



PLANNING COMMISSION MEETING

7:00 PM

September 13, 2018

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

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **ADDITIONS TO OR DELETIONS FROM THE AGENDA**
5. **APPROVAL OF MINUTES**
 - A. **July 26, 2018**
6. **CONSENT AGENDA**
7. **PUBLIC HEARINGS**
 - A. **ORDINANCE NO. 3.01.115**
A Bill for an Ordinance to Amend Section 13.04.210 of the Parker Municipal Code Concerning Temporary Structures and Uses

Applicant:	Town of Parker
Location:	Townwide
Department:	Community Development, Bryce Matthews
 - B. **ORDINANCE NO. 5.74.2**
A Bill for an Ordinance to Amend Section 6.06.050 and Section 6.06.100 of the Parker Municipal Code Concerning Unlawful Acts and Penalties Related to Stage 1 and Stage 2 Fire Bans

Applicant:	Town of Parker
Location:	Townwide
Department:	Community Development, Bryce Matthews

C. ORDINANCE NO. 5.28.23

A Bill for an Ordinance to Amend Various Sections of Title 5, Section 6.02.020, Section 8.08.010, Section 11.17.020, Section 13.13.010, and Section 13.13.020 of the Parker Municipal Code Concerning Alcohol Beverages and Marijuana

Applicant: Town of Parker

Location: Townwide

Department: Community Development, Bryce Matthews

8. PLANNING COMMISSION ITEMS

9. STAFF ITEMS

10. ADJOURNMENT



PLANNING COMMISSION MINUTES

July 26, 2018

Chair Gary Poole called the meeting to order at 7:00 p.m.

Commissioner John Howe led the Planning Commission and audience in the Pledge of Allegiance.

Also, present were Commissioners Richard Foerster, Eliana Burke, Erik Frandsen and Kelly Hickler. Alternate Ruth Ann Nelson was present and seated for the absent Commissioner Duane Hopkins. Alternates Kimberly Rodell and Tracie Manske were absent.

ADDITIONS TO OR DELETIONS FROM THE AGENDA

None

APPROVAL OF MINUTES

Commissioner John Howe moved to approve the July 12, 2018 meeting minutes. Commissioner Erik Frandsen seconded; a vote was taken and passed 6:0:1 with Commissioner Richard Foerster abstaining due to being absent from the July 12, 2018 meeting.

CONSENT AGENDA

None

PUBLIC HEARING: OPENED: 7:02 P.M. ORDINANCE NO. 3.147.6 - A Bill for an Ordinance to Amend Sections 13.02.010, 13.06.070 and 13.07.030 of the Parker Municipal Code Concerning Residential Roadway Buffering Standards

Applicant: Town of Parker
Location: Townwide
Planner: Carolyn Parkinson

Carolyn Parkinson, Planner, presented the staff report for the update to the Land Development Ordinance concerning residential roadway buffering standards. Ms. Parkinson concluded with the determinations in staff's report and recommended the Planning Commission recommend Town Council approve the update.

Commissioners discussed with staff:

- if existing developments' roadway buffers will be grandfathered; *(Staff said the new standards would apply to new developments only.)*

- if existing developments are not complete will the new roadway buffer standards be in effect for the new build-out; *(Staff said yes, any new development will have to meet the new roadway buffer standards upon approval of the ordinance.)*
- if turf will be required, recommended or allowed in the roadway buffer tree lawn; *(Staff said turf would be allowed but native grass would not be allowed next to the sidewalk.)*
- if the new tree lawn area width is sufficient to support tree growth; *(Staff said the streetscape standards that support vegetative growth are in the current Construction Specifications and Design Considerations for Parks, Trails and Streetscapes manual and are still required to be met; the proposed standards are applicable from the residential property line to the back of the sidewalk.)*

APPLICANT PRESENTATION

Staff presentation only.

PUBLIC COMMENT OPENED

None

PUBLIC COMMENT CLOSED

PUBLIC HEARING: CLOSED: 7:11 P.M. ORDINANCE NO. 3.147.6 - A Bill for an Ordinance to Amend Sections 13.02.010, 13.06.070 and 13.07.030 of the Parker Municipal Code Concerning Residential Roadway Buffering Standards

PLANNING COMMISSION DISCUSSION

Commissioner John Howe said the update is straight-forward; will help improve visual aspects throughout the town and will soften the look of development from the street. He supported recommending Town Council approval.

Commissioner Eliana Burke agreed; thought the proposed standards were great and past due. She thanked staff for the work in updating the roadway buffer standards.

Commissioner Ruth Ann Nelson said she appreciated the Town's responsiveness to the Homeowners' Associations' attempts to keep watering costs and use down in landscaped areas; she said the roadway buffer standards update is well done.

Commissioner Kelly Hickler said the roadway buffer standards are a great idea; it will enhance pedestrian, homeowners' and drivers' visual experience in the community.

Commissioner Richard Foerster believed the recommended roadway buffer standards are well overdue; the result will be improved subdivision design that meets the Parker 2035 Master Plan.

Commissioner Erik Frandsen supported recommending Town Council approve adoption of the ordinance.

Chair Gary Poole agreed.

Commissioner John Howe moved that the Planning Commission recommend the Town Council approve Ordinance No. 3.147.6 to amend Sections 13.02.010, 13.06.070 and 13.07.030 of the Parker Municipal Code Concerning Residential Roadway Buffering Standards. Commissioner Richard Foerster seconded; a vote was taken and passed 7:0.

PUBLIC HEARING: OPENED: 7:13 P.M. ORDINANCE NO. 1.514 – A Bill for an Ordinance Vacating a Portion of Sun Way Located within the Plat of Parker Square - Tract C-1

Applicant: Gene Gregory and Sons
Location: Southeast corner of Solar Circle and Sun Way
Planner: Stacey Nerger
Public Works Engineering: Alex Mestdagh

Stacey Nerger, Planner, presented the staff report for vacating a portion of Sun Way located within the Plat of Parker Square – Tract C-1. Ms. Nerger concluded with the determinations in staff's report and recommended the Planning Commission recommend Town Council approve the request.

Commissioners discussed with staff:

- if the parking lot for the new facility and the multi-family housing behind it will have egress/ingress through the two proposed paved areas; (*Staff said yes.*)

APPLICANT PRESENTATION

None

PUBLIC COMMENT OPENED

None

PUBLIC COMMENT CLOSED

PUBLIC HEARING: CLOSED: 7:17 P.M. ORDINANCE NO. 1.514 – A Bill for an Ordinance Vacating a Portion of Sun Way Located within the Plat of Parker Square - Tract C-1

PLANNING COMMISSION DISCUSSION

Commissioner Eliana Burke said this is a straight-forward request.

Commissioner Kelly Hickler said the request makes sense.

Commissioner Ruth Ann Nelson said her only concern was with the egress/ingress for emergency access; public safety appears not to be an issue. She supported recommending Town Council approve the request.

Commissioner Erik Frandsen said the request appears to be beneficial to the Town and the landowner; he supported recommending Town Council approve the request.

Commissioner Richard Foerster supported recommending Town Council approve the request to improve access and parking for the future commercial development.

Commissioner John Howe agreed; the request is clean.

Chair Gary Poole agreed.

Commissioner Richard Foerster moved that the Planning Commission recommend Town Council approve the Sun Way Right-of-Way (ROW) vacation. Commissioner Erik Frandsen scolded; a vote was taken and passed 7:0.

PUBLIC HEARING: OPENED: 7:19 P.M. PARKER POINTE - Zoning

Applicant: Parker and Stroh, LLC
Location: Southeast Corner of Parker Road and Stroh Road
Planner: Workman
TRAKiT NO.: Z17-024

Paul Workman, Planner, presented the staff report for the Parker Pointe – Zoning. Mr. Workman concluded with the determinations in staff's report and recommended the Planning Commission recommend that Town Council approve the zoning request.

Commissioners discussed with staff:

- if the northerly portion of the 80 foot buffer along Stroh Road will be used for future road widening; (*Staff said part of the proposed minor development plat is a dedication requirement along Stroh Road for additional ROW; the setback requirement would be measured from the new ROW to any new structure.*)
- the determination of the open space and commercial property boundaries; (*Staff said the different property lines are determined through land surveys for the minor development plat and the zoning application.*)
- the replacement of the Cottonwood trees with Ponderosa Pines; (*Staff said the Town's approved landscaped manual does not allow planting of Cottonwood trees; the Cottonwood trees along Kinney Creek will be preserved with the development.*)

APPLICANT PRESENTATION

None; the applicant was available for questions.

Commissioner Kelly Hickler asked if a Planned Development (PD) zoning was considered for the development and what is the advantage of the Modified Commercial zoning.

Mr. Workman said a PD was recommended to the applicant however the applicant felt commercial zoning was adequate along with the modifications specified in the zoning request.

PUBLIC COMMENT OPENED

The following members of the public spoke against recommending approval based upon development effects on water availability, wildlife (specifically prairie dogs), the overall environment, increased traffic and the history of the area and structures:

- Kenneth Ramsey, 3862 Elm, Parker, CO
- Amanda Steinhauser, 9157 Bayou Gulch Road, Parker, CO
- SP (Julienne Banaski), 17525 Wilde Avenue, Parker, CO
- Lynda Wilson, 11443 Regency Court, Parker, CO

PUBLIC COMMENT CLOSED

Commissioners discussed with staff:

- when concerns with groundwater will be addressed; (*Staff said a master drainage study has been done as part of the minor development plat; Public Works Engineering has reviewed the drainage study for compliance to Town standards.*)
- Town policy regarding prairie dogs; (*Staff said the Town follows state requirements; there is no local ordinance for protection or mitigation of prairie dogs as they are not an endangered nor protected species; the developer is required to follow state law with regard to prairie dogs.*)
- to establish procedures for developments with prairie dogs, legislation is needed; (*Staff said that is correct.*)
- the traffic counts for the intersection and the level of service; (*Staff said the traffic counts for the arterial and collector streets intersection are high; there will be dedication for ROW required to accommodate the identified traffic within the study.*)
- historic preservation addressed by the Town; (*Staff said even though the property is not in the Town until the approved annexation, the applicant was required to provide an historic survey analysis as part of the annexation application to document the existing structures.*)
- if the survey is available for public review; (*Staff said the survey is available for*

viewing through the TRAKiT online system.)

