



PLANNING COMMISSION MEETING

7:00 PM

June 24, 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 - 5.27.21**
6. **CONSENT AGENDA**

7. PUBLIC HEARINGS

**A. 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

8. PLANNING COMMISSION ITEMS

A. Thank You to Outgoing Commissioners

9. STAFF ITEMS

10. ADJOURNMENT



PLANNING COMMISSION MINUTES

May 27, 2021

Planning Commission Chairman 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 Rich Foerster, Traci Manske, Ruth Ann Nelson, Eliana Burke and Kim Rodell.

OPENING REMARKS

Planning Commission Chairman Gary Poole: Thank you for attending the Parker Planning Commission meeting tonight. Before the meeting begins, there are two ways to make public comments on any item at this hearing. Comments may be made in person at the public hearing tonight or you can join the Zoom webinar link posted on the Town's website at www.ParkerOnline.org/PlanningCommission.

Facebook Live participants are only able to view and listen to the meeting and are unable to submit public comment on agenda items. If you are on Facebook Live and wish to submit public comment on an item tonight, now would be a good time to leave Facebook Live and join the Planning Commission meeting on Zoom.

For Zoom participants that wish to comment on any agenda item, use the Zoom's "Raise Your Hand" feature when I open the hearing up for public comment.

We appreciate your attendance and participation at the Planning Commission.

ADDITIONS TO OR DELETIONS FROM THE AGENDA

None

APPROVAL OF MINUTES

Commissioner Rich Foerster moved to approve the April 22, 2021 meeting minutes.

Commissioner Eliana Burke seconded; a vote was taken and passed 6:0.

PUBLIC MEETING OPENED: 7:04 P.M. A Bill for an Ordinance to Amend Section 13.09.040 of the Parker Municipal Code Concerning the Registration of Temporary Signs.

Department: Community Development, Bryce Matthews

Bryce Matthews, Planning Manager, presented the staff report for a Bill for an Ordinance to Amend Section 13.09.040 of the Parker Municipal Code Concerning the Registration of Temporary Signs. Mr. Matthews concluded with the determination in the staff report that 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.

Commissioners discussed with staff:

- Will all the other requirements for temporary signs still be in effect, *(Staff said yes)*

PUBLIC COMMENT OPENED

None

PUBLIC COMMENT CLOSED

PUBLIC MEETING: CLOSED: 7:06 P.M. A Bill for an Ordinance to Amend Section 13.09.040 of the Parker Municipal Code Concerning the Registration of Temporary Signs.

PLANNING COMMISSION DISCUSSION

Commissioner Eliana Burke moved the Planning Commission recommend Town Council approve an ordinance to Amend Section 13.09.040 of the Parker Municipal Code Concerning the Registration of Temporary Signs. Commissioner Rich Foerster seconded; a vote was taken and passed 6:0

PUBLIC MEETING OPENED: 7:08 P.M. 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

Department: Community Development, Bryce Matthews

Bryce Matthews, Planning Manager, presented the staff report for 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 Extension of Time. Mr. Matthews concluded with the determination in the staff report that the Planning Commission recommend Town Council approve an ordinance to amend the Parker Municipal Code regarding administrative extensions of land use approvals.

PUBLIC COMMENT OPENED

None

PUBLIC COMMENT CLOSED

PUBLIC MEETING: CLOSED: 7:10 P.M. 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

PLANNING COMMISSION DISCUSSION

Commissioners commented that they are happy we are transitioning back and this is a good sign.

Commissioner Kim Rodell moved the Planning Commission recommend Town Council approve 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 Commissioner. Rich Foerster seconded; a vote was taken and passed 6:0

PUBLIC MEETING OPENED: 7:11 P.M. A Bill for an Ordinance to Amend Section 13.03.030 of the Parker Municipal Code Concerning Planning Department Adjustments

Department: Community Development, Bryce Matthews

Bryce Matthews, Planning Manager, presented the staff report for a Bill for an Ordinance to Amend Section 13.03.030 of the Parker Municipal Code Concerning Planning Department Adjustments. Mr. Matthews concluded with the determination in the staff report that 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.

