



PLANNING COMMISSION MINUTES

June 23, 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 Ruth Ann Nelson, Erik Frandsen, Eliana Burke, Roxy Colette, 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 Ruth Ann Nelson moved to approve the June 9, 2022, meeting minutes. Commissioner Eliana Burke seconded; a vote was taken and passed unanimously.

PUBLIC HEARING OPENED: 7:02 P.M. – 2022 UPDATE FOR THE OPEN SPACE, TRAILS AND GREENWAYS MASTER PLAN AS A PART OF THE TOWN OF PARKER 2035 MASTER PLAN. The applicant, Town of Parker, is making minor map and text updates to the adopted Open Space, Trails, and Greenways Master Plan. Included updates are changes to the list of missing trail connections and revisions to three maps.

Department: Community Development, Jeremiah Fettig

STAFF PRESENTATION

Jeremiah Fettig, Associate Planner, presented the staff report making minor map and text updates to the adopted Open Space, Trails and Greenways Master Plan. Included updates are changes to the list of missing trail connections and revisions to three maps; Map 1: Existing and Approved Open Space, Map 2: Existing and Approved Trails and Map 3: Missing Trail Connections. Revisions are necessary to capture new trails, open space and parks and were used to analyze and update the missing trails list. Mr. Fettig concluded with the determination in the staff report that Planning Commission recommend Town Council adopt the Town of Parker's 2022 Update of the Open Space, Trails and Greenways Master Plan.

Commissioners discussed with staff:

- Commissioner Elaina Burke asked that in order to implement the plan in 2025, when do you commence the actual change; *(staff said the rewrite would start in 2025 and be completed in 2026).*
- Commissioner Roxy Colette asked if there is a forecast for trail development and actually completing the missing trail links; *(staff said Brett Collins with Town's Parks and Rec department is working with surrounding municipalities and working internally to budget for and construct missing trail links and the Town's 10 year capital improvement program includes trails).*

PUBLIC COMMENT OPENED

None.

PUBLIC HEARING CLOSED: 7:11 P.M. – 2022 UPDATE FOR THE OPEN SPACE, TRAILS AND GREENWAYS MASTER PLAN AS A PART OF THE TOWN OF PARKER 2035 MASTER PLAN.

PLANNING COMMISSION DISCUSSION

- Commissioner Elaina Burke commented that this is simple clean up until 2026, appreciates staff being proactive and is in favor.
- Commissioner Kim Rodell commented that she appreciates fellow commissioner Ruth Ann Nelson's comments and that this appears to be administrative in nature.
- Commissioner Erik Frandsen commented that it is good for staff get ahead of the major update.
- Commissioner Roxy Colette commented that he appreciates staff's hard work and is in support of the updates.
- Commissioner Ruth Ann Nelson commented that she appreciates staff getting public feedback to figure out where the Town needs to expand the trail system and she is in support of the update.

- Commissioner Gary Poole commented that he appreciates staff's work and Parks and Rec as well and he is support of the update.

Commissioner Erik Frandsen moved the Planning Commission recommended Town Council adopt the Town of Parker's 2022 Update of the Open Space, Trails, and Greenways Master Plan. Commissioner Roxy Colette seconded; a vote was taken and was passed unanimously.

PUBLIC HEARING OPENED: 7:13 P.M. – PARKER MAINSTREET STUDIO SUBDIVISION, FILING NO. 1 – MINOR DEVELOPMENT PLAT - TRAKIT NO: SUB20-022. The applicants, Ralph Newmann and the Jerry R. & Betty L. Cooper Trust, are proposing to plat an existing metes and bounds property to create one commercial lot. The site is located at the southeast corner of Mainstreet and Pikes Peak Drive in downtown Parker.

Department: Community Development, Jeremiah Fettig on behalf of Mary Munekata.

STAFF PRESENTATION

Jeremiah Fettig, Associate Planner, presented the staff report proposing to plat an existing metes and bounds property to create one commercial lot. The site is located at the southeast corner of Mainstreet and Pikes Peak Drive in downtown Parker. Mr. Fettig concluded with the determinations in the staff report that the Planning Commission recommend Town Council approve the Parker Mainstreet Studio Subdivision Filing No. 1 Minor Development Plat.

Commissioners discussed with staff:

- Commissioner Ruth Ann Nelson asked if this is this being platted in anticipation of redevelopment; *(staff said no, this was part of an initiative in partnership with P3's funding to plat unplatted properties and there is no anticipated redevelopment at this time).*
- Commissioner Erik Frandsen asked if there are other unplatted properties in and around this district; *(staff said there are several unplatted properties along Pikes Peak Dr. and Mainstreet that were developed in the county prior to annexation. More of these types of requests will be coming).*

APPLICANT PRESENTATION

None.

PUBLIC COMMENT OPENED

None.

PUBLIC HEARING CLOSED: 7:17 P.M. – PARKER MAINSTREET STUDIO SUBDIVISION, FILING NO. 1 – MINOR DEVELOPMENT PLAT - TRAKIT NO: SUB20-022.

PLANNING COMMISSION DISCUSSION

- Commissioner Ruth Ann Nelson commented that is the real estate equivalent of dotting your I's and crossing your T's and is in support.
- Commissioner Eliana Burke agrees with Commission Ruth Ann Nelson.
- Commissioner Eric Frandsen appreciates the cleanup and effort.
- Commissioner Gary Poole commented that it is good to get rid of the metes and bounds property descriptions.

Commissioner Eric Frandsen moved Planning Commission recommend Town Council approve the Parker Mainstreet Studio Subdivision Filing No. 1 Minor Development Plat. Commissioner Eliana Burke seconded; a vote was taken and was passed unanimously.

PUBLIC HEARING OPENED: 7:19 P.M. – AUBURN HILLS CENTRE L4 - CIRCLE K GAS UBSR - TRAKIT NO: Z22-009. The applicant, Circle K, is proposing a Use by Special Review for a 5,200 sq. ft. convenience store and gas station. The site is located southwest of the intersection of Mainstreet and Jordan Road.

Department: Community Development, Julia Duncan.

STAFF PRESENTATION

Julia Duncan, Associate Planner, presented the staff report proposing a Use by Special Review for a 5,200 sq. ft. convenience store and gas station. The site is located southwest of the intersection of Mainstreet and Jordan Road. Ms. Duncan concluded with the determinations in the staff report that the Planning Commission recommend Town Council Approve the Auburn Hills Centre L4 - Circle K Gas UbSR subject to the conditions contained in staff's report:"

1. A Site Plan approval shall be required prior to the issuance of building permits.
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 west and south ends (south end shall be determined through Site Plan Approval pending no conflicts with utility easements) 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 west and south property (pending no conflicts with utility easements) 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.

*****Please note that there was an error on the graphic map in the presentation; Auburn Hills Drive and Cedar Gulch Parkway were transposed on the map. When staff or the Planning Commission reference Cedar Gulch Parkway, they are referring to Auburn Hills Drive and when staff or the Planning Commission reference Auburn Hills Drive they are referring to Cedar Gulch Parkway.*****

Commissioners discussed with staff:

- Commissioner Ruth Ann Nelson asked if this proposal is for the southeast corner of the parcel which will leave undeveloped land around it; *(staff said yes and referred to the graphic in staff's report where the star is shown and described other lots that were created in a previous minor development plat around this lot which are available for future development).*
- Commissioner Ruth Ann Nelson asked where the ingress and egress points are; *(staff said there is an east-west access aisle and a north-south access aisle).*
- Commissioner Ruth Ann Nelson asked to confirm the proximity of the residential to these access points; *(staff said there are residents to the west of the proposed site).*
- Commissioner Ruth Ann Nelson asked if there will be any other ingress or egress points, specifically coming off Jordan Road; *(staff said no, nothing else was approved from Engineering for access off Jordan Road or Mainstreet).*
- Commissioner Ruth Ann Nelson asked what measures will be in place to protect surrounding residences from overflow lighting; *(staff said that lighting is addressed at the site plan stage requiring a photometric analysis and code requires all lighting to be shielded in a downward direction).*
- Commissioner Ruth Ann Nelson asked about tank venting; *(staff said that they are standards on all gas stations and the Town requests that the vent piping be built into the canopy and the applicant will be able to go into further detail on this question).*
- Commissioner Kim Rodell asked if this property is zoned commercial, that this is a use by right, but needs to go through the use by special review process because it is a gas station; *(staff said it is a use allowed through the use by special review process if it meets the nine criteria).*
- Commissioner Kim Rodell asked for clarification on the site's ingress and egress points; *(staff said the access points previously discussed were approved through the recently approved minor development plat, engineering evaluated and approved the best ingress and egress points through traffic analysis and distance from other major intersections).*
- Commissioner Ruth Ann Nelson asked for clarification on the location of the proposed gas station, will it extend across the entire southern part of this parcel or only the

southeast corner of the parcel; *(staff said the location on the vicinity map is a correct approximation of the size and location of the gas station on the parcel).*

- Commissioner Ruth Ann Nelson asked about plans for the southwestern portion of the parcel; *(staff said no other applications for development at this location have been received by the Town).*
- Commissioner Kim Rodell asked if there were any traffic numbers that would come in off East Auburn Hills Drive; *(staff said they do not have the traffic analysis available right now that was submitted through the minor development plat, the applicant is required to install a traffic light here).*
- Kim Rodell asked if there might be similar impacts on the other side of Jordan at Cedar Gulch Parkway and what is the reasoning of having just one entrance off of Jordan Road; *(staff said there are no new proposed entrances off of Jordan Road by engineering due to the close proximity to Mainstreet and Cedar Gulch Parkway and that when this whole development was originally platted with the residential areas in mind, the access points were designed to meet both commercial and residential requirements meeting the Town's roadway design standards).*
- Commissioner Ruth Ann Nelson asked if any residential homes face this proposed development; *(staff confirmed that residential homes do not face this proposed development).*
- Commissioner Kim Rodell asked that when the southwest corner of this area is developed, will there be any criteria for landscaping between the commercial and residential areas even though there is road between the residential and commercial areas; *(staff said the Town's Land Development Ordinance has several perimeter landscaping requirements that will need to be met and this proposal must meet the additional condition to have a decorative knee wall built and additional landscaping along the west and south as additional buffers to the residences and future applications in this area would require enhanced screening as well).*

APPLICANT PRESENTATION

Sophia Hernandez with Land Development Consultants responded to commission questions on behalf of their client, Circle K.

- The applicant explained that the fuel vents are for maintenance and to allow for air bubbles to rise to the top and not noxious fumes.
- Commissioner Kim Rodell asked if the building is a single story and if it's just one convenience store; *(applicant said it is a single story, approximately 30 feet in height and just a single convenience store).*
- Commissioner Ruth Ann Nelson asked how many fuel pumps there will be: *(applicant said seven fuel dispensers, 14 filling positions).*
- Commissioner Ruth Ann Nelson asked if EV charging stations are being considered now or in the future; *(applicant said Circle K is establishing a partnership to install EV charging station for future use at this location and other locations).*

- Commissioner Roxy Colette asked if the applicant's firm has done any neighborhood outreach; *(applicant said they had scheduled a neighborhood meeting, sent letters to residents within a thousand feet of the property and they did not have any attendance from the neighboring residents).*

PUBLIC COMMENT OPENED

- Doug Newton, who resides at 16623 Auburn Hills Drive, sent an email to Julia Duncan about turning the gas station 180 degrees so that the back of the building faces the residents, which will help with lighting and traffic, commented on potential truck ingress and egress options out of the site, said a potential church will be built across the street from this property and said that Prairie Crossing Elementary School is around the corner and at 3:00 PM traffic backs up in the area and the gas station will add more traffic.
- Ron Sterling, who resides at 16647 Auburn Hills Drive, said that this land sat vacant for twenty years, that he was curious about the original zoning for this property, that he doesn't recall receiving any written notifications sent to the residents, commented that the gas station location is surrounded by residential on four sides, asked what other businesses would want to come to this site next to a gas station, mentioned tanker truck access, said that a preschool is being built across Jordan Road which may lead to traffic and overcrowding at the intersection, pointed out that there is 24 hour gas station less than a block away and that he opposes the project.
- Katherine Bailey, who resides at 16639 Auburn Hills Drive, pointed out that the map included in the presentation incorrectly labels the road off of Jordan Road as Auburn Hills Drive, but it is actually Cedar Gulch Parkway, commented on the other access point off Mainstreet, said that people complained about traffic when low income housing was previously proposed at this location, pointed out that another gas station is a "stone's throw away", and asked what kind of clientele a gas station brings.
- Bob Blackwood, who resides at 16655 Auburn Hills Drive, referred to an email previously sent, said he believes the map included in the presentation is incorrect, said that the paperwork he had received said the that the gas station was going to be developed on the southwest corner of the property which conflicts with the map showing the southeast corner, said that he is having trouble getting in and out of his community today, especially when the school lets out, said that there is not a traffic light at Mainstreet, said he is worried about crime, traffic and whatever else goes with it, said he doesn't believe another gas station is needed in his neighborhood, he said suggested a different location near Hess Road and Jordan Road and asked the commission to try to find other businesses for this location.
- Pam Sterling, who resides at 16647 Auburn Hills Drive, commented on health impacts referencing studies and available information concerning respiratory problems, benzene, diesel fuel, tanker transference to fuel tanks, close proximity to residents, said that home values will be impacted, said that as gas stations age groundwater contamination could be a problem, said we need to look further down the line at gas station impacts, commented, that as an example, the closed gas station at Parker Road and Mainstreet was difficult to redevelop because of the cost to remove the tanks, said that as we transition from fossil fuels and combustion engines to electric cars we need to pause on gas stations.

- Ryan Coburn, who resides at 16531 Auburn Hills Drive, talked about the surrounding homes, said an existing gas station is within two minutes, talked about current traffic congestion issues with the local school, talked about crime associated with gas stations being an issue, talked about the design or layout of the proposed gas station as it relates to his neighborhood's location and elevations and how lighting will affect his neighborhood, said that there are 20 other gas stations in the area and another gas station does not create any value for the neighborhood, said it is not in harmony with the area and said his community is comprised of high income Costco members that get there gas at Costco.

PUBLIC COMMENT RESPONSE:

- Staff, in response to traffic impact concerns from Prairie Crossing Elementary School, said that traffic concerns were brought up during the Minor Development Plat hearing and at the direction of the Planning Commission, staff has reached out to our engineering department to to contact the school to see if anything could be done to mitigate the traffic.
- Staff, in response to zoning questions, said there has not been any substantive changes to the Bradbury Ranch PD zoning as it relates to this site since its annexation into the Town in 1987. There have been three amendments, but none recently or any that are proposed in association with this application. Gas stations are allowed as a Use by Special Review so that Planning Commission and Town Council can recommend additional conditions to mitigate impacts and to make sure that the nine criteria are met.
- Staff, in response to inaccuracies on the map, clarified the general location is the southwest corner of Jordan Road and Mainstreet and the specific location within the minor development plat is the southeast corner.
- Staff, in response to comments that the department should require a variety of business uses, said that if the use is consistent with the zoning and criteria, we cannot prohibit nor can the Town require particular businesses.
- Staff, in response to respiratory or environmental impact issues, said gas stations are heavily regulated at the state and federal levels.
- Staff, in response to trucks turning in and out of the property, said there was a turn analysis conducted for the property to make sure trucks can fit in and out of the site.
- Staff, in response to design standards, said design standards are considered during site plan review process which is an administrative approval that is not before the Planning Commission tonight, but public input on issues such as building orientation and placement of the fuel canopy along Jordan Road is taken into consideration. Staff said that the knee wall was an additional condition added by staff.
- Commissioner Kim Rodell asked about rotating the building and fuel canopy and whether design standards would allow this; *(staff said they asked the applicant to consider putting the convenience store on the south side running east-west, but the applicant said that would not work based on the truck turn analysis. The current alignment is consistent with the Town's development design standards).*
- Commissioner Ruth Ann Nelson asked about crime statistics related to gas stations in neighborhoods; *(staff said they would have to ask the Police Department for those statistics).*

- Commissioner Ruth Ann Nelson asked, as discussed at a previous planning commission meeting, if it would be fair to say that customers of this or other gas stations would already be going down the road anyway, are coming in and out of other nearby businesses and that they would not be traveling from other parts of town to use this gas station; *(staff said yes, it sounds like a reasonable statement, that people do not go out of their way to purchase gas).*
- Commissioner Kim Rodell asked if a traffic light is going at Jordan Road and Cedar Gulch Parkway; *(staff said engineering has requested the funding and that as the site is developed, they will determine when the need for a traffic light exists).*
- Commissioner Kim Rodell asked if the Town can dictate truck routes, specifically truck access in and out of this property; *(staff the Town does have established truck routes for truck traffic, and they are not supposed to be driving through neighborhoods).*
- Commissioner Kim Rodell asked if Cedar Gulch Road is considered a truck route going into east Auburn Hills; *(staff said truck routes are generally arterial roads and other roads provide access for trucks making deliveries to businesses).*
- Commissioner Erik Frandsen asked if Auburn Hills Drive is considered an arterial that trucks could use to access the site; *(staff said yes, as a collector road, it will provide access to the commercial site).*
- Commissioner Roxy Colette asked if a condition could be added to restrict tanker truck delivery during school hours; *(staff said historically the Town has not controlled business delivery hours).*
- Commissioner Erik Frandsen asked if this gas station goes in, can the other lots on this parcel be restricted to not having a convenience store or gas station; *(staff said no, future businesses would be dictated by the market and property owners, there is not a cap, restriction, or quota limit on businesses imposed by the Town).*
- Commissioner Eric Frandsen asked about future businesses that may go in this area and if they are subject to “Use by Special Review” conditions; *(staff said Use by Special Review in this PD is limited to gas stations and auto related services.).*

**PUBLIC HEARING CLOSED: 8:10 P.M. – AUBURN HILLS CENTRE L4 - CIRCLE K
GAS UBSR - TRAKIT NO: Z22-009.**

PLANNING COMMISSION DISCUSSION

- Commissioner Ruth Ann Nelson asked that the nine Criteria for Special Review be brought up on the big screen, said she appreciates the neighbors coming out to speak on this case, said that in her opinion the nine criteria for special review have been met, she discussed each criteria providing details that support her conclusions and she will be in support of this proposal.
- Commissioner Erik Frandsen appreciated the neighbors discussion and questions, clarified the planning commissions role to review plans and projects to make sure that they meet specific criteria in accordance with the Town code, that the planning commission can not dictate what a landowner can or can't do on their land if the use

meets zoning code, agrees with Commissioner Ruth Ann Nelson that the project meets the criteria, its not the commission's job to review traffic, which is handled by the Town's engineering department, doesn't believe that this project is an over intensive use of the land, it is a positive development for a parcel that has sat vacant since the eighties and is in support of the project.

- Commissioner Kim Rodell commented that she is a native of Colorado, has seen a lot of growth in the state and this great area, that growth is inevitable, agrees with fellow commissioners that this project does meet the nine criteria for Use by Special Review, said that people have different thoughts on what is an undesirable business, said gas stations are highly regulated at the Federal Level and the EPA, said that gas station technology and safety improve over time, doesn't believe that gas station patrons are criminals, the project meets the nine criteria for Use by Special Review, the Town cannot dictate what businesses go where and she is in support of the project.
- Commissioner Eliana Burke thanked everyone for coming out, we are not here to judge, but be objective, doesn't see the gas station bringing in a criminal element, access to what the people needs as the Town grows makes the Town a better community and she is in favor of the proposal.
- Commissioner Roxy Colette thanked the neighbors and residents for sharing their thoughts and views on this proposal, said he understands the concerns over crime, described a situation where he was at a gas station that was being held up, discussed the Planning Commission's role in review of these projects in conjunction with the nine criteria, said the addition of a traffic light should improve traffic flow and safety and he is in favor of the project.
- Commissioner Gary Poole explained that the Planning Commission's role is quasi-judicial, using the nine criteria to review proposals, that the Town Council is a political body and not bound by the same rules and conditions that the Planning Commission abides by, said the project meets the nine criteria and he will be in support of it.

Commissioner Eliana Burke moved Planning Commission recommend Town Council approve the Auburn Hills Center L4 for the Circle K gas station use by special review subject to the conditions outlined in staff's report. Commissioner Ruth Ann Nelson seconded; a vote was taken and was passed unanimously.

PLANNING COMMISSION ITEMS

Commissioner Erik Frandsen read the following statement: "The Parker Municipal code requires that if a planning commissioner is absent from three consecutive regular planning commission meetings, a leave of absence is required to be given by a majority vote of the entire planning commission or that commission member's position becomes vacant. Unfortunately, I have not been able to attend more than three consecutive meetings due to some serious health issues and surgery. But I'm back. There is a possibility that I will miss more than three meetings potentially later this summer, potentially in the fall, due to some treatments that I'll be undergoing. I still would like to be considered to remain a seated member of the Planning Commission, and that's

why I'm requesting that the Planning Commission vote to approve a leave of absence for me from January 13, 2022, through June 9, 2022.

- Commissioner Ruth Ann Nelson asked Commissioner Erik Frandsen if he needs another leave of absence, will he ask ahead of time; (*Commissioner Erik Frandsen said yes*).
- Commissioner Ruth Ann Nelson asked staff if there were any restrictions on the Commission doing this retroactively; (*staff said no*).

Commissioner Ruth Ann Nelson moved that the Planning Commission approve a leave of absence for Commissioner Erik Frandsen from January 13, 2022 through June 9, 2022. Commissioner Roxy Colette seconded; a vote was taken and was passed unanimously.

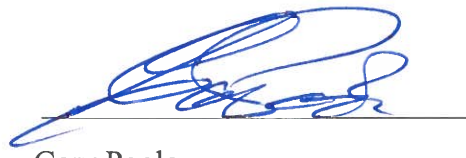
STAFF ITEMS

Bryce Matthews reminded the Commissioners of the upcoming New Commissioner Orientation training on June 30, next Thursday at 5:30 pm and that the regular commissioners are invited to attend.

ADJOURNMENT

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



Jeff Miller
Recording Secretary

Gary Poole
Chair