

**TOWN OF PARKER COUNCIL
MINUTES
APRIL 2, 2018**

Mayor Mike Waid called the meeting to order at 5:35 p.m. All Councilmembers were present except Josh Martin.

Jim Maloney announced the topics for the Executive Session were three (3) items. Under C.R.S. § 24-6-402(4)(e) there were two (2) items; the proposed amendments to the Cottonwood Highlands Annexation Agreement concerning road improvements; and the proposed Kime Annexation and related access. Under C.R.S. § 24-6-402(4)(b) there was one (1) item which was Sections 13.02.010, 13.04.240(b), 13.04.250 of the Parker Municipal Code and Resolution No. 18-036, Series of 2018 concerning applicants.

EXECUTIVE SESSION

Amy Holland moved and Debbie Lewis seconded to go into Executive Session at 5:40 p.m. to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e), and 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.

Joshua Rivero moved and Debbie Lewis seconded to adjourn the Executive Session at 6:35 p.m.

The motion was approved unanimously.

John Diak moved and Amy Holland seconded to recess the regular Town Council meeting at 6:35 p.m.

The motion was approved unanimously.

REGULAR MEETING

Mayor Waid reconvened the meeting at 7 p.m.

Boy Scout Troop 868 led the Pledge of Allegiance.

SPECIAL PRESENTATIONS

A. Eagle Scout Jett Hicken Recognition

Richard Forester, 22846 Hale Avenue, recognized Eagle Scout Jett Hicken for his work at the Senior Center renovating the restrooms.

B. Storm Ready-National Weather Service

Commander Doreen Jokerst introduced Greg Thornton, Town of Parker Emergency Preparedness Coordinator and Greg Hanson of 15486 W. 72nd Pl., Arvada, CO, with the National Weather Service. Greg Hanson presented the Town with a Storm Ready sign for good emergency and weather practices.

PARKER CHAMBER OF COMMERCE UPDATES – None.

DOWNTOWN BUSINESS ALLIANCE UPDATES

Shelley Mango with the Downtown Business Alliance congratulated Josh Rivero and his wife for being in business on Mainstreet for the last 10 years. She reported that the Alliance's website would be live by May 1, 2018. She also reported the Creative District Committee would be partnering with the Parker Artists Guild for the "1st Friday Art Walks." She announced that someone on the Government Action Committee would be reaching out to various Town departments to introduce themselves as a point of contact to the Alliance. Shelley reported the next Alliance meeting will be held on April 11 and Weldy Feazell will be the speaker.

PUBLIC COMMENTS

Kura Storjev, 10150 Granite Hill Dr., Unincorporated Douglas County, spoke regarding plastic bags and the abundance of them and the effect they have on our environment. She would like Council to consider placing a ban on plastic bags in the community.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

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

CONSENT AGENDA

A. APPROVAL OF MINUTES - March 19, 2018

B. GRASSLANDS/PRAIRIE TRAIL ANNEXATION AND ZONING

Applicant: ABMAR Grasslands, LLC
 Charter Communications Holding Company, LLC
 M&P Enterprises, LLC
 Woodspear Prairie Trail, LLC
 Town of Parker Community Development Department (as to zoning)

Location: Generally bound by the county line between Douglas County and Arapahoe County, Upland Drive, Prairie Trail Drive and Compark Boulevard

Department: Community Development, Paul Workman
 Community Development, Stacey Nerger

TRAKiT No.: ANX18-001

Second Reading: April 16, 2018

- (1) **ORDINANCE NO. 2.259 - First Reading**
A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Grasslands/Prairie Trail Property in Douglas County
- (2) **ORDINANCE NO. 3.333 - First Reading**
A Bill for an Ordinance Zoning Certain Property Within the Town of Parker, Colorado, Known as the Grasslands/Prairie Trail Property to PD-Planned Development District Pursuant to the Town of Parker Land Development Code and Amending the Zoning Ordinance and Map to Conform Therewith
- C. **ORDINANCE NO. 9.273 - First Reading**
A Bill for an Ordinance to Approve the Intergovernmental Agreement Between the Town of Parker and Parker Water and Sanitation District Regarding Public Improvements Security
Department: Engineering/Public Works, Chris Hudson
Second Reading: May 7, 2018
- D. **ORDINANCE NO. 9.274 - First Reading**
A Bill for an Ordinance to Approve the Intergovernmental Agreement Between the Town of Parker and Cottonwood Water and Sanitation District Regarding Public Improvements Security
Department: Engineering and Public Works, Chris Hudson
Second Reading: May 7, 2018
- E. **ORDINANCE NO. 1.511 - First Reading**
A Bill for an Ordinance Conveying Certain Real Property by Easement to Parker Water and Sanitation District for Lot 2A, Twenty Mile Industrial Park Subdivision Filing No. 2, 1st Amendment
Department: Engineering/Public Works, Alex Mestdagh
Second Reading: May 7, 2018
- F. **RESOLUTION NO. 18-033**
A Resolution Setting the Date for Consideration of the Annexation Ordinance for the Town Harvie Open Space Property for Second Reading on May 7, 2018
Department: Community Development, Mary Munekata
Parks, Recreation and Open Space, Dennis Trapp
Trakit No.: ANX17-003
- G. **RESOLUTION NO. 18-029**
A Resolution to Appoint Members to the Investment Advisory Committee
Department: Finance, Mary Lou Brown

