



PLANNING COMMISSION MINUTES

January 27, 2022

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 Richard Foerster, Nicholas Metz, Roxy Colette, Eliana Burke and Kim Rodell.

ADDITIONS TO OR DELETIONS FROM THE AGENDA

None

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 comment 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 "Raise Your Hand" feature when I open the hearing up for public comment.

We appreciate your attendance and participation at the Planning Commission.

APPROVAL OF MINUTES

Commissioner Eliana Burke moved to approve the January 13, 2022 meeting minutes. Commissioner Richard Foerster seconded; a vote was taken and passed unanimously.

PUBLIC HEARING OPENED: 7:02 P.M. – CHAMBERS HIGH POINT FILING NO. 1 - MINOR DEVELOPMENT PLAT

The applicant, Compark 190, LLC, is proposing to subdivide the 44.35-acre property located at

the southwest corner of E-470 and Chambers Road into 3 lots, 5 tracts, and to create the future Belford Avenue right-of-way.

Department: Community Development, Stacey Nerger

Stacey Nerger, Senior Planner, presented the staff report for Chambers High Point Filing No. 1 – Minor Development Plat. Ms. Nerger concluded with the determinations in the staff report that the Planning Commission recommend Town Council approve the Chambers High Point Filing No. 1 Minor Development Plat.

Commissioners discussed with staff:

- Commissioners asked why Tract A ends and does not come around to Belford Avenue; *(applicant, Rick Rome, said it is an IREA easement and is also a well easement for utilities which will be landscaped).*
- Commissioners asked why Tract A doesn't continue to Chambers Road; *(staff said that the Arapahoe County Water and Wastewater Authority reservoir is south of Belford Road, so as you approach Chambers Road the reservoir provides an existing buffer).*
- Commissioners asked if there were comments from the southern neighbors, Grandview Estates; *(staff said Grandview Estates has been involved in the project and staff has talked to the HOA manager multiple times about the HOA's community separation buffering which is tract A and is a requirement of the annexation agreement).*
- Commissioners asked about a timeframe on construction; *(The applicant, Rick Rome stated that they had just gone through the bid process and they are pending award of the contract subject to approval by Town Council, after which they will start moving dirt and anticipates completion of the roadway by the end of this summer).*

APPLICANT PRESENTATION

None.

PUBLIC COMMENT OPENED

None.

PUBLIC HEARING CLOSED: 7:10 P.M. - CHAMBERS HIGH POINT FILING NO. 1 – MINOR DEVELOPMENT PLAT

PLANNING COMMISSION DISCUSSION

Commissioner Discussion:

- Commissioners commented on the buffering to the south and that it will be an improvement.
- Commissioners commented that as long as buffering requirements were met, this seems to be a good fit for a high traffic area.

Commissioner Rich Foerster moved the Planning Commission recommend Town Council approve the Chambers High Point Filing No. 1 Minor Development Plat. Commissioner Nick Metz seconded; a vote was taken and was passed unanimously.

PUBLIC MEETING OPENED: 7:12 P.M. – A BILL FOR AN ORDINANCE TO AMEND TITLE 13 OF THE PARKER MUNICIPAL CODE RELATING TO FAMILY CHILD-CARE HOMES

This proposed ordinance defines family childcare homes and large family childcare home, amends the code to allow for family child care homes in all zone districts and allows for a conditional use approval for large family child care homes where they are proposed adjacent to an existing large family child care home. The purpose of these changes are to comply with the new State Statutes adopted in 2021.

Department: Community Development, Bryce Matthews

Bryce Matthews, Planning Manager, presented the staff report for A Bill for an Ordinance to Amend Title 13 of the Parker Municipal Code Relating to Family Child-Care Homes. Mr. Matthews concluded with the determinations in the staff report that the Planning Commission recommend Town Council approve an ordinance to amend the Parker Municipal Code regarding family child care homes and large family child care homes.

Commissioners discussed with staff:

- Commissioners asked if there is recommended square footage for the seven to twelve children per day care home; *(staff said this is controlled by the state statute criteria and the Town will defer to the state licensing process to enforce and the Town will not review the state license since it is a use by right).*
- Commissioners asked why the first home gets a use by right, but not the second home; *(staff said this is due to the way the State Statute is written, the first large family day care that comes in is allowed and the second large family day care that wants to open up immediately adjacent on either side would be required to apply for a conditional use permit).*
- Commissioners asked if the Town would consider not following the state statute and consider the second permit as a use by right; *(staff said they would never recommend not following a State Statute).*
- Commissioners asked why staff would never recommend to not follow state statute; *(staff said that even though Parker is a Home Rule town, we are still required to follow state statutes determined to be Statewide concern).*
- Commissioners asked if we don't pass this ordinance, we don't pass it: *(staff said if we don't pass this ordinance, the Town would not be in compliance with the State Statute).*
- Commissioners asked if the Town must be in compliance with the State Statute; *(staff said yes).*

- Commissioners asked that even though we are a home rule Town, we need to follow State Statute; *(staff said yes, that certain issues are home rule and certain issues are of Statewide concern).*
- Commissioners asked if there would be a situation where the second home would not be allowed; *(staff said the only two criteria for the conditional use permit for the second home would be a parking and traffic review and it would go before Planning Commission and Town Council).*
- Commissioners asked if there were any situations in town where two large family childcare homes are next door to one another; *(staff said no, that there are 17 family child care homes currently in Town and that they are not aware of any being next door to one another).*
- Commissioners asked if the Town would know if a large family childcare home wanted to open next to an existing large family childcare which is already registered: *(staff said yes, they are registered with the state).*

PUBLIC COMMENT OPENED

None.

PUBLIC HEARING CLOSED: 7:19 P.M. - A BILL FOR AN ORDINANCE TO AMEND TITLE 13 OF THE PARKER MUNICIPAL CODE RELATING TO FAMILY CHILD-CARE HOMES

PLANNING COMMISSION DISCUSSION

- Commissioner Kim Rodell stated that she disagrees with the proposed ordinance, that if it is a use by right for one person, it needs to be a use by right for the second person and not a special condition for someone else.
- Commissioners Nick Metz asked if it is just about parking and traffic: *(staff said that is what the State Statute allows the Town to review).*
- Commissioner Rich Foerster stated that traffic and parking needs to be monitored so that it doesn't create a problem in the neighborhoods.
- Commissioner Roxy Colette said that the state statute is unfair when the large family child day care second application needs to be conditional.
- Commissioner Eliana Burke stated the Town should follow the State Statute and that it is doubtful that a second large family child day care application would be adjacent to an existing large family child day care.
- Commissioner Gary Poole stated that he understands that State Statutes need to be followed locally and if change is needed, the State legislature should be petitioned for changes.

Commissioner Eliana Burke moved Planning Commission recommend Town Council approve an ordinance to amend the Parker Municipal Code regarding family childcare homes and large family childcare homes. Commissioner Rich Foerster seconded; a vote was taken and was passed 4 – 2 with Commissioners Collette and Rodell opposed.

PLANNING COMMISSION ITEMS

None.

STAFF ITEMS

None.

ADJOURNMENT

Commissioner Eliana Burke moved that the meeting be adjourned. Commissioner Nicholas Metz seconded the motion and was passed unanimously. The meeting was adjourned.

A handwritten signature in blue ink, appearing to read "Jeff Miller", written over a horizontal line.

Jeff Miller
Recording Secretary

A handwritten signature in blue ink, appearing to read "Gary Poole", written over a horizontal line.

Gary Poole
Chair