



PLANNING COMMISSION MEETING

7:00 PM

October 13, 2022

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

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 - YouTube: Planning Commission meetings may be viewed through YouTube at: <https://www.youtube.com/townofparkerco>.

PLEASE NOTE: Public participation is NOT available through YouTube.

- 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 - 9.22.22**
- 6. CONSENT AGENDA**
- 7. PUBLIC HEARINGS**
 - A. A DRAFT ORDINANCE TO AMEND SECTIONS 13.01.140, 13.04.240, 13.07.080, 13.07.090 AND 13.07.100 OF THE PARKER MUNICIPAL CODE CONCERNING EXPIRATIONS OF APPROVALS**

Applicant:	Town of Parker
Location:	Townwide

Department: Community Development, Bryce Matthews

**B. A DRAFT ORDINANCE TO AMEND SECTION 13.10.090 OF THE
PARKER MUNICIPAL CODE CONCERNING UTILITIES**

Applicant: Town of Parker

Location: Town Wide

Department: Community Development, John Fussa

8. PLANNING COMMISSION ITEMS

9. STAFF ITEMS

- A. Reminder that on October 27, 2022, in addition to the regularly scheduled Planning Commission Meeting, starting at 5:30 PM, there will be On-Going Education on Site Plans, Greater Downtown District and My Mainstreet and a Study Session on the Parks Manual.**

10. ADJOURNMENT



PLANNING COMMISSION MINUTES

September 22, 2022

Planning Commission Chairman Gary Poole called the meeting to order at 7:01 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, Eliana Burke, Ira Shapiro, and Jane Lane.

ADDITIONS TO OR DELETIONS FROM THE AGENDA

None

APPROVAL OF MINUTES

Commissioner Eliana Burke moved to approve the September 8, 2022, meeting minutes. Commissioner Roxy Colette seconded; a vote was taken and passed unanimously.

PUBLIC HEARING OPENED: 7:03 P.M. – 2022 UPDATE TO THE PARKER MASTER PLAN. The applicant, Town of Parker, proposes minor text updates to the Town of Parker 2035 Master Plan to include references and strategies relating to the adopted Parker Road Corridor Plan. The Plan is a living document that is updated from time to time to reflect relevant regulatory and policy updates.

Department: Community Development, Jeremiah Fettig

STAFF PRESENTATION

Jeremiah Fettig, Associate Planner, presented the staff report to propose minor text updates to the Town of Parker 2035 Master Plan to include references and strategies relating to the adopted Parker Road Corridor Plan. Mr. Fettig concluded with the determinations in the staff report that Planning Commission recommend Town Council adopt the 2022 Update of the Parker 2035 Master Plan.

Commissioners did not have any questions for staff.

PUBLIC COMMENT OPENED

None.

PUBLIC HEARING CLOSED: 7:09 P.M. – 2022 UPDATE TO THE PARKER MASTER

PLAN.

PLANNING COMMISSION DISCUSSION

- Commissioner Eliana Burke recognized that this is purely administrative, that next year will be major Plan update and that she is good moving forward with the improvements.
- Commissioner Rich Foerster had no objections to the proposed provisions.
- Commissioner Ruth Ann Nelson appreciates the strategies used by staff to incorporate the updates and that they were well designed and well done, and she supports these updates.
- Commissioner Gary Poole said this update was appropriate and agreed with his fellow commissioners.

Commissioner Eliana Burke moved the Planning Commission recommend Town Council approve the adoption of the 2022 Three-Mile Area Plan. Commissioner Rich Foerster seconded; a vote was taken and was passed unanimously.

PUBLIC HEARING OPENED: 7:11 P.M. – ADOPTION OF THE 2022 THREE-MILE AREA PLAN. The applicant, Town of Parker, proposed the annual update to the Town of Parker Three-Mile Area Plan, which was originally adopted by Town Council in 2006 and is developed to comply with the Municipal Annexation Act of 1965. State law requires that the Town update the Plan annually.

Department: Community Development, Jeremiah Fettig

STAFF PRESENTATION

Jeremiah Fettig, Associate Planner, presented the staff report regarding updates to the Town of Parker Three-Mile Area Plan. Mr. Fettig concluded with the determinations in the staff report that Planning Commission recommend Town Council adopt the 2022 Three-Mile Area Plan.

Commissioners did not have any questions for staff.

PUBLIC COMMENT OPENED

None.

PUBLIC HEARING CLOSED: 7:17 P.M. – ADOPTION OF THE 2022 THREE-MILE AREA PLAN.

PLANNING COMMISSION DISCUSSION

- Commissioner Ruth Ann Nelson enjoyed seeing the changes and how things have or have not progressed, and that the Town has met the State requirements.
- Commissioner Eliana Burke concurred with Commissioner Ruth Ann Nelson.
- Commissioner Roxy Colette said it was a good presentation, thanked Mr. Fettig, and is in favor because it keeps Parker in compliance with State law.

- Commissioner Rich Foerster said it is good to see all the things the Planning Commission has voted on in the past in one, single presentation and believes that this administrative housekeeping allows the Town to stay compliant with State requirements.

Commissioner Ruth Ann Nelson moved Planning Commission recommend Town Council adopt the 2022 Three-Mile Area Plan. Commissioner Rich Foerster seconded; a vote was taken and was passed unanimously.

PLANNING COMMISSION ITEMS

None.

STAFF ITEMS

Bryce Matthews, Assistant Director – Planning, said there will be a study session prior to the October 13, 2022, Planning Commission meeting regarding the Land Development Ordinance Modernization Module 3, which is about processes and procedures.

ADJOURNMENT

Commissioner Eliana Burke moved that the meeting be adjourned. Commissioner Ruth Ann Nelson 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: 10/13/2022

Town Council Date: 11/7/2022

Hearing Type: Public Meeting
A Bill for an Ordinance to Amend Sections 13.01.140, 13.04.240, 13.07.080, 13.07.090 and 13.07.100 of the Parker Municipal Code Concerning Expirations of Approvals

Location: Townwide

Project Planner: Bryce Matthews, Assistant Director - Planning

Applicant: Town of Parker

Executive Summary: The Parker Land Development Ordinance (the “LDO”) contains references to the amount of time that a land use approval is in effect until the applicant must record documents or receive permits. If an applicant does not complete required actions within the established time periods, the approval expires and the applicant is required to resubmit, go through the review process and receive Town approval again.

This proposed Land Development Ordinance proposed to:

- Establish longer initial approval timelines;
- Establish longer administrative extension timelines; and
- Create a formal extension approval process by Town Council with criteria.

Staff Recommendation: Approval

RECOMMENDED MOTION

“I move the Planning Commission recommend Town Council approve an ordinance to amend the Parker Municipal Code regarding expirations of approvals.”

ALTERNATIVE MOTIONS

“I move the Planning Commission recommend Town Council approve an ordinance to amend the Parker Municipal Code regarding expirations of approvals with the following conditions:”

-List proposed conditions

“I move the Planning Commission recommend Town Council deny an ordinance to amend the Parker Municipal Code regarding expirations of approvals:”

-List criteria not met (either by staff or Planning Commission)

“I move the Planning Commission vote to continue an ordinance to amend the Parker Municipal Code regarding expirations of approvals.”

I. BACKGROUND/DISCUSSION

The Parker Land Development Ordinance (the “LDO”) contains references to the amount of time that a land use approval is in effect until the applicant must record documents or receive permits. If an applicant does not complete required actions within the established time periods, the approval expires and the applicant is required to resubmit, go through the review process and receive Town approval again.

Below is a table of the current Code requirements regarding the time limits and actions that must be taken for an approval not to expire.

Existing LDO

Approval type	Approval period before expiration	Administrative extension	Action required
All plat approvals	90 days	30 days	Submit Mylar, agreements and security for public improvements
Use by Special Review	12 months	90 days	Building permit or grading permit issuance
Site Plan	12 months	90 days	Building permit or grading permit issuance

Under the current Code, there is not a process for extending an approval past the administrative extension. Over time, the Town has received requests for a number of extensions of approvals for a variety of reasons. Plat extension requests are often associated with financing of public infrastructure and getting security in place. For use by special review it is often because 15 months (12 months plus a 90 day extension) is not enough time to mobilize consultants, complete site design and engineering, allow for Town review and approval of a Site Plan, and receive a building permit.

In addition, if the Code or policy have not changed since an approval was given for a project by the Town, it is not an efficient use of Town staff time or resources to require the applicant to resubmit and seek approval for a project that effectively has no changes.

Historically, the Town has granted extensions to approvals using section 13.01.100 – Waivers and amendments, which states

The Town Council may authorize waivers from the provisions of this Title. Waivers may be granted for the purpose of encouraging flexibility and variety in land development. The Town Council will not look favorably on waiver requests for self-inflicted hardships. Such waivers

may be granted if it is deemed by the Town Council to be in the public interest and does not impair the intent and purposes of this Title. The conditions of any waiver authorized shall be stated in writing by the Town Council with the justifications set forth.

While technically and legally sound, waiving Code for extensions of approvals is not the most efficient approach to what should be a ministerial process due to the absence of a changes for most projects.

Staff has analyzed the issue and is proposing a three part response:

- Establish longer initial approval timelines;
- Establish longer administrative extension timelines; and
- Create a formal extension approval process by Town Council with criteria.

The proposed Code amendment regarding the time and action that must be taken for an approval not to expire is summarized in the table below:

Proposed

Approval type	Approval period before expiration	Administrative extension	Town Council extension	Action required
All plat approvals	180 days	180 days	Up to 12 months	Submit Mylar, agreements and security for public improvements
Four or more Final Plats running concurrently from the same Preliminary Plan	12 months	12 months	Up to 18 months	Submit Mylar, agreements and security for public improvements
Use by Special Review	24 months	180 days	Up to 12 months	Building permit or grading permit issuance
Site Plan	15 months	180 days	Up to 12 months	Building permit or grading permit issuance

The proposed amendment would change the durations of approval periods and the administrative extension. In addition, the proposed amendment would create a formal application to further extend an approval, beyond an administrative approval, with review by staff and a decision by Town Council. This process with a request before Town Council will replace the current process where it is a waiver by Town Council.

The proposed changes will:

- Allow approved projects more time to address what are often complicated technical and financial issues;
- Allow larger projects where multiple Final Plats are running concurrently additional time to address more complicated financing and infrastructure;
- Allow applicants who have received use by special review approval appropriate time to complete design, engineering, Site Plan review and permitting; and
- Establish a formal process for Town Council to extend approvals.

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 regarding approval expiration timelines is not addressed in the Parker 2035 Master Plan.

III. CONCLUSION

Staff recommends that the Planning Commission recommend that Town Council approve an ordinance that will amend the Land Development Ordinance regarding approval expiration timelines.

RECOMMENDED CONDITIONS

None

IV. ATTACHMENTS

Draft Ordinance

ORDINANCE NO. 3.363, Series of 2022

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTIONS 13.01.140, 13.07.080, 13.07.090 AND 13.07.100 OF THE PARKER MUNICIPAL CODE CONCERNING EXPIRATIONS OF APPROVALS

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

Section 1. Section 13.01.140 of the Parker Municipal Code is amended to read as follows:

13.01.140 Resubmittals and expiration of approvals.

(a) A maximum of ~~six (6) months~~ one hundred eighty (180) days will be granted to applicants to resubmit incomplete application packets. Any project that is inactive for ~~six (6) months~~ one hundred eighty (180) days or more shall expire and must be resubmitted with new submittal information and fees. Failure to meet this ~~six-month time line~~ one-hundred-eighty- (180-) day timeline will result in applications becoming permanently inactive and the applicants forfeiting their fees.

(b) Approval by the Town Council, Planning Commission, or Planning Director of any site plan ~~or use by special review~~ shall remain in effect for a period of ~~twelve-fifteen (1215)~~ months. Any approval of an application for which a grading permit or building permit has not been issued ~~or for which the use by special review has not commenced~~ within ~~twelve-fifteen (1215)~~ months after approval of the site plan ~~or use by special review~~ shall be null and void. An extension of time of up to ~~ninety-one hundred eighty (90180)~~ days may be granted by the Planning Director, after consultation of the Director of Engineering/Public Works, for good cause. An additional extension of time, beyond the foregoing ~~90 one-hundred-eighty- (180-)~~ day extension, of up to one hundred eighty (180) days may be granted by the Planning Director, if such extension is necessary to accommodate prairie dog relocation efforts, as provided in Section 13.10.250 of this Code. Any denial of the extension may be appealed to the Town Council. If denied, the applicant may resubmit a new application and fees for the same project.

(c) Approval by the Town Council, Planning Commission, or Planning Director of any use by special review shall remain in effect for a period of twenty-four (24) months. Any approval of an application for which a grading permit or building permit has not been issued or for which the use by special review has not commenced within twenty-four (24) months after approval of the use by special review shall be null and void. An extension of time of up to one hundred eighty (180) days may be granted by the Planning Director, after consultation with the Director of Engineering/Public Works, for good cause, if the applicant can provide evidence that the cause of the delay is not self-imposed. This evidence could include any unexpected predevelopment challenge that is out of the reasonable control of the applicant, including, but not limited to, changes to or challenges in

financing the project, delays due to state or federal permitting requirements, required technical design changes, title issues, or environmental issues. Any denial of the extension may be appealed to the Town Council. If denied, the applicant may resubmit a new application and fees for the same project.

(~~ed~~) The Town Council may grant an additional extension of time in addition to the administrative extensions of not more than twelve (12) months total, upon a written request prior to the expiration deadline, subject to the criteria set forth in this Title. Upon denial of any land use application, the same or similar application, as determined by the Planning Director, may not be resubmitted for a period of ~~six (6) months~~ one hundred eighty (180) days commencing from the date of denial. The determination of the Planning Director may be appealed to the appropriate body in writing within ten (10) working days of the Director's decision.

(~~de~~) Responsibility for complete and proper application submittal shall be that of the applicant. Failure to do so will result in a delay or denial of the application. Furthermore, if any documentation presented to the Planning Department is found to be fraudulent, the application will be denied or approval revoked.

Section 2. Section 13.07.080 of the Parker Municipal Code is amended to read as follows:

13.07.080 Final plat.

* * *

(g) Recordation procedure. Prior to the Town's recognition of subdivided land, the approved final plat shall be recorded in the office of the County Clerk and Recorder.

(1) The applicant shall amend the final plat document in accordance with the Town Council and/or, where applicable, the Planning Director and Director of Engineering approval, if necessary.

(2) Within ~~ninety (90) days~~ one hundred eighty (180) days of approval of the final plat, unless stated otherwise in such approval, the applicant shall submit: amended final plat documents, if necessary, ready for recordation, all required documentation not previously submitted and all mapping and recordation fees to the Planning Department. The applicant shall also provide appropriate security in accordance with Paragraph 13.07.150(b)(1) of this Chapter to cover the cost of construction of the public improvements in accordance with the requirements of the subdivision agreement.

(3) For a planned development, when an applicant submits and receives approval for four (4) or more final plats in the same preliminary plan concurrently:

a. Within twelve (12) months of approval of the final plat, unless stated otherwise in such approval, the applicant shall submit: amended final plat documents, if necessary, ready for recordation; all required documentation not previously submitted; and all mapping and recordation fees to the Planning Department. The applicant shall also provide appropriate security in accordance with Paragraph 13.07.150(b)(1) of this Chapter to cover the cost of construction of the public improvements in accordance with the requirements of the subdivision agreement.

b. In addition, the applicant must either submit:

1. A phasing plan indicating the schedule and sequence of final plat submittal and amended final plat documents, ready for recordation, all required documentation not previously submitted, and all mapping and recordation fees to the Planning Department; or

2. An infrastructure plat depicting collector and arterial roadways, utilities, grading, community parks, open space, and other necessary infrastructure for the development. The infrastructure plat shall be recorded and shall also provide appropriate security in accordance with Paragraph 13.07.150(b)(1) of this Chapter to cover the cost of construction of the public improvements in accordance with the requirements of the subdivision agreement, prior to all other final plats being served by the infrastructure plat. Applicant will be required to submit all other final plat documents, ready for recordation, all required documentation not previously submitted, and all mapping and recordation fees to the Planning Department.

(34) Within thirty (30) days of receipt of all required documents, including appropriate security as described herein, the staff planner shall obtain Town signatures, as required, and record the final plat and all related documents.

(h) Expiration of approval.

(1) When an applicant submits and receives approval for four (4) or more final plats in the same preliminary plan, Failure-failure by the applicant to submit all required documentation, including applicable security, within ~~ninety (90) days~~ one hundred eighty (180) days for a final plat or within twelve (12) months for planned developments shall render approval of the final plat null and void and result in the necessity for the resubmittal of a preliminary plan, if the preliminary plan has expired, and final plat, along with all required fees and documentation.

(2) The Planning Director, after consultation with the Director of Engineering/Public Works, may grant no more than one (1) extension of time, of no more than ~~thirty (30) days~~, one hundred eighty (180) days, upon a written request by the applicant ~~or staff for good cause being shown, prior to the expiration deadline,~~ subject to the criteria set forth in Paragraph (6) below.

(3) The Town Council may grant an additional extension of time of not more than twelve (12) months total, upon a written request prior to the expiration deadline, subject to the criteria set forth in Paragraph (6) below.

(4) When an applicant submits and receives approval for four (4) or more final plats in the same preliminary plan concurrently:

a. The Planning Director, after consultation with the Director of Engineering/Public Works, may grant no more than one (1) extension of time of no more than twelve (12) months, upon a written request by the applicant prior to the expiration deadline, subject to the criteria set forth in Paragraph (6) below.

b. The Town Council may grant an additional extension of time of not more than eighteen (18) months total, upon a written request prior to the expiration deadline, subject to the criteria set forth in Paragraph (6) below.

(35) Submittal requirements. An extension request, ~~received prior to the expiration of the ninety-day submittal period,~~ shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the specified deadlines, ~~listing any changes in the character of the neighborhood, any changes in the Town Master Plan or this Title that have occurred since approval of the plat as these changes affect the plat and the anticipated time schedule for completing the platting process.~~ chronology of the actions taken to comply with specified deadlines, schedule for project completion within the requested extension period, and summary addressing the criteria set forth in Paragraph (6) below.

(6) Criteria:

a. the applicant can demonstrate evidence that the delay is not self-imposed. This evidence could include any unexpected predevelopment challenge that is out of the reasonable control of the applicant, including, but not limited to, changes to or challenges in financing the project, delays due to state or federal permitting requirements, required technical design changes, title issues, or environmental issues;

b. There has been no significant change in development conditions affecting the subdivision plan and the plat continues to comply with all applicable standards and ordinances;

c. The applicant has exercised reasonable diligence to complete the project; and

d. Delays in the process are beyond the control of the applicant.

(7) A fee schedule is available from the Planning Department. Additional review of the plat may occur resulting in additional conditions as applicable.

Section 3. Section 13.07.090 of the Parker Municipal Code is amended to read as follows:

13.07.090 Minor development—single-family residential.

* * *

(i) Recordation procedure.

(1) The applicant shall amend the minor development plat in accordance with the Town Council approval, if necessary.

(2) Within ~~ninety (90) days~~ one hundred eighty (180) days of approval of the minor development plat, unless stated otherwise in such approval, the applicant shall submit: one (1) photographic Mylar copy (Fix-line, emulsion down) of the approved minor development plat, amended, if necessary, and ready for recordation (except for Town signatures), all required documentation not previously submitted and all mapping and recordation fees to the Planning Department. The applicant shall also provide appropriate security in accordance with Paragraph 13.07.150(b)(1) of this Chapter to cover the cost of construction of the public improvements in accordance with the requirements of the subdivision agreement.

(3) Within thirty (30) days of receipt of the minor development plat and all required documents, including appropriate security as described herein, the staff planner shall obtain all Town signatures, as required, and record the minor development plat and all related documents.

(j) Expiration of approval.

(1) Failure by the applicant to submit all required documentation, including applicable security, within ~~ninety (90) days~~ one hundred eighty (180) days shall render approval of the minor development plat null and void and result in the necessity for the resubmittal of a minor development plat, along with all required fees and documentation.

(2) The Planning Director, after consultation with the Director of Engineering/Public Works, may grant no more than one (1) extension of time, of no more than ~~thirty (30) days~~ one hundred eighty (180) days, upon a written request by the applicant or staff for good cause being shown.

(3) The Town Council may grant an additional extension of time of not more than twelve (12) months total, upon a written request prior to the expiration deadline, subject to the criteria set forth in Paragraph (5) below.

(34) Submittal requirements. An extension request, ~~received prior to the expiration of the ninety-day submittal period~~, shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the specified

deadlines, ~~listing any changes in the character of the neighborhood, any changes in the Town Master Plan or this Title that have occurred since approval of the plat as these changes affect the plat and the anticipated time schedule for completing the platting process.~~ chronology of the actions taken to comply with specified deadlines, schedule for project completion within the requested extension period, and summary addressing the criteria set forth in Paragraph (5) below.

(5) Criteria:

a. The applicant can demonstrate that the delay is not self-imposed. This evidence could include any unexpected predevelopment challenge that is out of the reasonable control of the applicant, including, but not limited to, changes to or challenges in financing the project, delays due to state or federal permitting requirements, required technical design changes, title issues, or environmental issues;

b. There has been no significant change in development conditions affecting the subdivision plan and the plat continues to comply with all applicable standards and ordinances;

c. The applicant has exercised reasonable diligence to complete the project; and

d. Delays in the process are beyond the control of the applicant.

(6) A fee schedule is available from the Planning Department. Additional review of the plat may occur resulting in additional conditions as applicable.

Section 4. Section 13.07.100 of the Parker Municipal Code is amended to read as follows:

13.07.100 Minor development—nonresidential and multiple-family.

* * *

(i) Recordation procedure.

(1) The applicant shall amend the minor development plat in accordance with the Town Council approval, if necessary.

(2) Within ~~ninety (90) days~~ one hundred eighty (180) days of approval of the minor development plat, unless stated otherwise in such approval, the applicant shall submit: one (1) photographic Mylar copy (Fix-line, emulsion down) of the approved final plat, amended, if necessary, and ready for recordation (except for Town signatures), all required documentation not previously submitted, and all mapping and recordation fees to the Planning Department. The applicant shall also provide appropriate security in accordance with Paragraph 13.07.150(b)(1) of this Chapter to cover the cost of construction

of the public improvements in accordance with the requirements of the subdivision agreement.

(3) Within thirty (30) days of receipt of the minor development plat and all required documents, including appropriate security as described herein, the staff planner shall obtain all Town signatures, as required, and record the final plat and all related documents.

(j) Expiration of approval.

(1) Failure by the applicant to submit all required documentation, including applicable security, within ~~ninety (90) days~~ one hundred eighty (180) days shall render approval of the minor development plat null and void and result in the necessity for the resubmittal of a minor development plat, along with all required fees and documentation.

(2) The Planning Director may grant no more than one (1) extension of time, of no more than thirty (30) days, upon a written request by the applicant or staff for good cause being shown.

(3) The Town Council may grant an additional extension of time of not more than twelve (12) months total, upon a written request prior to the expiration deadline, subject to the criteria set forth in Paragraph (5) below.

(34) Submittal requirements. An extension request, ~~received prior to the extension of the ninety-day submittal period,~~ shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the specified deadlines, ~~listing any changes in the character of the neighborhood, any changes in the Town Master Plan or this Title that have occurred since approval of the plat as these changes affect the plat and the anticipated time schedule for completing the platting process.~~ chronology of the actions taken to comply with specified deadlines, schedule for project completion within the requested extension period, and summary addressing the criteria set forth in Paragraph (5) below.

(5) Criteria:

a. The applicant can demonstrate that the delay is not self-imposed. This evidence could include any unexpected predevelopment challenge that is out of the reasonable control of the applicant, including, but not limited to, changes to or challenges in financing the project, delays due to state or federal permitting requirements, required technical design changes, title issues, or environmental issues;

b. There has been no significant change in development conditions affecting the subdivision plan and the plat continues to comply with all applicable standards and ordinances;

c. The applicant has exercised reasonable diligence to complete the project; and

d. Delays in the process are beyond the control of the applicant.

(6) A fee schedule is available from the Planning Department. Additional review of the plat may occur resulting in additional conditions as applicable.

Section 5. 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 6. 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 7. 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 Hoffmann, Town Attorney



Planning Commission Staff Report

Planning Commission Date: 10/13/2022

Town Council Date: 10/17/2022

Hearing Type: **Public Meeting**
ORDINANCE NO. 3.362 - A Bill for an Ordinance to Amend Sections 13.10.090 of the Parker Municipal Code Concerning Utilities

Location: Town-wide

Project Planner: John Fussa, Director

Applicant: Town of Parker

Executive Summary: The proposed Ordinance will amend the standards for Utilities in the Land Development Ordinance in response to a recent change by CORE of its policy and standards for utility easement location and design.

Staff Recommendation: Approval

RECOMMENDED MOTION

“I move the Planning Commission recommend Town Council approve an ordinance to amend the Parker Municipal Code regarding Utilities to provide updated standards for the location and design of utility easements to individual lots in connection with new development applications.”

ALTERNATIVE MOTIONS

“I move the Planning Commission recommend Town Council approve an ordinance to amend the Parker Municipal Code regarding Utilities to provide updated standards for the location and design of utility easements to individual lots in connection with new development applications.”

- *List proposed conditions*

“I move the Planning Commission recommend Town Council approve an ordinance to amend the Parker Municipal Code regarding Utilities to provide updated standards for the location and design of utility easements to individual lots in connection with new development applications.”

- *List criteria not met (either by staff or Planning Commission)*

“I move the Planning Commission recommend Town Council approve an ordinance to amend the Parker Municipal Code regarding Utilities to provide updated standards for the location and design of utility easements to individual lots in connection with new development applications.”

I. BACKGROUND/DISCUSSION

CORE is the electrical utility for the Town of Parker, most of Douglas County and a substantial portion of the central Front Range from Park County in the south to Adams County in the north. For many years, the Town has worked closely with CORE on the coordination of services, review of development applications and undergrounding of overhead electric infrastructure. However, CORE has recently revised their policy and standards for the location and design of electric service to new residential development without seeking input from the Town or the local development community. Their new policy and standards are a major change from past practice and were adopted without adequate consultation, consideration of their impact upon new residential development or regard for consistency with Town policies and standards governing new development.

As a result of the above, the Town has major concerns about CORE's new policy and standards because they may:

1. Conflict with the Town's policies, practices and standards for new residential development.
2. Create a negative visual impact on new and existing residential neighborhoods through the proliferation of above-ground utility equipment in front yards.
3. Detract from residential quality of life by diminishing community standards for new development by limiting the ability to have landscaping in front yards.
4. Have a detrimental effect on community character by resulting in new residential development of lesser design quality than existing residential neighborhoods.
5. Impede and limit the Town's efforts to promote a desirable visual environment with new residential development.

The Town, therefore, proposes to amend Subsection 13.10.090, Utilities, of the Municipal Code to ensure that the location and design of utilities for electric service to new development meets community expectations and standards as summarized below:

1. All on-site utilities serving a subdivision or single use shall be placed underground. On-site utilities include all improvements, facilities, equipment and appurtenances.
2. On-site utilities for electric service to residential use(s) shall only incorporate side and rear yard utility easement(s) on individual lots.
3. On-site utilities for electric service to residential use(s) such as pedestals and transformers may be placed above-ground if located in a rear yard utility easement.
4. Where placing above-ground equipment in a rear yard utility easement is infeasible, it may be placed above-ground in the side yard utility easement between the rear of the principal structure and the rear property line, at or near the rear corner where the rear-yard and side-yard utility easements meet.
5. On-site utilities for electric service to non-residential use(s) such as pedestals and transformers may only be placed above-ground in a rear yard or side yard utility easement.
6. All above-ground equipment visible from a public street or right-of-way must be screened in accordance with a Town-approved landscaping plan.
7. When an applicant is unable to comply with the standards, they may apply to the Town Council for approval of a modification or waiver if:
 - A. There is a hardship related to the exceptional narrowness, shallowness or shape of a specific piece of property or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property; or

- B. The utility has refused to provide service and the Colorado Public Utilities Commission upholds the refusal.

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	Consistent with Chapter 11, Public Services and Facilities, Goal/Strategy 1-I <i>Minimize the Aesthetic and Environmental Impacts of Transmission and Distribution Systems and Facilities</i>
Inconsistent Goals/Strategies	None
Staff Analysis	The proposed amendment to Municipal Code concerning Utilities is consistent with the Master Plan Goal/Strategy 1-I and is intended to preserve residential neighborhood character and promote a desirable visual environment.

III. CONCLUSION

Staff recommends that the Planning Commission recommend that the Town Council approve an ordinance that will amend the Parker Municipal Code regarding Utilities to to provide updated standards for the location and design of utility easements to individual lots in connection with new development applications.

IV. RECOMMENDED CONDITIONS

None

V. ATTACHMENTS

Ordinance No. 3.362

Report Approved By: John Fussa, Director

ORDINANCE NO. 3.362, Series of 2022

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTION 13.10.090 OF THE PARKER MUNICIPAL CODE CONCERNING UTILITIES

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

Section 1. Section 13.10.090 of the Parker Municipal Code is amended to read as follows:

13.10.090 Utilities.

(a) All on-site utilities serving a subdivision or single use shall be placed underground. On-site utilities shall include improvements, facilities, equipment and appurtenances for service to individual lots as part of a plat, replat or site plan. The cost of undergrounding utilities shall be borne by the development.

(b) On-site utilities for the provision of service to residential use(s) shall incorporate side-yard and rear-yard utility easement(s) only for service to individual lots.

(c) On-site utilities for the provision of service to residential use(s) such as pedestals, transformers or other equipment may be placed above ground if located in a rear-yard utility easement only. Said elements shall be placed at or near the rear corner where the rear-yard and side-yard utility easements meet to the maximum extent practicable.

(d) On-site utilities for the provision of service to nonresidential use(s) such as pedestals, transformers or other equipment may be placed above ground in a rear-yard or side-yard utility easement only.

(e) Where the placement of above-ground equipment in the rear-yard utility easement is infeasible, such elements may be placed above ground in the side-yard utility easement; provided it is located in the side-yard utility easement between the rear of the principal structure and the rear property line. Said elements shall be placed at or near the rear corner where the rear-yard and side-yard utility easements meet to the maximum extent practicable.

(f) Meters may be placed above ground if mounted to the principal structure.

(g) All above-ground equipment visible from Town streets and rights-of-way shall be screened in accordance with a Town-approved landscaping plan.

(h) Where an applicant is unable to comply with Subsections (a) through (g) above, the applicant may apply to the Town Council for approval of a modification or waiver of the standards, subject to a demonstration that:

(1) There is a hardship related to the exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property; or

(2) The utility has refused to provide service and said decision is upheld by the Colorado Public Utilities Commission.

(i) All structures and uses, except for temporary uses authorized by this Title, shall be served by public water and sewer facilities.

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 Hoffmann, Town Attorney