PUBLIC HEARING: CLOSED: 7:42 P.M. PARKER POINTE – Zoning

PLANNING COMMISSION DISCUSSION

Commissioner John Howe said this is straight-forward zoning request that meets the nine criteria for approval. He supported recommending approval to Town Council as this request is only to establish zoning.

Commissioner Kelly Hickler agreed. She said modified commercial zoning is appropriate for the area; she supported separating the open space area and supported recommending approval to Town Council.

Commissioner Eliana Burke agreed.

Commissioner Richard Foerster said with the proposed and approved residential housing being developed west of Motsenbocker, between Hess and Stroh Roads, there is a need for commercial development. He said this request is looking to the future to support those commercial needs. He supported recommending approval to Town Council.

Commissioner Ruth Ann Nelson agreed. She said when properties are brought into the Town they are required to be zoned as useful to the residents of the Town and respectful to the owner/developer of the property; the concerns of the public are valid and have been addressed by staff. She appreciated that staff required the historic survey that is accessible by the public. She said traffic concerns are ubiquitous in Parker now; accommodations are being made to widen the roads to address the concerns. She believed the Town's plans are ahead of the curve; the application meets the nine criteria for approval and she supported recommending approval to Town Council.

Commissioner Erik Frandsen said he believed the zoning is consistent with the surrounding commercial corners; he supported recommending approval to Town Council

Chair Gary Poole agreed the zoning meets the Parker Master Plan and the nine criteria for approval. He supported recommending approval to Town Council.

Commissioner Eliana Burke moved that the Planning Commission recommend that Town Council approve the zoning request. Commissioner John Howe seconded; a vote was taken and passed 7:0.

PLANNING COMMISSION ITEMS

None

STAFF ITEMS

None

ADJOURNMENT

The meeting was adjourned at 7:45 p.m.

Rosemary Sietsema
Recording Secretary

Gary Poole
Chair



Planning Commission Staff Report

Planning Commission Date: 9/13/2018

Town Council Date: 10/1/2018

Hearing Type: Public Hearing

ORDINANCE NO. 3.01.115 - A Bill for an Ordinance to Amend Section 13.04.210 of the Parker Municipal Code Concerning Temporary Structures and Uses

ORDINANCE NO. 5.74.2 - A Bill for an Ordinance to Amend Section 6.06.050 and Section 6.06.100 of the Parker Municipal Code Concerning Unlawful Acts and Penalties Related to Stage 1 and Stage 2 Fire Bans

Location: Townwide

Project Planner: Bryce Matthews, Planning Manager

Applicant: Town of Parker

Executive Summary: The proposed Municipal Code amendments would make it unlawful to offer the sale of any fireworks in Town when a Stage 1 or Stage 2 fire ban is in place, including fireworks stands. Additionally, this ordinance would authorize the Town to seize impermissible fireworks offered for sale.

Staff Recommendation: Approval

RECOMMENDED MOTIONS

"I move the Planning Commission recommend Town Council approve Ordinance No. 3.01.115 to Amend Section 13.04.210 of the Parker Municipal Code Concerning Temporary Structures and Uses."

"I move the Planning Commission recommend Town Council approve Ordinance No. 5.74.2 to Amend Section 6.06.050 and Section 6.06.100 of the Parker Municipal Code Concerning Unlawful Acts and Penalties Related to Stage 1 and Stage 2 Fire Bans."

ALTERNATIVE MOTIONS

"I move that the Planning Commission recommend that Town Council approve Ordinance No. 3.01.115 to Amend Section 13.04.210 of the Parker Municipal Code Concerning Temporary Structures and Uses subject to the following conditions:"

-List conditions (either by staff or Planning Commission)

“I move that the Planning Commission recommend that Town Council approve Ordinance No. 5.74.2 to Amend Section 6.06.050 and Section 6.06.100 of the Parker Municipal Code Concerning Unlawful Acts and Penalties Related to Stage 1 and Stage 2 Fire Bans subject to the following conditions:”

-List conditions (either by staff or Planning Commission)

“I move that the Planning Commission recommend that Town Council deny Ordinance No. 3.01.115 to Amend Section 13.04.210 of the Parker Municipal Code Concerning Temporary Structures and Uses:”

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

“I move that the Planning Commission recommend that Town Council deny Ordinance No. 5.74.2 to Amend Section 6.06.050 and Section 6.06.100 of the Parker Municipal Code Concerning Unlawful Acts and Penalties Related to Stage 1 and Stage 2 Fire Bans:”

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

“I move that the Planning Commission vote to continue Ordinance No. 3.01.115 to Amend Section 13.04.210 of the Parker Municipal Code Concerning Temporary Structures and Uses.”

“I move that the Planning Commission vote to continue Ordinance No. 5.74.2 to Amend Section 6.06.050 and Section 6.06.100 of the Parker Municipal Code Concerning Unlawful Acts and Penalties Related to Stage 1 and Stage 2 Fire Bans.”

I. BACKGROUND/DISCUSSION

The Land Development Ordinance (LDO) allows for firework stands to be reviewed and approved as a temporary use. These firework stands are often applied for in May or early June before temperatures heat up and fire risk increases. Currently firework stands are allowed to continue to sell fireworks even when a Stage 1 or Stage 2 fire ban is in place which restricts private firework use. This has caused confusion in the community and complaints from residents.

The attached ordinances will be considered contemporaneously by Town Council and will address the sale of fireworks when a Stage 1 or Stage 2 fire ban is in effect. The purpose of Ordinance No. 3.01.115 is to authorize the Planning Director or designee to deny an application for a temporary use permit for a fireworks stand or suspend a temporary use permit that was issued for a fireworks stand when a Stage 1 or Stage 2 fire ban is in effect. The purpose of Ordinance No. 5.74.2 is to make the purchase or sale of all fireworks in the Town unlawful while a Stage 1 or Stage 2 fire ban is in effect, including fireworks sold by a fireworks stand.

II. PRIOR ACTIONS

Date	Action
	None

III. PARKER 2035 MASTER PLAN

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

MASTER PLAN CONSISTENCY	
2035 Master Plan	Choose an item. ☒ Consistent ☐ Inconsistent
Consistent Goals/Strategies	Land Use 1.J
Inconsistent Goals/Strategies	None
Staff Analysis	The Town of Parker 2035 Master Plan, Chapter 7 (Land Use) includes Strategy 1.J. <i>'Continue to review our Land Development Ordinance to assure that it is fair, consistent and understandable.'</i> The proposed Municipal Code amendments are consistent with this goal and the Town 2035 Master Plan.

IV. SUMMARY REFERRAL AGENCY COMMENTS AND CONDITIONS

Agency	Comments

V. CONCLUSION

The proposed amendment to the Municipal Code will allow the Town to do the following during Stage 1 and Stage 2 fire bans:

- Deny applications for temporary use permits for fireworks stands;
- Suspend temporary use permits that are issued for fireworks stands; and
- Otherwise not permit the sales of fireworks.

Staff recommends the Planning Commission recommend Town Council approve the proposed Municipal Code amendments.

VI. ATTACHMENTS

1. Ordinance No. 3.01.115
2. Ordinance No. 5.74.2

Report Approved By: Bryce Matthews, Planning Manager

Through: Jason Rogers, Deputy Community Development Director

ORDINANCE NO. 3.01.115, Series of 2018

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTION 13.04.210 OF THE PARKER MUNICIPAL CODE CONCERNING TEMPORARY STRUCTURES AND USES

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

Section 1. Section 13.04.210 of the Parker Municipal Code is amended to correct the numbering of paragraph (d) to (c), and read as follows:

13.04.210 Temporary structures and uses.

* * *

(d)(c) Temporary uses.

* * *

(10) The temporary use shall be operated in compliance with Title 6 of this Code, including, but not limited, to noise, litter, trash and debris from such use. **A fireworks stand is not eligible for a temporary use permit when a Stage 1 Fire Ban or a Stage 2 Fire Ban, as defined in Chapter 6.06 of the Code, is in effect.**

* * *

(d) Revocation/Suspension. The Planning Director or designee may revoke a temporary use permit for failure to comply with the terms of the permit or the Code. The Planning Director or designee shall suspend any permit issued for a fireworks stand during the period of time that a Stage 1 Fire Ban or a Stage 2 Fire Ban, as defined in Chapter 6.06 of the Code, is in effect. The decision of the Planning Director or designee to terminate or suspend a temporary use permit may be appealed to the Town Council within fifteen (15) days of the date of the decision.

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 _____, 2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Planning Commission Staff Report

Planning Commission Date: 9/13/2018

Town Council Date: 10/1/2018

Hearing Type: Public Hearing

ORDINANCE NO. 3.01.115 - A Bill for an Ordinance to Amend Section 13.04.210 of the Parker Municipal Code Concerning Temporary Structures and Uses

ORDINANCE NO. 5.74.2 - A Bill for an Ordinance to Amend Section 6.06.050 and Section 6.06.100 of the Parker Municipal Code Concerning Unlawful Acts and Penalties Related to Stage 1 and Stage 2 Fire Bans

Location: Townwide

Project Planner: Bryce Matthews, Planning Manager

Applicant: Town of Parker

Executive Summary: The proposed Municipal Code amendments would make it unlawful to offer the sale of any fireworks in Town when a Stage 1 or Stage 2 fire ban is in place, including fireworks stands. Additionally, this ordinance would authorize the Town to seize impermissible fireworks offered for sale.

Staff Recommendation: Approval

RECOMMENDED MOTIONS

"I move the Planning Commission recommend Town Council approve Ordinance No. 3.01.115 to Amend Section 13.04.210 of the Parker Municipal Code Concerning Temporary Structures and Uses."

"I move the Planning Commission recommend Town Council approve Ordinance No. 5.74.2 to Amend Section 6.06.050 and Section 6.06.100 of the Parker Municipal Code Concerning Unlawful Acts and Penalties Related to Stage 1 and Stage 2 Fire Bans."

ALTERNATIVE MOTIONS

"I move that the Planning Commission recommend that Town Council approve Ordinance No. 3.01.115 to Amend Section 13.04.210 of the Parker Municipal Code Concerning Temporary Structures and Uses subject to the following conditions:"

-List conditions (either by staff or Planning Commission)

“I move that the Planning Commission recommend that Town Council approve Ordinance No. 5.74.2 to Amend Section 6.06.050 and Section 6.06.100 of the Parker Municipal Code Concerning Unlawful Acts and Penalties Related to Stage 1 and Stage 2 Fire Bans subject to the following conditions:”

-List conditions (either by staff or Planning Commission)

“I move that the Planning Commission recommend that Town Council deny Ordinance No. 3.01.115 to Amend Section 13.04.210 of the Parker Municipal Code Concerning Temporary Structures and Uses:”

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

“I move that the Planning Commission recommend that Town Council deny Ordinance No. 5.74.2 to Amend Section 6.06.050 and Section 6.06.100 of the Parker Municipal Code Concerning Unlawful Acts and Penalties Related to Stage 1 and Stage 2 Fire Bans:”

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

“I move that the Planning Commission vote to continue Ordinance No. 3.01.115 to Amend Section 13.04.210 of the Parker Municipal Code Concerning Temporary Structures and Uses.”

“I move that the Planning Commission vote to continue Ordinance No. 5.74.2 to Amend Section 6.06.050 and Section 6.06.100 of the Parker Municipal Code Concerning Unlawful Acts and Penalties Related to Stage 1 and Stage 2 Fire Bans.”

I. BACKGROUND/DISCUSSION

The Land Development Ordinance (LDO) allows for firework stands to be reviewed and approved as a temporary use. These firework stands are often applied for in May or early June before temperatures heat up and fire risk increases. Currently firework stands are allowed to continue to sell fireworks even when a Stage 1 or Stage 2 fire ban is in place which restricts private firework use. This has caused confusion in the community and complaints from residents.

The attached ordinances will be considered contemporaneously by Town Council and will address the sale of fireworks when a Stage 1 or Stage 2 fire ban is in effect. The purpose of Ordinance No. 3.01.115 is to authorize the Planning Director or designee to deny an application for a temporary use permit for a fireworks stand or suspend a temporary use permit that was issued for a fireworks stand when a Stage 1 or Stage 2 fire ban is in effect. The purpose of Ordinance No. 5.74.2 is to make the purchase or sale of all fireworks in the Town unlawful while a Stage 1 or Stage 2 fire ban is in effect, including fireworks sold by a fireworks stand.

II. PRIOR ACTIONS

Date	Action
	None

III. PARKER 2035 MASTER PLAN

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

MASTER PLAN CONSISTENCY	
2035 Master Plan	Choose an item. ☒ Consistent ☐ Inconsistent
Consistent Goals/Strategies	Land Use 1.J
Inconsistent Goals/Strategies	None
Staff Analysis	The Town of Parker 2035 Master Plan, Chapter 7 (Land Use) includes Strategy 1.J. <i>‘Continue to review our Land Development Ordinance to assure that it is fair, consistent and understandable.’</i> The proposed Municipal Code amendments are consistent with this goal and the Town 2035 Master Plan.

IV. SUMMARY REFERRAL AGENCY COMMENTS AND CONDITIONS

Agency	Comments

V. CONCLUSION

The proposed amendment to the Municipal Code will allow the Town to do the following during Stage 1 and Stage 2 fire bans:

- Deny applications for temporary use permits for fireworks stands;
- Suspend temporary use permits that are issued for fireworks stands; and
- Otherwise not permit the sales of fireworks.

Staff recommends the Planning Commission recommend Town Council approve the proposed Municipal Code amendments.

VI. ATTACHMENTS

1. Ordinance No. 3.01.115
2. Ordinance No. 5.74.2

Report Approved By: Bryce Matthews, Planning Manager

Through: Jason Rogers, Deputy Community Development Director

ORDINANCE NO. 5.74.2, Series of 2018

TITLE: A BILL FOR AN ORDINANCE TO AMEND SECTIONS 6.06.050 AND SECTION 6.06.100 OF THE PARKER MUNICIPAL CODE CONCERNING UNLAWFUL ACTS AND PENALTIES RELATED TO STAGE 1 AND STAGE 2 FIRE BANS

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

Section 1. Section 6.06.050 of the Parker Municipal Code is amended to read as follows:

6.06.060 Unlawful acts.

* * *

(b) It shall also be unlawful for any person to offer for sale any fireworks, as defined in Section 6.06.050 above, in the Town when a Stage 1 Fire Ban or a Stage 2 Fire Ban, as defined in herein, is in effect, ~~including public, private, state and federal lands; provided, however, that it shall not be a violation of this Section if the person offering fireworks for sale has provided the notice described in Section 6.04.050 of this Title and prominently displays a public notice sign at each point of sale location that is clearly visible to purchasers. Each such public notice sign shall measure not less than two (2) feet by three (3) feet and shall consist of a white background with black lettering. Letter size shall be a minimum of three (3) inches high. The public notice sign shall read:~~

PUBLIC NOTICE

~~When Town of Parker Fire and Burning Restrictions are in effect, the use of all fireworks is strictly prohibited. Information on current restrictions can be found at the Town Web site at www.parkeronline.org~~

* * *

Section 2. Section 6.06.100 of the Parker Municipal Code is amended by the addition of new paragraph (b) and renumbered paragraph (c) to read as follows:

6.06.100 Penalty for violation.

* * *

(b) The Town may seize, take, and remove, at the expense of the owner all stocks of impermissible fireworks offered or exposed for sale, stored or held in violation of this Chapter.

~~(b)~~(c)

Section 3. **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 4. **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 5. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____, 2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney



Planning Commission Staff Report

Planning Commission Date: 9/13/2018

Town Council Date: 9/17/2018

Hearing Type: Public Hearing

ORDINANCE NO. 5.28.23 - A Bill for an Ordinance to Amend Various Sections of Title 5, Section 6.02.020, Section 8.08.010, Section 11.17.020, Section 13.13.010, and Section 13.13.020 of the Parker Municipal Code Concerning Alcohol Beverages and Marijuana

Location: Townwide

Project Planner: Bryce Matthews, Planning Manager

Applicant: Town of Parker

Executive Summary: The proposed amendment updates the Municipal Code to comply with recent revisions the Colorado Liquor Code made by the Colorado General Assembly.

Staff Recommendation: Approval

RECOMMENDED MOTION

"I move the Planning Commission recommend Town Council approve Ordinance No. 5.28.23 to Amend Various Sections of Title 5, Section 6.02.020, Section 8.08.010, Section 11.17.020, Section 13.13.010, and Section 13.13.020 of the Parker Municipal Code Concerning Alcohol Beverages and Marijuana."

ALTERNATIVE MOTIONS

"I move that the Planning Commission recommend that Town Council approve Ordinance No. 5.28.23 to Amend Various Sections of Title 5, Section 6.02.020, Section 8.08.010, Section 11.17.020, Section 13.13.010, and Section 13.13.020 of the Parker Municipal Code Concerning Alcohol Beverages and Marijuana subject to the following conditions:"

-List conditions (either by staff or Planning Commission)

"I move that the Planning Commission recommend that Town Council deny Ordinance No. 5.28.23 to Amend Various Sections of Title 5, Section 6.02.020, Section 8.08.010, Section 11.17.020, Section 13.13.010, and Section 13.13.020 of the Parker Municipal Code Concerning Alcohol Beverages and Marijuana:"

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

“I move that the Planning Commission vote to continue Ordinance No. 5.28.23 to Amend Various Sections of Title 5, Section 6.02.020, Section 8.08.010, Section 11.17.020, Section 13.13.010, and Section 13.13.020 of the Parker Municipal Code Concerning Alcohol Beverages and Marijuana.”

I. BACKGROUND/DISCUSSION

The Parker Municipal Code needs to be amended to conform with the provisions of the Colorado General Assembly’s passage of the “Department of Revenue Activities Regulation Act.” This Act moves numerous sections of Title 12 of the Colorado Revised Statutes into a new Title 44 of the Colorado Revised Statutes. Currently, the Parker Municipal Code references Title 12 and not the new Title 44. As a result, the Parker Municipal Code needs to be amended by October 1, 2018, to reflect these changes.

Additionally, the attached ordinance would add a new “Art gallery permit” as an authorized liquor license under the Parker Municipal Code.

The Special Licensing Authority has reviewed the ordinance and recommends approval.

II. PRIOR ACTIONS

Date	Action
	None

III. PARKER 2035 MASTER PLAN

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

MASTER PLAN CONSISTENCY	
2035 Master Plan	Choose an item. ☒ Consistent ☐ Inconsistent
Consistent Goals/Strategies	Land Use 1.J
Inconsistent Goals/Strategies	None
Staff Analysis	The Town of Parker 2035 Master Plan, Chapter 7 (Land Use) includes Strategy 1.J. ‘Continue to review our Land Development Ordinance to assure that it is fair, consistent and understandable.’ The proposed Municipal Code amendments are consistent with this goal and the Town 2035 Master Plan.

IV. SUMMARY REFERRAL AGENCY COMMENTS AND CONDITIONS

Agency	Comments
None	

V. CONCLUSION

The proposed amendment will update the Municipal Code to comply with recent revisions the Colorado Liquor Code.

Staff recommends the Planning Commission recommend Town Council approve the proposed Municipal Code amendments.

VI. ATTACHMENTS

1. Ordinance No. 5.28.23

Report Approved By: Bryce Matthews, Planning Manager

Through: Jason Rogers, Deputy Community Development Director

ORDINANCE NO. 5.28.3, Series of 2018

TITLE: A BILL FOR AN ORDINANCE TO AMEND VARIOUS SECTIONS OF TITLE 5, SECTION 6.02.020, SECTION 8.08.010, SECTION 11.17.020, SECTION 13.13.010, AND SECTION 13.13.020 OF THE PARKER MUNICIPAL CODE CONCERNING ALCOHOL BEVERAGES AND MARIJUANA

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

Section 1. Section 5.02.610 of the Parker Municipal Code is amended to read as follows:

5.02.610 Definition

As used in this Division, the term *liquor license* shall include the following classes of licenses:

- (1) Retail liquor store license;
- (2) Liquor-licensed drugstore;
- (3) Beer and wine license;
- (4) Hotel and restaurant license;
- (5) Club license;
- (6) Tavern license;
- (7) Optional premise license;
- (8) Brew pub license;
- (9) Arts license;
- (10) Racetrack license; **and**
- (11) Lodging and entertainment facility license; **and**
- (12) Art gallery permits.**

Section 2. Paragraph 5.02.630(a)(1) of the Parker Municipal Code is amended to read as follows:

5.02.630 Optional premises license

(a) *Optional premises* means:

(1) Premises specified in an application for a hotel and restaurant license under Article ~~47 3, of~~ Title ~~12 44 (12-47-101 44-3-101, et seq.)~~ of C.R.S., with related outdoor sports and recreational facilities for the convenience of its guests or the general public located on or adjacent to the hotel and restaurant within which such license is authorized to serve alcohol beverages in accordance with the provisions of this Division and at the discretion of the state and local licensing authorities; and

* * *

Section 3. Paragraph 5.02.730(b)(4) of the Parker Municipal Code is amended to read as follows:

5.02.730 Distance from schools.

* * *

(b) Subsection (a) above does not apply to:

* * *

(4) Any club located within the principal campus of any college, university or seminary, as defined in Section ~~12-47-103(3), (4) and (5)~~ 44-3-103(4), (5) and (6), C.R.S., which limits its membership to the faculty or staff of such institution;

* * *

Section 4. Section 5.02.790 of the Parker Municipal Code is amended to read as follows:

5.02.790 Tastings authorized

(a) Authorization. In accordance with Section ~~12-47-301(10)(a)~~ 44-3-301(10)(a), C.R.S., the Town hereby authorizes "tastings," as that term is defined in Section ~~12-47-103(37.5)~~ 44-3-103(56), C.R.S., thereby allowing retail liquor store and liquor-licensed drug store licensees to conduct tastings subject to all of the limitations set forth in Section ~~12-47-301(10)~~ 44-3-301(10), C.R.S.

* * *

(c) Process. Upon receiving the completed tastings application, the Town Clerk shall prepare the file for review by the Town of Parker Special Licensing Authority at its next regularly scheduled meeting. In the event the Special Licensing Authority determines that the applicant has complied with the provisions

of Section ~~12-47-301~~ 44-3-301, C.R.S., and that the applicant is able to conduct tastings without creating a public safety risk to the neighborhood, the application shall be granted.

(d) Hearing. If the Special Licensing Authority determines that there is good cause for a hearing to consider whether the applicant has complied with the provisions of Section ~~12-47-301~~ 44-3-301, C.R.S., or whether the applicant is able to conduct tastings without creating a public safety risk to the neighborhood, the Town Clerk, at the direction of the Special Licensing Authority, shall cause to be issued a notice of hearing on the tastings application. In the event the Town Clerk issues a notice of hearing on the tastings application, the notice shall be conspicuously posted on the premises at least ten (10) days prior to the hearing. Hearings held on any tastings application may result in approval or denial of said application, and the grounds for any decision on said application shall be whether the applicant has complied with the provisions of Section ~~12-47-301~~ 44-3-301, C.R.S., and whether the applicant is able to conduct tastings without creating a public safety risk to the neighborhood. Such decision of the Special Licensing Authority shall be final.

Section 5. Subsection 5.02.810(a) of the Parker Municipal Code is amended to read as follows:

5.02.810 Retail liquor store license – Multiple licenses permitted.

(a) An owner, part owner, shareholder, or person interested directly or indirectly in a retail liquor store license issued by the Local Licensing Authority may acquire additional retail liquor store licenses issued by the Local Licensing Authority in accordance with the schedule set forth in Section ~~12-47-407(4)~~ 44-3-409(4), C.R.S.; provided, however, that the additional license sought to be acquired is for a retail liquor store located at least one thousand five hundred (1,500) feet from another licensed retail liquor store.

* * *

Section 6. Subsection 5.02.820(a) of the Parker Municipal Code is amended to read as follows:

5.02.820 Liquor-Licensed drugstore license – multiple license and conversion permitted.

(a) An owner, part-owner, shareholder, or person interested directly or indirectly in a liquor-licensed drugstore license issued by the Local Licensing Authority may acquire additional liquor-licensed drugstore licenses issued by the Local Licensing Authority in accordance with the schedule set forth in Section ~~12-47-408(4)~~ 44-3-410(4), C.R.S.; provided, however, that the additional license is obtained in accordance with Subsection (b) below.

* * *

Section 7. Section 5.02.860 of the Parker Municipal Code is amended to read as follows:

5.02.860 Definitions

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

* * *

Good cause, for the purpose of refusing or denying a license renewal or initial license issuance, means:

* * *

c. In the case of a new license, the applicant has not established the reasonable requirements of the neighborhood or the desires of its adult inhabitants as provided in Section ~~12-47-301(2)~~ 44-3-301(2), C.R.S.; or

* * *

Optional premises means:

a. Premises specified in an application for a hotel and restaurant license under Title ~~12~~ 44, Article ~~47~~ 3, C.R.S., with related outdoor sports and recreational facilities for the convenience of its guests or the general public located on or adjacent to the hotel or restaurant which is licensed to serve alcohol beverages in accordance with the provisions of this Chapter and at the discretion of the state and local licensing authorities; and

* * *

Sell or sale means any of the following: to exchange, barter or traffic in; to solicit or receive an order for except through a licensee licensed under this Chapter or Article ~~46~~ 4 or ~~48~~ 5 of Title ~~12~~ 44, C.R.S.; to keep or expose for sale; to serve with meals; to deliver for value or in any way other than gratuitously; to peddle or possess with intent to sell; to possess or transport in contravention of this Chapter; or to traffic in for any consideration promised or obtained, directly or indirectly.

