

**TOWN OF PARKER COUNCIL
MINUTES
JUNE 6, 2022**

Mayor Jeff Toborg called the meeting to order at 5:01 p.m. All Councilmembers were present except Anne Barrington and Cheryl Poage.

Town Attorney Kristin Hoffmann announced the topics for discussion in the Executive Session were four (4) items. Under C.R.S. § 24-6-402(4)(e) there were three (3) items; the first item was concerning the proposed First Amendment to Newlin Crossing Annexation Agreement; the second item was concerning the My Mainstreet plan and downtown development/Confluence Companies; and the third item was regarding C.R.S. § 31-12-104 concerning the eligibility for annexation of the real property commonly known as the Pope II Property, generally located to the west of the Kohl's shopping center and south of Twenty Mile Road. Under C.R.S. § 24-6-402(4)(a) there was one (1) item concerning the acquisition of potential sites within the Town of Parker for open space preservation.

EXECUTIVE SESSION

Joshua Rivero moved and Todd Hendreks seconded to go into Executive Session at 5:04 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 consider the purchase, acquisition, lease, transfer or sale of real, personal or other property, pursuant to C.R.S. § 24-6-402(4)(a).

The motion was approved unanimously.

John Diak moved and Todd Hendreks seconded to come out of Executive Session at 6:10 p.m.

The motion was approved unanimously.

John Diak moved and Joshua Rivero seconded to recess the regular Town Council meeting until 7 p.m.

The motion was approved unanimously.

REGULAR MEETING

Mayor Toborg reconvened the regular Town Council meeting at 7 p.m.

Brian Brauchler from Boy Scout Troop 373 led the Pledge of Allegiance.

SPECIAL PRESENTATIONS

The Mayor recognized the 2022 Spring Police Department Citizens' Academy.

Mayor Toborg also recognized the Legend Unified Sports Team for winning against the Parker Police Department again this year.

Olivia Lombard and Eric Fiechtner were recognized as the 2022 Teen Court Scholarship Recipients.

Lastly, the Ponderosa High School Varsity Boys Baseball State Champions were recognized.

PUBLIC COMMENTS

There was one written general public comment which will be attached to the approved minutes.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

Each Councilmember reported on meetings they had attended since the last Town Council meeting.

CONSENT AGENDA

- A. *APPROVAL OF MINUTES - May 2, 2022 and May 16, 2022*

- B. *RESOLUTION NO. 22-036*
A Resolution to Appoint the Chair, and to Appoint Members and Alternates, and Fill a Vacancy, to the Town of Parker Planning Commission
Department: Community Development, Bryce Matthews

- C. *CONTRACTS OVER \$100,000*
 - 1. *Dransfeldt Road Extension - Final Drainage Design*
Amount: \$295,303
Contractor: Muller Engineering Company
Department: Engineering and Public Works, Chris Hudson

 - 2. *2022 Townwide Concrete Replacement Program (CIP22-010)*
Amount: \$511,717.50
Contractor: Stone & Concrete, Inc.
Department: Engineering and Public Works, Danny Smith

 - 3. *Setina Fender Wraps - Pit Guards*
Amount: \$8,123.75 additional which brings contract total to \$146,465.95
Contractor: LAWS
Department: Police Department, Ron Combs

Joshua Rivero moved to approve Consent Agenda items 5A through 6C.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Todd Hendreks - yes

John Diak - yes

Laura Hefta - yes

The motion was approved unanimously.

PUBLIC HEARINGS

A. NEWLIN CROSSING – Sketch Plan, Preliminary Plan, and Annexation Amendment

Applicant: PCS Group

Location: Northeast corner of Mainstreet and Chambers Road

Department: Community Development, BrieAnna Simon

TRAKiT SUB20-041 and SUB20-042

No.:

The Public Hearing was opened at 7:26 p.m.

The Newlin Crossing PD was annexed and zoned by the Town in June 2016. The subject property is located in a major gateway into Parker at the northeastern corner of the intersection of Mainstreet and Chambers Road. It has a total area of approximately 101.1 acres and is largely undeveloped with limited uses consisting of one (1) single-family home and stables for equestrian activity.

The Newlin Crossing PD is located in a largely residential area of the Town and adjacent to Douglas County. The PD is bordered to the north by the Stonegate residential neighborhood, to the south by the undeveloped Hunter's View PD, to the east by the Carousel Farms residential neighborhood and to the west by a Public Storage facility and the Sierra Ridge residential neighborhood. The subject property is bisected by Newlin Gulch which traverses it in a north-northeasterly direction.

The Newlin Crossing PD is a mixed-use zone district with Planning Areas to accommodate future residential, commercial, parks and open space uses. The proposed Sketch Plan and Preliminary Plan applications incorporate 194 detached single-family lots, 26.85 acres of open space, 6.03 acres of parks and related infrastructure such as roads. The additional future phases will include a residential townhome segment (Tract P) fronting Mainstreet and a commercial segment (Tracts D, G, U, V) at the intersection of Mainstreet and Chambers Road.

Town Council approval of the Sketch and Preliminary Plans is required but does not officially create the lots, tracts and associated improvements for development yet. A sketch plan and preliminary plan approval will enable the applicant to design and submit a final plat(s) application to the Town. The final plat(s) will be reviewed administratively for consistency with the approved Sketch and Preliminary Plans and approved if they are determined to be consistent.

The final plat(s) approval and subsequent recordation with Douglas County officially creates the lots, tracts and obligations for associated improvements that are required for future development.

Staff has reviewed the proposed sketch and preliminary plans and has determined that they align with the Parker 2035 Master Plan and comply with the Land Development Ordinance, Newlin Crossing PD zoning and all relevant Town regulations and standards.

The Planning Commission held a public hearing for this application on May 12, 2022, and voted unanimously to recommend approval by Town Council.

Annexation Amendment

The Town and 98 W. Parker, LLLP, entered into the Newlin Crossing Annexation Agreement in 2016. The Annexation Agreement does not permit a metropolitan district to be an "accepting party" for open space if the development contains fewer than 400 residential dwelling units. The proposed First Amendment to Newlin Crossing Annexation Agreement removes this restriction to allow the Newlin Crossing Metropolitan District to be an accepting party for open space, regardless of how many residential dwelling units are in the development. The purpose of the amendment is to align the Annexation Agreement with current Town standards for metropolitan districts.

Applicant:

Allen Cunningham, 200 Kalamath Street, Denver, provided a brief overview of the project for Town Council.

Public Comment:

Paul Swandly, 21490 E. Idlywilde, Parker, commented on his concerns about water usage for the project.

The Public Hearing was closed at 7:47 p.m.

1. Sketch Plan

Todd Hendreks moved to approve the Sketch Plan, based on staff findings, contained in the staff report.

Laura Hefta seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Todd Hendreks - yes

John Diak - yes

Laura Hefta - yes

The motion was approved unanimously.

2. **Preliminary Plan**

Todd Hendreks moved to approve the Preliminary Plan, based on staff findings, contained in the staff report.

Laura Hefta seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Todd Hendreks - yes

John Diak - yes

Laura Hefta - yes

The motion was approved unanimously.

3. **First Amendment to Newlin Crossing Annexation Agreement**

Joshua Rivero moved to approve the First Amendment to Newlin Crossing Annexation Agreement.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Todd Hendreks - yes

John Diak - yes

Laura Hefta - yes

The motion was approved unanimously.

B. PARKER AUTO PLAZA F2 AMD 3 L1B B2 - AUTO BODY SHOP - Use By Special Review

Applicant: AutoMart USA

Location: The west side of Ponderosa Drive north of Lincoln Avenue

Department: Community Development, Julia Duncan

TRAKiT No.: Z22-005

The Public Hearing was opened at 7:52 p.m.

The Parker Auto Plaza PD was established in 2002 as a receiving zone for auto-oriented uses in the Town, including display, sales and repair. The Parker Auto Plaza PD zoning establishes land use, bulk and design standards for the development of all property within the PD. Specifically, the purpose of the Commercial Use Areas of the Parker Auto Plaza PD is to provide planned, orderly development meeting the automotive retail and service needs of the community as it develops.

On December 13, 2021, Town Council approved an amendment to the Parker Auto Plaza PD zoning by revising the Development Guide to expand the permitted uses within the Commercial Use Areas. The approved PD zoning amendment modified the list of permitted service establishments to include "*Automotive Repair, Major: An establishment primarily engaged in providing vehicle repair, body work, mechanical repair of engines and drive trains, and/or painting.*" More specifically, the approach that Town Council approved is to allow *Automotive Repair, Major* as a Use By Special Review to permit auto body repair subject to Town Council approval. As a result, the Parker Auto Plaza PD zoning permits *Automotive Repair, Major* including auto body repair, to meet community demand for this service, but requires an enhanced level of review by staff and the Town Council at a public hearing using the nine (9) criteria prescribed by the Land Development Ordinance.

The Parker Auto Plaza PD zoning incorporates development standards for uses to mitigate potential impacts. These standards include a requirement that the storage of damaged vehicles be limited to designated, fenced and screened areas and that all roof-mounted equipment be screened from public view. The PD zoning, at Section III.D, also contains standards for commercial uses such as criteria for lot size, setbacks, building height, floor area ratio, building orientation and materials. The PD zoning also requires adherence to all state and federal regulations for air quality, since automotive uses may have air quality impacts.

The submitted Use By Special Review application is for a proposed collision repair center. The applicant indicates that the center will be used primarily to recondition vehicles for sale by a local auto dealer(s). The focus will be on lightly damaged vehicles that can be quickly repaired, painted, detailed and sent to the dealer(s) for sale. The stated goal is to move cars out of the center within one (1) week of arrival. The applicant indicates that no long-term storage of vehicles is intended. All painting will be contained within the paint booths in the building. No painting will be performed in other areas of the building or the exterior of the property. The applicant indicates that the paint booths are a new, state-of-the-art units compliant with all applicable regulations. It will be vented to provide a safe environment for employees with filtering to prevent escape of by-products.

All new construction will be inside the building or on the roof of the existing building except for the fenced, screened parking area for damaged vehicles. The screening of the roof vents is detailed in the pending site plan amendment application that has been submitted and is under review. The site plan amendment application will be approved administratively if this Use By Special Review application is approved and the applicant addresses all site plan review comments.

The Planning Commission held a public hearing on May 26, 2022, and voted unanimously to recommend approval of the Use By Special Review application by Town Council.

Applicant:

Dan Ramirez, AutoMart USA, 7808 Stonedale Drive, Castle Pines, was available to answer any questions.

Public Comment: None.

The Public Hearing was closed at 8:05 p.m.

Joshua Riveo moved to approve, based upon staff findings, including the following conditions:

1. A Site Plan approval shall be required prior to the issuance of building permits.
2. All mechanical equipment shall be screened from public view.
3. All signage for this site and building will be required to meet the Town of Parker Sign Code Chapter 13.09 and will require a separate sign permit application submittal.
4. A building permit shall be required for any interior or exterior work completed on site.
5. All damaged vehicles shall be stored/parked within a designated, Site Plan approved area that is screened from public view by a solid fence.
6. All auto body repair work shall be limited to the inside of the building and shall not occur outside.
7. Decorative lighting on the building and canopy shall be shielded or removed.
8. The applicant shall obtain all required State and Federal permits/approvals for the use and operations will comply with all applicable State and Federal hazardous material, air and water quality standards.
9. Landscaping shall be verified alive and in compliance with the approved Site Plan.
10. This approval shall expire twelve (12) months after the date of approval unless a building permit has been applied for and a Site Plan (or Site Plan Amendment) for site improvements has been approved. The Community Development Director, upon written request, may grant a 90-day extension.

John Diak seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Todd Hendreks - yes

John Diak - yes

Laura Hefta - yes

The motion was approved unanimously.

C. DOGTOPIA - Use By Special Review

Applicant: Larry Greene
Location: Northeast corner of Dransfeldt Road and Parkglenn Way
Department: Community Development, Carson Byerhof
TRAKiT No.: Z22-002

The Public Hearing was opened at 8:08 p.m.

The applicant, Larry Greene d/b/a Dogtopia, submitted a Use By Special Review application to permit a dog daycare facility. The subject property, Lot 1, Block 1 of the Parkglenn West subdivision, is zoned Modified Light Industrial. The zoning allows pet daycare facilities subject to a Town Council public hearing and approval of the Use By Special Review application.

The Town approved a site plan application to construct a multi-tenant flex development on the subject property in 2015. Related, the Town Council approved a rezoning application to create Modified Light Industrial zoning for the property in late 2015. The Modified Light Industrial zoning permits a broad range of retail, service, office and distribution/warehouse uses that have leased space in the two (2) buildings on the property during the past few years.

As part of the proposal, the applicant has submitted a site plan amendment application that is being reviewed administratively and will be approved subject to the Town Council decision on the Use By Special Review application. The site plan amendment application incorporates the following elements:

- An existing 7,570 s.f. indoor space for office, patron services and dog play areas.
- A 1,900 s.f. outdoor play area for pets. The play area has an artificial turf surface and is enclosed by an eight (8) foot high vinyl fence.
- Proposed exterior landscaping improvements.
- An exterior pet waste station.

The Planning Commission held a public hearing on the application on May 12, 2022, and voted unanimously to recommend that Town Council approve the application subject to the seven (7) conditions outlined in the staff report.

Applicant:

Larry Greene, 10741 Timberdash Ave., Highlands Ranch, described the Dogtopia business model to Town Council.

Public Comment: None.

The Public Hearing was closed at 8:29 p.m.

Joshua Rivero moved to approve, based on staff findings, with the following conditions:

1. That the Use by Special Review materials submitted to the Community Development Department on March 31, 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 Amendment for site improvements has been approved. The Community Development Director, upon written request, may grant a ninety-(90) day extension.
4. That the outdoor play area artificial turf shall be maintained in good condition. The outdoor turf shall be cleaned a minimum of once per day and sprayed with an environmentally friendly odor control cleaner.
5. That the outdoor relief station shall be cleaned twice daily and the waste dumpster shall be serviced daily.
6. Noise control shall comply with the Dogtopia, "Noise Control Plan," prepared April, 2018. All subsequent versions of the Plan shall be adhered to.
7. Landscaping shall be verified to be alive and in compliance with the approved Site Plan.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Todd Hendreks - yes

John Diak - yes

Laura Hefta - yes

The motion was approved unanimously.

ORDINANCES

A. ORDINANCE NO. 1.561 – Second Reading

A Bill for an Ordinance Conveying Certain Real Property by easement to Parker Water and Sanitation District for a portion of Tract B, Mountain View Senior Center Filing No. 1, Minor Development

Department: Engineering and Public Works, Alex Mestdagh

In 1997, a Minor Development Plat for the Mountain View Senior Center Filing No. 1 subdivision was recorded. This plat created the lot for the American Academy Charter School located on Motsenbocker Road. As part of the Minor Development Plat, a small tract (Tract B) was dedicated to the Town of Parker as public right-of-way. This right-of-way was planned to accommodate a north-south roadway connection between Clarke Farms and future development to the south. As the land to the south was eventually developed as the Olde Town subdivision, the roadway network in this area was ultimately modified to no longer include a roadway connection over Tract B. The Town does not have any plans to construct a roadway within this tract.

The vacant land to the west of Mountain View Senior Center is now proposed to be developed as townhomes as part of the Senderos Creek subdivision. As part of the construction drawings for that development, waterline infrastructure is proposed to be located within Tract B. Parker Water and Sanitation District has requested that the Town dedicate a waterline easement to the District to cover the proposed infrastructure.

Public Comment: None.

Todd Hendreks moved to approve Ordinance No. 1.561.

John Diak seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Todd Hendreks - yes

John Diak - yes

Laura Hefta - yes

The motion was approved unanimously.

B. ORDINANCE NO. 5.06.45 – Second Reading

**A Bill for an Ordinance to Amend Section 8.07.070 of the Parker Municipal Code
Concerning Harassment**

Department: Town Attorney, Kelsey Hall

On March 28, 2022, the Colorado Supreme Court released its ruling for *People v. Moreno*, a case involving a First Amendment challenge to Colorado’s criminal harassment statute. In this case, a man was charged with harassment under C.R.S. §18-9-111(1)(e), which in relevant part states that an individual commits harassment if, “with intent to harass, annoy, or alarm another person, he or she . . . initiates communication with a person or directs language toward another person . . . in a manner *intended to harass* or threaten bodily injury or property damage . . .” The court found that the phrase “intended to harass” is overly broad because it could implicate speech that is protected by the First Amendment.

For example, the Court explained that “people often legitimately communicate in a manner intended to harass by persistently annoying or alarming others to emphasize an idea or prompt a desired response.” Communications such as warnings of an active shooter situation, negative reviews of a business, or antagonistic comments left on news sites could all potentially fall under this language. Therefore, although the statute primarily targets unprotected forms of speech such as true threats and obscenity, the Court determined that the words “harass or” must be removed from the statute in order to comply with the protections afforded by the First Amendment.

Parker Municipal Code Section 8.07.070 – Harassment is drafted similarly to the statute. This ordinance should be amended to comply with the Court’s ruling.

Public Comment: None.

John Diak moved to approve Ordinance No. 5.06.45.

Laura Hefta seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Todd Hendreks - yes

John Diak - yes

Laura Hefta - yes

The motion was approved unanimously.

ADJOURNMENT

John Diak moved to adjourn the meeting at 8:41 p.m.

Todd Hendreks seconded the motion.

A roll call vote was taken:

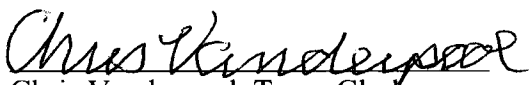
Joshua Rivero - yes

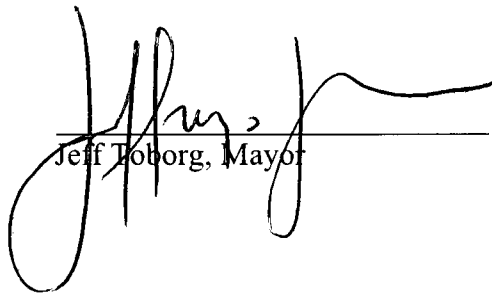
Todd Hendreks - yes

John Diak - yes

Laura Hefta - yes

The motion was approved unanimously.


Chris Vanderpool, Town Clerk


Jeff Toborg, Mayor

From: noreply@civicplus.com
Sent: Friday, May 27, 2022 8:52 AM
To: Clerk; Sullivan, Cheri; Anderson, Andy
Subject: Online Form Submittal: Town Council Meetings - General Public Comment

Town Council Meetings - General Public Comment

Regular Town Council meetings are held on the first and third Monday of each month, unless announced otherwise. The general public comment period held during these meetings is an opportunity for the public to provide comments on items that are not on that meeting's agenda. Public comments can be made in writing via the online form below, live during the meeting via the Zoom application, or in person at the public meeting.

Written general public comments via the form below can be submitted from noon on the Friday prior to the next meeting until 5 p.m. Monday (the day of the meeting). To learn how to submit a live public comment during a meeting via the Zoom application, visit www.ParkerOnline.org/Calendar and go to the specific meeting date for details.

This online form will also be used for other virtual meetings held by the Town of Parker's Special Licensing Authority. Public comments that are provided by 5 p.m. on the day of the Special Licensing Authority meeting will be provided to the Authority and will be included with the approved meeting minutes.

General Public Comment is an opportunity for Town residents and other interested individuals to speak about items that are NOT on the agenda. No action will be taken on these items. Public comments will be provided to the Town Council and will be included with the approved minutes of the Town Council meeting. For those unable to provide comments electronically through this form, please contact the Clerk's Office to make arrangements. The Town Clerk can be reached by phone at 303.805.3198.

First Name	Greg
Last Name	Ferri
Address	9185 Wilde Ave
City	Parker
State	Colorado
Zip Code	80134

General Public Comment

Hello, is the town still planning to upgrade playgrounds in O Brian park? It was in the works before covid, what happened? Also, big shout out to Mayor Toborg , eliminate grocery tax! One more item, Another shout out to Derrick White, Parker homeboy playing for Boston Celtics! Thanks! Happy Holidays, remembering those fallen to preserve our freedoms!

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