



PLANNING COMMISSION MINUTES

November 9, 2023

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 Leland Sloan, Jane Lane, Ruth Ann Nelson, Erik Rieger and Eliana Burke.

ADDITIONS, MODIFICATIONS OR DELETIONS FROM THE AGENDA

None

APPROVAL OF MINUTES

Commissioner Eliana Burke moved to approve the October 26, 2023, meeting minutes. Commissioner Leland Sloan seconded; a vote was taken and passed unanimously.

PUBLIC HEARING OPENED: 7:01 PM – CROWN POINT CENTER PD AMD 4 - ASSISTED LIVING

Applicant: Ryan Companies
Location: 9248 Crown Crest Blvd.
Department: Community Development, Ashley Chasez
TRAKiT No.: Z23-005

STAFF PRESENTATION

Ashley Chasez, Planner I, presented the staff report proposing to amend the Crown Point Center Planned Development (PD) Map to expand Planning Area 6B to allow for Assisted Living and Memory Care Facilities. Ms. Chasez concluded with the determinations in the staff report that the Planning Commission recommend Town Council deny the Crown Point Planned Development 4th Amendment as the request does not meet the following approval criteria:

- A need exist for the proposal
- The particular parcel of ground is indeed the correct site for the proposed development.
- There have been significant changes in the area to warrant a zone change
- The proposal is consistent with the Town Master Plan, maps, goals, and policies.

Commissioner discussion with staff:

- Commissioner Ruth Ann said she didn't see the letter of recommendation referred to by Ashley in the packet; *(staff said she doesn't have a copy readily available; copies were printed and provided to the commissioners)*.
- Commissioner Eliana Burke told Ashley that her presentation was thorough and very well done.
- Commissioner Leland Sloan asked if all nine criteria need to be met; *(staff said yes)*.
- Commissioner Ruth Ann Nelson asked Ashley to respond to the claim that the changing demographics in Douglas County and Parker creates a need for this type of proposal; *(staff said there are adequate properties that are already zoned for this use negating the need to rezone this and other properties and that there are already a number of assisted living facilities in the Parker area)*.
- Commissioner Erik Rieger asked as far as the other assisted living properties that are already zoned for this type of use, how close are they to this proposed assisted living project; *(staff said referring to a slide in the presentation that sites adjacent to the this proposed assisted living project to the east and west are zoned for assisted living)*.
- Commissioner Jane Lane asked where the other assisted living facilities are located in relation to Crown Point; *(staff said there are other facilities within the Town and there is one facility slightly north of the proposed facility on Cottonwood Dr. near E470)*.

APPLICANT PRESENTATION

Steve Strom (Ryan Companies) gave the applicant's presentation.

- The applicant provided information on the Ryan Companies and similar projects in other markets.
- The applicant provided an overview of the project.
- The applicant shared several slides illustrating the site and building elevations.
- The applicant provided information supporting the PD amendment.

Commissioner discussion with applicant and staff:

- Commissioner Ruth Ann Nelson asked why the applicant isn't choosing one the adjacent lots that are already zoned for this use; *(applicant said that in commercial real estate you need a willing seller and a willing buyer, and this lot has a willing seller that's interested in supporting this development, this lot is proximate to the main entrance to the Crown Point Development, and this location has the accessibility to the neighboring amenities)*.
- Commissioner Jane Lane asked if the reason that the applicant is asking for this particular parcel and asking for a zoning change is because of its visibility from the road, and maybe the hospital, but possibly the reason why the Town doesn't want this particular use here is because the Town wants commercial uses to be in this more visible locations; *(applicant said he understands the Town's desire to have a use that its currently allowed by zoning at this location, however the market is efficient and these businesses have chosen other sites, the applicant desires a site with good visibility much like other business desire good visibility, that the building proposed is similar to other permitted uses such as a hotel, in addition to visibility the applicant also desires the accessibility of this lot which impacts travel distances and this is property is available for development while the other properties*

are not).

- Commissioner Jane Lane said she is pro walking, pro alternative transportation and asked why the applicant talked about RTD access when walking a quarter mile is going to be a huge imposition to the people that will be using this facility or will they use alternate forms of transportation; *(applicant said the facility's staff may want to access RTD, that most residents do not own or use a car, that they do not anticipate a huge resident demand for access to RTD, and that they utilize a facility van to transport residents to appointments, etc.).*
- Commissioner Jane Lane followed up by saying the reason you need this high visibility location to be zoned for your particular use is because transportation needs to be accessible to the hospital across the way and the primary occupants of this particular building are not going to be using alternative forms of transportation, and that the extra quarter mile to the adjacent lot isn't a big barrier to people who are already driving.
- Commissioner Ruth Ann Nelson asked the applicant to respond to staff's statement in the staff report this assisted living and memory care use described in the proposal is residential in nature with few employment or economic benefits; *(applicant said the local economy will benefit and they will provide 150-175 quality jobs).*
- Commissioner Ruth Ann Nelson asked how employment for the proposed facility would be different than a hotel or office that is currently allowed by zoning at this location; *(applicant said positions would be healthcare, sales, marketing and management related and a hotel would have a fraction of the jobs).*
- Commissioner Erik Rieger asked for a breakdown of the 150-175 jobs that would be created at the proposed facility such as nursing compared to a hotel or office; *(applicant said typically they have ten department heads including an executive director, sales director, accounting, business staff and most of the employees are going to be the caretakers, nurses, physical therapist and wellness program coordinators).*
- Commissioner Erik Rieger asked if the applicant had looked at other locations where zoning would allow this use; *(applicant said yes, but this location was available and meets the applicant's criteria including a location that provides visibility).*
- Commissioner Ruth Ann Nelson asked about the first criteria that could be taken to mean a zoning change or a proposal to provide additional senior housing and the need does or does not exist for a proposal to build additional senior housing in Parker; *(staff agreed that there is a need for additional senior housing, but there are other locations in Town where existing zoning supports the use of senior housing).*
- Commissioner Ruth Ann Nelson asked for staff's response about criteria number four that states, "there have been significant changes in the area to warrant a zone change", and considering the applicant's statement regarding market changes to a reduced need for office space, the need for additional senior housing and the build out north of E470 that supports the client's claim that a zone change is required; *(staff acknowledged the market changes, however the uses in this area are being developed according to the Town's Master Plan).*
- Commissioner Ruth Ann Nelson asked why staff has supported other zone change proposals and not this proposal and does the size of the parcel have anything to do with it; *(staff said their position on this zoning proposal is to have consistency within this PD and parcel size is not a factor in staff's decision).*

PUBLIC COMMENT

Mitch Trevey, Trevey Commercial Real Estate, Parker, CO, has consulted with the applicant, discussed property availability in Parker relative to senior housing, discussed the applicant's business plan, discussed the current senior housing capacity and future needs in the community, discussed the proposed facility's benefits for the community, discussed the proposed facility's beneficial location to existing medical facilities, discussed the development of Crown Point over the years and change in medical office space usage, and discussed employment opportunities relative to this proposal.

Additional Commissioner discussion with applicant and staff:

- Commissioner Jane Lane asked about zoning differences among various communities where this use might be considered a medical use rather than residential and why Parker has segregated these uses and why Parker can't try to make this use fit current zoning at this location; *(staff explained that this use is considered residential based on the resident's length of stay, that it's not a short term rehabilitation or medical center).*
- Commissioner Jane Lane said the facility will employ medical staff and asked how those medical components are excluded from a medically centered area; *(staff said medical uses are part of the proposal and are ancillary, and the primary use is residential).*
- Commissioner Jane Lane asked what the difference is between people living in this type of facility and a hotel since the building types are essentially the same; *(staff said while the building types are similar the lengths of stays are different).*

PUBLIC HEARING CLOSED: 8:06 P.M. – CROWN POINT CENTER PD AMD 4 - ASSISTED LIVING

Planning Commissioner Discussion

- Commissioner Eliana Burke said she didn't ask questions because Ashley's staff report was thorough, that bringing jobs to Parker is important, that Parker's Master Plan needs to be maintained and upheld, it is the Planning Commission's job to make sure the criteria are met and when they are not, we must deny.
- Commissioner Ruth Ann Nelson spoke in opposition to the staff's recommended denial, appreciates staff's work on the application, believes a need does exist for this proposal which requires a change to the zoning, additional senior housing is needed in Parker, believes that this is the correct site for this proposal since it is available to purchase and can be developed now, is near the hospital, believes the market has changed which warrants a zone change, said that the applicant's business model to provide medical services to seniors will be the model moving forward, discussed the differences of the north and south portions of Crown point and how they have been developed, believes the proposal is consistent with the Town's Master Plan, and believes this proposal would bring more and better paying jobs than other uses that would be allowed such as a hotel.
- Commissioner Jane Lane said she appreciates the applicant and their interest in developing in the Town, wishes the applicant had selected a different site, understands that the applicant needs a site that is available for purchase, not just undeveloped and not available

for sale, believes the zoning at this site was created for a specific reason, that if the entire Crown Point area were to be rezoned, that this would be a different question instead of trying to spot zone for a particular use, hopes the applicant finds a different site, believes that a need for additional senior housing exists, that this isn't the right site and will be supporting denial of the proposal.

- Commissioner Erik Rieger appreciates the work done by staff and applicant, believes the Town's Master Plan and the PD sets the zoning and making exceptions for individual sites is not what was intended and is in support of the denial.
- Commissioner Leland Sloan said he read through the proposal, reviewed the Town's Master Plan and is concerned that if this site is rezoned to residential as being proposed, what would happen if someone else asked for a similar rezoning at another site, they might say the Town did it for this proposal and why can't you do it again, so for this reason he is in support of the denial of this proposal.
- Commissioner Gary Poole said the state demographer said that seniors close to qualifying for these types of facilities are choosing to age in place, usually in their homes, does not doubt that there are not any vacancies at other senior living facilities, believes that many residents of these types of facilities are not actually Parker residents, while 150-175 new jobs sounds nice many businesses in Parker cannot find employees right now, the long term issue for finding employees is transportation to businesses in Parker from outside Parker, current zoning and zoning decisions of Parker were made with the best interest of the Town and future development, we cannot choose to change zoning haphazardly and is in support of the denial.

Commissioner Eliana Burke moved the Planning Commission recommend Town Council deny the Crown Point Planned Development 4th Amendment as the request does not meet the following approval criteria:

- A need exist for the proposal
- The particular parcel of ground is indeed the correct site for the proposed development.
- There have been significant changes in the area to warrant a zone change
- The proposal is consistent with the Town Master Plan, maps, goals, and policies.

Commissioner Erik Reiger seconded; a vote was taken and was passed 5-1 with Commissioner Ruth Ann Nelson not supporting denial.

PUBLIC HEARING OPENED: 8:19 P.M. – POPE PROPERTY – ZONING

Applicant: David Brehm, Plan West
Location: South of the intersection of Twenty Mile and Dransfeldt Road
Department: Community Development, Stacey Nerger
TRAKiT No.: Z22-032 and Z22-037

STAFF PRESENTATION

Stacey Nerger, Senior Planner, presented the staff report proposing to zone an approximate 38-

acre property to three zone districts: Open Space (9.2 acres), Agriculture (11.791 acres) and Greater Downtown Market Center (17.484 acres). In addition, rezoning of a small portion of property to Open Space and Agricultural from the Greater Downtown District Market Center. These proposed zonings are in conjunction with a proposed annexation. Ms. Nerger concluded with the determinations in the staff report that the Planning Commission recommend Town Council approve the Pope Property Zoning of approximately 9.2 acres to Open Space, approve the Pope Property Zoning of approximately 11.791 acres to Agricultural, and approve the Pope Property Zoning of approximately 17.484 acres to Greater Downtown District Market Center.

Commissioner discussion with staff and applicant:

- Commissioner Ruth Ann Nelson asked why the two smaller parcels proposed are being rezoned when the planning commission voted against rezoning in the previous hearing; *(staff said it is to make the property's zoning consistent with the surrounding area, that this property was already annexed and zoned in the Town and currently provides drainage for the Flat Acres Marketplace to the east. With this annexation and zoning, these small parcels will be zoned to match the new zoning of the properties surrounding them. The small parcel to be zoned open space is within the 100 year floodplain and will be dedicated to the town to own and maintain, , the other small parcel that's the agricultural component is just to keep the zoning consistent with the zoning of the property surrounding it and will be in the 100 year floodplain.*
- Commissioner Ruth Ann Nelson asked about the Town incurring related project expenses for things such access points, privacy fence, drainage, a spur dike, a bridge, a wildlife fence and why it was included in the zoning proposal; *(staff said that's a big picture of what the Dransfeldt Road town project is, that there are negotiations for this project through the annexation which include items to be dedicated to the town for Dransfeldt Road, drainage including the spur dike, which is part of the drainage and improvements to Cherry Creek which are associated with the entire project, not zoning, but associated with the annexation).*
- Commissioner Jane Lane asked about the change in elevation due to the road construction and noted that the staff report was lacking detail and that she can rest assured that Town engineers are aware of and working on this; *(staff said that Town staff has been working on the plans for many years, that this will be the longest bridge in the Town once completed, that the elevations are changing to get over the 100 year floodplain and the road will be built to span and clear the floodplain).*
- Commissioner Leland Sloan asked if the Dransfeldt Road extension will be able to handle the additional traffic with the additional retail development; *(staff said yes, that Dransfeldt Road is a collector where it ends at Twenty Mile Road and that Dransfeldt Road will continue as a collector to Motsenbocker Road).*
- Commissioner Jane Lane asked if the height restriction of 60 feet or 4 stories is consistent with the zoning for the rest of this area; *(staff said this property is proposed to be zoned Greater Downtown – Market Center and will be consistent with the entire area).*

APPLICANT PRESENTATION

David Brehm (Plan West) gave part of the applicant's presentation.

- The applicant provided information on the amount of work that has gone into this project.
- The applicant provided information on the zoning of the property.
- The applicant discussed that the roadway will be dedicated to the Town.
- The applicant stated that the project was started because the Town desired to build a road through the middle of Flat Acres which benefits the Town and Flat Acres ownership.

The applicant, Mike Smith, who lives on and owns the Flat Acre Farm, gave his part of the presentation.

- The applicant provided history and background information on the property.
- The applicant provided a history of the project dating back to 2007 and that the project got moving finally in 2018.
- The applicant provided information on the project's benefits to the Town, for himself and his family.

PUBLIC COMMENT

None.

PUBLIC HEARING CLOSED: 8:35 P.M. – POPE PROPERTY – ZONING

Planning Commissioner Discussion

- Commissioner Ruth Ann Nelson said she is in support of the zoning, that this project has been discussed since she joined the Planning Commission, is glad to see that the property owner's and the Town have worked this out, that it should work out well for the Town providing areas for retail and is glad to see that pumpkin patch, corn maze and other agritainment activities will stay which have been a fun part of Parker for so long.
- Commissioner Erik Rieger is in support as well, appreciates the added commercial space and the new road connection and appreciates maintaining the historical agriculture piece as well.
- Commissioner Leland Sloan is looking forward to the road extension, the different jobs that will result from the added retail to the area and is sorry about the fire that occurred on the property a few years ago.
- Commissioner Jane Lane agrees with her fellow commissioners, is in support of the zoning and commends Parker staff, the property owners and Douglas County for coming to an agreement that is mutually beneficial to all parties.
- Commissioner Gary Poole echoed his fellow commissioners' thoughts and is glad to see this project finally come to fruition and has been serving on the Planning Commission for 10 years and this project has been rumored and discussed off and on during that time.

Commissioner Ruth Ann Nelson moved the Planning Commission recommend Town Council approve the Pope Property Zoning of approximately 9.2 acres to Open Space. Commissioner Jane Lane seconded; a vote was taken and was passed unanimously.

Commissioner Ruth Ann Nelson moved the Planning Commission recommend Town Council approve the Pope Property Zoning of approximately 11.791 acres to Agricultural. Commissioner Eliana Burke seconded; a vote was taken and was passed unanimously.

Commissioner Ruth Ann Nelson moved the Planning Commission recommend Town Council approve the Pope Property Zoning of approximately 17.484 acres to Greater Downtown District Market Center. Commissioner Jane Lane seconded; a vote was taken and was passed unanimously.

PLANNING COMMISSION ITEMS

None

STAFF ITEMS

Bryce Matthews noted that the 2024 Planning Commission meeting schedule was included in the Commissioners packet and asked for a motion to adopt the schedule.

Commissioner Eliana Burke moved the Planning Commission accept and approve the 2024 Planning Commission Schedule. Commissioner Jane Lane seconded; a vote was taken and was passed unanimously.

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
Chairman