



PLANNING COMMISSION MINUTES

April 11, 2024

Planning Commission Chairperson 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, Eric Frandsen, Angela Lindstrom and Erik Rieger.

ADDITIONS TO OR DELETIONS FROM THE AGENDA

None.

APPROVAL OF MINUTES

Commissioner Erik Rieger moved to approve the March 28, 2024, meeting minutes. Commissioner Erik Frandsen seconded; a vote was taken and passed unanimously.

PUBLIC HEARING OPENED: 7:02 P.M. – PERRY LANE PLANNED DEVELOPMENT - ZONING

Applicant: Kimley-Horn
Location: Northeast corner of Motsenbocker Road and Hess Road
Department: Community Development, Julia Duncan
TRAKiT No.: Z21-014

STAFF PRESENTATION

Julia Duncan, Associate Planner, presented the staff report proposing a Planned Development to zone the property on the northeast corner of Motsenbocker and Hess to allow for commercial development, 70 residential units, parks, and open space. Ms. Duncan concluded with the determinations in the staff report that the Planning Commission recommend the Town Council approve the zoning.

Commissioner discussion with staff:

- Commissioner Jane Lane said when she looks at the different planning areas, she notices transferrable density and is confused because planning area three which is closest to the

existing rural residences in Douglas County is the densest planning area; *(staff said the actual reference to transference of dwelling units is in the Parker Municipal Code and is applicable to any PD in Parker and the transference is done through the site plan process. This PD does defer back to the code, the PD map has a chart that lists maximum dwelling units. Planning Area 2 in the middle has a maximum of 50 dwelling units and then 20 in Planning Area 3 in the north section, the density varies between the two planning areas, but the overall site density is 5.59 dwelling units per acre less than staff had originally requested at 12 units or less per acre, the applicant came in significantly less than staff originally requested).*

- Commissioner Jane Lane said that it seems that 20 units is a high number to fit on 1.17 acres; *(staff said they are multifamily, not 20 individual lots, and will be reviewed through the site plan process and the planning area only allows for up to two stories with a maximum height of 35 feet, site plan process will also review setbacks, building footprints, parking, etc.).*
- Commissioner Jane Lane said she's trying to imagine how this would be possible in planning Area 3, it feels dense and wonders why it was designed this way not putting more density in planning area two; *(staff said perhaps the applicant can explain the allocation of the 70 units, that two stories or 35 feet is the maximum height in Planning Area 3 and, that maximum dwelling units doesn't mean they will all be built considering that building envelopes, setbacks, landscape requirements need to be met which will be evaluated at the site plan process).*
- Commissioner Leland Sloan asked if these are for sale or rental units; *(staff said they are being developed as multifamily rental).*

APPLICANT PRESENTATION

Liam Shannon with Kimley-Horn located at 6200 South Syracuse Way, Suite 300, Greenwood Village, CO 80111 gave the applicant's presentation.

- The applicant provided an overview of the proposed project.
- The applicant introduced the project applicant and developer, Ben Massimino.

Commissioner discussion with applicant:

- Commissioner Ruth Ann Nelson asked what type of commercial applications do you foresee in planning area one and what will be the ratio of commercial versus residential in this mixed-use neighborhood; *(applicant said residential will only be in Planning Areas 2 and 3, so Planning Area 1 will be all commercial and asked the developer to answer the question about potential commercial uses. Ben Massimino, the developer and applicant said a grocery store is not planned as it's not the intent of neighborhood commercial zone, but possibly a beer garden or restaurant or coffee shop to create a local community environment for people to gather which would include local businesses, not national*

chains. Mr. Massimino said the residential will be rental, that they are unique and not typical to Parker, the buildings are much smaller, and are called mini big houses, the intent of the smaller one acre piece is to create a buffer between the larger King Ranch Estates and the rest of the residential and the commercial and as we worked on this project over the years, density was reduced to make a better fit with the neighborhood concept).

- Commissioner Ruth Ann Nelson asked what is the percentage between commercial versus residential in the mixed neighborhood planning area; *(staff said Planning Area 1 does not have any residential, the PD Plan notes that it has a maximum of 70 units limited by Parker Water and Sanitation, that zoning does not allow residential uses in Planning Area 1, they are all allocated to Planning Areas 2 and 3).*
- Commissioner Ruth Ann Nelson asked about the building height restriction of 60 feet; *(staff said the height limit is 45 feet or 60 feet if it is vertical mixed use such as ground floor retail and offices above. The applicant said that is not what they're planning to build, that Planning Area 1, which is neighborhood commercial, does not have any residential allocated to it. Staff added Parker interprets vertical mixed use slightly differently than maybe some other municipalities where we would consider a vertical mixed use as ground floor commercial retail, and if you had a second and third floor as office, we would consider that vertical mixed use or anything that could go up to about 60 feet in height).*
- Commissioner Jane Lane said part of the confusion here is we're not at site plan, but zoning still. I appreciate wanting to know what might eventually be built. I think right now I'm trying to think about the concept of zoning overall. And I share your concerns, but I have a problem with the overall density. This area already is a neighborhood center use, and I think that's a good area. I think there are lots of good things about the potential of this project, but I am very concerned. I know you you've got the step down for Planning Area 3, but it just seems to me like too many dots on a small map. And I need you to convince me that the way I'm thinking about it is not the correct way to think about it; *(applicant said that given that there are multiple two-story buildings, and the restrictions of the footprints that we can build and the landscape and other restrictions, I think what most people are concerned about is the massing of the buildings and maybe blocking views, but in this circumstance, when you're talking about a two-story building, it's a much smaller building by scale. If you're thinking that about the neighborhood to the north, you have a 100-foot buffer, and the homes are sitting further behind that and there is a row of tall trees higher than 35 feet and you're going to have 10- or 11-foot floor plates, and then you're going to have roofs going up. You're not going to build a big block with 35 feet for two story buildings and the buildings will scale well and would still need to go through the site plan review process).*
- Commissioner Jane Lane said she appreciates all that, but is trying to imagine 20 units, two stories on roughly 1.25 acres ; *(staff said they did some math and the 1.17 acre site is about 47,916 square foot site and if you divide that by the 20 units, that's approximately 0.05 acres per unit, which would equate to a 2,178 square foot lot if these were single family*

homes. For context, a lot of the single family residential you've reviewed recently for developments like Looking Glass range from 3500 to 6000 square feet, and that's for a single-family home, in this instance, we're talking about multi-family on multiple levels, or perhaps a unit on the first floor, another unit on the second floor. So, for those 20 units equating to about 2100 square feet of lot area per unit, which is more than half of some of our single family residential that have come before the commission in the past.

- Commissioner Jane Lane said she could see 10 units, but 20 units seems high and said she understands 20 units may not actually end up being built and that tonight we are setting the maximum limit, but she doesn't want the maximum limit to be 20 units for planning area three and she is okay with the rest of the zoning; *(applicant said in order to get to this point, they have gone through the site plan process and said the internal roads cut off right at the edge of Planning Area 3 which makes Planning Area 3 seem more dense, but it is consistent throughout Planning Area 2 and 3 and Planning Area 3 was added to transition to the existing homes to the north).*
- Commissioner Jane Lane said she understands the costs involved with development and appreciates the applicant providing a step-down approach, but the explanations so far have not been helpful without a visual; *(applicant said the other piece to think about is lot coverage. Planning Area 3 is 47,000 square feet which would be about 20% lot coverage, that the units built in planning area three will be built at the south edge and the bulk of this area will be landscaped).*
- Commissioner Jane Lane asked if the maximum 20 units are going to be built, because you're talking about 2000 square feet per unit, with stacking does not include all of the accessories like landscaping and roads; *(applicant said the 2000 square feet is referring to the lot size and the units would be smaller to fit within that area).*

PUBLIC COMMENT OPENED

Travis Carpenter who resides at 6036 King Ct., Parker, CO 80134 and Brian Brooks who resides at 6142 King Ct., Parker, CO 80134 stated that the communication they had when they called the Town was that these units would be for sale and they are now hearing that these units will be rentals, talked about privacy fences because some owners have horses and that the 100 foot setback is nice, but may not be sufficient, asked about six foot privacy fencing and whether an exception can be made for a taller, eight foot fence since this is mixed use with residential and has concerns with the dog park being right behind the existing lots to the north.

Additional Commissioner discussion with staff and applicant:

- Commissioner Erik Frandsen asked about the different densities referenced in the staff report and whether they refer to the whole site or different planning areas (one, two, three), one section says density of 3.5 dwelling units per acre, which a medium density and another section says 5.59 units per acre in a higher density; *(staff said 5.59 units per acre is for the*

developable portion of the planning areas, it does not include the floodplain, parks or open space in that calculation. If you were to include the floodplain, parks and open space in that calculation, the density for the entire site would drop to approximately 2.2 units per acre. The 3.5 units per acre that you're referencing is from our master plan for medium density residential. However, on our master plan map, because this is the intersection of two arterials, Motsenbocker and Hess Roads, it's within a neighborhood center which has a requirement for a minimum of a 33% commercial development, at the intersections and allows for higher densities in excess of 3.5 dwelling units per acre).

- Commissioner Gary Poole asked if the questions posed during public comment such as fencing and specific positioning of other items will be addressed at site plan; *(staff said yes, that they are not sure what the residents have seen to date on this current submittal because there was preliminary site plan application submittal for a proposed 210 units concurrently with a zoning application almost four years ago. With the reduction in units, we wanted to have the zoning process occur before a new site plan submittal since it is different from what was originally proposed four years ago. The site plan process will ensure adequate privacy screening walls, a proper internal site location for the dog park and new park amenities).*
- Commissioner Erik Frandsen asked assuming this zoning change is approved, is the site plan an administrative item or will it come back to the Planning Commission; *(staff said the site plan is administrative, but a minor development plat would be required for the subdivision of the entire 27-acre parcel into a commercial lot for development and multifamily for one large residential lot and tracks for the open space and parks. The minor development plan is not administrative. That would come before the planning commission and council).*
- Commissioner Ruth Ann Nelson asked if any other three-story buildings exist in the neighborhood circle; *(staff said no).*
- Commissioner Jane Lane asked if the master plan intends this intersection to be dense; *(staff said yes, a combination of higher density residential and commercial uses).*

PUBLIC HEARING CLOSED: 7:38 P.M. – PERRY LANE PLANNED DEVELOPMENT - ZONING

Commissioner discussion:

- Commissioner Erik Frandsen thanked the applicant, thanked the neighbors for coming in and speaking, appreciates the staff report, said the density is within the master plan, the project meets the nine criteria, thinks this is a good use for the corner, doesn't believe the density is egregious, and appreciates, as the site develops that the applicant is going to take the necessary steps to appease as many people as possible and for those reasons he is in support of the zoning change.

- Commissioner Erik Rieger said it is important to consider this in the silo of rezoning and not as a site plan, and as re-zoning, it makes sense, fits our master plan, meets the nine criteria and is in support of zoning change.
- Commissioner Ruth Ann Nelson said that this is a necessary change based on current circumstances and market trends, is pleased with the amount of open space and park space, doesn't share Commissioner Jane Lane's concerns with density issues in Planning Area 3, and thinks that Planning Area 3 was set up primarily to ensure that there are no extra tall buildings that are going to invade privacy and to protect the neighbors to the north, that if they need to move something south in order to have as much housing as you need to have in order to make the project work, and that the units are being sold versus rented, the trend currently is for more people to be renting then purchasing, and I don't think that we have enough rentals. Commissioner Nelson said she has heard that everybody says we have so much rental in Parker, but we don't actually have much, it's just where you see it along busy roads, because people don't want to live in a single-family house on a busy road so that's where we put the apartment buildings and they block the busy road and the noise from the single family homes behind them which is a good and common practice. And I support adding additional rentals. She said that she has seen this type of housing that was described, the big house model, they're doing some in Aurora. It's very attractive. It looks very good. It does not look like block housing. It doesn't look like some of the other stuff in Parker. Commissioner Nelson said she thinks it will be a nice addition, meets all the criteria and is in support of the rezoning.
- Commissioner Leland Sloan appreciated the presentation, said as he read through the material, that multi-use, having music and the community coming together is important to Parker and he will wholeheartedly approve.
- Commissioner Angela Lindstrom added that change is difficult, that she came from a rural community herself and understands concerns about urban creep into the properties to the north, that staff and the developer have done a great job trying to mitigate these issues as much as possible, that Parker has a vision to move forward and is in support of the rezoning.
- Commissioner Jane Lane said she is not going to support the project, not because she doesn't like the project, but because she doesn't like the way the planning areas are defined, which makes this the wrong project for this particular location.
- Commissioner Gary Poole thanked the members of the community, the applicant, Julia and the rest of staff for their work on this project, thinks its appropriate zoning for the area, meets the criteria, and said we will get a chance to look at it again when the minor development plat comes through and is in support.

Commissioner Erik Frandsen moved the Planning Commission recommend Town Council approve the Perry Lane Zoning. Commissioner Ruth Ann Nelson seconded, a vote was taken and passed 6-1 with Jane Lane opposing.

PLANNING COMMISSION ITEMS

None.

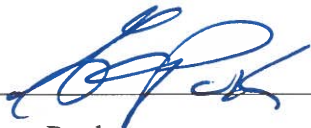
STAFF ITEMS

Bryce Matthews reminded the commissioners that they should have received two emails from Mary Munekata for the April 25th agenda regarding the LDO Modernization and the Administrative Manual to provide extra review time and links to the documents. Bryce clarified that if the LDO code changes are approved, the minor development plat may not come before the planning commission or town council, but will be administratively reviewed. Bryce, in response to Commissioner Ruth Ann Nelson, said that if the new LDO is approved prior to the minor development plat submission, administratively reviewed sites are posted on the property with Town staff contact information to discuss issues or concerns the public may have.

ADJOURNMENT

Commissioner Erik Frandsen moved that the meeting be adjourned. Commissioner Angela Lindstrom seconded the motion, a vote was taken and passed unanimously. The meeting was adjourned.



Jeff Miller
Recording Secretary

Gary Poole
Chair