Commissioners discussed with staff:

- Will the Town be doing any outreach to businesses to let them know that this is going to change at the end of September, (*Staff said the town will be reaching out about these orders that they will be wrapping up at the end of September, but the details are not yet known*)
- What will happen to businesses that may still have their temporary signs after these orders expire, (*Staff said that the Town's Community Services group would stop by and provide them with educational information as to what needs to be down and give them time to fix the problem, a friendly reminder*)

PUBLIC COMMENT OPENED

None

PUBLIC COMMENT CLOSED

PUBLIC MEETING: CLOSED: 7:15 P.M. A Bill for an Ordinance to Amend Section 13.03.030 of the Parker Municipal Code Concerning Planning Department Adjustments

PLANNING COMMISSION DISCUSSION

Commissioner Rich Foerster moved the Planning Commission recommend Town Council approve a Bill for an Ordinance to Amend Section 13.03.030 of the Parker Municipal Code Concerning Planning Department Adjustments. Commissioner Eliana Burke seconded; a vote was taken and passed 6:0

PUBLIC MEETING OPENED: 7:16 P.M. A Bill for an Ordinance to Amend Sections 13.01.140 and 13.10.250 of the Parker Municipal Code Concerning Prairie Dog Management

Department: Community Development, John Fussa

John Fussa, Director, presented the staff report for a Bill for an Ordinance to Amend Sections 13.01.140 and 13.10.250 of the Parker Municipal Code Concerning Prairie Dog Management. Mr. Fussa concluded with the determination in the staff report that 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.

Commissioners discussed with staff:

- When does an applicant apply for the 6-month extension, *(Staff said any time prior to grading)*
- Is there anything in place to negate people from getting a free 6-month extension on their permits, *(Staff said it would only be in support of a demonstrated relocation opportunity)*
- Is the humane extermination 30 days after permit approval up to time of expiration, *(Staff said extermination cannot begin until the 31st day after Town approval of their application)*

PUBLIC COMMENT OPENED

None0

PUBLIC COMMENT CLOSED

PUBLIC MEETING: CLOSED: 7:29 P.M. A Bill for an Ordinance to Amend Sections 13.01.140 and 13.10.250 of the Parker Municipal Code Concerning Prairie Dog Management.

PLANNING COMMISSION DISCUSSION

Commissioners are supportive and appreciate that the staff is taking the planning commissioners thoughts and feedback into consideration, it is a good plan on the Town's part to improve the

process and the cooling off period and the extension that allows relocation if possible and that it is a reasonable option for both parties.

Commissioner Rich Foerster moved the Planning Commission recommend Town Council approve a Bill for an Ordinance to Amend Sections 13.01.140 and 13.10.250 of the Parker Municipal Code Concerning Prairie Dog Management. Commissioner Ruth Ann Nelson seconded; a vote was taken and passed 6:0

PLANNING COMMISSION ITEMS

None

STAFF ITEMS

Staff gave notice to the Commissioners that there will be an email sent regarding an upcoming Land Development Ordinance Update study session and that they should expect an email in June.

ADJOURNMENT

The meeting was adjourned at 7:32 p.m.

Jeff Miller
Recording Secretary

Gary Poole
Chair



Planning Commission Staff Report

Planning Commission Date: 6/24/2021

Town Council Date: 7/12/2021

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 was continued by Town Council at their June 7, 2021 meeting. The continuation was to allow Planning Commission to review and provide a recommendation on an addition to the ordinance that would allow temporary patios, approved during the pandemic, to continue to operate through December 31, 2021 without submitting for a Site Plan Adjustment. This ordinance will be in effect through 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 suspending certain Planning Department Adjustment requirements through December 31, 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 December 31, 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 December 31, 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 December 31, 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:

1. to allow businesses operate temporary pick up parking and other temporary changes to their site to accommodate drive up, pick-up and delivery services; and
2. to allow businesses that received approval for temporary patios during the pandemic to keep the patios in place through December 31, 2021.

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, adding patios 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 December 31, 2021.

Planning Commission did consider and make a recommendation on a similar ordinance at the May 27, 2021 meeting. Town Council continued the ordinance at their June 7 Council meeting to add temporary patios and to seek a recommendation from Planning Commission on the changes. The revised ordinance will be heard at the July 12, 2021 Town Council meeting.

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.
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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, and those that received temporary patio permits, from the requirement for Site Plan Adjustment approval by the Town. This ordinance will be in effect through December 31, 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 new Subsections (e) and (f) 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 requiring the review and approval of the Director under the provisions of this Section or any other Section concerning site plan amendments.

(f) Where a property owner or business has received approval of a temporary use permit from the Town for a temporary patio, the property owner or business may continue to use the approved patio through December 31, 2021. The approved patio shall not be subject to the requirements of this Section or any other Section concerning site plan amendments and 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 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, Acting Town Clerk

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

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Acting Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney