PARKER
COLORADO

PLANNING COMMISSION MINUTES
March 22, 2018

Chair Gary Poole called the meeting to order at 6:30 p.m.

James S. Maloney, Town Attorney announced the purpose of the Executive Session was to hold a conference with the Town's Attorney to receive legal advice on a specific legal question pursuant to C.R.S. § 29-20-105 , Town of Parker and Douglas County Intergovernmental Agreement and Comprehensive Development Plan; and Section 13.04.240(3) of the Parker Municipal Code.

Commissioner John Howe moved and Commissioner Ruth Ann Nelson seconded to go into Executive Session to hold a conference with the Town's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 29-20-105, Town of Parker and Douglas County Intergovernmental Agreement and Comprehensive Development Plan; and Section 13.04.240(3) of the Parker Municipal Code.

Mr. Maloney stated in his opinion, the session was an attorney/client communication so no record shall be kept.

Commissioner John Howe moved to adjourn the Executive Session and go into regular session at 6:46 p.m. Commissioner Richard Foerster seconded; a vote was taken and passed unanimously.

Commissioner John Howe led the Planning Commission and audience in the Pledge of Allegiance.

Also, present was Commissioner Richard Foerster. Alternates Ruth Ann Nelson and Kimberly Rodell were present and seated for the two vacancies. Commissioners Duane Hopkins, Eliana Burke and Alternate Erik Frandsen were absent.

ADDITIONS TO OR DELETIONS FROM THE AGENDA
None

APPROVAL OF MINUTES
Commissioner John Howe moved to approve the March 8, 2018 meeting minutes. Commissioner Richard Foerster seconded; a vote was taken and passed 5:0.

CONSENT AGENDA
None

Chair Gary Poole stated the role of the Planning Commission in public hearings for the Town of Parker.

PUBLIC HEARING: OPENED: 7:03 P.M. COUNTRY MEADOWS SQUARE – Rezoning

Applicant: Gene Gregory, Country Meadows Development LLC
Location: Northwest Corner of Hess Road and Parker Road
Planner: Stacey Nerger
TRAKiT No.: Z18-002

Bryce Matthews, Planning Manager, presented the staff report for the Country Meadows Square rezone request. Mr. Matthews concluded with the determinations in staff's report and recommended the Planning Commission recommend Town Council approve the request.

Commissioners discussed with staff:

- if a traffic study has been updated for the rezone request; (*Staff said the impacts of traffic between C-Commercial zoning and the Country Meadows Plan Development (PD) are extensively the same and therefore there was no updated traffic study.*)

APPLICANT PRESENTATION

Gene Gregory, 367 Sandy Hollow Trail, Franktown, CO 80116, presented:

- the request is to allow new tenant uses that are currently restricted in the PD
- the goal is for a cohesive center that will assist in reducing Mainstreet traffic
- the request will allow for additional, new multiple uses

Commissioners had no questions for Mr. Gregory.

PUBLIC COMMENT OPENED

Lynette Clifford, 19660 Culpepper Circle, Parker, CO spoke with concerns for reduced residential privacy, the effects of a brewery on young children, the brewery hours of operation, allowed smoking on the patio, effects of brewery odors (likes to keep windows open in the summer) and a definition for C-Commercial.

Mr. Matthews and Mr. Gregory addressed the citizen's concerns:

- the current PD allows restaurants and bars, limited to those uses; if a use is not listed in the PD, a proposed use would need to be processed through a Uses not Itemized application
- typically a brewery is a permitted use within C-Commercial zoning, along with restaurants and bars substantiating the rezone request
- C-Commercial zoning focuses on serving the neighborhood commercial with uses as proposed such as restaurants, bars, daycare, fitness centers, gas stations, etc.
- the brewery will not be using the patio
- the proposed restaurants will be using the patio and there are no windows on the doors that face the residences
- extensive landscaping will be situated between the neighbors the restaurants

Commissioners discussed with Mr. Gregory:

