



## **AGENDA**

### **PLANNING AND ZONING MAY 23, 2019 @ 7:00 P.M.**

Notice is hereby given; the Planning and Zoning Commission for the City of Parker will hold a Regular Meeting on Thursday, May 23, 2019 at 7:00 P.M. at Parker City Hall, 5700 E. Parker Road, Parker, Texas 75002.

#### **CALL TO ORDER – Roll Call and Determination of a Quorum**

#### **PLEDGE OF ALLEGIANCE**

AMERICAN PLEDGE: I pledge allegiance to the flag of the United States of America; and to the republic for which it stands, one nation under God, indivisible with liberty and justice for all.

TEXAS PLEDGE: Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

**PUBLIC COMMENTS** The Commission invites any person with business before the Commission to speak. No formal action may be taken on these items at this meeting. Please keep comments to 3 minutes.

#### **INDIVIDUAL CONSIDERATION ITEMS**

1. PUBLIC HEARING FOR A SPECIAL USE PERMIT FOR THE PROPERTY LOCATED AT 3406 DUBLIN ROAD IN THE 3500 BLOCK OF DUBLIN ROAD FOR MARGARET E. TURNER.
2. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON A SPECIAL USE PERMIT FOR THE PROPERTY LOCATED AT 3406 DUBLIN ROAD IN THE 3500 BLOCK OF DUBLIN ROAD FOR MARGARET E. TURNER.

#### **ROUTINE ITEMS**

3. FUTURE AGENDA ITEMS
4. ADJOURN

In addition to any specifically identified Executive Sessions, the Planning and Zoning Commission may convene into Executive Session at any point during the open meeting to discuss any item posted on this Agenda. The Open Meetings Act provides specific exceptions that require that a meeting be open. Should Commission elect to convene into Executive Session, those exceptions will be specifically identified and announced. Any subsequent action, as a result of this Executive Session, will be taken and recorded in open session.

I certify that this Notice of Meeting was posted on or before May 17, 2019 by 5:00 p.m. at the Parker City Hall.

\_\_\_\_\_  
Date Notice Removed

\_\_\_\_\_  
Patti Scott Grey, City Secretary

The Parker City Hall is Wheelchair accessible. Sign interpretations or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Secretary's Office at 972-442-6811.



## Agenda Item

Item 1 & 2  
C'Sec Use Only

Budget Account Code:	Meeting Date: May 23, 2019
Budgeted Amount:	Department/ Requestor: P&Z Commission
Fund Balance-before expenditure:	Prepared by: ACA/CS Scott Grey Public Works Director Machado
Estimated Cost:	Date Prepared: May 13, 2019
Exhibits:	1. Special Use Permit Application and Map 2. Public Hearing Notice, Collin County CAD map, and current Swing' D Conditional Use Permit

### AGENDA SUBJECT

1. PUBLIC HEARING FOR A SPECIAL USE PERMIT FOR THE PROPERTY LOCATED AT 3406 DUBLIN ROAD IN THE 3500 BLOCK OF DUBLIN ROAD FOR MARGARET E. TURNER.
2. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON A SPECIAL USE PERMIT FOR THE PROPERTY LOCATED AT 3406 DUBLIN ROAD IN THE 3500 BLOCK OF DUBLIN ROAD FOR MARGARET E. TURNER.

### SUMMARY

Please review the information provided.

### POSSIBLE ACTION

Planning and Zoning (P&Z) Commission may direct staff to take appropriate action.

Inter - Office Use			
Approved by:			
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	05/13/2019
City Attorney:		Date:	
City Administrator:	<i>Gary Machado</i>	Date:	05/17/2019

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CITY OF PARKER

# Letter of Intent

Swingin' D Ranch, Ltd.  
c/o Cross Creek Ranch  
3406 Dublin Rd  
Parker, TX 75002

February 26, 2019

City of Parker  
Attn: Mr. Luke Olson, City Manager  
5700 E. Parker Rd  
Parker, TX 75002

Dear Mr. Olson:

The purpose of our Letter of Intent is to request a new Special Use Permit for the property located at 3406 Dublin Road in 3500 block of Dublin Road. The new SUP would apply to 6 acres of the 30.478 total acreage of the property. Our intent is to maintain the current use of the property, however the current conditional use permit needs to be updated to reflect and comply with current state and local law ordinances, as well as change of name of owner, due to divorce.

We request the following changes/deletions to be incorporated into an updated SUP issued by the City of Parker:

- The annual fee of \$1,000.00 needs to be removed. Currently no other business in Parker has this requirement. Also note that the event venue contributes to the sales tax proceeds that flow into the city of Parker.
- In conjunction with this fee removal, we request the removal of clause C: "Failure to pay the annual renewal fee within 30 days after mailing of the notice of failure to pay from the City Secretary"
- We also request the removal of clause E:  
"The sale, lease, or abandonment as the principal residence of Steve and Margaret DiNapoli of the property known as 3510 Dublin Road, Parker, Collin County, Texas"
- Noise abatement adjustment should reflect current city ordinance which allows for outside music until 11:00 p.m.
- The applicant name changed to Margaret E. Turner by and through Swingin' D Ranch, Ltd.

Sincerely,

  
Margaret E. Turner



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City Received Date Stamp

PLEASE PRINT

APPLICATION FOR A SPECIAL USE PERMIT

The undersigned owner (contract owner) of property herein described hereby applies for a special use permit for the following described property:

(1) Location of Property or Street Address:

3406 Dublin Rd. 75002

Existing Zoning: single family

(2) Legal Description of Property:

ABBA Abs A0602 William McCarry Survey, Tract 7

(3) Proposed Use of Property:

continued use as an event venue

(4) Development Schedule: None

(5) Desired Duration: ~~3 years~~ in perpetuity

(6) Attached are the checklist, plans, and LETTER OF INTENT: ☒ Yes ☐ No

No application for a special use shall be granted by the City of Parker unless the City Council shall find all of the following conditions are present:

1. That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
2. That the uses, values, and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance, or operation of the special use.
3. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. That adequate utilities, access roads, drainage, and other necessary site improvements have been or are being provided.
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6. That the special use shall conform to all applicable regulations of the district in which it is located.

I own ☒ lease ☐ this property.

I, the undersigned applicant, have reviewed the above standards and to the best of my knowledge this proposed special use complies with the standards for special use.

Respectfully submitted,

Margaret Turner, owner  
Applicant Signature

Margaret Turner, owner  
Printed Name

Katie Wear, Lessee  
Applicant Signature

Katie Wear, Lessee  
Printed Name

Address: 3406 Dastin Rd.  
Parker TX 75002

Phone: 214 802 0011

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**ADDITIONAL REQUIREMENTS:**

Attach 12 copies of plat for the property containing the following information:

- a. North point, scale, and date
- b. Name and address of applicant, engineer, or surveyor
- c. Survey and abstract with tract designation
- d. Location of major and/or secondary thoroughfares located with or adjacent to property
- e. Location of existing or platted streets within and adjacent to property
- f. Location of existing rights-of-way, utility/drainage easements

**Fees:**

- a. The fee for a Special Use Permit before the Planning & Zoning Commission is (See Fee Schedule).
- b. The fee for a Special Use Permit before The City Council is (See Fee Schedule).

**FEES ARE NON-REFUNDABLE. IN THE EVENT THE APPLICATION FOR SPECIAL USE PERMIT IS DENIED.**

**Timing:**

Within twenty days of receipt of completed application and appropriate fee, a public hearing will be scheduled before the Planning and Zoning Commission, after notification of all property owners within 200 feet of the property has been duly accomplished. Additional notifications may be made at the discretion of the City Administrator.

The Planning and Zoning Commission will make a recommendation to the City Council for either approval, approval with conditions, or denial.

Applications that receive a recommendation for approval, or approval with conditions by the Planning and Zoning Commission, will then be scheduled for a Public Hearing before the Parker City Council, after notification of all property owners within 200 feet of the property has been duly accomplished. Additional notifications may be made at the discretion of the City Administrator.

The final authority for approval is with the City Council of the City of Parker.

Applications that have been denied by the Planning and Zoning Commission may be appealed to the Parker City Council.



**ORDINANCE 483**

**SECTION 17. SPECIAL USE PERMITS**

**A. PURPOSE**

The purpose of the regulations described by this section is to allow the compatible and orderly development within the City of uses which may be suitable only in certain locations in a designated district if developed in a specific way or only for a limited period of time.

A Special Use Permit is required for all Conditional Uses. A Special Use Permit may have a specified time limitation attached and may impose conditions other than those which are specifically set forth in this ordinance.

**B. APPROVAL RESPONSIBILITY**

The Planning and Zoning Commission shall have the initial responsibility for recommending all Special Use Permits required for the "Conditional Uses."

The City Council shall have the final authority for approval or denial of all Special Use Permits.

The following procedures shall be complied with prior to the approval or denial of any Special Use Permit.

1. Application concerning Special Use Permits for those uses which are conditional in any district shall be submitted to the Administrator in writing and be automatically referred to the Commission for a public hearing on same. The Administrator shall investigate conditions, arrange hearing notification, and obtain any expert advice needed to achieve agreement between the applicant and the City.

2. After receiving an application for a Special Use Permit, notification of such request by mail shall be made to all owners of real property located within two hundred (200) feet of the property on which application has been made. The names and addresses of the affected parties shall be supplied by the applicant.

3. After a public hearing, the Commission may recommend an application for a Special Use Permit not be approved, if the proposed use fails to meet one of the criteria set forth in Paragraph C. In recommending a Special Use Permit be approved, the Commission, on the basis of recommendations from the Administrator, may impose requirements and conditions with respect to locations, construction, maintenance, and operation, in addition to those expressly stipulated in the Ordinance for the particular use, as they deem necessary for the protection of adjacent properties and the public interest.

4. When application has been denied by the Commission, applicant may appeal for a hearing before the City Council.

5. Appeals From Decisions of the Commission. Any person or persons, jointly or severally, aggrieved by a decision of the Commission, may present the City Council a petition, duly verified, setting forth that such decision is unjust, in whole or in part, specifying the

COMPREHENSIVE ZONING ORDINANCE

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## CITY OF PARKER

grounds of injustice. Such petition shall be presented to the body within ten (10) days after the final decision of the Commission and not thereafter.

### **C. PREREQUISITES FOR APPROVAL BY CITY COUNCIL**

1. No Structure or property in any district shall be used for a use listed as a "Conditional Use" without first having obtained a Special Use Permit for such use from the City Council.

2. The City Council, after receipt of report and recommendation of the Commission, may permit a conditional use subject to appropriate conditions and safeguards, when, after public notice and a hearing, the City Council finds:

- a. That the proposed use meets all the minimum standards established in this ordinance for this type of use.
- b. That the proposed use is in harmony with the purpose and intent of this ordinance.
- c. That the proposed use will not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property.
- d. Each use permitted by the City Council shall be evidenced by a duly adopted ordinance granting such Special Use Permit and containing such conditions as may be prescribed by the City Council.
- e. The City Council may impose additional reasonable restrictions or conditions to carry out the spirit and intent of this ordinance and to mitigate adverse effects of the proposed use. These requirements may include, but are not limited to, increased open space, loading and parking requirements, suitable landscaping, and additional improvements such as drainage, trails, and fencing.
- f. Prior to any public hearing before the City Council for a Special Use Permit, notification shall be made by mail to all property owners within two hundred (200) feet of the property on which the application was made.

### **D. APPLICATION FILING PROCEDURE**

Application shall be made by property owner or certified agent thereof to the Administrator on a form prescribed for this purpose by the City. Application shall be accompanied by drawings as provided herein. Granting a Special Use Permit does not exempt the applicant from complying with requirements of the Building Code or other ordinances.

### **E. DEVELOPMENT & TIME LIMITS**

Following the issuance of a Special Use Permit, the Building Official shall insure that if the development is undertaken, it is commenced in compliance with said permit within one (1) year. If said development is not commenced within one year of issuance of the applicable Special Use Permit, said Special Use Permit shall expire without notice.

COMPREHENSIVE ZONING ORDINANCE

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The Special Use Permit is not permanent zoning, and may be brought before the governing body of the city for a compliance review at any time.

The City may seek the issuance of an administrative search warrant in the event probable cause exists to review compliance with the city ordinances and the requirements of the SUP. Such warrants may be issued in the discretion of the court after a review of the evidence."

**NO HEARING WILL BE SCHEDULED UNTIL APPROPRIATE FEES HAVE BEEN PAID.**

All the requirements and fees of this application are hereby submitted to the City Secretary, City of Parker, Texas, as required for a Special Use Permit. I (we) understand that in the event this application is denied by either the Parker Planning and Zoning Commission or the Parker City Council, the fees submitted herewith are not to be refunded.

2.28.19 Magnetium  
DATE APPLICANT

2/28/19 Katie Wear, Lessee  
DATE APPLICANT

3/5/2019 Sam Scott  
DATE RECEIVED CITY OF PARKER

\$1,000.00  
AMOUNT OF FEE RECEIVED WITH INITIAL APPLICATION

Swingin D. Ranch Ltd  
3510 Dublin RD  
Parker TX 75002

001052

Date 2.28.19

Pay to the  
Order of

City of Parker

\$ 1,000.<sup>00</sup>

One thousand dollars & no/100

Dollars

Legacy Texas Bank  
P.O. Box 869111  
Plano, TX 75086-9111

For \_\_\_\_\_

NAMES AND ADDRESSES OF ALL ADJACENT PROPERTY OWNERS (IN EVERY DIRECTION) WITHIN 200 FEET OF THE PROPERTY:

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By CITY SECRETARY  
CITY OF PARKER

**IMPORTANT NOTE:** IT IS THE RESPONSIBILITY OF THE APPLICANT TO PROVIDE COMPLETE AND TOTAL NAME AND ADDRESSES TO THE CITY ADMINISTRATOR.

THIS INFORMATION IS A PART OF THE APPLICATION FOR A SPECIAL USE PERMIT.

FAILURE TO COMPLETE THIS PORTION OF THE APPLICATION WILL RESULT IN THE APPLICATION BEING RETURNED AS INCOMPLETE.

1. 3302 Dublin Rd. John Roberts
2. 3212 Dublin Rd. Bill & Linda Braswell
3. 3300 Dublin Rd. Andy & Holly Sharpe
4. 5007 Dublin Creek Lane. Nicholas & Judy Bergstein
5. 5005 Dublin creek Lane David McClintock
6. 5004 Dublin creek Lane Michael Shulman
7. 3206 Dublin Rd. Richard & Maryellen Duffield
8. 3510 Dublin Rd. Margaret Turner
9. \_\_\_\_\_
10. 3306 Dublin Rd. Gus & Farrah Ableman
11. \_\_\_\_\_
12. \_\_\_\_\_
13. \_\_\_\_\_
14. \_\_\_\_\_
15. \_\_\_\_\_
16. \_\_\_\_\_
17. \_\_\_\_\_
18. \_\_\_\_\_
19. \_\_\_\_\_
20. \_\_\_\_\_

CITY OF PARKER  
SPECIAL USE PERMIT

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MAR 05 2019

The City Council of the City of Parker hereby grants a Special Use Permit as follows:

APPLICANT: \_\_\_\_\_

PROPERTY: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

by CITY SECRETARY  
CITY OF PARKER

USE PERMITTED: \_\_\_\_\_  
\_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_ DURATION: \_\_\_\_\_

This permit is granted subject to the representations of applicant as presented in the application and letter of intent filed by applicant and attached hereto for all purposes, subject to the rules, regulations, and ordinances of the City of Parker and subject to the following special conditions:

The City of Parker reserves the right to cancel, modify, or suspend the permit granted herein should the City Council determine: (1) that any of the representations contained in the applicant's application or letter of intent are false, (2) that applicant has not timely performed applicant's obligations as represented in the application, letter of intent, or as contained in the special conditions, or (3) that applicant has been found to be in violation of the ordinances of the City of Parker or any county, state, or federal regulations applicable to the subject property, applicant, or the activity conducted.

CITY OF PARKER

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary





## NOTICE OF PUBLIC HEARING

The Planning and Zoning Commission for the City of Parker will meet at 7:00 p.m. on Thursday, May 23, 2019 at Parker City Hall, 5700 E. Parker Road.

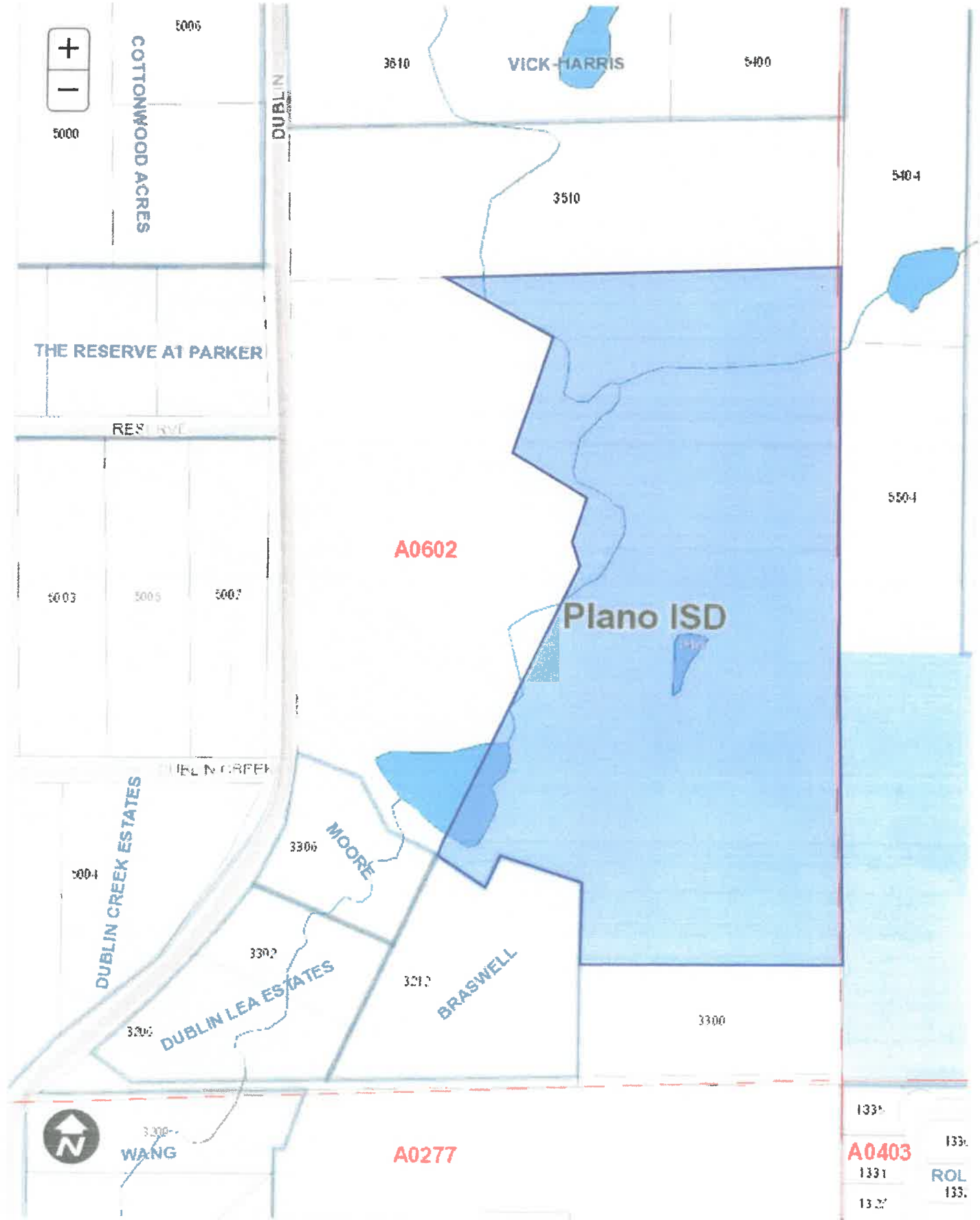
Margaret E. Turner, by and through Swingin' D Ranch, Ltd. has requested a Special Use Permit to operate an event venue on approximately 6.0 acres of a 30.478 acre tract located at 3406 Dublin Road, Parker, Texas 75002. {Parker Municipal Code §156.37}.

All interested parties are invited to attend this Public Hearing and express any comments either for or against the variance as requested.

Written comments may be mailed to Patti Scott Grey, City of Parker, 5700 E. Parker Road, Parker, Texas 75002 or email [pgrey@parkertexas.us](mailto:pgrey@parkertexas.us)

Patti Scott Grey  
City of Parker





If you'd prefer to use a standalone version of this map, please [click here](#).

*Swing 'D.*  
**CITY OF PARKER, TEXAS  
CONDITIONAL USE PERMIT**

*Exhibit  
approved 3/2000  
(need Ex. A)  
Amended 4/14/2000  
\$1000 - annual Renewal*

Date: March 7, 2000

Applicant: Steve and Margaret DiNapoli (The applicant is further defined as a Limited Liability Company [L.L.C.], or Limited Liability Partnership [L.L.P.], wholly owned and controlled by Steve and Margaret DiNapoli. In the event ownership or management of the property is transferred from the DiNapoli's to an L.L.C. or L.L.P., the DiNapoli's will provide copies of the corporate or partnership organizational papers to the City.)

Property: Approximately 41 acres, in the 3500 block of Dublin Road, more particularly described as shown in Exhibit A.

Type of Use: Party Pavilion

Permit Fee: \$1,000.00 - Annual Renewal Fee

**SPECIAL CONDITIONS**

This conditional use permit is subject to the following conditions and requirements:

1. **CAPACITY:**

All events held on the property subject to this Conditional Use Permit shall be limited to a maximum of 500 persons during any one twenty-four hour period.

2. **USE:**

The property may be used by governmental or non-profit organizations for fund raising activities, profit groups for non-profit activities, and private groups for non-profit activities such as but not specifically limited to political and charitable fund-raising parties, school functions, corporate breakfasts and seminars, seasonal galas, birthday parties, weddings, receptions, rehearsal dinners, graduation parties, bar mitzvahs, bat mitzvahs, chuckwagon suppers and church picnics.

The property may not be used for retail or commercial purposes not specifically authorized by this Section 2.

The rules for use of the property set forth in this Conditional Use Permit shall be provided in writing by the applicant to each group using the property.

3. LEGAL ACTIVITY RESTRICTION:

The property subject to this Conditional Use Permit shall not be used for any illegal activity, nor may any activity be conducted on the property that disturbs the peace.

4. SIGNS:

On the day of any event, temporary directional signs may be posted at the intersections of Dublin and Parker Roads, and at the intersection of Dublin Road and Betsy Lane, and at the entrance to the property, provided however, that all such signs are removed within twenty-four hours.

5. SANITARY REQUIREMENT:

The property must have sufficient restroom facilities for 500 persons.

6. NOISE ABATEMENT:

No radios, speakers, amplifiers, or any other equipment which creates excessive noise or disturbs the peace may be used on the property. No outside amplified sound systems will be used at any time after 10:00 P.M.

7. FIRE PROTECTION:

At least one fire extinguisher, approved by the City Fire Marshall, shall be located within twenty (20) feet of any outside stove, barbecue, fire pit or any other cooking facility.

8. HOURS OF OPERATION:

No event shall be conducted on the property after the hour of 10:00 P.M. until 9:00 A.M. the next morning, on Sunday through Thursday, or after the hour of 12:00 A.M. (midnight) until 9:00 A.M. the next morning, on Friday and Saturday.

9. FACILITIES AND PARKING:

- a. Any new facilities to be constructed on the property of greater than 1,000 square feet in area shall require the prior written approval of the City Council.
- b. Sufficient parking on the property shall be provided by the applicant, and no vehicles may be parked on Dublin Road or any adjoining property without the express permission of the City of Parker or the adjoining property owners.

10. ANNUAL RENEWAL

This Conditional Use Permit shall be renewed annually upon the payment of \$1,000.00 to the City of Parker on or before the anniversary date of the Conditional Use Permit. If the payment is not received by the City of Parker on or before the anniversary date of this Conditional Use Permit, then the City Secretary shall mail notice to the applicant, certified, return receipt requested, that the renewal fee has not been received. The applicant shall have 30 days after the mailing of the notice to pay the permit fee in full, or the Conditional Use Permit shall terminate on the 30th day.

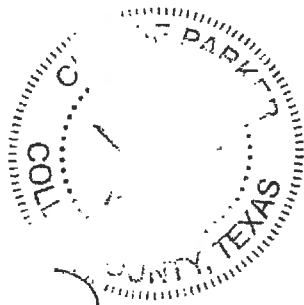
11. ALCOHOLIC BEVERAGES AND SECURITY

All state laws regarding alcoholic beverages shall be complied with by the applicant, and all persons using the property. The applicant shall provide, at the applicant's expense, a peace officer(s) at any time alcoholic beverages are served. A minimum of one peace officer per 150 people in attendance is required as follows: 0 to 150 - one officer; 151 to 300 - two officers; 301 to 450 - three officers; 451 to 500 - four officers.

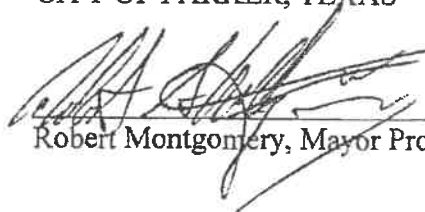
12. TERMINATION:

This Conditional Use Permit shall terminate upon any one of the following events:

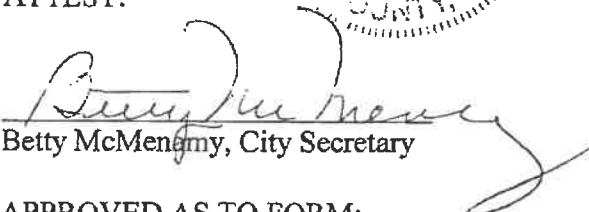
- a.. The applicant, (defined as Steve and Margaret DiNapoli, by and through an L.L.P or L.L.C. owned and controlled by them), transferring a majority of ownership or control to other individuals, persons, or to any corporation or partnership not solely controlled by them, other than children of the applicants.
- b. Revocation of this Conditional Use Permit by the City Council on the grounds that one or more of the conditions set out herein have been violated, as determined by the City Council.
- c. Failure to pay the annual renewal fee within thirty (30) days after mailing of the notice of failure to pay from the City Secretary.
- d. Upon request of the applicant.
- e. The sale, lease, or abandonment as the principal residence of Steve and Margaret DiNapoli of the property known as 3510 Dublin Road, Parker, Collin County, Texas.




CITY OF PARKER, TEXAS

  
Robert Montgomery, Mayor Pro Tem

ATTEST:

  
Betty McMenemy, City Secretary

APPROVED AS TO FORM:

  
James E. Shepherd, City Attorney

Councilwoman Jodie Laubenberg made a motion to approve the request from the City of Wylie; to authorize an adjustment for a portion of the City of Parker's certificated area of water service; and to authorize the Mayor, City Attorney and City Engineer to make the necessary corrections in the metes and bounds and map to correctly reflect the area to be released. The motion was seconded by Councilman Hal Camp and passed unanimously with Council Members Camp, Clay, Laubenberg, Montgomery and Seale voting FOR.

**REVIEW OF FORM AND TERMS/CONDITIONS OF A SPECIFIC USE PERMIT TO ALLOW FOR THE CONTINUATION OF A PARTY/ENTERTAINMENT/ RECREATION FACILITY (QUARTER J RANCH/DINAPOLI):**

City attorney Jim Shepherd reviewed with the Council the conditions that had been approved to this point for the Specific Use Permit as requested by Steve and Margaret DiNapoli. Mr. Shepherd asked if there are any concerns with the conditions as presented. Margaret DiNapoli addressed the Council stating her concerns with the five-year renewal requirement. She advised of the intent to invest a large sum of money to make needed improvements to the facility. She also outlined the types of uses to be held at the facility, to be known as the "Swinging D". She requested they not be held to a "politically oriented" five-year renewal. Council Members discussed the provisions in the form and generally agreed the Council has the authority to correct any concerns with the operation of the facility without the five year renewal requirement. Councilman James Clay made a motion the Council approve the deletion of the second paragraph of Item 10, correct one typo and approve the form and other terms/conditions of the Specific Use Permit. The motion was seconded by Councilwoman Mary Anne Seale and passed unanimously with Council Members Camp, Clay, Laubenberg, Montgomery and Seale voting FOR.

**CONSIDERATION AND APPROPRIATE ACTION ON ORDINANCE ESTABLISHING RULES AND REGULATIONS GOVERNING THE CONSTRUCTION AND USE OF CITY PUBLIC RIGHTS OF WAY (CONSTRUCTION IN PUBLIC RIGHTS-OF-WAY ORDINANCE):**

City Attorney Jim Shepherd reviewed the Right-of-Way Ordinance with Council Members. Council Members requested certain modifications and City Attorney Jim Shepherd agreed to make the necessary modifications as requested. Councilwoman Mary Anne Seale made a motion to approve the Ordinance establishing rules and regulations governing the construction and use of city public rights of way, with the appropriate modifications by the City Attorney. The motion was seconded by Councilwoman Jodie Laubenberg and passed



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unanimously with Council Members Camp, Clay, Laubenberg, Montgomery and Seale voting FOR.

**ADJOURN TO WORK SESSION TO REVIEW AND DISCUSS PROPOSED  
LAND USE PLAN, COMPREHENSIVE ZONING ORDINANCE AND  
SUBDIVISION RULES AND REGULATIONS:**

Mayor Protem Montgomery declared the meeting adjourned to a Work Session at 9:58 P.M.

Councilwoman Mary Anne Seale reminded those that could help with the mailing of the information for the Public Hearing for the Zoning Ordinance/Land Use Plan to be at the City Hall at 10:00 on Friday morning.

**RECALL TO ORDER:**

Mayor Protem Montgomery recalled to order the meeting at 9:59 P.M.

**CITY COUNCIL COMMENTS:**

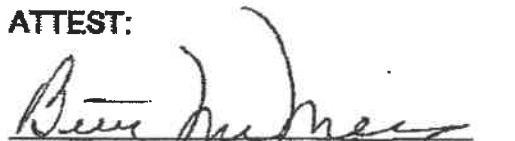
Councilwoman Jodie Laubenberg advised the Parker Police Department does have a Code of Conduct for those interested in reviewing the document.

There being no further business to come before the Council, Mayor Protem Montgomery declared the meeting adjourned at 10:00 P.M.

APPROVED:

  
Robert Montgomery, Mayor Protem

ATTEST:

  
Betty McMenamy, City Secretary

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Mr. Hemmig stated he wanted to withdraw his support for a one-time per year event.

A letter submitted by Robert Burch, expressing strong objections to the request was read into the record.

A letter submitted by Fred Mathews, expressing support for up to 1000 persons with a maximum of four events per year. Mr. Mathews expressed an objection to the request for outside music after 10 o'clock.

When it was apparent there would be no further discussion, Chairman Bryan asked for a motion. Dennis Brink stated he could support two events per year with stipulations on noise and the number of people. Jack Bryan suggested a stipulation that any approval is for charitable events only.

Kim Geracie stated in the spirit of being good neighbors, one event per year should be sufficient, but that ideally it would be "none" and withdrew his endorsement for one event per year.

Jack Bryan expressed his disappointment in some of the neighbors that could not support a charitable event such as this and proposed authorizing the request for charitable organizations for two events per year to avoid having to convene again if the request should come up again, and if complaints of substance are received, then the authorization is withdrawn.

City Attorney Jim Shepherd explained a complaint on a SUP entitles the owner to a hearing.

Jack Bryan again proposed approval for one event per year for 1500 people with outside music not later than 11 o'clock, with the stipulation that such an event be for a charitable organization; that the City be notified 30 days in advance so arrangements may be made for traffic and safety.

Dennis Brink made a motion to approve the amendment to the Special Use Permit for the Swingin' D Ranch to allow for one charitable event per year for 1500 people and to extend the hours for outside music on Friday and Saturday until 11 o'clock, and that the City of Parker must be notified thirty days in advance of the event. The motion was seconded by Joe Lozano and passed with Members Brink, Lozano, Bryan, and Stanislav voting FOR, and Jim Goldblatt voting AGAINST.