



PLANNING COMMISSION MINUTES

June 9, 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 Rich Foerster, Ruth Ann Nelson and Eliana Burke, Roxy Colette, Nick Metz 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 May 12, 2022, meeting minutes. Commissioner Rich Foerster seconded; a vote was taken and passed unanimously.

Commissioner Ruth Ann Nelson moved to approve the May 26, 2022, meeting minutes. Commissioner Rich Foerster seconded; a vote was taken and passed unanimously.

PUBLIC HEARING OPENED: 7:08 P.M. – CHALLENGER PARK ESTATES AMD 1 – SOLOMON FOUNDATION – TRAKIT NUMBER: Z21-013. The applicant, Mishler Construction, is proposing an amendment to the Challenger Park Estates PD to increase the

permitted height in the Neighborhood Commercial planning area. The site is located on the northeast corner of Jordan Road and Pine Lane.

Department: Community Development, Julia Duncan

Potential Conflict of Interest:

- Commissioner Rich Foerster read a statement to disclose a potential conflict of interest between a project he is participating in, the Parker Senior Center and Secor Cares which leases a building from the Solomon Foundation. Bryce Matthews provided guidance to the Planning Commissioners on how to proceed considering Commissioner Rich Foerster's statement.

Planning Commission Discussion:

- Commissioner Ruth Ann Nelson asked Commissioner Rich Foerster if he stands to gain any financial benefit based on this hearing's outcome; (*Commissioner Rich Foerster said no*).
- Commissioner Ruth Ann Nelson asked Commissioner Rich Foerster if he had any influence or input to staff as they prepared for this hearing; (*Commissioner Rich Foerster said no*).

Commissioner Ruth Ann Nelson moved that Commission Rich Foerster does not have a conflict of interest and should not be required to recuse himself from this hearing. Commissioner Roxy Colette seconded the motion and was passed unanimously.

STAFF PRESENTATION

Julia Duncan, Associate Planner, presented the staff report to amend the Challenger Park Estates Development Guide to require setbacks and stepbacks for height greater than 35 feet in the Neighborhood Commercial Planning Area. Mrs. Duncan concluded with the determinations in the staff report that the Planning Commission recommend Town Council approve the Challenger Park PD Amendment No.1 zoning.

Commissioners discussed with staff:

- Commissioner Ruth Ann Nelson asked where else does the Town have 45 foot buildings; (*staff said in the E-470 corridor, the proposed LDO allows for 45 foot buildings in several zoning districts and the commercial zone allows a 35 foot height, but individual PD's can allow higher buildings*).
- Commissioner Rich Foerster asked how many parking spots are currently at that location; (*staff said parking information would be included in the site plan application*).
- Commissioner Rich Foerster stated that the addition of this building would be about 88,000 square feet and asked if Town parking requirements would be met; (*staff said they are currently reviewing parking requirements and that with the addition, parking requirements would be met*).

- Commissioner Kim Rodell asked if the incorrect legal description in the previous PD was an administrative error; *(staff said that it was a 2003 administrative error, that a sentence was missing).*
- Commissioner Kim Rodell asked if there were any 45 foot buildings in the Town; *(staff said yes, the Town has a number of buildings over 35 feet, such as the hospital, and that the commercial zone currently allows for a 35 foot height, but several PD's allow for higher heights).*
- Commissioner Kim Rodell asked if the building height in PD's is called out or is a variance; *(staff said some PD's allow for higher height allowances by right and other PD's allow for higher height allowances by special review.).*
- Commissioner Kim Rodell asked if the applicant is requesting a revision to the PD to allow for additional height allowances; *(staff said that in 2003 the current PD was approved by Town Council adopting the 45 foot height allowance. The applicant is now asking to add step backs and setbacks in respect to the surrounding neighborhoods, they are not asking for a height increase).*
- Commissioner Ruth Ann Nelson asked if the step back formula is currently in use anywhere else in Town and if so, would this set the standard for the Town; *(staff said that the formula of one foot of step back per one additional foot in height makes sense and that this formula is used by other municipalities).*
- Commissioner Kim Rodell asked if there were any comments from the single or multifamily homes; *(staff said that one phone call concerning the increased height in the mixed use area, but staff advised the caller that the building heights were not going to be increased in the mixed use area).*

APPLICANT PRESENTATION

The applicants introduced themselves but did not make a presentation.

- Commissioner Ruth Ann Nelson asked if there will be underground parking to help solve part of the parking issues; *(applicant said yes and that is part of the reason for asking for the additional building height increase).*

PUBLIC COMMENT OPENED

None.

PUBLIC HEARING CLOSED: 7:22 P.M. – CHALLENGER PARK ESTATES AMD 1 – SOLOMON FOUNDATION – TRAKIT NUMBER: Z21-013

PLANNING COMMISSION DISCUSSION

- Commissioner Eliana Burke commented that this building is an add on, is happy with the 45 foot height and step back, that it fits in with the Town's Master plan and she is in favor of the project.
- Commissioner Ruth Ann Nelson commented she has concerns with the 45 foot height creep, but given that Town Council approved the 45 foot height in 2003 it would be

inappropriate to deny it at this time, she appreciates the step back plan and hopes that this will be used in the future for taller buildings in the Town and she is in favor of the project.

- Commissioner Rich Foerster commented that a previous hearing concerning townhomes with a height of 45 feet near single family homes was denied and then revised to 35 feet in height, but with this property there is not any residential within proximity to this building, so he is in support of the project.
- Commissioner Ruth Ann Nelson commented that she checked with staff to make sure there were not any shadow issues and staff said there were none.
- Commissioner Kim Rodell commented that she had concerns with a tall building near residential, but that the step back formula is a great solution, that there were no complaints from the residents.
- Commissioner Roxy Colette commented that he is in favor of this project, that he prefers height creep instead of sprawl, appreciates the step backs due to the building's proximity to residential neighborhoods and if parking and landscaping requirements are satisfied, he is in favor.
- Commissioner Nick Metz commented that he likes the step back plan, understands that part of the reason for the height increase is to accommodate underground parking and he is in favor.
- Commissioner Gary Poole agrees with his fellow commissioners.

Commissioner Eliana Burke moved the Planning Commission recommend Town Council approve the Challenger Park PD Amendment No. 2 zoning. Commissioner Ruth Ann Nelson seconded; a vote was taken and was passed unanimously.

PUBLIC HEARING OPENED: 7:26 P.M. – TWENTY MILE VILLAGE FILING NO. 2 1ST AMENDMENT LOT 9 BLOCK 1 – USE BY SPECIAL REVIEW FOR CONVENIENCE STORE WITH GASOLINE PUMPS - TRAKIT NO: Z22-003. The applicant, LAI Design Group, is proposing a Use by Special Review to allow for a convenience store with gasoline pumps use as part of a mixed-use site. The site is located at the southeast corner of Twenty Mile Road and Pony Express Drive.

Department: Community Development, Bryce Matthews on behalf of Carson Byerhof

STAFF PRESENTATION

Bryce Matthews, Planning Manager, presented the staff report proposing a Use by Special Review to allow for a convenience store with gasoline pumps use as part of a mixed-use site. Mr. Matthews concluded with the determinations in the staff report that Town Council approve the Lot 9 Block 1 Twenty Mile Village Filing No.2 1st Amendment Use by Special Review request to allow for the convenience store with gasoline pumps use, subject to the following conditions:"

1. That the Use by Special Review materials submitted to the Community Development Department on April 26, 2022, shall be the approved Use by Special Review materials.

2. A building permit shall be required for any interior or exterior work completed on site.
3. This approval shall expire twelve (12) months after the date of approval unless a building permit has been applied for and a Site Plan has been approved. The Community Development Director, upon written request, may grant a ninety-(90) day extension.
4. Gas tank vent pipes shall not be free standing and shall vent through the canopy structure.
5. The applicant shall provide a decorative two-and-a-half (2½) to three (3) foot knee wall designed to match the architecture of the principal building along the north end of the parking lot and canopy area. In addition to meeting minimum landscaping standards set within the Town of Parker Land Development Ordinance, the applicant shall be required to plant a minimum of one (1) tree and five (5) shrubs (or shrub and ornamental grass substitutions as allowed in § 13.06.070(1)(5) of the Town of Parker Land Development Ordinance) per 25 feet of lineal edge along the north and west property lines. At maturity, landscaping shall be dense enough to fully screen parking and driving areas on site. Required decorative knee wall and enhanced landscaping shall be reviewed and approved through the Site Plan process.
6. The building shall be constructed as a multi-tenant building allowing for the convenience store and additional tenant spaces to preserve the intent of the mixed-use commercial and light industrial planning area designation in the Planned Development Guide.
7. The orientation and locations of the canopy, building, and architectural knee wall shall be consistent with the provided conceptual site plan.
8. All open zoning violations shall be resolved and closed prior to the Town accepting an application for a Site Plan.

Commissioners discussed with staff:

- Commissioner Ruth Ann Nelson asked if this was going to also be a liquor store, would that require a separate use by special review; *(staff said no, but it would require a liquor license through the Town).*
- Commissioner Ruth Ann Nelson asked about air pollution constraints, tank venting through the canopy and the effect on air quality in the area; *(staff said all gas station have tank vents which, by code, need to come up through the canopy and not be freestanding or visible).*
- Commissioner Ruth Ann Nelson asked whether the vents are intended to vent fumes or create air pressure downward to facilitate gas flow; *(staff said that this question is beyond their level of expertise, but perhaps the applicant will be able to address this question).*

- Commissioner Roxy Colette asked staff to elaborate on enhanced landscape; *(staff said this use is adjacent to a roadway, but our Development Design Standards for commercial uses directly adjacent to residential areas will be used, providing additional trees, area and shrubs).*
- Commissioner Eliana Burke asked whether one or more buildings will be constructed and what are the uses; *(staff said the proposal is one building, but the applicant can better answer this question).*
- Commissioner Rich Foerster asked if this building is two story; *(staff said yes).*
- Commissioner Rich Foerster asked if the building will be taller than the parking lot lighting fixtures; *(staff said parking lot light fixtures are not allowed to be higher than the building).*
- Commissioner Rich Foerster asked if there is only one entrance in and out of the site; *(staff said access points will be determined at site plan, at this point there is only one access point).*
- Commissioner Rich Foerster asked if the canopy will be lower than the building; *(staff said that is a question better answered by the applicant).*
- Commissioner Kim Rodell asked how many pumps there will be; *(staff said that is a question better answered by the applicant).*

APPLICANT PRESENTATION

The applicant, Jennifer Carpenter, with LAI design Group provided clarity and additional information to previous questions posed to staff:

- Concerning tank air vents and air pollution questions, the developer is currently looking at different gas providers who have their own standards with local, state, and federal oversight. So, at this time these specific questions can't be answered until a gas vendor is selected.
- Concerning the number of gas pumps, the final number may be eight or six, but for this hearing we are only seeking approval of the gas station use.
- Concerning enhanced landscape, the west easement is large, and since residential is across the street, the residential landscape standards will be used which are enhanced as compared to the arterial landscape buffer standards.
- Concerning site access, there currently is an existing, platted, shared access easement with the property to the east and other points of access may be added during the site plan process.
- The building will be two story which along with proposed parking meets code.
- The uses currently included in the proposed building include a convenience store, a high-end liquor store and additional mom and pop style retail mixed use.
- Pedestrian scale lighting versus arterial lighting would be preferred if allowed.
- In response to neighbor comments, landscaping will be installed near the proposed knee wall and a traffic engineer provided traffic analysis that roughly half or more of the gas station trips are considered bypass or pass by trips that do not increase traffic in the vicinity and this gas station location will help mitigate traffic congestion on Parker Road.

Commissioners discussed with applicant:

- Commissioner Roxy Colette asked if there is any consideration for electric vehicle charging; *(applicant said they have talked about it)*.
- Commissioner Roxy Colette asked about underground tank safety, fuel leakage, soils mitigation; *(applicant said state and federal regulatory agencies oversee these types of things)*.
- Commissioner Eliana Burke asked what the second floor will be used for; *(applicant said it is anticipated to be a liquor store)*.
- Commissioner Ruth Ann Nelson asked if the liquor store would sell only packaged liquor, and no alcohol consumption on site; *(applicant said she doesn't know, but there is no intent to serve alcohol)*.
- Commissioner Kim Rodell asked for additional clarity on what the interior of a two story gas station looks like; *(applicant said they will use the typical design guidelines for corner gas stations for the exterior, the convenience store would be located on the main level, possibly including a lobby to go up to the liquor store and other multi tenants in line)*.
- Commissioner Rich Foerster asked for additional information on the vapor capture system; *(applicant said she is unable to provide that information)*.

PUBLIC COMMENT OPENED

None.

PUBLIC HEARING CLOSED: 7:47 P.M. – TWENTY MILE VILLAGE FILING NO. 2 1ST AMENDMENT LOT 9 BLOCK 1 – USE BY SPECIAL REVIEW FOR CONVENIENCE STORE WITH GASOLINE PUMPS - TRAKIT NO: Z22-003.

PLANNING COMMISSION DISCUSSION

- Commissioner Eliana Burke would have liked to see a more detail plan, but understands this is conceptual right now, what they are trying to accomplish and is in favor of the proposal.
- Commissioner Rich Foerster commented that something needs to be done with that corner rather than leaving it vacant with miniature golf, that it meets the nine criteria, that he likes the knee wall in two places to help dress up that corner and he is in favor of the proposal.
- Commissioner Roxy Colette commented that he likes the knee wall, supports redevelopment of this lot, that it seems to be in harmony with zoning and the uses in the area, is sympathetic with the person who lives across the street and does not like the proposal, but that the layout and design lessens the impacts to the neighboring residents, so he is in favor of the proposal.
- Commissioner Ruth Ann Nelson commented that other than signage that someone approaching from the south would even know that there is a gas station at this location, so she doesn't think this is going to be an issue for the residents, that this gas station's

location may help change traffic patterns on Parker Road and other high traffic areas and she is in support of this application for a zoning use by special review.

- Commissioner Nick Metz appreciates that a two-story building will border the residential community, that it's not a typical gas station, looks forward to seeing the project progress and is in favor of the proposal.
- Commissioner Kim Rodell appreciates the extra easement, understands the neighboring residents' concerns, understands that gas stations are highly regulated by the feds, state and local jurisdictions, likes the traffic analysis that was performed and is excited to see how this looks.
- Commissioner Gary Pole commented that this lot has been an eyesore for a long time, looks forward to something coming in that is more attractive and useful and appreciates the traffic study analysis.

Commissioner Eliana Burke moved the Planning Commission recommend Town Council approve the Lot 9 Block 1 Twenty Mile Village Filing No.2 1st Amendment Use by Special Review request to allow for the convenience store with gasoline pumps, subject to the conditions contained in staff's report. Commissioner Rich Foerster seconded; a vote was taken and was passed unanimously.

PLANNING COMMISSION ITEMS

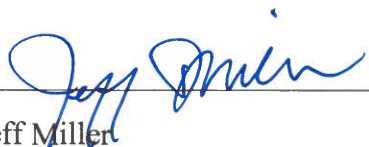
None.

STAFF ITEMS

Bryce Matthews congratulated the commissioners that were reappointed, staff is glad to have you here and we appreciate all the work the commissioners do for the community. Two new commissioners were recently appointed, Jane Lane and Ira Shapiro. They will be joining the planning commission on July 1st of this year.

ADJOURNMENT

Commissioner Ruth Ann Nelson moved that the meeting be adjourned. Commissioner Roxy Colette seconded the motion and was passed unanimously. The meeting was adjourned.



Jeff Miller
Recording Secretary

Gary Poole
Chair