* * *

Section 8. Subsection 5.02.870(a) of the Parker Municipal Code is amended to read as follows:

5.02.870 Penalty for violation

(a) Any licensee who violates the terms of this Chapter may be subject to suspension or revocation of his or her liquor license pursuant to Section ~~12-47-601~~ 44-3-601, C.R.S.

* * *

Section 9. Section 5.02.960 of the Parker Municipal Code is amended to read as follows:

5.02.960 Special event permit authorized.

The Town shall be authorized to issue a special event permit in accordance with Section ~~12-48-101~~ 44-5-101, *et seq.*, C.R.S.

Section 10. Section 5.08.040 of the Parker Municipal Code is amended to read as follows:

5.08.040 Duties.

The Authority shall have and is vested with the authority to grant or refuse licenses for the sale at retail of malt, vinous or spirituous liquors and fermented malt beverages, as provided by law, conduct investigations as are required by law and suspend or revoke such licenses for cause in the manner provided by law. Such Authority shall have all the powers of the Local Licensing Authority, as set forth in Articles ~~46 3~~ or ~~47 4~~ of Title ~~12 44~~, C.R.S., and Title 5 of this Code. The Authority shall also have and is vested with the authority to grant or refuse licenses for amusement devices and arcades, pawnbrokers and other licenses as specifically authorized by the Town Council, conduct investigations as are required by law and suspend or revoke such licenses for cause in the manner provided by law.

Section 11. Section 6.02.020 of the Parker Municipal Code is amended to read as follows:

6.02.020 Definitions.

As used in this Chapter, the following terms shall have the meaning indicated:

* * *

Bar means any indoor area that is operated and licensed under Article ~~47 3~~ of Title ~~12 44~~, C.R.S., primarily for the sale and service of alcohol beverages for on-premises consumption and where the service of food is secondary to the consumption of such beverages.

* * *

Section 12. Subsection 8.08.010(a) of the Parker Municipal Code is amended to read as follows:

8.08.010 Possession of alcohol in public places.

(a) It is unlawful for any person to possess or consume any fermented malt beverage, or any malt, vinous or spirituous liquor, whether such possession is actual or constructive, in any public place as defined in Subsection 8.01.010(b) of this Title, upon property owned, operated, leased or maintained by the State or any political subdivision or agency thereof, or upon property owned, operated, leased or maintained by the Town; provided, however, that it shall not be a violation of this provision to: (1) store or consume any fermented malt beverage, or any malt, vinous or spirituous liquor in conformance with, and pursuant to the terms of, any validly issued permit or license; or (2) be in possession of a partially consumed bottle of vinous liquor (not to exceed seven hundred fifty [750] milliliters) that was originally sold for on-premises consumption and resealed pursuant to Section ~~12-47-411(3.5)~~ **44-3-901(10)(c)**, C.R.S.

* * *

Section 13. Subsection 11.17.020(a) of the Parker Municipal Code is amended to read as follows:

11.17.020 Growing of medical marijuana.

(a) A primary caregiver, for purposes of this Chapter and consistent with Article XVIII, Section 14(1)(f) of the Colorado Constitution, is defined as a natural person, other than the patient and the patient's physician, who is eighteen (18) years of age or older and has significant responsibility for managing the well-being of a patient who has a debilitating medical condition. In addition to other activities conducted on behalf of the patient, a primary caregiver, a patient or a group of patients cultivating marijuana plants for their own use may cultivate, possess, produce, use or transport marijuana or paraphernalia to administer marijuana for medicinal purposes, subject to the following.

(1) Such cultivation, production or possession of marijuana plants must be in full compliance with all applicable provisions of Article XVIII, Section 14 of the Colorado Constitution, the Colorado Medical Marijuana Code, Section ~~12-43.3-101~~ **12-11-101**, C.R.S., *et seq.*, as amended, and the Medical Marijuana Program, Section 25-1.5-106, C.R.S., as amended, and all implementing regulations, including 5 CCR 1006-2.

* * *

Section 14. Paragraph 13.13.010(1) of the Parker Municipal Code is amended to read as follows:

13.13.010 Findings and Legislative Intent.

The Town Council makes the following legislative findings:

(1) The Town Council finds and determines that the Colorado Medical Marijuana Code, Section ~~12.43.3-101~~ 44-11-101, C.R.S., *et seq.*, clarifies Colorado law regarding the scope and extent of Amendment 20 to the Colorado Constitution.

* * *

Section 15. Paragraph 13.13.020(1) of the Parker Municipal Code is amended to read as follows:

13.13.020 Authority

The Town Council hereby finds, determines and declares that it has the power and authority to adopt this Article pursuant to:

(1) The Colorado Medical Marijuana Code, Section ~~12.43.3-101~~ 44-11-101, C.R.S., *et seq.*,

Section 16. 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 17. 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 18. This Ordinance shall become effective ten (10) days after final publication.

INTRODUCED AND PASSED ON FIRST READING this ____ day of _____,
2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2018.

Mike Waid, Mayor

ATTEST:

Carol Baumgartner, Town Clerk

APPROVED AS TO FORM:

James S. Maloney, Town Attorney