H. RESOLUTION NO. 18-036

A Resolution to Modify the Planning Commission Public Hearing Protocol and Town Council Public Hearing Procedure for the Town of Parker Zoning Case Number Z18-009 and Town of Parker Annexation Case Number ANX18-001

Department: Town Attorney, Jim Maloney

Amy Holland moved to approve Consent Agenda Items 7A through 7H.

Debbie Lewis seconded the motion.

The motion was approved unanimously.

PUBLIC HEARINGS

A. MEADOWLARK - Annexation and Zoning

Applicant: Henry Design Group for Meritage Homes

Location: The northeast corner of Crowfoot Valley Road and Richlawn Parkway

Department: Community Development, Ryan McGee

TRAKiT No.: ANX16-004 & Z16-020

(1) ORDINANCE NO. 2.258 - Second Reading

A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Meadowlark Property in Douglas County

(2) ORDINANCE NO. 3.325 - Second Reading

A Bill for an Ordinance Zoning Certain Property Within the Town of Parker, Colorado, Known as the Meadowlark Property to PD-Planned Development District Pursuant to the Town of Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith

(3) ANNEXATION AGREEMENT

(4) SKETCH AND PRELIMINARY PLAN

7:30 PM

The applicant, Henry Design Group on behalf of Meritage Homes, is proposing to annex, zone and subdivide a 90-acre undeveloped property located in unincorporated Douglas County. The subject property is generally located at the northeast corner of Crowfoot Valley Road and Richlawn Parkway adjacent to Lemon Gulch. The property is located within the Town's Urban Growth Area and the request for annexation and zoning are consistent with the Parker 2035 Master Plan. The applicant proposes to zone the property Meadowlark Planned Development (PD) to allow for 267 single-family homes with associated parks, trails and

open space consistent with the Master Plan. Meritage Homes plans to subdivide the 90-acre parcel through Sketch Plan and Preliminary Plans into 267 single-family lots and dedicate park and open space lands at a future date.

The applicant plans to develop the subject property with 267 lots for future residential development having lots ranging in size from 5,000 to 6,600 square feet in total area. The proposal will also incorporate four parks (totaling 6.5 acres), open space (totaling 18.2 acres), trails, improvements to Crowfoot Valley Road and stormwater improvements to Lemon Gulch. In order to achieve this, the applicant is requesting approval of the annexation petition, application for zoning and ultimately a Sketch and Preliminary Plan.

The primary access to the proposed residential development would be from Crowfoot Valley Road with secondary access from Richlawn Drive. Pedestrian access would be provided by new sidewalks along Crowfoot Valley Road, sidewalks interior to the site and a major trail along Lemon Gulch.

The site is located within the Town's Urban Growth Area and meets the statutory requirements including contiguity for annexation into the Town.

The proposed zoning meets the nine criteria as further documented in the Planning Commission staff report.

The Sketch Plan and Preliminary Plan meet the requirements set forth in the Land Development Ordinance as further documented in the Planning Commission staff report.

On March 22, 2018, the Planning Commission recommended Town Council approve the zoning, sketch and preliminary plans requests 4:1.

The Applicants were present and provided a brief presentation of the proposed development. Brian Connolly with Otten, Johnson, Robinson, Neff, and Ragonetti Law Firm, 950 17th Street #1600, Denver, representing Meritage Homes introduced Mr. Cross.

Richard Cross - 6892 S. Yosemite Ct, Centennial, talked about the Meritage Homes Company. He stated Meritage Homes has been working on the project for the last two years. They have held neighborhood outreach/input meetings throughout the process. They worked to address issues with Parker Water and Sanitation District. They have also worked to address the challenges of this property such as the connection to Richlawn Drive on the south, the waterline down Crowfoot Valley Road, the Lemon Gulch improvements, and the community benefits such as trails, parks, and cash in lieu for school dedications.

Mr. Connolly addressed the approval criteria by stating there is a need for single family homes, adequate traffic circulation exists pushing traffic to Crowfoot Valley Road. The Applicant will pay for traffic light. They completed a Phase I Environmental Site

Assessment. No environmental contamination on the site was found. The development will create regional amenities for the area. The development is consistent with the Town's Master Plan.

Public Comment

Wanda Wilson, 7600 N. Crowfoot Valley Road, Unincorporated Douglas County, stated she is not in favor of the development. She requested that a thorough environmental hazard study be conducted as there is trash and chemicals buried on the site.

Loren Bankston, 5892 E. Richlawn Drive, Unincorporated Douglas County, he is not in favor of the development. He asked that the whole road be paved not just a section of the road. He worries about light pollution as well as noise pollution. He added that the wildlife will be impacted. He commented that the Town is growing way too fast.

Carl Wilson, 7600 N. Crowfoot Valley Road, Unincorporated Douglas County, stated he is not in favor of the development. He stated there is trash and chemicals buried on the site. He stated there is no flood control in the area. Concerning the IGA with Douglas County, he stated the land use of this project does not conform to the agreement. The area is a wildlife corridor and the Division of Wildlife should be made aware so the Division can provide input and approval on the development.

Sharon Lours, 7151 Richlawn Drive, Unincorporated Douglas County, stated she is not in favor of the project. She explained that her neighborhood is very low density with only 14 homes. She stated that the wells in the neighborhood will be impacted by this development causing the homeowners to have to drill deeper for an adequate water supply which will be very costly. She was concerned about the traffic that this development will bring to the area.

Jennifer Vancoaten, 5760 Richlawn Lane, Unincorporated Douglas County, stated she is not in favor of the proposed development. She stated she has animals and the traffic pattern will be an issue for hay trucks being able to get in and out of the area to deliver hay. She added there needs to be more of a buffer between the 14 homes and the development.

James Shadler, 5828 Richlawn Dr., Unincorporated Douglas County, stated he is not in favor of the development. He stated the area is growing too fast. The Town should be proactive and not reactive. He asked what is going to happen when homeowners from this development complain about the animal smell in the area. He added that water is a big concern for him.

There was no one else from the public to comment. The Mayor closed public comments at 8:11 p.m.

Josh Rivero asked about the right-in-right-out access. Staff stated the right-in-right-out access would address any safety issues on the stretch of road.

The Applicant responded that Parker Water and Sanitation District is not putting a well on the site, the existing well will be plugged and the development will be provided with water from the Reuter-Hess Reservoir.

Debbie Lewis asked about the paving of Richlawn Drive. She stated that it would be nice if the developer would follow through on its commitment to pave the whole road. She added that the environmental issues are concerning.

The Applicant responded by explaining the horse owners did not want the whole road paved as it causes issues with the horses feet when walking on a hard surface. He also added that Lemon Gulch is being used as a wildlife corridor. The Division of Wildlife did not have comments regarding the proposed development. The environmental study looked at aerial photos to see what environmental changes have been made. The Applicant will address any contamination issues.

Debbie Lewis asked about the timeframe for a study to be completed. Mr. Connelly responded that it would take six to eight weeks.

Joshua Rivero asked about the connection to Highway 83 (Parker Road) and if that access came to fruition could the Richlawn access be vacated. Staff responded in the affirmative.

Joshua Rivero stated he would like to add a condition to go further with the environmental study. He suggested that the Applicant do a Phase 2 Environmental Analysis before the first final plat is approved.

Joshua Rivero moved to approve Ordinance No. 2.258 on second reading.

John Diak seconded the motion.

The vote was 4 to 1 in favor with Debbie Lewis voting no.

The motion passed.

Joshua Rivero moved to approve Ordinance No. 3.325 on second reading.

John Diak seconded the motion.

The vote was 4 to 1 in favor with Debbie Lewis voting no.

The motion passed.

Joshua Rivero moved to approve the Annexation Agreement for Meadowlark based on staff findings.

John Diak seconded the motion.

The vote was 4 to 1 in favor with Debbie Lewis voting no.

The motion passed.

Joshua Rivero moved that Town Council approve the Sketch and Preliminary Plans, subject to the four (4) conditions contained in the staff report and an additional condition (Item E) requiring the Applicant to complete a Phase 2 Environmental Analysis prior to the first final plat approval.

A. Meritage Homes shall construct a pedestrian connection from the Trails at Crowfoot development (south of this property) to their development as required by the Annexation Agreement.

B. All Final Plats and Landscape Plans must be substantially similar in design and layout and the inclusion of amenities to this Sketch and Preliminary Plans, as determined by Town staff.

C. Utility easements as requested by Public Service Company of Colorado, IREA and Parker Water and Sanitation District must be shown on the Final Plat.

D. The applicant shall meet required setbacks and zoning within the Planned Development Guide.

E. The applicant shall complete a Phase 2 Environmental Analysis before the first final plat is approved.

John Diak seconded the motion.

The motion was approved unanimously.

