



PLANNING COMMISSION MINUTES

October 11, 2018

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

ADDITIONS TO OR DELETIONS FROM THE AGENDA

None

APPROVAL OF MINUTES

Commissioner Duane Hopkins moved to approve the September 13, 2018 meeting minutes. Commissioner Eliana Burke seconded; a vote was taken and passed 4:0:2 with Commissioners Richard Foerster and Erik Frandsen abstaining due to being absent from the September 13, 2018 meeting.

CONSENT AGENDA

None

PUBLIC HEARING: OPENED: 7:03 P.M. ORDINANCE NO. 3.01.115 (Continued from September 13, 2018) - A Bill for an Ordinance to Amend Section 13.04.210 of the Parker Municipal Code Concerning Temporary Structures and Uses and

ORDINANCE NO. 5.74.2 (Continued from September 13, 2018) - 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

Bryce Matthews, Planning Manager, presented information regarding previously asked Planning Commission questions and introduced Parker Police Department Sergeant Greg Epp to respond to additional questions regarding the Ordinance 3.01.115 and Ordinance 5.74.2.

Mr. Matthews discussed with the Planning Commission:

- why the two ordinances are being proposed; (*Staff said Town of Parker citizens reached out to Councilmembers regarding concerns about being able to purchase fireworks in Town and then not being allowed to light them due to the ban. Mr. Matthews said there were three ways to address the concerns by either endorsing the status quo; banning fireworks sales entirely; or the proposed ordinance allowing the sale of fireworks until an official Stage One and Stage Two fireworks ban is enacted.*)
- statistics regarding the number of firework related fires in Town and Douglas County; (*Staff said there haven't been any in Town and there isn't a database that tracks that information in Douglas County.*)
- if Douglas County plans a similar ban; (*Staff said no.*)
- if the Town has tried or considered requiring vendors to post fire ban signage; (*Staff said the current code requires posting signage when a fire ban is in effect.*)
- impact on sales tax revenue; (*Staff said that information is not available.*)

Sargent Epp discussed with the Planning Commission:

- enforcement of fire ban signage; (*Sargent Epp said enforcement occurs with enactment of Stage One and Two fire bans not with the posting of signage; enforcement occurs as a result of calls to police regarding lighting fireworks during the ban. He said it is the officer's discretion whether or not to cite offenders based on what is found at the scene.*)
- how the proposed ordinance solves the problem of being able to purchase fireworks prior to a ban and then not being able to light them once a ban is enacted; (*Sargent Epp said it doesn't; fireworks sales and lighting fireworks are allowed until fire bans are enacted.*)
- police and fire preference to handle citizen concerns; (*Sargent Epp said the proposed ordinance will not significantly impact law enforcement actions nor the number of calls received.*)
- if other counties have restrictions when fire bans are in place; (*Sargent Epp said yes, when fire bans are in place there are similar restrictions; most agencies follow state guidelines during fire bans that don't allow lighting of fireworks.*)
- clarification that the proposed ordinance bans the sale of fireworks but not the lighting of fireworks during a Stage One and Two fire ban; (*Sargent Epp said Stage One and Two fire bans do ban the use of fireworks; not the possession of fireworks.*)
- if Stage One and Two fire bans, ban the sale of fireworks; (*Sargent Epp said currently the use of fireworks during a ban is illegal; this ordinance would also ban the sale of fireworks during a Stage One and Two fire ban.*)
- if this is an attempt to begin formulating a policy on fireworks sales and use; (*Sargent Epp said he does not know if the proposed ordinance will impact calls regarding the use of fireworks as the current calls regard the use of fireworks that are illegal within the state of Colorado; calls are not received for legal fireworks.*)

- the pros and cons of approving the proposed ordinance; (*Sargent Epp said the biggest pro is having a policy statement to address citizen concerns; positive impacts for service calls will probably not be seen.*)

APPLICANT PRESENTATION

Staff presentation only.

PUBLIC COMMENT OPENED

None

PUBLIC COMMENT CLOSED

PUBLIC HEARING: CLOSED: 7:13 P.M. 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 and

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

PLANNING COMMISSION DISCUSSION

Commissioner Duane Hopkins said he was not opposed to the proposed ordinance; he just didn't believe it solves any problem; it does allow for a public statement. He said there is no practical effect; he supports making a recommendation to Town Council to consider a larger ban for fireworks in the Town.

Commissioner Richard Foerster agreed; he would like to see a complete ban the sale of fireworks in Town. He said hopefully, that would happen someday but he would support recommending approval of the ordinance as step toward that direction in the Town and the unincorporated Douglas County areas in Town.

Commissioner Erik Frandsen said he was on the fence. He said he thought it is overreaching to say what you can and cannot sell in Town when fireworks are legal at a federal and state level; and comments from Sargent Epp indicate there may not be a direct impact from approval of the proposed ordinance. He said if the purpose of the ordinance is for public relations, he didn't believe the ordinance before Planning Commission was the necessary forum for that.

Commissioner Richard Foerster added banning fireworks entirely may reduce tax revenue brought to Town but it would be a small drop in the overall revenue bucket.

Commissioner Kimberly Rodell said she is on the fence, as well; asking, does public perception effect Town policy versus supporting what is currently in the Municipal Code and potential sales, even if the revenue is not large. She said it appears the police calls for service are from illegal fireworks and not the legal fireworks being sold in Town. She felt the proposed ordinance is not even a band aid.

Commissioner Eliana Burke agreed with Commissioner Hopkins that the proposed ordinance doesn't have enough teeth to be effective; if action is necessary, do it right or don't do it at all.

Commissioner Kelly Hickler agreed with all the comments. She didn't believe the proposed ordinance would solve citizen's concerns with the use of fireworks. She did not support regulations that don't solve a problem.

Chair Gary Poole said he grew up in a Town that had a townwide ban on the use of fireworks which did no good and still sounded like a war zone on the Fourth of July. He went back to Commissioner Hopkins' point that recommending approval of the proposed ordinance is a start toward Town Council approving a townwide fireworks ban.

Commissioner Duane Hopkins moved that the Planning Commission recommend Town Council deny Ordinance No. 3.01.115 to amend Section 13.04.210 of the Parker Municipal Code concerning temporary structure and uses with a recommendation that Town Council consider a new proposal for a complete ban on firework sales within the Town of Parker. Commissioner Richard Foerster seconded; a vote was taken and passed 7:0

Commissioner Duane Hopkins moved that the Planning Commission recommend 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 with a recommendation that Town Council consider a new proposal for a complete ban on firework sales within the Town of Parker. Commissioner Richard Foerster seconded; a vote was taken and passed 7:0.

RESOLUTION NO. 18-068: OPENED: 7:26 P.M. - A Bill for a Resolution to Adopt the 2018 Three-Mile Area Plan

Applicant: Town of Parker

Location: Townwide

Department: Community Development, Carolyn Washee-Freeland

Carolyn Washee-Freeland, Planner, presented the staff report for the Three-Mile Area Plan – Annual Update. Ms. Freeland concluded with the determinations in the staff report and recommended the Planning Commission recommend Town Council approve the Three-Mile Area Plan – Annual Update.

Commissioners discussed with staff:

- if the proposed resolution is strictly administrative; (*Staff said yes it is.*)

- the meaning of the name change from Urban Growth Area (UGA) boundary as a hard line agreeing not to develop beyond to a Planning area; (*Staff said the UGA came about with an Intergovernmental Agreement (IGA) with Douglas County; restricting development beyond those boundaries; there is no longer an IGA with Douglas County; land within the Three-Mile Plan Area may be annexed if state regulations for annexation are met.*)

APPLICANT PRESENTATION

Staff presentation only.

PUBLIC COMMENT OPENED

None

PUBLIC COMMENT CLOSED

RESOLUTION NO. 18-068: CLOSED: 7:31 P.M. - A Bill for a Resolution to Adopt the 2018 Three-Mile Area Plan

PLANNING COMMISSION DISCUSSION

All the Commissioners agreed that the update was straight-forward, keeps the Town in compliance, reflects the changes that have occurred in the last year and thanked staff for providing updates, new maps and updated documents.

Commissioner Eliana Burke moved that the Planning Commission recommend the Town Council approve the Town of Parker's annual Three-Mile Area Plan Update. Commissioner Kelly Hickler seconded; a vote was taken and passed 7:0.

PLANNING COMMISSION ITEMS

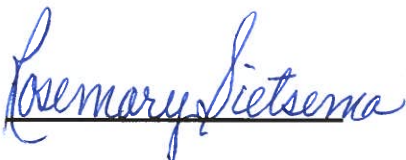
None

STAFF ITEMS

None

ADJOURNMENT

The meeting was adjourned at 7:32 p.m.



Rosemary Sietsema
Recording Secretary



Gary Poole
Chair