- if the patios will be in the front of the bar; (*Mr. Gregory said no; the brewery will not have a patio area. He said the restaurants both have patio areas located toward the rear, enclosed with a four-foot wall. Jason Rogers, Deputy Community Development Director and Mr. Matthews described and illustrated the locations for the restaurants, patio areas and the brewery.*)
- if the brewery emits odors; (*Mr. Gregory said the operation is small, for sale on-site only; the restaurants will have grill hoods for cooking.*)
- if there will be a wall behind the patio; (*Mr. Gregory said there will be a four-foot tall wall, that will have an 18 inch railing with pillars on top, around the patio, behind the neighbors' six-foot privacy fence. He said there will be about 15 trees planted between the neighbor's fence and the patio wall.*)
- if smoking will be permitted on the patio; (*Mr. Gregory said the tenants will follow Town of Parker smoking rules.*)
- the topographical location of the residences relative to the restaurants (below or above the restaurants; (*Mr. Gregory said the residences are about level or perhaps a little lower than the restaurants/patio.*)
- the height of the trees between the residences and the patio; (*Mr. Gregory said the trees are new evergreens; about seven-feet tall.*)
- the distance from the detention pond to the residences; (*Mr. Gregory said the distance from the patio to the residence privacy fences is roughly 50-80 feet.*)
- the hours of operation; (*Mr. Gregory said the tenants will follow the Town of Parker requirements for operational hours.*)
- if there are any differences between the PD zoning and C-Commercial uses other than the brewery; (*Mr. Matthews said the health club is an additional allowed use, as well as other non-specific uses.*)
- clarification for right-in/right-out access on Parker Road; (*Mr. Matthews stated the access is right-in/right-out on the eastern side and full-movement on the western side, as approved with the original subdivision.*)
- if a traffic light will be provided on the western side; (*Mr. Matthews said yes, there will be a traffic light at that location.*)

PUBLIC COMMENT CLOSED

PUBLIC HEARING: CLOSED: 7:22 P.M. COUNTRY MEADOWS SQUARE – Rezoning

PLANNING COMMISSION DISCUSSION

Commissioner John Howe said the request meets the nine criteria for approval; it appears to be compatible with the surrounding uses; it appears to provide adequate space between the patio area and the residences fencing; and he believed it would be a good project to support recommending approval to Town Council.

Commissioner Richard Foerster said the request meets the nine criteria for approval; he liked the change in zoning that allows for a broader range of uses in the area.

Commissioner Kimberly Rodell said she liked the project; the allowed uses within the modified C-Commercial zoning will fit the area and it will be a good project.

Commissioner Ruth Ann Nelson agreed. She said the Town has made the effort to keep zoning and design guidelines updated and she believed it is important to enact the updates when opportunities are presented. She said all restaurants that serve liquor and breweries are required to go before the Liquor Licensing Authority and she encouraged the public to appear at those hearings to voice their concerns there, for that specific use.

Chair Gary Poole concurred. He supported recommending approval.

Commissioner Richard Foerster moved that the Planning Commission recommend Town Council approve the Rezoning. Commissioner John Howe seconded; a vote was taken and passed 5:0.

PUBLIC HEARING: OPENED: 7:25 P.M. MEADOWLARK – Zoning and Sketch/Preliminary Plans

Applicant:	Karen Henry, Henry Design Group
Location:	Northeast Corner of Crowfoot Valley Road and Richlawn Parkway
Planner:	Paul Workman
TRAKiT No.:	Z16-020

Ryan McGee, Planner, presented the staff report for the Meadowlark Zoning and Sketch/Preliminary Plans, concurrently and advised there were two separate motions. Mr. McGee advised the application is substantially similar to what was recommended for approval by the Planning Commission in 2016. He said the applicant requested a continuation at the Town Council hearing to gain inclusion into the Parker Water and Sanitation District (PWSD) service area; the applicant has obtained the inclusion. Mr. McGee concluded with the determinations in staff's report and recommended the Planning Commission recommend Town Council approve the requests.

Commissioners discussed with staff:

- if Richlawn extends all the way east to Parker Road; *(Staff said no, Richlawn does not extend east to Parker Road.)*
- if Richlawn will be paved the entire length of the extension; (*Staff said Richlawn will only be paved to the access point and will be two lanes.)*
- if the pavement will meet South Metro Fire and Rescue Authority (SMFRA) rig requirements; (*Staff said the pavement will meet Douglas County rural residential collector road requirements.*)
- if Douglas County rural residential collector road requirements meet SMFRA rig requirements; (*Staff believed it would.*)

APPLICANT PRESENTATION

Brian Connolly, Otten, Johnson, Robinson Neff and Ragonetti, 950 17th Street, Suite 1600, Denver, CO 80202 presented:

- introductions to the team
- thanks to staff for their work

- the inclusion into PWSD
- the topography of the site
- the plan is for 267 units
- within a two-mile radius of this site there are plans for 8800 planned residential units
- the master plan for the site

Richard Cross, Meritage Homes, 6892 South Yosemite Court, Suite 201, Centennial, CO 80111 presented:

- they are in 16 communities in Colorado; building over 600 homes a year
- believed they are the greenest national builder in the state
- examples of interior and exteriors of home sites
- product size and price points; 40'-wide site/1800-3000 square-feet home – high $400; and 50'-wide site/2200-3600 square-feet home – high $400-500K
- participated in neighborhood and public outreach meetings and made amendments to the plan based on the neighbor's concerns
- extensive work was done with the Town of Parker, Douglas County and Urban Drainage on Lemon Gulch improvements
- the area will be developed in three filings and will include parks
- the roadway challenges and buffer requirements
- reduced density based on neighbor's concerns
- provision of 50-foot setbacks from Richlawn Parkway and Crowfoot Valley Road
- extensive landscaping will be provided based on neighbor's concerns

Mr. Connolly concluded with a recap of meeting the nine criteria for approval.

Commissioners discussed with Mr. Connolly:

- if the well-site funds are for PWSD to drill wherever they need to; (*Mr. Connolly said yes that is correct.*)

PUBLIC COMMENT OPENED

The following individuals spoke against recommending approval due to disturbances of the wildlife corridor; the Intergovernmental Agreement (IGA) with Douglas County of 2014 stated the area would be a buffer area with low density; use of the 100-Year Floodplain; environmental and endangered species impacts, trash buried on that land; increased development in the surrounding area; increased traffic; quality reviews on the builder; the desire to remain in a rural undeveloped area; light pollution; density level too high; required access for SMFRA; paved road hard on horses; buffer between development and existing residences not large enough; development does not conform to annexation agreement; growth out of control; need more commercial less housing; concerns with impacts on existing wells; concern with the second access and the need to pave all of Richlawn; and presented wildlife corridor, Class 3 Hazards and Environment Constraints and IGA maps:

- Wanda Wilson, 7600 Crowfoot Valley Road
- Sharon Luhrs, 7151 Richlawn Parkway
- Karl Wilson, 7600 Crowfoot Valley Road
- James Schadler II, 5828 Richlawn Drive
- Loren Bengston, 5892 Richlawn Drive

Mr. McGee addressed the public comments:

- presented a map depicting the official 100-Year Floodplain
- deferred to the applicant to address the wildlife concerns; they did a third-party environmental assessment that did not identify endangered species
- the property was originally designated for mining operations in the IGA and in 2007 an application was submitted for mining operations, but expired
- the property is in the Town's Urban Growth Area; designated as residential, medium density (3.5 dwelling units per acre) in the Parker 2035 Master Plan
- the proposal is for 3.1 dwelling units per acre
- the proposal was referred to the Colorado Division of Wildlife for review and the Town received no comment

Alex Mestdagh, Public Works, Engineering Services Manager acknowledged traffic will increase and said each development will contribute to widening their portion of Crowfoot Valley Road and the Town will eventually widen the entire stretch to a full four-lane arterial to handle future traffic.

Mr. Connolly advised:

- an environmental study was done and no contaminates were found on the site
- any trash in Lemon Gulch will be removed as part of the improvements agreed to in the annexation agreement
- endangered species were not found on the site
- Lemon Gulch is a wildlife corridor and the purpose for the improvements to Lemon Gulch is to maintain the wildlife corridor
- the wildlife maps presented are south of the proposed development

Commissioners discussed with staff:

- clarification that the Richlawn properties are in Douglas County and the zoning for the properties in Douglas County will continue to permit agricultural uses and animals; (*Staff said that is correct.*)
- if the open space will be deeded to the Town; (*Staff said the floodplain will be deeded to the Town.*)
- if there will be any additional environmental liabilities to the Town for taking on responsibility for the floodplain; (*Staff said there will not be.*)

PUBLIC COMMENT CLOSED

PUBLIC HEARING: CLOSED: 8:19 P.M. MEADOWLARK – Zoning and Sketch/Preliminary Plans

PLANNING COMMISSION DISCUSSION

Commissioner Richard Foerster said the Planning Commission is required to make project recommendations based on established criteria and conformance to the Land Development Ordinance. He said staff does a very good job with the developers to ensure the criteria and conformance are met and that a quality product will be put on the property. He believed the developer has ensured limited traffic on Richlawn and was successful with the PWSD inclusion.