B. ORDINANCE NO. 3.332 - Second Reading

A Bill for an Ordinance Rezoning Certain Property Within the Town of Parker, Colorado, Known As Country Meadows Square Property from PD-Planned Development to Modified Commercial District Pursuant to the Parker Land Development Ordinance and Amending the Zoning Ordinance and Map to Conform Therewith

Applicant: Gene Gregory, Country Meadows Development LLC
Location: Northwest corner of Hess Road and Parker Road
Department: Community Development, Stacey Nerger
Trakit No.: Z18-002

8:28 PM

The subject property was annexed into the Town in 1983 as part of the larger Country Meadows Planned Development (PD). The development of the commercial properties has occurred sporadically since 2004 due to cyclical variations in the economy and changes in ownership. The major development milestones are as follows:

1. In 1991, the subject property was platted with the Country Meadows Subdivision as an unbuildable commercial tract.

2. In 2004, the unbuildable commercial tract was replatted into eight buildable lots with the Country Meadows Square Minor Development Plat.
3. In 2007, two site plans were approved on the property for an 11,000 square-foot Merryhill School child care center and a 4,488-square-foot Service Street automotive repair shop.
4. In 2009, a site plan was approved for a 7-Eleven convenience store and service station.
5. In 2017, two additional site plans were approved for a 6,000-square-foot dental office and a 41,000 square-foot multi-tenant commercial development with two buildings.

The current Country Meadows PD zoning for the Commercial Planning Area lists several commercial retail and restaurant uses that are permitted as a use by-right on the property. However, other compatible uses such as a brewery and kick boxing gym are not permitted by right and require the discretionary uses not itemized process for approval. The proposal to update the PD zoning with modified C-Commercial zoning will update the existing regulations to allow a greater variety of appropriate uses for the site on a by-right basis.

The proposed rezoning meets the nine criteria established by the Land Development Ordinance as discussed in the Planning Commission staff report.

On March 22, 2018, the Planning Commission unanimously recommended Town Council approve the rezoning request.

The Applicant, Gene Gregory, 367 Sandy Hollow, Franktown, was present and spoke. He stated the site was built in two phases. He is trying to get the property leased out and needed to get the zoning addressed for certain uses.

Public Comment

Lynette Clifford, 19660 Culpepper Circle, Parker, stated she is against the rezoning. She stated she was concerned about the odor from the brewery and the increased traffic the center will bring to the area.

Aaron Murphy, 23744 E. Mississippi Cir, Aurora, owner of Welcome Home Brewery, responded that the odor will not be an issue as they are very small and the air will be recirculated through the HVAC system. To address the noise issue, he stated that a brewery cannot sell after midnight. He will be closing his venue at 10 p.m. on week nights and 11 p.m. on the weekends. He encouraged everyone to bring their family as it is part of the brewery culture.

There was no one else to comment, the Mayor closed the Public Hearing at 8:40 p.m.

Debbie Lewis asked about the traffic. Staff confirmed that there are two entrances and one exit.

John Diak asked if the entrances and exit satisfy the fire and safety requirements. Staff confirmed that it meets fire and safety requirements.

John Diak moved to approve Ordinance No. 3.332 on second reading.

Amy Holland seconded the motion.

The motion was approved unanimously.

ORDINANCES

A. ORDINANCE NO. 5.79 - Second Reading

A Bill for an Ordinance to Amend Section 5.02.660 of the Parker Municipal Code Concerning Public Notice of Liquor License Applications

Department: Town Attorney, Jim Maloney

State law and the Parker Municipal Code (the "Town Code") currently require the applicant for a new liquor license to post one sign for the public hearing to be held for the new license before the Special Licensing Authority (the "Authority"). The Authority is recommending a change to the Town Code to require the posting of a public hearing notice sign at each entrance into the liquor establishment.

Public Comment – None.

Debbie Lewis moved to approve Ordinance No. 5.79 on second reading.

Renee Williams seconded the motion.

The motion was approved unanimously.

B. ORDINANCE NO. 5.80 - Second Reading

A Bill for an Ordinance to Amend Chapter 7.01 of the Parker Municipal Code to Allow Traffic Direction, Regulation and Control by Appointed Special Police Officers

Department: Police Department, Doreen Jokerst

The proposed Ordinance would amend Chapter 7.01 of the Parker Municipal Code to allow Special Police Officers, designated by the Chief of Police, to direct, regulate and control traffic.

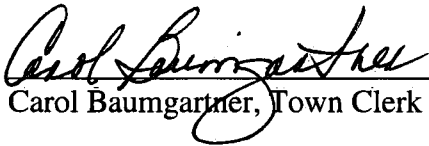
Public Comment – None.

Amy Holland moved to approve Ordinance No. 5.80 on second reading.

Renee Williams seconded the motion.

The motion was approved unanimously.

The Regular Town Council meeting was adjourned at 8:51 p.m.


Carol Baumgartner, Town Clerk


Mike Waid, Mayor

Prepared by: Chris Vanderpool, Deputy Town Clerk