision of a due diligence period would be useful. The Council directed staff to proceed with the proposed, limited ordinance amendment at the March 29, 2021 Study Session to address these two items.

II. PARKER 2035 MASTER PLAN

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

MASTER PLAN CONSISTENCY	
Master Plan Designation	Choose an item. ☒ Consistent ☐ Inconsistent ☐ Not Applicable
Master Plan Character Discussion	N/A
Consistent Goals/Strategies	Consistent with Chapter 12, Natural Resource Protection, of the Master Plan
Inconsistent Goals/Strategies	None
Staff Analysis	The Parker 2035 Master Plan does not specifically address prairie dog management but Chapter 12, Natural Resource Protection, includes the goal to: <i>“Consider the impacts of development on wildlife when evaluating land use applications.”</i>

III. CONCLUSION

Staff recommends that the Planning Commission recommend that the Town Council approve an ordinance that will amend the Parker Municipal Code regarding Prairie Dog Management to provide a 180-day extension of approval where an applicant undertakes relocation and requires that humane extermination occur not less than 30 days after Town approval of a development application where applicable.

IV. RECOMMENDED CONDITIONS

None

V. **ATTACHMENTS**
Draft Ordinance

Report Approved By: John Fussa, Director

ORDINANCE NO. 3.353.1, Series of 2021

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTIONS 13.01.140 AND 13.10.250 OF THE PARKER MUNICIPAL CODE CONCERNING PRAIRIE DOG MANAGEMENT

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

Section 1. Section 13.01.140 of the Parker Municipal Code is amended to read as follows:

13.01.140 Resubmittals and expiration of approvals.

* * *

(b) Approval by the Town Council, Planning Commission, or Planning Director of any site plan or use by special review shall remain in effect for a period of twelve (12) months. Any approval of an application for which a grading permit or building permit has not been issued or for which the use by special review has not commenced within twelve (12) months after approval of the site plan or use by special review shall be null and void. An extension of time of up to ninety (90) days may be granted by the Planning Director for good cause. **An additional extension of time, beyond the foregoing 90-day extension, of up to 180 days may be granted by the Planning Director, if such extension is necessary to accommodate prairie dog relocation efforts, as provided in Section 13.10.250 of this Code.** Any denial of the extension may be appealed to the Town Council. If denied, the applicant may resubmit a new application and fees for the same project.

* * *

Section 2. Section 13.10.250 of the Parker Municipal Code is amended to read as follows:

13.10.250 Prairie dog management.

* * *

(d) Use of humane extermination. If, **after Town approval of a development application and a period of not less than thirty (30) days of attempted relocation, such** relocation of prairie dogs is infeasible or prohibited, except as provided in Subsection (c) above, the applicant shall utilize humane extermination using a licensed professional exterminator to eradicate all or part of a prairie dog colony. All products shall be approved for use by the Colorado Department of Agriculture, U.S. Fish and Wildlife Service, and U.S. Environmental Protection Agency. Humane extermination shall not occur when endangered or

threatened species such as the Western Burrowing Owl or Black-Footed Ferret are present on a site until such species are protected or relocated in accordance with the requirements of the U.S. Fish and Wildlife Service. For purposes of this Section, humane extermination shall include the use of products that (1) are nontoxic (such as carbon dioxide and carbon monoxide); (2) eliminate secondary poisoning; and (3) eliminate impacts to nontarget species.

* * *

Section 3. 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 4. 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 5. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2021.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Deputy Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2021.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Deputy Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney