



PLANNING COMMISSION MEETING

7:00 PM

September 8, 2022

Prior to the Meeting: 5:30 p.m. *Planning Commissioner Training*

Notes:

Planning Commission meeting packets are prepared several days prior to the meeting. This information is reviewed and studied by the Commissioners eliminating lengthy discussions to gain a basic understanding. Timely action and short discussion on agenda items does not reflect lack of thought or analysis on the part of the Planning Commission.

Public comment on agenda items may only be made in person.

**Public Viewing Only - Facebook Live: Planning Commission meetings may be viewed through Facebook Live from the Town of Parker website:
www.facebook.com/townofparkerco.**

PLEASE NOTE: Public participation is NOT available through Facebook Live.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **ADDITIONS TO OR DELETIONS FROM THE AGENDA**
5. **APPROVAL OF MINUTES**
 - A. **Planning Commission Meeting Minutes - 8.25.22**
6. **CONSENT AGENDA**

7. PUBLIC HEARINGS

**A. DRAFT ORDINANCE TO AMEND TITLE 13 OF THE PARKER
MUNICIPAL CODE ADDRESSING CERTAIN DEFINITIONS**

Applicant: Town of Parker

Location: Townwide

Department: Town Attorney, Kristin Hoffmann

8. PLANNING COMMISSION ITEMS

9. STAFF ITEMS

A. Motion to set a Special Study Session Meeting for October 6, 2022

10. ADJOURNMENT



PLANNING COMMISSION MINUTES

August 25, 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, Roxy Colette, Ruth Ann Nelson, Erik Frandsen, Jane Lane, and Kim Rodell. Also present were Commissioners Ira Shapiro and Nick Metz.

ADDITIONS TO OR DELETIONS FROM THE AGENDA

None

OPENING REMARKS

We appreciate your attendance and participation at the Planning Commission.

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APPROVAL OF MINUTES

Commissioner Ruth Ann Nelson moved to approve the July 14, 2022, meeting minutes. Commissioner Richard Foerster seconded; a vote was taken and passed unanimously.

Commissioner Ruth Ann Nelson moved to approve the July 28, 2022, meeting minutes. Commissioner Richard Foerster seconded; a vote was taken and passed unanimously.

PUBLIC HEARING OPENED: 7:03 P.M. – PARKER DOWNS FILING NO. 3 1ST AMENDMENT LOT 2 – USE BY SPECIAL REVIEW FOR AUTO SERVICE AND REPAIR - TRAKIT NO.: Z22-021. The applicant, MHLK Properties, is proposing a Use by Special Review to allow for the repurposing of an existing building for a proposed auto service and repair facility. The site is located on the south side of Longs Way east of Dransfeldt Road.

Department: Community Development, Carson Byerhof

STAFF PRESENTATION

Carson Byerhof, Planner I, presented the staff report to propose a Use by Special Review to allow for the repurposing of an existing building for a proposed auto service and repair facility. Mr. Byerhof concluded with the determinations in the staff report that the Planning Commission recommend Town Council approve the Parker Downs Filing No.3, 1st Amendment Lot 2 Use by Special Review request to allow for a proposed auto service and repair facility, 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. The applicant shall provide additional vegetation to screen parking and driving areas on the site.
5. All hazardous and environmentally toxic materials shall be properly collected and disposed/recycled. Fluid spills shall be immediately cleaned to prevent toxic runoff. Commissioners did not have any questions for staff.
6. The electric gate on the south side of the property shall be installed with an “Opticom” remote opening device for emergency access for first responders.

APPLICANT PRESENTATION

None

Commissioners discussed with staff and applicant:

- Commissioner Kim Rodell asked for clarity on the additional parking spaces; *(staff said parking as illustrated includes parking for the cars to be serviced and that this use is not expected to generate a lot of parking demand).*
- Commissioner Ruth Ann Nelson commented on the additional screening which could have made a left turn out the parking lot difficult, but noted that there is a median on Longs Ave. preventing left turns making this a nonissue; *(staff agreed).*
- Commissioner Kim Rodell asked if the gray area shown on the presentation slide is a shed next to the building and will it be removed; *(applicant said it is the previous owner’s trailer, which has already been removed).*

- Commissioner Ruth Ann Nelson asked about the addition of 12 parking spaces, specifically if the parking space on the front left corner is an actual parking space, because she is not seeing the full 12 additional parking spaces; *(applicant said the six parking spots on the right hand side, behind the fence will be employee parking spaces and that the parking space on the left corner could be removed, making a total of 27 parking spaces).*
- Commissioner Kim Rodell asked about adequate parking since this proposed repair shop will be in the vicinity of several other repair shops; *(applicant said the new location will have twice as much parking compared to what they currently have).*

PUBLIC COMMENT OPENED

- Mitch Trevey, of Trevey Commercial Real Estate, 10510 Dransfeldt Road, Parker Colorado, said that he has worked with different applicants over the years and that this application went very smoothly, thanked Town staff for their support, said that this new location will be a perfect fit for the applicant, mentioned that this business only performs repair work by appointment which will eliminate vehicles being parked and waiting for service, is glad to see the applicant move from a very crowded tenant space and become a building owner, keeping his business here in Parker and is in support of this Use by Several Review application.

PUBLIC HEARING CLOSED: 7:13 P.M. – PARKER DOWNS FILING NO. 3 1ST AMENDMENT LOT – USE BY SPECIAL REVIEW FOR AUTO SERVICE AND REPAIR - TRAKIT NO.: Z22-021.

PLANNING COMMISSION DISCUSSION

- Commissioner Ruth Ann Nelson said she is in support of the application for a Use by Special Review, that it is a good use for the location, shouldn't create additional traffic hazards, that the additional landscaping will improve the overall appearance of the area as well as screen cars, will not be an overuse and is consistent with the Master Plan.
- Commissioner Richard Foerster said that he believes that the nine criteria have been met, believes the use is compatible with the character of the area and does not object to the proposal if the six additional conditions in staff report are met.
- Commissioner Kim Rodell said she agrees with her fellow commissioners, is glad that an existing building is being repurposed instead of a building being torn down and a new building built, believes the nine criteria have been met, it's a great fit for the area and wished the applicant good luck.
- Commissioner Roxy Colette said he agrees with his fellow commissioners, the proposal does meet all criteria, fits the character of the neighborhood, that the additional landscaping will provide additional beautification to the area and is in support of the application.
- Commissioner Erik Frandsen said he is alignment with the commissioners, congratulated the applicant and is in favor of the project.

- Commissioner Jane Lane said she concurs with her fellow commissioners, appreciated that her only concern which was proper waste disposal and recycling was addressed in staff's report and agrees that all the conditions have been met.
- Commissioner Gary Poole said he agrees with his fellow commissioners and is in full support of this project.

Commissioner Eric Frandsen moved the Planning Commission recommend Town Council approve the Parker Downs Filing No. 3 1st Amendment Lot 2 – Use by Special Review request to allow for a proposed auto service and repair facility subject to the conditions outlined in staff's report. Commissioner Roxy Colette seconded; a vote was taken and was passed unanimously.

PLANNING COMMISSION ITEMS

None.

STAFF ITEMS

Bryce Matthews reminded the Commissioners that there will be a request for a special Study Session Thursday, October 6, 2022, for a bike/ped master plan. Also, the Commissioners can expect to receive an updated training schedule that's been shifted slightly to accommodate an LDO Modernization study session in October as well.

ADJOURNMENT

Commissioner Eric Frandsen moved that the meeting be adjourned. Commissioner Richard Foerster seconded the motion, and the motion was passed unanimously. The meeting was adjourned.

Jeff Miller
Recording Secretary

Gary Poole
Chair



Planning Commission Staff Report

Planning Commission Date: 9/8/2022

Town Council Date: 10/3/2022

Hearing Type: **Public Meeting**
A Bill for an Ordinance to Amend Title 13 of the Parker Municipal Code Addressing Certain Definitions

Location: **Townwide**

Executive Summary: This proposed ordinance will amend certain definitions of “nudity or state of nudity”; “semi nudity”, “specified anatomical areas, and “specified sexual activities” to make them gender-neutral, based on recent case law.

Staff Recommendation: **Approval**

RECOMMENDED MOTION

“I move the Planning Commission recommend Town Council approve an ordinance to amend the Parker Municipal Code addressing certain definitions.”

I. BACKGROUND/DISCUSSION

Currently the definitions for “nudity or state of nudity”; “semi nudity”, “specified anatomical areas, and “specified sexual activities” refer specifically to the female breast. Based on recent case law, the purpose of the proposed amendments is to make the references gender neutral by instead referring to the “upper-body breast or chest area of any person.”

II. PARKER 2035 MASTER PLAN

[Parker 2035 Master Plan | Town of Parker - Official Website](#)

MASTER PLAN CONSISTENCY	
Master Plan Designation	Choose an item. ☐ Consistent ☐ Inconsistent ☒ Not Applicable
Master Plan Character Discussion	N/A
Consistent Goals/Strategies	N/A
Inconsistent Goals/Strategies	None

Staff Analysis	Amending the code to revise certain definitions is not addressed in the Parker 2035 Master Plan.
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III. CONCLUSION

Staff recommends that the Planning Commission recommend that Town Council approve the ordinance addressing certain definitions.

IV. RECOMMENDED CONDITIONS

None

V. ATTACHMENTS

Draft Ordinance

ORDINANCE NO. _____, Series of 2022

TITLE: A BILL FOR AN ORDINANCE TO AMEND TITLE 13 OF THE PARKER MUNICIPAL CODE ADDRESSING CERTAIN DEFINITIONS

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARKER, COLORADO, ORDAINS:

Section 1. Section 13.02.010 of the Parker Municipal Code is amended to revise the definitions of “nudity or state of nudity,” “semi-nudity,” “specified anatomical areas,” and “specified sexual activities” to read as follows:

Section 13.02.010 – Definitions.

* * *

Nudity or state of nudity means the showing of ~~the human~~ **post-pubertal human** male or female genitalia **genitals**, pubic hair **region**, or buttocks, **anus, or upper-body breast or chest area of any person** with less than a fully opaque covering; ~~the showing of the female breast with less than a fully opaque covering of any part of the nipple or~~ the exposure of any device, costume or covering which gives the appearance of or simulates **post-pubertal human** the genitals, pubic hair **region, buttocks, anus, or upper-body breast or chest area of any person** natal cleft, perineum anal region or pubic hair region; or the exposure of any device worn as a cover over the nipples and/or areola of the female breast, which device simulates and gives the realistic appearance of nipples and/or areola.

* * *

Semi-nudity means a state of dress in which clothing covers no more than **the post-pubertal human** the genitals, pubic region, **and upper-body breast or chest area of any person** and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.

* * *

Specified anatomical areas includes any of the following:

- a. Less than completely and opaquely covered **post-pubertal** human genitals, pubic region, buttocks, anus, **or the upper-body breast or chest area of any person** or female breasts below a point immediately above the top of the areolae; or
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities includes any of the following:

- a. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or **the upper-body breast or chest area of any person** female breasts. ...

* * *

Section 2. **Safety Clause.** The Town Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town of Parker, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. The Town Council further finds that the title to this Ordinance was posted in two public places two days before the Town Council meeting, as provided by Section 7.5e. of the Town of Parker Home Rule Charter.

Section 3. **Severability.** If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2022.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____,
2022.

Jeff Toborg, Mayor

ATTEST:

Chris Vanderpool, Town Clerk

APPROVED AS TO FORM:

Kristin S. Hoffmann, Town Attorney