

TOWN OF PARKER COUNCIL AGENDA

September 6, 2022

Notes:

Town Council meeting packets are prepared several days prior to the meeting. This information is reviewed and studied by the Councilmembers 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 Council.

Ordinances listed for first reading are being approved to introduce them. Public comment will be held upon second reading.

Start times for regular agenda items are tentative; some items may be held earlier than scheduled time.

Public comment for items that are not on the agenda may be made in person or electronically at <http://parkeronline.org/CouncilPublicComment>. For those unable to provide comments in person or electronically through the website, please contact the Clerk's Office to make alternative arrangements. The Town Clerk can be reached at 303-805-3198. Public comments submitted electronically through the website that are received by 5:00 p.m. on the day of the regular or special Town Council meeting will be provided to the Town Council and will be included with the approved minutes of the Town Council meeting.

Public Viewing Only - Facebook Live: Town Council 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. TOWN COUNCIL MEETING SCHEDULE

- A. 5:00 P.M. – Call to Order Town Council Meeting and Roll Call**
- B. Executive Session – Immediately following Call to Order/Roll Call – (See Attached)**
- C. Reconvene Town Council Meeting at 7:00 P.M. or as soon thereafter as the regular public meeting can be conducted.**

2. SPECIAL PRESENTATIONS

- PROCLAMATION - Constitution Week - September 16 - 22, 2022**

- 3. PUBLIC COMMENTS (No action will be taken on these items.) *Public Comment is an opportunity for Town residents and other interested individuals to speak about items that are NOT on the agenda. This comment period is limited to 30 minutes total time, with each individual allowed a maximum of 3 minutes to speak. You must sign up ahead of time in order to comment, and that sign up begins 30 minutes before the start of the meeting. The Council will accommodate as many speakers as possible during this time—with preference to Town residents—but if public comment extends beyond the allotted 30 minutes, Town Council will continue the comment period at the end of the meeting, prior to adjourning for those who signed up before the meeting.***

4. REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

5. **CONSENT AGENDA**

Consent Agenda Items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda Items unless Council votes to remove an item for individual discussion. Ordinances on the Consent Agenda are for introduction only and will not be removed for discussion.

A. *APPROVAL OF MINUTES - August 15, 2022*

B. *ORDINANCE NO. 1.564 - First Reading*

A Bill for an Ordinance to Approve Memoranda of Understanding Between Agencies By and Between the Town of Parker and Various Law Enforcement Agencies Concerning License Plate Recognition Sharing Detection Data and Hotlists

Department: Police, Jim Prior

Second September 19, 2022

Reading:

C. *ORDINANCE NO. 2.280 - First Reading*

A Bill for an Ordinance Approving and Accomplishing the Annexation of Contiguous Unincorporated Territory Known as the Chambers Road North of Belford Avenue Right-of-Way Property in Douglas County

Department: Community Development, Carson Byerhof

Second Reading: September 19, 2022

D. *ORDINANCE NO. 9.309.1 - First Reading*

A Bill for an Ordinance to Approve the First Amendment to the Amended and Restated Intergovernmental Agreement By and Between the Town of Parker, Colorado and Cherry Creek South Metropolitan District No. 4

Department: Town Attorney, Jim Maloney

Second Reading: September 19, 2022

E. *ORDINANCE NO. 1.565 - First Reading*

A Bill for an Ordinance to Approve the Working Memorandum of Understanding by and between the Town of Parker and Douglas County Human Services Concerning Adult Protection

Department: Town Attorney, Jamie Wynn

Police, Jim Prior

Second Reading: September 19, 2022

F. *ORDINANCE NO. 1.566 - First Reading*

A Bill for an Ordinance to Approve the Working Memorandum of Understanding by and between the Town of Parker and Douglas County Department of Human Services Concerning Child Welfare

Department: Town Attorney, Jamie Wynn

Police, Jim Prior

Second Reading: September 19, 2022

- G. *License Agreement (Access to Parker Water Property) Between Parker Water and Sanitation District and the Town of Parker for the Purpose of Preliminary Investigations for the Becket and Woodman Drive Connectivity Project*
Department: Engineering and Public Works, Nathan Klass

H. *CONTRACTS OVER \$100,000*

1. *Final Design Contract for Dransfeldt Widening (Mainstreet to Pony Express)*
Amount: \$211,200
Contractor: Fellsburg Holt & Ullevig
Department: Engineering and Public Works, Bob Exstrom
2. *Renewal of Contract for Workorder Management System*
Amount: \$38,760
Contractor: Beehive Industries
Department: Engineering and Public Works, Jim Gilbert

6. **PUBLIC HEARINGS**

- A. **TWENTY MILE VILLAGE F2 AMD 1 L9 B1 – Gas Station - Use by Special Review**
(Continued from June 27 & July 18, 2022)
Applicant: LAI Design Group
Location: The site is located at the southeast corner of Twenty Mile Road and Pony Express Drive
Department: Community Development, Carson Byerhof
TRAKiT No.: Z22-003
- B. **AVALON BAY/COYLE ANNEXATION**
Applicant: Avalon Bay Communities, Inc.
Location: The site is located at the southeast corner of Stroh Road and Crowfoot Valley Road
Department: Community Development, Julia Duncan
TRAKiT No.: ANX22-006
1. **RESOLUTION NO. 22-045**
A Resolution to Set Forth Town Council's Findings of Fact and Conclusions as to the Eligibility of the Coyle Property Annexation into the Town of Parker.

C. COMPARK VILLAGE SOUTH REPLAT

Applicant: Century at Compark Village
Location: South side of future Belford Avenue west of Chambers Road
Department: Community Development, Julia Duncan
TRAKiT No.: SUB21-065

1. Replat
2. Subdivision Improvement Agreement

D. PARKER DOWNS F3 AMD 1 L2 - Use by Special Review

Applicant: MHLK Properties
Location: South side of Longs Way east of Dransfeldt Road
Department: Community Development, Carson Byerhof
TRAKiT No.: Z22-021

7. ORDINANCES

A. ORDINANCE NO. 9.213.1 - Second Reading

A Bill for an Ordinance to Approve the Amended and Restated Intergovernmental Agreement Between the Town of Parker and Douglas County Concerning Joint Animal Sheltering
Department: Town Attorney, Jamie Wynn

B. ORDINANCE NO. 1.563 - Second Reading

A Bill for an Ordinance Approving the Purchase and Sale Agreement Between the Town of Parker and Confluence Companies Concerning the Sale of the Five (5) My Mainstreet Parcels Owned by the Town of Parker
Department: Town Manager, Bo Martinez
Town Attorney, Kristin Hoffmann and Jim Maloney

8. PUBLIC COMMENTS CONTINUED IF NECESSARY

9. ADJOURNMENT

**A PARKER AUTHORITY FOR REINVESTMENT MEETING WILL
IMMEDIATELY FOLLOW THE TOWN COUNCIL MEETING.**

Parker Town Council

Executive Session Agenda

September 6, 2022

“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).”

1. My Mainstreet plan and downtown development/Confluence Companies

“To hold a conference with the Town’s attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b).”

2. Section 13.04.200 of the Parker Municipal Code concerning uses permitted by special review

3. Title 5 of the Parker Municipal Code concerning exposure of specified anatomical areas, lewd or indecent displays, and obscenity in specially licensed businesses; Title 8 of the Parker Municipal Code concerning public indecency; and Title 13 of the Parker Municipal Code concerning definitions relating to nudity and specified anatomical areas

4. Colo.Rev.Stat. § 32-1-905(2.5) Petition for Appointment of Directors – Pine Bluffs Metropolitan District

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

Mayor Jeff Toborg called the meeting to order at 5:00 p.m. All Councilmembers were present with the exception of Cheryl Poage.

Town Attorney Kristin Hoffmann announced the topics for discussion in the Executive Session were four items. Under C.R.S. § 24-6-402(4)(e), the first item was regarding the My Mainstreet plan and downtown development/Confluence Companies. Under C.R.S. § 24-6-402(4)(b) there were three items as follows: 1. Section 13.04.200 of the Parker Municipal Code concerning uses permitted by special review; 2. Title 5 of the Parker Municipal Code concerning exposure of specified anatomical areas, lewd or indecent displays, and obscenity in specially licensed businesses; Title 8 of the Parker Municipal Code concerning public indecency; and Title 13 of the Parker Municipal Code concerning definitions relating to nudity and specified anatomical areas; and 3. C.R.S. § 32-1-905(2.5) Petition for Appointment of Directors – Pine Bluffs Metropolitan District.

EXECUTIVE SESSION

Joshua Rivero moved and Todd Hendreks seconded to go into Executive Session at 5:01 p.m. to hold a conference with the Town's attorney 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 hold a conference with the Town's attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b).

The motion was approved unanimously.

Joshua Rivero moved and Todd Hendreks seconded to come out of the Executive Session at 6:30 p.m.

The motion was approved unanimously.

Joshua Rivero moved and Todd Hendreks seconded to recess the meeting until 7:00 p.m.

The motion was approved unanimously.

REGULAR SESSION

Mayor Toborg reconvened the regular Town Council meeting at 7:00 p.m.

Councilmember Cheryl Poage joined the meeting at 7:00 p.m.

Mayor Toborg led the Council and audience in the Pledge of Allegiance.

SPECIAL PRESENTATIONS

Mayor Toborg presented a Proclamation to members of the Sons and Daughters of the American Revolution in recognition of Constitution Week, September 16-22, 2022.

PUBLIC COMMENTS

Written comments were received, distributed to Council, and entered into the record.

Arlynn Cook spoke about issues on Motsenbocker Road and does not feel that the traffic light has slowed down the speed. She was also concerned with semi-truck and construction traffic on the road. She requested that the speed limit be lowered and enforced.

Steve Jewett spoke about the completion of Chambers Road which was to begin this year and be completed in 2023, but no work has started as of today. He spoke about careless and dangerous drivers on Chambers and Motsenbocker Roads. He asked that Chambers receive priority for completion and that the Town find out why the project has not been completed.

REPORTS, ITEMS AND COMMENTS FROM MAYOR AND COUNCIL

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

CONSENT AGENDA

A. *APPROVAL OF MINUTES - August 15, 2022*

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Unincorporated Territory Known as the Chambers Road North of Belford Avenue
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Cherry Creek South Metropolitan District No. 4*

Department: Town Attorney, Jim Maloney

Second Reading: September 19, 2022

- E. *ORDINANCE NO. 1.565 - First Reading*
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Department: Town Attorney, Jamie Wynn
Police, Jim Prior
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- F. *ORDINANCE NO. 1.566 - First Reading*
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Police, Jim Prior
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Reading:
- G. *License Agreement (Access to Parker Water Property) Between Parker Water and Sanitation District and the Town of Parker for the Purpose of Preliminary Investigations for the Becket and Woodman Drive Connectivity Project*
Department: Engineering and Public Works, Nathan Klass
- H. *CONTRACTS OVER \$100,000*
1. *Final Design Contract for Dransfeldt Widening (Mainstreet to Pony Express)*
Amount: \$211,200
Contractor: Fellsburg Holt & Ullevig
Department: Engineering and Public Works, Bob Exstrom
2. *Renewal of Contract for Workorder Management System*
Amount: \$38,760
Contractor: Beehive Industries
Department: Engineering and Public Works, Jim Gilbert

Joshua Rivero moved to approve Consent Agenda Items 5A through 5H.

Laura Hefta seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

Todd Hendreks - yes

John Diak - yes

Anne Barrington - yes

Laura Hefta - yes

The motion was approved unanimously.

PUBLIC HEARINGS

A. TWENTY MILE VILLAGE F2 AMD 1 L9 B1 – Gas Station - Use by Special Review (Continued from June 27 & July 18, 2022)

Applicant: LAI Design Group

Location: The site is located at the southeast corner of Twenty Mile Road and Pony Express Drive

Department: Community Development, Carson Byerhof

TRAKiT No.: Z22-003

The Public Hearing was opened at 7:22 p.m.

The applicant is requesting Use by Special Review (UbSR) approval to allow a gasoline service station with a convenience store on an unused commercial property. The subject property, Lot 9 Block 1 of the Twenty Mile Village subdivision, is located in the Mixed-Use Commercial/Light Industrial Planning Area within the Clarke Farms PD. The PD zoning permits gasoline pumps with a convenience store subject to the special review process.

The subject property was previously developed with a miniature golf facility that was approved in 2002 but is unused and abandoned. The property is in poor condition and the property owner has used the site for the outdoor storage of boats, campers and recreational vehicles. The outdoor storage is not a permitted use and the property owner has recently ceased this activity to abate the zoning violation.

The applicant proposes to demolish the existing miniature golf facility and replace it with a gasoline service station and commercial building for a convenience store and other commercial uses in the multi-tenant structure. The service station may only be permitted through a UbSR approval because this use may have impacts upon adjacent properties as well as the surrounding area. The UbSR process is intended to address those uses that may be appropriate within a zone district but have potential impacts that require an enhanced level of review to identify and mitigate impacts when deciding if the use is appropriate at the location proposed.

The applicant is requesting Town Council consideration of its UbSR application subject to the nine (9) criteria for approval set forth in the Land Development Ordinance and outlined in the staff report. As part of this review, consideration should be given to potential impacts upon

adjacent properties, especially the existing residential neighborhood located on the west side of Twenty Mile Road. The applicant has proposed to locate the two-story building between the residential area and the gas pumps to mitigate the impact on the residences, along with providing a landscape buffer.

The Planning Commission held a public hearing for the proposed UbSR application on June 9, 2022 and voted to recommend that Town Council approve the application subject to the conditions outlined in the staff report.

Applicant: Jennifer Carpenter with LAI Design Group, 88 Inverness Circle East, Englewood, and Traffic Operations Engineer Chris McGranahan with LSC Engineers, 1889 York Street, Denver, gave a presentation on the project.

Public Comment: None.

The Public Hearing was closed at 7:59 p.m.

John Diak moved to approve, based on staff findings, 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 and grading permit shall be required for any interior or exterior work completed on site.
3. The approval shall expire twelve (12) months after the date of approval unless a Site Plan application has been approved and a building permit application has been submitted. The Community Development Director, upon written request, may grant a ninety-(90) day extension.
4. Gas tank vent pipes shall not be freestanding and shall vent through the canopy structure.
5. The applicant shall provide a decorative, masonry knee wall with a minimum height of three (3) feet 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 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 Clarke Farms Planned Development Guide.

7. The orientation and locations of the canopy, building, and architectural knee wall shall be consistent with the submitted conceptual site plan and shall be determined in their final design and location through the Site Plan process.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

Todd Hendreks - yes

John Diak - yes

Anne Barrington - yes

Laura Hefta - yes

The motion was approved unanimously.

B. AVALON BAY/COYLE ANNEXATION

Applicant:	Avalon Bay Communities, Inc.
Location:	The site is located at the southeast corner of Stroh Road and Crowfoot Valley Road
Department:	Community Development, Julia Duncan
TRAKiT No.:	ANX22-006

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

The Coyle property is a 33.4 acre parcel of land that is located in unincorporated Douglas County at the southeast corner of the intersection of Stroh Road and Crowfoot Valley Road adjacent to the Stroh Ranch and Hess Ranch Planned Developments. It is largely undeveloped except for a small single-family house and several accessory structures that are remnants of previous agricultural use. The subject property is located at a major gateway into the Town from the south along the Crowfoot Valley Road corridor.

On July 18, 2022, the Town Council approved Resolution 22-042 which determined that the Annexation Petition substantially complies with § 31-12-107(l) and set the public hearing date of September 6, 2022 to determine eligibility for annexation into the Town.

The Town has identified the Coyle property as a candidate for future annexation through the annual Three-Mile Plan and the Parker 2035 Master Plan. Therefore, the proposed annexation is consistent with the Town's land use policy as expressed in both plans. Further, the subject property is eligible for annexation because it is located within the Town's Planning Area (urban growth boundary) and satisfies the contiguity requirements of the Act, C.R.S. § 31-12-104(a). The Town is required to process the Annexation Petition subject to the Act and the standards of review contained in the Municipal Code and Town Charter. The Town Council has the final decision-making authority for the submitted Annexation Petition because annexation is a legislative act.

Approval of Resolution No. 22-045 will determine that the subject property is eligible for annexation into the Town as provided by the Act. Additionally, the Town Charter requires that all properties annexed into the Town also be zoned at the same time. The property owner and their development partner have submitted a rezoning application that is being processed concurrently with the Annexation Petition. If Town Council approves Resolution No. 22-045, then it will consider the Annexation Petition and Rezoning application together at the November 7, 2022 public hearing.

Applicant: Lindsay Lyda, 950 17th Street, Denver, attorney for the applicant, gave a brief presentation.

Public Comment: Arlynn Cook, Parker, spoke about her concerns with additional traffic generated from the annexation, and Bruce Cunningham, Parker, asked if the annexation would be subsidized by current Parker residents.

The Public Hearing was closed at 8:15 p.m.

RESOLUTION NO. 22-045

A Resolution to Set Forth Town Council's Findings of Fact and Conclusions as to the Eligibility of the Coyle Property Annexation into the Town of Parker.

Todd Hendreks moved to approve Resolution No. 22-045 and set the annexation ordinance public hearing for November 7, 2022.

Joshua Rivero seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

Todd Hendreks - yes

John Diak - yes

Anne Barrington - yes

Laura Hefta - yes

The motion was approved unanimously.

C. COMPARK VILLAGE SOUTH REPLAT

Applicant: Century at Compark Village

Location: South side of future Belford Avenue west of Chambers Road

Department: Community Development, Julia Duncan

TRAKiT No.: SUB21-065

The Public Hearing was opened at 8:17 p.m.

The applicant is proposing the replat of an existing unbuildable tract to create a buildable tract and to vacate the existing 19.5-foot by 55-foot portion of right-of-way (ROW). It has been determined the section of ROW in question is no longer needed because the surrounding land has been platted and there is adequate land for planned streets and roads. There have been numerous replats of the subject property over the years and the area surrounding the unbuildable tract has been platted for future development. The purpose of the replat and proposed ROW vacation is to allow the development within Lot 1 Compark Village Filing 1, 2nd Amendment to proceed while removing unnecessary infrastructure that will not be utilized.

A previous replat of the property, the Compark Village South Filing No 2, 1st Amendment, dedicated the subject ROW to the Town and anticipated that Deertrack Lane would continue its current path from the adjacent property to the west to the intersection of Wolf Fox Street and east onto the proposed Lot 1. With the current filing and associated public improvements, Deertrack Lane is no longer proposed to be extended and the previously dedicated ROW is no longer needed. In addition to the ROW vacation, the applicant will modify the public storm sewer at the intersection of Deertrack Lane and Wolf Fox Street to stay within the new roadway limits.

The proposed replat for Compark Village Filing 1, 2nd Amendment will create one (1) 13.97 acre residential parcel for future residential development and one (1) 1.03 acre drainage tract. The property owner has proposed a multi-family residential development with required parks and open space that is being processed through a site plan application.

The Town requires the SIA to secure public improvements associated with the proposed replat. The SIA requirements include construction of a pedestrian trail along Happy Canyon Creek including a connection to the existing E-470 trail and additional public improvements.

Public Comment: None.

The Public Hearing was closed at 8:25 p.m.

1. Replat

John Diak moved to approve the Compark Village South Filing No. 1, Amendment 2 Replat, based on staff findings.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

Todd Hendreks - yes

John Diak - yes

Anne Barrington - yes

Laura Hefta - yes

The motion was approved unanimously.

2. Subdivision Improvement Agreement

Laura Hefta moved to approve the Compark Village South Filing No. 1, Amendment 2 Subdivision Improvement Agreement, based on staff findings.

Anne Barrington seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

Todd Hendreks - yes

John Diak - yes

Anne Barrington - yes

Laura Hefta - yes

The motion was approved unanimously.

D. PARKER DOWNS F3 AMD 1 L2 - Use by Special Review

Applicant: MHLK Properties
Location: South side of Longs Way east of Dransfeldt Road
Department: Community Development, Carson Byerhof
TRAKiT No.: Z22-021

The Public Hearing was opened at 8:27 p.m.

The applicant, MHLK Properties, has submitted a Use by Special Review (UbSR) application to permit the repurposing of an existing building with a proposed auto service and repair use. The subject property, Lot 2 of the Parker Downs subdivision, is located on the south side of Longs Way between Dransfeldt Road and Parker Road in a Modified Commercial zoning district. The zoning at Section Two (2) permits auto and truck repair subject to the Special Review process.

The original site plan for the subject property was approved in 1999 and included two (2) identical commercial buildings. The building that the applicant proposes for auto and truck repair use was originally occupied by Kwal Paints and then Ponderosa Petroleum. The applicant plans to repurpose the building that Ponderosa Petroleum occupied and operate Hoover Mercedes on the property for the repair and service of Mercedes-Benz vehicles.

Auto and truck repair is permitted through the Special Review process in the Modified Commercial zoning district for the site. A UbSR zoning approach is utilized when a proposed use may have unique characteristics and/or generate potentially negative impacts that require additional review and mitigation of impacts beyond those uses that are permitted on a by-right basis within a zoning district. Additionally, the UbSR process requires an applicant to address, and the Town Council to consider, whether the proposed use meets, or has the potential to meet, subject to conditions, the nine (9) approval criteria set forth in the Land Development Ordinance and outlined in the Planning Commission staff report.

A UbSR is an evaluation of the proposed use and not a site plan, so it does not include review of detailed site design, development standards or construction methods. The review of the latter items occurs during the site plan and building permit process if the UbSR is approved. The applicant has submitted a site plan adjustment application with improvements focused primarily upon additional landscaping and screening of parking and driving areas on the subject property.

The Planning Commission held a public hearing for the proposed UbSR application on August 25, 2022 and voted to recommend that Town Council approve the application subject to the conditions outlined in the staff report.

Applicant: Michael Hoover, Parker, owner MHLK Properties, gave a brief presentation on the project and answered questions.

Public Comment: Bruce Cunningham, Parker, spoke about environmental concerns regarding the property he was leaving.

The Public Hearing was closed at 8:36 p.m.

John Diak moved to approve, based on staff findings, 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 and grading 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 landscaping and screening of the parking and driving areas on the site to mitigate visual impacts.
5. All hazardous and environmentally toxic materials shall be properly collected and disposed/recycled according to State and Federal regulations. Fluid spills shall be immediately cleaned and remediated to address spills and prevent hazardous runoff.
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.

Anne Barrington seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

Todd Hendreks - yes

John Diak - yes

Anne Barrington - yes

Laura Hefta - yes

The motion was approved unanimously.

ORDINANCES

A. ORDINANCE NO. 9.213.1 - Second Reading

A Bill for an Ordinance to Approve the Amended and Restated Intergovernmental Agreement Between the Town of Parker and Douglas County Concerning Joint Animal Sheltering

Department: Town Attorney, Jamie Wynn

Prior to 2014, the Town of Parker was utilizing animal sheltering services as an independent entity. In 2014, the Town entered into an IGA with Douglas County for the ability to utilize the services of the Dumb Friends League (DFL) under the agreement Douglas County already had in place with the DFL. The Town received significant cost savings by entering into this IGA with Douglas County and has continued to utilize the services of the DFL for animals that are in the Town's custody for various reasons and that require sheltering and certain other services. The costs for each year are provided by the County to the Town by July 1 of the year prior, so the Town can properly budget for the expense. The Town and Douglas County recently met to discuss the IGA and updated or removed certain provisions to conform to standardized language, as well as to ensure that IGA accurately reflects the procedures that are currently in place. Neither the process by which the yearly costs are calculated nor the services available to the Town through the IGA have been modified.

Public Comment: None.

Todd Hendreks moved to approve Ordinance No. 9.213.1 on second reading.

Cheryl Poage seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

Todd Hendreks - yes

John Diak - yes

Anne Barrington - yes

Laura Hefta - yes

The motion was approved unanimously.

B. ORDINANCE NO. 1.563 - Second Reading**A Bill for an Ordinance Approving the Purchase and Sale Agreement Between the Town of Parker and Confluence Companies Concerning the Sale of the Five (5) My Mainstreet Parcels Owned by the Town of Parker**

**Department: Town Manager, Bo Martinez
 Town Attorney, Kristin Hoffmann and Jim Maloney**

The purpose of this agenda item is for the Town Council to consider the sale of five parcels of real property owned by the Town ("Town Parcels") to Confluence Companies, LLC ("Buyer"), for the phased development of the My Mainstreet project. The Project includes one parcel of real property owned by the Parker Authority for Reinvestment ("PAR Parcel") and the five Town Parcels which include the Pine Curve parcel, the Schoolhouse Gym parcel, the EastMain parcel, the PACE Lot 2A parcel, and the PACE Lot 2B parcel (collectively the "Parcels"). The PAR Parcel (Lot 1A-1, Parker Central Area, Filing No. 1, Amendment 2) is the subject of a separate purchase and sale agreement (the "PAR Agreement") which will be considered by the Parker Authority for Reinvestment Board ("PAR") during a PAR meeting following the Town Council meeting.

The purchase price for the Town Parcels is \$16,055,507.07. The Town Agreement does not go into effect until: (1) the Buyer signs the Agreement; (2) the Town Council approves the Town Agreement by ordinance on second reading; (3) the Buyer signs the PAR Agreement; and (4) PAR approves the PAR Agreement. Within fourteen days after the effective date, the Buyer will deliver a Development Agreement to the Town for the phased development of the Town Parcels and the PAR Parcel as part of the My Mainstreet project. The Development Agreement will generally address: (1) the specific project to be developed on each Parcel, including the parking garage to be constructed east of the PACE Center; (2) the performance deadlines for obtaining governmental approvals for each Parcel; (3) the performance deadlines for commencing construction for each Parcel; (4) the Public Benefits Credit for the Parcels and the corresponding reduction in the purchase price; and (5) the public investment tools that will be used to close the financial gap in order to complete the My Mainstreet project on the Town Parcels and the PAR Parcel.

On or before November 7, 2022, the Buyer and the Town must agree to the form of the Development Agreement to be submitted for consideration by the Town Council, which deadline may be extended by the Town Administrator for an additional ninety (90) days. If the Buyer and the Town are not able to agree on the form of the Development Agreement or the Town Council and the Buyer do not approve the Development Agreement, then, in that event, the Town Agreement and the PAR Agreement will terminate. Similarly, if the Buyer and PAR are not able to agree on the form of the Development Agreement or PAR and the Buyer do not approve the Development Agreement, then, in that event, the Town Agreement and the PAR Agreement will terminate.

Buyer: Tony DeSimone of Confluence Companies gave a brief presentation on the project.

Opened for public comment at 9:23 p.m.

Public Comment: The following, all of Parker, spoke in favor of this item: Susan Bertocchi, Omar Castillo, Diane Roth, Brandi Wilks, Phil Kramer, Denise Haack, Kristopher Schnell, Cameron Camplin, Tony Mango, and Shelli Mango.

The following, all of Parker, spoke regarding this item but did not express support or opposition: Kathy Gloisten, Cheryl Hardy, and Peter Saint-Andre.

The following, all of Parker, spoke in opposition to this item: Robert Cox, Victoria Hawkins, Kathleen Zafari, and Kristine King.

Closed the public comment period at 10:08 p.m. Joshua Rivero moved to approve Ordinance No. 1.563 on second reading.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - no

Todd Hendreks - yes

John Diak - yes

Anne Barrington - yes

Laura Hefta - yes

The motion was approved 5-1 with Cheryl Poage voting in opposition.

ADJOURNMENT

Anne Barrington moved to adjourn the Regular Meeting at 10:25 p.m.

Todd Hendreks seconded the motion.

A roll call vote was taken:

Joshua Rivero - yes

Cheryl Poage - yes

Todd Hendreks - yes

John Diak - yes

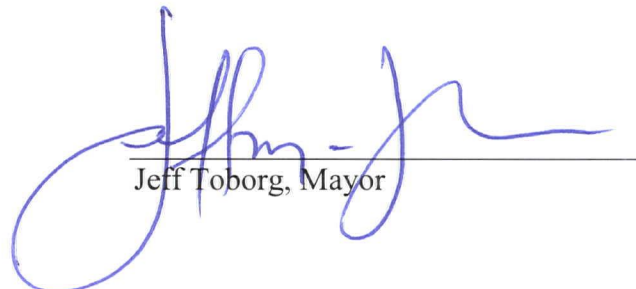
Anne Barrington - yes

Laura Hefta - yes

The motion was approved unanimously.



Susan L. Irvine, Deputy Town Clerk



Jeff Toborg, Mayor

From: noreply@civicplus.com
Sent: Thursday, August 25, 2022 10:48 AM
To: Clerk; Anderson, Andy; Feazell, Weldy
Subject: Online Form Submittal: My Mainstreet Project - Public Comment

My Mainstreet Project - Public Comment

Public comments regarding the My Mainstreet Project can be made in writing via this online form or in person at Town Council Meetings.

Public comments will be provided to the Town Council and will be made a part of the record relating to consideration of the Purchase and Sale Agreement or Development Agreement, as applicable.

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. For more information about the My Mainstreet Project, visit www.ParkerOnline.org/MyMainstreet.

First Name	Erin
Last Name	Trail
Address	11045 Sylvan Ct
City	Parker
State	Colorado
Zip Code	80138
My Mainstreet Project Public Comment	Regarding Confluence Companies', vision for Downtown Parker and the five My Mainstreet parcels: Parcel A - I like this concept Parcel B - I like this Concept Parcel C, Block C - I like this concept Parcel C Block D - I am against this concept. I feel that putting in a 5 story building will not fit in with the overall look and feel of Downtown Parker and will make it feel like a urban corridor and canyon. I also disagree with blocking the view of the Pace Center from Mainstreet. This is too small of an area for something that tall and high density. Parcel C Block F - yes, parking!

Parcel D Block E - I am against this concept. I feel that putting in a 5 story building will not fit in with the overall look and feel of Downtown Parker and will make it feel like a urban corridor and canyon. This is too small of an area for something that tall and high density.

Parcel E Block G - I feel that this parcel is the most appropriate one for a >4 story multi-use residential building. There is room here for such a structure without making the area feel overly urban or like a concrete canyon. I support this concept.

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From: noreply@civicplus.com
Sent: Thursday, August 25, 2022 10:41 PM
To: Clerk; Anderson, Andy; Feazell, Weldy
Subject: Online Form Submittal: My Mainstreet Project - Public Comment

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First Name	Anthony
Last Name	Roscio
Address	22433 Quail Run LN
City	Parker
State	Co
Zip Code	80138
My Mainstreet Project Public Comment	I don't agree with the selling of Pine Curve and building 4 story apartment buildings. If you want to sell it to build more of the like 2 story single family dwellings I would agree. But apartments are not needed here.

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From: noreply@civicplus.com
Sent: Thursday, August 25, 2022 8:44 PM
To: Clerk; Anderson, Andy; Feazell, Weldy
Subject: Online Form Submittal: My Mainstreet Project - Public Comment

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First Name	Kate
Last Name	Hogan
Address	11082 Quail Court
City	Parker
State	CO
Zip Code	80134
My Mainstreet Project Public Comment	We are losing land rapidly across the Metro-area to development. If most residents agree that these areas should indeed be developed for multi-use retail or store fronts, then I would love to work with the City of Parker to implement a robust native plant landscaping plan that will support local pollinators and birds while also looking aesthetically beautiful and contributing to both the health of the land and the health of our people. Every plot of soil is an opportunity - and our pollinators and birds are disappearing as we continue to develop land and place infrastructure in place of open space. So we need to maximize the green spaces and landscaping opportunities that we do have by selecting regionally unique

plants that are adapted for Parker's specific micro-climates and
Prairie life zone. Thank you!

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From: noreply@civicplus.com
Sent: Thursday, August 25, 2022 12:19 PM
To: Clerk; Anderson, Andy; Feazell, Weldy
Subject: Online Form Submittal: My Mainstreet Project - Public Comment

My Mainstreet Project - Public Comment

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First Name	Nevin
Last Name	Hildenbrand
Address	11513 Greenbriar Ln
City	Parker
State	CO
Zip Code	80138
My Mainstreet Project Public Comment	I think the Pine Curve would be an excellent place for a large indoor market with many small restaurants and small shops/businesses similar to the Stanley Market in Stapleton. These type of places have been very popular in many places around the world and I think our mainstreet would flourish with something like this. Maybe this could be made part of the My Mainstreet Project. Thank you.

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From: noreply@civicplus.com
Sent: Tuesday, August 30, 2022 5:37 PM
To: Clerk; Anderson, Andy; Feazell, Weldy
Subject: Online Form Submittal: My Mainstreet Project - Public Comment

My Mainstreet Project - Public Comment

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First Name	Birgitte
Last Name	Baumann
Address	20750 Parklane Drive
City	Parker
State	CO
Zip Code	80138
My Mainstreet Project Public Comment	I've lived in Parker Vista for 22 years. In all the time I've lived here, to the best of my knowledge, the town has had height restrictions on buildings in Parker, limiting to 3 stories. I believe the only building that is different is the Public Storage on Jordan. I do not understand why a 5 story building would be built in downtown, especially in front of the PACE Center. I believe there is one proposed there as well as across the street by Discovery Park. There is already plenty of controversy on building to block the view of the PACE Center and I think a 5 story building would make Mainstreet feel very closed in.

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