Commissioner Richard Foerster said the other referral agencies have indicated their approval for this project, either with or without comment; he recommended approval by Town Council.

Commissioner John Howe agreed. He said he doubted PWSD would be drilling additional wells that would impact the Richlawn wells; especially with the Rueter-Hess Reservoir and the Wise project. He understood the needs of the homeowners and clarified the Town of Parker is not the only municipality filling housing needs for those wishing to live in Colorado. He said the Planning Commission appreciates the public's thoughts and hoped the public understood the Planning Commission's thoughts; he recommended approval by Town Council.

Commissioner Kimberly Rodell thanked staff, the developer and the homeowners. She said whether you are a native or not you have reasons for where you chose to live. She believed the proposal is consistent and meets the criteria to recommend approval. She was concerned with the zoning; there is not a need to take every piece of agricultural land and turn it into a new development when there is adequate zoning for commercial development within the Town's master plan. She understood the desire to remain a rural community but everyone moved here from somewhere else; she said we are all a part of the problem of increased development. She understood what she saw with the zoning and the development in the surrounding areas that this property will eventually be developed; but she didn't believe this is the right time. She said if Colorado is not allowed to grow it will affect the strength of the economy. She believed this is a great project but currently it is not a good fit. She would not support recommending approval to Town Council. She said there are a lot of studies on environmental and wildlife assessments and we need to appreciate their expertise. She believed this is not the right time for this development.

Commissioner Ruth Ann Nelson concurred with both sides. She understood citizen's choices to live in a rural community outside of the Town of Parker. She said the development is part of the master plan for the Town of Parker. She said it is good that the proposed density is less than what is permitted but she felt the homes were too expensive; appealed to the developer to provide housing based on the financial needs of younger home buyers and to provide ranch products for senior adults. She supporting recommending approval to Town Council, as this is the second time the development has come before the Planning Commission and Town Council. She believed the developer has done their due diligence to meet the demands from PWSD; made the necessary investment to improve Lemon Gulch that will benefit everyone in the area; and the signalized intersection will benefit the Richlawn property owners.

Chair Gary Poole asked Commissioner Kimberly Rodell for the specific criteria that proposed development didn't meet.

Commissioner Kimberly Rodell said it is the rezoning she had issue with and did not identify a specific criterion.

Chair Gary Poole said when he first moved to the county there were tens of thousands of housing units platted for development and he watched the county grow. He said the Planning Commission's purview is limited to considering if a project meets the Land Development Ordinance criteria for zoning and the master plan. He said consideration cannot be given to the business plan of the developer/owner of the property. He said this project meets the criteria in the Land Development Ordinance for zoning and Sketch/Preliminary Plans and he supported recommending approval to Town Council.

Commissioner John Howe moved that the Planning Commission recommend the Town Council approve the Meadowlark Planned Development Zoning. Commissioner Richard Foerster seconded; a vote was taken and passed 4:1; with Commissioner Kimberly Rodell voting against recommending approval due the timing not being right for the new development.

Commissioner John Howe moved that the Planning Commission recommend that Town Council approve the Sketch and Preliminary Plans subject to the four (4) conditions contained in the staff report. Commissioner Richard Foerster seconded; a vote was taken and passed 4:1; with Commissioner Kimberly Rodell voting against recommending approval due the timing not being right for the new development.

PLANNING COMMISSION ITEMS

None

STAFF ITEMS

Rosemary Sietsema, Recording Secretary advised the Planning Commission that there will be a Study Session on April 26, 2018 on My Mainstreet at 5:30 p.m.

Mr. Rogers explained My Mainstreet is a project guided by the Urban Renewal Authority. He said the Authority is looking at the Town's downtown properties through a community engagement process to understand the community's vision for:

- Pine Curve
- East Main
- the vacant Lot in front of PACE
- the former Economic Development office

The Planning Commission will be able to participate in a survey to provide insight and feedback for the overall project.

The Planning Commission offered congratulations to Paul Workman and his family for the birth of his child.

ADJOURNMENT

The meeting was adjourned at 8:31p.m.

Rosemary Sietsema
Recording Secretary

Gary Poole
Chair